

U-232444-XXIV
STATE of NEVADA

vs
DELARIAN K. NOTICE OF APPEAL
WILSON

NOTICE IS HERBY GIVEN THAT DELARIAN WILSON FILED

(DEFENDANT) ABOVE NAMED, HERBY APPEALS TO THE SUPREME
COURT OF NEVADA (from the final judgement of Guilty Plea,
SENTENCE, AND CONVICTION.) ENTERD IN THIS ACTION ON THE
3RD DAY of JULY, 2008.
CLERK OF THE COURT

DATED THIS EIGHTEENTH DAY of JULY, 2008

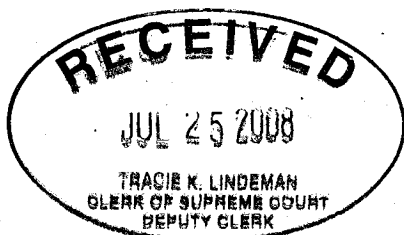
Delorian Wilson

FILED

No. 52104

JUL 25 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Ingos
DEPUTY CLERK



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JUL 22 2008

CLERK OF THE COURT

08-19296

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DISTRICT COURT
CLARK COUNTY, NEVADA

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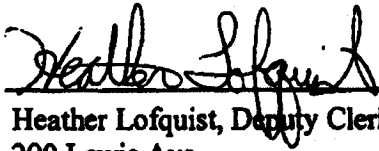
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- 6. District Court Attorney, Retained
- 7. On Appeal, N/A
- 8. Forma Pauperis, N/A
- 9. Date Commenced in District Court: April 19, 2007

Dated This 24 day of July 2008.

Charles J. Short, Clerk of the Court

By:


Heather Lofquist, Deputy Clerk

200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

DATE: 07/24/08
CASE NO. 07-C-232494-C

I N D E X

TIME 1:02 PM
JUDGE:Bixler, James

STATE OF NEVADA

[] vs Wilson, Delarian K

[E]

0001 D1 Delarian K Wilson

006769 Oronoz, James A
NO. 1 Clark Co Pub Defenders Ofc
309 S Third Street, #226
Las Vegas, NV 89155-2610

0002 D Narcus S Wesley

001569 Winder, Dan M.
NO. 1 Law Office of Dan M. Winder
3507 W. Charleston Blvd.
Las Vegas, NV 89102

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	04/19/07	INFO/INFORMATION Fee \$0.00			04/19/07	
0002	04/20/07	ARRN/INITIAL ARRAIGNMENT	AL		05/09/07	
0003	04/20/07	INFO/INFORMATION	AL		04/20/07	
0004	04/25/07	CBO /CRIMINAL BINDOVER	AL			
0005	04/26/07	CBOR/CRIMINAL BINDOVER RECEIPT	AL			
0006	05/09/07	ARRN/ARRAIGNMENT CONTINUED	0001		05/16/07	
0007	05/09/07	CALC/CALENDAR CALL	AL	VC	06/28/07	
0008	05/09/07	JURY/TRIAL BY JURY	AL	VC	07/02/07	
0009	05/17/07	MOT /DEFT'S O.R. RELEASE/BAIL REDUCTION /5	0002	DN	05/22/07	
0010	05/22/07	HEAR/CONFIRMATION OF COUNSEL (KOHN)	0002	MH	05/24/07	
0011	05/23/07	TRAN/REPORTER'S TRANSCRIPT PRELIMINARY HEARING	AL		04/12/07	
0012	05/23/07	TRAN/REPORTER'S TRANSCRIPT PRELIMINARY HEARING	AL		04/17/07	
0013	05/25/07	OCAL/STATUS CHECK: TRIAL DATE	AL	MH	05/31/07	
0014	06/08/07	BOND/BOND - #AS250K-1339 - \$93,000.00	0002			
0015	06/08/07	BOND/BOND - #AS100K-2709 - \$100,000.00	0002			
0016	06/08/07	BOND/BOND - #AS250K-1338 - \$215,000.00	0002			
0017	06/13/07	CALC/CALENDAR CALL	AL	MH	11/01/07	
0018	06/13/07	JURY/TRIAL BY JURY (VJ/11/1/07)	AL	VC	11/05/07	
0019	08/16/07	REQT/EX PARTE MOTION TO APPOINT INVESTIGATOR AND FOR FEES IN EXCESS OF STATUTORY	0001			Y
			0001			
LIMIT						
0020	08/29/07	EXPR/EX PARTE ORDER	0001		08/29/07	
0021	11/01/07	CALC/CALENDAR CALL	AL		01/24/08	
0022	11/01/07	JURY/TRIAL BY JURY VJ 1-24-08	AL	VC	01/28/08	
0023	01/24/08	CALC/CALENDAR CALL	AL		03/27/08	
0024	01/24/08	JURY/TRIAL BY JURY (VJ/3/27/08)	AL	VC	03/31/08	
0025	03/06/08	MOT /DEFT'S MTN TO SEVER DEFTS/14	0002	GR	03/27/08	
0026	03/11/08	MOT /DEFT'S MTN TO SUPPRESS /15	0002		03/31/08	
0027	03/11/08	MOT /DEFT'S JOINDER TO MTN TO SEVER DEFTS /16	0001	GR	03/27/08	
0028	03/17/08	MOT /DEFT'S MTN TO SUPPRESS STATEMENT/17	0001	MT	03/28/08	
0029	03/22/08	MOT /ALL PENDING MOTIONS (3/18/08)	AL		03/18/08	
0030	03/24/08	OPPS/STATES OPPOSITION TO DEFENDANT WILSONS MOTION TO SUPPRESS STATEMENT	0001			
0031	03/24/08	OPPS/STATES OPPOSITION TO DEFENDANT WESLEYS MOTION TO SUPPRESS FRUITS OF ILLEGAL	0002			Y

SEARCH

(Continued to page 2)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0032	03/25/08	MOT /DEFT'S MTN TO CONTINUE /1	0002	GR	03/27/08	
0033	03/26/08	MOT /ALL PENDING MOTIONS (3/25/08)	AL		03/25/08	
0034	03/27/08	OCAL/STATUS CHECK: CHANGE OF PLEA	0001		03/28/08	
0035	03/27/08	HEAR/FRANKS HEARING (DO NOT POST)	0002	DN	04/09/08	
0036	03/27/08	JURY/TRIAL BY JURY (VJ/3/28/08)	0001	VC	04/01/08	
0037	03/27/08	JURY/TRIAL BY JURY (VJ/3/31/08)	0002	VC	04/02/08	
0038	03/27/08	MOT /ALL PENDING MOTIONS (3/27/08)	AL		03/27/08	
0039	03/28/08	MOT /ALL PENDING MOTIONS 3/28/08	AL		03/28/08	
0040	03/28/08	MEMO/GUILTY PLEA MEMORANDUM/AGREEMENT	0001			
0041	03/31/08	JURY/TRIAL BY JURY	0002	VC	04/01/08	
0042	03/28/08	INFO/AMENDED INFORMATION	0001		03/28/08	
0044	03/31/08	JURY/TRIAL BY JURY	0002		04/18/08	
0045	03/28/08	NWEW/NOTICE OF WITNESSES AND/OR EXPERT WITNESSES	0002			
0046	04/01/08	TRAN/REPORTER'S TRANSCRIPT CHANGE OF PLEA AS TO DEFENDANT WILSON	AL		03/28/07	
0047	04/04/08	SENT/SENTENCING	0001	RS	05/13/08	
0048	04/07/08	NWEW/NOTICE OF WITNESSES AND/OR EXPERT WITNESSES	0002			
0049	04/10/08	INFO/SECOND AMENDED INFORMATION	0002		04/10/08	
0050	04/11/08	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	0002		04/09/08	
0051	04/10/08	JLST/DISTRICT COURT JURY LIST	0002			
0052	04/18/08	SENT/SENTENCING	0002	VC	06/05/08	
0053	04/18/08	INST/INSTRUCTIONS TO THE JURY	0002			
0054	04/14/08	ACJL/AMENDED CRIMINAL JURY LIST	0002			
0055	04/18/08	JMNT/VERDICT	0002		04/22/08	
0056	04/21/08	TRAN/REPORTER'S TRANSCRIPT OPENING STATEMENT OF MR LANDIS	0002		04/11/08	
0057	04/09/08	TRB /TRIAL BEGINS	0002		04/09/08	
0058	04/18/08	TRE /TRIAL ENDS	0002		04/18/08	
0059	04/24/08	ORDR/ORDER FOR EXPEDITION OF TRANSCRIPT	0002		04/24/08	
0060	04/28/08	MOT /DEFT WESLEY'S MTN FOR NEW TRIAL/32	0002	DN	06/26/08	
0061	04/28/08	REQT/MOTION FOR WITHDRAWAL OF COUNSEL	0002			
0062	04/28/08	REQT/MOTION FOR EXTENSION OF TIME	0002			
0063	04/28/08	NOTC/NOTICE OF MOTION	0002		05/08/08	
0064	05/01/08	MOT /DEFT'S PRO PER MTN FOR BAIL PENDING/33 (VK/NO MTN EXISTS)	0001	VC	05/22/08	
0065	05/01/08	REQT/MOTION FOR BAIL PENDING SENTENCING APPEAL	0002		05/22/08	
0066	05/10/08	HEAR/CONFIRMATION OF COUNSEL (PRIVATE COUNSEL)	0002	CM	05/22/08	
0067	05/10/08	MOT /RESET SENTENCING DATE	0001	MH	05/22/08	
0068	05/17/08	MOT /RESET SENTENCING DATE	0002	MH	05/22/08	
0069	05/01/08	MOT /DEFT WESLEY'S PRO PER MTN FOR BAIL PEND SENTENCING/APPEAL	0002	DN	06/26/08	
0070	05/22/08	MOT /ALL PENDING MOTIONS (5/22/08)	AL		05/22/08	
0071	05/22/08	SENT/SENTENCING	AL	GR	07/03/08	
0072	06/03/08	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS JUDGMENT AND SENTENCING	0001		05/13/08	

(Continued to page 3)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0073	06/05/08	PTAT/SUPPLEMENTAL POINTS AND AUTHORITIES TO MOTION FOR NEW TRIAL	0002			
0074	06/10/08	ROC /RECEIPT OF COPY	0002		06/10/08	
0075	06/18/08	OPPS/STATES OPPOSITION TO DEFTS MTN FOR NEW TRIAL	0002		06/19/08	
0076	06/19/08	MOT /ALL PENDING MOTIONS (6/19/08)	0002		06/19/08	
0077	07/03/08	TRAN/REPORTER'S TRANSCRIPT DEFENDANTS PRO PER MOTION FOR BAIL PENDING	0002		06/26/08	Y
		SENTENCING/APPEAL DEFENDANTS MOTION FOR NEW TRIAL				
0078	07/03/08	MEMO/SENTENCING MEMORANDUM	0002			
0079	06/26/08	CSCL/CASE CLOSED			06/26/08	
0080	06/26/08	MOT /ALL PENDING MOTIONS (6/26/08)	0002		06/26/08	
0081	07/08/08	CASO/CASE (RE)OPENED	AL		07/03/08	
0082	07/16/08	CSCL/CASE CLOSED			07/03/08	
0083	07/16/08	JMNT/JUDGMENT OF CONVICTION/ADMIN ASSESSMENT	0001		07/17/08	
0084	07/16/08	JMNT/JUDGMENT OF CONVICTION/GENETIC TESTING	0001		07/17/08	
0085	07/16/08	JMNT/JUDGMENT OF CONVICTION/RESTITUTION	0001		07/17/08	
0086	07/18/08	JMNT/JUDGMENT OF CONVICTION/ADMIN ASSESSMENT	0002		07/21/08	
0087	07/18/08	JMNT/JUDGMENT OF CONVICTION/GENETIC TESTING	0002		07/21/08	
0088	07/18/08	JMNT/JUDGMENT OF CONVICTION/RESTITUTION	0002		07/21/08	
0089	07/18/08	NOAS/NOTICE OF APPEAL	0002	AP	07/18/08	
0090	07/21/08	STAT/CASE APPEAL STATEMENT	0001			

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DISTRICT COURT
CLERK OF DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DELARIAN K. WILSON
aka Delarian Kameron Wilson
#1966773

Defendant.

CASE NO. C232494

DEPT. NO. XXIV

JUDGMENT OF CONVICTION

(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crimes of COUNTS 1 & 2 - ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.165 and COUNT 3 - SEXUAL ASSAULT (Category A Felony) in violation of NRS 200.364, 200.165; thereafter, on the 3rd day of July, 2008, the Defendant was present in court for sentencing with his counsel, JAMES A. ORONoz, ESQ., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee

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CLERK OF THE COURT

1 including testing to determine genetic markers, and \$3,196.00 Restitution to be paid
2 jointly and severally with co-defendant, the Defendant is sentenced to the Nevada
3 Department of Corrections (NDC) as follows: AS TO COUNT 1 - TO A MAXIMUM of
4 ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of
5 SEVENTY-TWO (72) MONTHS, plus an EQUAL and CONSECUTIVE term of ONE
6 HUNDRED EIGHTY (180) MONTHS MAXIMUM and SEVENTY-TWO (72) MONTHS
7 MINIMUM for the Use of a Deadly Weapon; AS TO COUNT 2 - TO A MAXIMUM of
8 ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole eligibility of
9 SEVENTY-TWO (72) MONTHS, plus an EQUAL and CONSECUTIVE term of ONE
10 HUNDRED EIGHTY (180) MONTHS MAXIMUM and SEVENTY-TWO (72) MONTHS
11 MINIMUM for the Use of a Deadly Weapon; AS TO COUNT 3 - TO LIFE with a
12 MINIMUM parole eligibility of TEN (10) YEARS, COUNTS 1, 2, & 3 to run
13 CONSECUTIVE to each other, with FIVE HUNDRED (500) DAYS credit for time served.

14 FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is
15 imposed to commence upon release from any term of imprisonment, probation or
16 parole.

17 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender in
18 accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any release
19 from custody.

20 DATED this 15th day of July, 2008

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JAMES BIXLER
DISTRICT JUDGE

CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA vs Wilson, Delarian K

05/09/07 09:00 AM 00 INITIAL ARRAIGNMENT

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

OFFICERS: Lore Vanderbusse/lv, Court Clerk
Lorraine Williams, Relief Clerk
Kiara Schmidt, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	009492 Albritton, Alicia A.	Y
	0001 D1 Wilson, Delarian K	Y
	004982 Ericsson, Thomas A.	Y
	0002 D Wesley, Narcus S	Y
	003095 Kocka, Francis	Y

AS TO DEFT. WILSON: Mr. Ericsson requested this matter be continued to allow additional time for Deft. to retain Mr. Oronoz. COURT ORDERED, matter CONTINUED.

AS TO DEFT. WESLEY: Mr. Kocka advised matter not negotiated. DEFT. WESLEY ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial.

CUSTODY (BOTH)

05/16/07 9:00 AM ARRAIGNMENT CONTINUED (WILSON)

06/28/07 8:30 AM CALENDAR CALL (DEPT XXIV) (WESLEY)

07/02/07 10:00 AM JURY TRIAL (DEPT XXIV) (WESLEY)

CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA

vs Wilson, Delarian K

CONTINUED FROM PAGE: 001

05/16/07 09:00 AM 00 ARRAIGNMENT CONTINUED

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

OFFICERS: Lore Vanderbusse/lv, Court Clerk
Lorraine Williams, Relief Clerk
Kiara Schmidt, Reporter/Recorder

PARTIES: STATE OF NEVADA
006526 Turner, Robert B.

0001 D1 Wilson, Delarian K
006769 Oronoz, James A

Y
Y

Y
Y

Mr. Oronoz advised this matter had not been negotiated. DEFT. WILSON
ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE. State INVOKED THE
60-DAY RULE. COURT ORDERED, matter set for trial with invoke date to be
heard with Co-Deft.

CUSTODY

06/28/07 8:30 AM CALENDAR CALL (DEPT XXIV) (BOTH)

07/02/07 10:00 AM JURY TRIAL (DEPT XXIV) (BOTH)

05/31/07 08:30 AM 00 STATUS CHECK: TRIAL DATE

HEARD BY: James Bixler, Judge; Dept. 24

OFFICERS: Theresa Lee, Court Clerk
Jackie Nelson, Reporter/Recorder

PARTIES: STATE OF NEVADA
005391 Kollins, Stacy L.

0001 D1 Wilson, Delarian K
006769 Oronoz, James A

0002 D Wesley, Narcus S
PUBDEF Public Defender
005924 Cox, G. Darren

Y
Y

Y
Y
Y
Y

Ms. Kollins stated this matter is on for status check. Deft Wilson waived
his right to speedy trial, Deft Wesley invoked. Mr. Cox stated he received
the discovery and did not see a conflict with the PD's office representing
deft. Mr. Oronoz stated this case involves numerous life sentences, with
that and his calendar, he will not be able to prepare for trial before the
fall, and spoke to his client re same. Mr. Oronoz stated, he will also be
seeking a severance. Ms. Kollins stated there is no objection by the State

CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA

vs Wilson, Delarian K

CONTINUED FROM PAGE: 002

to continuing the trial date. Mr. Cox stated, he spoke to Mr. Westbrook, he will not be ready to go either. Mr. Oronoz stated he has a Federal trial in August and a murder trial in September this year. COURT ORDERED, trial date VACATED AND RESET, the Court will stack this #2 behind the murder trial. If the murder trial goes forward, the Court will make sure this case goes to trial during that stack. Upon examination by the Court, Defts WILSON AND WESLEY WAIVED their right to speedy trial.

CUSTODY (BOTH)

11/01/07 08:30 AM 00 CALENDAR CALL

HEARD BY: James Bixler, Judge; Dept. 24

OFFICERS: Theresa Lee, Court Clerk
Bill Nelson, Reporter/Recorder

PARTIES: STATE OF NEVADA
005056 Luzaich, Elissa

0001 D1 Wilson, Delarian K
006769 Oronoz, James A

0002 D Wesley, Narcus S
PUBDEF Public Defender
009424 Landis, Casey

Y
Y

Y
Y

Y
Y
Y

Deft Wilson present in custody. Deft Wesley present on bond. Court advised counsel this is the second case in line for trial. Mr. Oronoz stated he will be in trial next week before Judge Mahan. Further, there is additional discovery to review. He notified the State regarding his position and would ask for a short continuance. Ms. Luzaich concurred and stated after a conversation with Henderson Police, they brought in an additional 700 pages of discovery. There is a lot of evidence they did not have. Ms. Luzaich answered ready for trial for the State. COURT ORDERED, trial date VACATED AND RESET.

CUSTODY (WILSON)

BAIL (WESLEY)

1/24/08 8:30 A.M. CALENDAR CALL (BOTH)

1/28/08 10:00 A.M. TRIAL BY JURY (BOTH)

CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA

vs Wilson, Delarian K

CONTINUED FROM PAGE: 003

01/24/08 08:30 AM 00 CALENDAR CALL

HEARD BY: James Bixler, Judge; Dept. 24

OFFICERS: Theresa Lee/tl, Court Clerk
Rebecca Foster, Relief Clerk
Bill Nelson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Wilson, Delarian K	Y
	006769 Oronoz, James A	Y
	0002 D Wesley, Narcus S	Y
	PUBDEF Public Defender	Y
	009424 Landis, Casey	Y

Deft Wilson present in custody. Deft Wesley present on Bond. Court advised counsel this case is #2 to proceed to trial next week. This case has had one prior continuance. Mr. Oronoz advised the Court he is starting a murder trial before Judge Bell which is scheduled to go next week and will last all week. He requested the Court continue this trial until March, 2008. The case will either negotiate or counsel will be ready for trial. Ms. Luzaich concurred, and had no objection. She will be in the Bookman trial in this court for the next two weeks. Ms. Luzaich stated this case is too lengthy to go to overflow. COURT ORDERED, trial date VACATED AND RESET.

CUSTODY (WILSON)

BAIL (WESLEY)

3/27/08 8:30 A.M. CALENDAR CALL

3/31/08 10:00 A.M. TRIAL BY JURY

CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA

vs Wilson, Delarian K

CONTINUED FROM PAGE: 004

03/18/08 08:30 AM 00 ALL PENDING MOTIONS (3/18/08)

HEARD BY: James Bixler, Judge; Dept. 24

OFFICERS: Theresa Lee, Court Clerk
Bill Nelson, Reporter/Recorder

PARTIES: STATE OF NEVADA
009158 Rachiele, Andrea M.
0001 D1 Wilson, Delarian K
0002 D Wesley, Narcus S
PUBDEF Public Defender
009278 Westbrook, P D.

Y
Y
Y
Y
Y
YDEFT'S MOTION TO SEVER DEFTS...DEFT'S JOINDER TO MOTION IN CO-DEFT NARCUS
WESLEY'S MOTION TO SEVER (WILSON)

Deft Wilson present in custody. Deft. Wesley present in custody. Mr.
Westbrook stated Ms. Kollins appeared this morning on behalf of Ms. Luzaich
who had to leave town on a family emergency and requested matter continued
to 3/25/08, SO ORDERED. Court advised the State, the Court did not receive
State's response. Ms. Rachiele stated she will send Ms. Kollins an e-mail
and make sure this is done.

CUSTODY (WILSON)

BAIL (WESLEY)

3/25/08 8:30 A.M. SAME

CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA

vs Wilson, Delarian K

CONTINUED FROM PAGE: 005

03/25/08 08:30 AM 00 ALL PENDING MOTIONS (3/25/08)

HEARD BY: James Bixler, Judge; Dept. 24

OFFICERS: Theresa Lee, Court Clerk
Lee Bahr, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005391	Kollins, Stacy L.	Y
0001 D1	Wilson, Delarian K	Y
0002 D	Wesley, Narcus S	Y
PUBDEF	Public Defender	Y
009424	Landis, Casey	Y

DEFT'S JOINDER TO MOTION IN CO-DEFT NARCUS WESLEY'S MOTION TO SEVER DEFTS (WILSON)...DEFT'S MOTION TO SEVER DEFTS (WESLEY)...DEFT'S MOTION TO SUPPRESS (WESLEY)

Deft Wilson present in custody without counsel. Deft Wesley present on bail with Mr. Landis. Ms. Kollins requested permission to approach the Bench, SO ORDERED. Thereafter, COURT ORDERED, motions CONTINUED to calendar call. Ms. Kollins stated she will check with Mr. Oronoz re next weeks's trial schedule. The Court is not making a ruling today, however, the Court is going to sever the defts for trial, and Deft Wilson in custody will be tried first.

CUSTODY (WILSON) BAIL (WESLEY)

3/27/08 8:30 A.M. SAME

CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA

vs Wilson, Delarian K

CONTINUED FROM PAGE: 006

03/27/08 08:30 AM 00 ALL PENDING MOTIONS (3/27/08)

HEARD BY: James Bixler, Judge; Dept. 24

OFFICERS: Theresa Lee, Court Clerk
Lee Bahr, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005056	Luzaich, Elissa	Y
005391	Kollins, Stacy L.	Y
0001 D1	Wilson, Delarian K	Y
006769	Oronoz, James A	Y
0002 D	Wesley, Narcus S	Y
PUBDEF	Public Defender	Y
009424	Landis, Casey	Y

DEFT'S JOINDER TO MOTION TO SEVER DEFTS (WILSON)...DEFT'S MOTION TO CONTINUE (WESLEY)...DEFT'S MOTION TO SUPPRESS STATEMENTS (WILSON)...DEFT'S MOTION TO SUPPRESS (WESLEY)...DEFT'S MOTION TO SEVER DEFTS (WESLEY)...CALENDAR CALL (BOTH)

COURT ORDERED, both motions to sever are GRANTED. The Court will address the motion to continue the trial. Mr. Oronoz requested an opportunity to speak with his client, SO ORDERED, matter TRAILED. LATER, Court recalled matter, all present as above. CONFERENCE AT THE BENCH. State announced ready for trial on Wilson. Mr. Oronoz answered ready for trial on Deft Wilson, but debating over an offer made. His client would like to speak to his mother. Court stated the motion to suppress stems from the search warrant. Ms. Luzaich concurred, there should be testimony. Colloquy between Court and counsel re the search warrant and the communication with Nevada Power Company and the power being on at one residence or the other, and the power being in either deft's name or his father's name. COURT ORDERED, the Court will CONTINUE the Calendar Call, status check re deft Wilson changing his plea, deft Wilson's motion to suppress to tomorrow morning at 9:00 A.M. FURTHER ORDERED, the Court will hold a Franks Hearing on Monday, 3/31/08 at 1:30 A.M. IT IS FURTHER ORDERED, Deft Wilson will proceed to trial first as he is in custody on Tuesday, 4/1/08, and if deft Wilson accepts the offer, Deft Wesley will start his trial on Wednesday, 4/2/08.

CUSTODY (WILSON)

BAIL (WESLEY)

3/28/08 8:30 A.M. STATUS CHECK: CHANGE OF PLEA (WILSON)...DEFT WILSON'S MOTION TO SUPPRESS...DEFT WESLEY'S MOTION TO CONTINUE TRIAL

3/31/08 1:30 P.M. FRANK'S HEARING

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4/1/08 10:00 A.M. TRIAL BY JURY (WILSON)

4/2/08 10:00 A.M. TRIAL BY JURY (WESLEY)

03/28/08 09:00 AM 00 ALL PENDING MOTIONS 3/28/08

HEARD BY: James Bixler, Judge; Dept. 24

OFFICERS: Nora Pena, Relief Clerk
Lee Bahr, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005391	Kollins, Stacy L.	Y
0001 D1	Wilson, Delarian K	Y
006769	Oronoz, James A	Y
010707	Pandullo, Michael R.	Y
0002 D	Wesley, Narcus S	N
PUBDEF	Public Defender	Y
009424	Landis, Casey	Y

DEFT'S MOTION TO CONTINUE TRIAL (WESLEY)...STATUS CHECK: CHANGE OF PLEA
(WILSON)...DEFT'S MOTION TO SUPPRESS STATEMENT (WILSON)

DEFT WILSON: NEGOTIATIONS are as contained in the Guilty Plea Agreement and Amended Information FILED IN OPEN COURT. DEFT. WILSON ARRAIGNED AND PLED GUILTY TO AMENDED INFORMATION - COUNT I-II, ROBBERY WITH USE OF A DEADLY WEAPON (F) and COUNT III, SEXUAL ASSAULT (F). COURT ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing; Trial date VACATED and Deft's motion to suppress statement is MOOT.

DEFT WESLEY: COURT ORDERED, Deft's Wesley's presence waived. Ms. Kollins advised the Deft. left the jurisdiction, they have an offer of proof as to what he would testify to and they will be able to do a telephonic recording for the Franks hearing on Monday. Colloquy between Court and counsel regarding the search warrant served on the Deft's home. Mr. Landis advised he has the right to cross and address it over the telephone. Ms. Kollins advised she can provide a copy of an affidavit to be marked as Court's exhibit. COURT ORDERED, Affidavit marked as Court's Exhibit #1. Court noted the Franks Hearing is set for Monday at 1:30 p.m. as to Wesley and the Jury Trial is set for 10:00 a.m. on Wednesday. COURT ORDERED, Deft's motion to continue trial PREVIOUSLY GRANTED and set for Wednesday.

CUSTODY - WILSON

BAIL - WESLEY

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5/13/08 8:30 AM SENTENCING - WILSON

05/13/08 08:30 AM 00 SENTENCING

HEARD BY: JOHN MCGROARTY, Senior Judge; Dept. VJ45

OFFICERS: Theresa Lee, Court Clerk
Lee Bahr, Reporter/RecorderPARTIES: STATE OF NEVADA
005056 Luzaich, ElissaY
Y0001 D1 Wilson, Delarian K
006769 Oronoz, James AY
Y

Deft Wilson present in custody. Mr. Oronoz stated P & P has asked for additional time to prepare the report. Ms. Luzaich stated she would like both defts sentenced on one day so the speakers do not have to return twice. COURT ORDERED, matter CONTINUED one week to reset the sentencing date as to both defts.

CUSTODY

5/22/08 8:30 A.M. RESET SENTENCING DATE

05/22/08 08:30 AM 00 ALL PENDING MOTIONS (5/22/08)

HEARD BY: James Bixler, Judge; Dept. 24

OFFICERS: Theresa Lee, Court Clerk
Bill Nelson, Reporter/RecorderPARTIES: STATE OF NEVADA
005056 Luzaich, ElissaY
Y0001 D1 Wilson, Delarian K
010707 Pandullo, Michael R.Y
Y0002 D Wesley, Narcus S
001569 Winder, Dan M.
PUBDEF Public Defender
005863 Banks, Jeffrey M.Y
Y
Y
Y

DEFT WESLEY'S PRO PER MOTION FOR BAIL PENDING APPEAL...RESET SENTENCING DATE (BOTH)...CONFIRMATION OF COUNSEL (WESLEY)...DEFT WESLEY'S MOTION FOR NEW TRIAL

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Both defts present in custody. Ms. Luzaich stated Mr. Pandullo appeared for Mr. Oronoz earlier. Mr. Winder CONFIRMED AS COUNSEL for Deft. Wesley and stated he would like to review their file, post trial, and would like to file supplemental points and authorities in 30 days for deft Wesley's motion for new trial. Ms. Luzaich stated when defts are represented by counsel, there are no proper person motions therefore nothing is pending. Court noted the motions were filed, but have no legal effect. Ms. Luzaich also objected as the time to file a motion for new trial has statutorily passed and all that needs to be set is a sentencing date. Mr. Winder stated when the deft filed his motion it should toll the time. Further arguments by counsel. Ms. Luzaich requested the defts sentenced on the same date because of the speakers, and requested sentencing date set in 30 days. Mr. Winder suggested 60 days for sentencing. COURT ORDERED, the Court will keep the defts together, sentencing date set in 30 days. Objection by Deft Wilson to postponing his sentence. FURTHER ORDERED, supplement to deft Wesley's motion to be filed, motion sent for argument. Mr. Winder stated the PD will have the file ready for him this afternoon. COURT ORDERED, Public Defender is WITHDRAWN. Mr. Banks stated Mr. Winder should handle this matter through the appeal process, and the PD should not be reappointed at any stage of these proceedings due to the allegations deft made in his motion against counsel.

CUSTODY (BOTH)

6/19/08 8:30 A.M. DEFT WESLEY'S MOTION FOR NEW TRIAL

7/3/08 8:30 A.M. SENTENCING (BOTH)

07/03/08 08:30 AM 00 SENTENCING

HEARD BY: James Bixler, Judge; Dept. 24

OFFICERS: Theresa Lee, Court Clerk
Bill Nelson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005056	Luzaich, Elissa	Y
0001 D1	Wilson, Delarian K	Y
006769	Oronoz, James A	Y
0002 D	Wesley, Narcus S	Y
001569	Winder, Dan M.	Y

SENTENCING (DELARIAN WILSON)

Deft Wilson present in custody. Court noted Deft Wilson pled to three counts. Court noted deft Wilson has one misdemeanor conviction in his background which is the extent of his record. Because of the Deft Wesley's

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trial, the Court is familiar with everything that went on in this case. Deft Wilson had the lead in this whole thing. Arguments by counsel. Ms. Luzaich stated the victims have elected not to speak today but are present in the courtroom. Statement by deft Wilson. By virtue of his plea of guilty, DEFT. WILSON is ADJUDGED GUILTY of CTS 1 & 2 - ROBBERY WITH USE OF A DEADLY WEAPON (F), AND CT 3 - SEXUAL ASSAULT (F) as outlined in the Amended Information FILED IN OPEN COURT on 3/28/08. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, and a \$150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED on CT 1 - ROBBERY to a MINIMUM of SEVENTY-TWO (72) MONTHS and a MAXIMUM of ONE-HUNDRED AND EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) PLUS a CONSECUTIVE ENHANCEMENT of a MINIMUM of SEVENTY-TWO (72) MONTHS and a MAXIMUM of ONE-HUNDRED AND EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) for the USE OF A DEADLY WEAPON; CT 2 - ROBBERY to a MINIMUM of SEVENTY-TWO (72) MONTHS and a MAXIMUM of ONE-HUNDRED AND EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) PLUS a CONSECUTIVE ENHANCEMENT of a MINIMUM of SEVENTY-TWO (72) MONTHS and a MAXIMUM of ONE-HUNDRED AND EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC) for the USE OF A DEADLY WEAPON; and CT 3 - SEXUAL ASSAULT, a sentence of LIFE in the Nevada Department of Corrections with a MINIMUM parole eligibility after TEN (10) YEARS has been served; CTS 1, 2 & 3 to run CONSECUTIVE one with the other; with 500 DAYS credit for time served; RESTITUTION \$3,196 jointly and severally with co-deft; deft subject to LIFETIME SUPERVISION upon release from prison, probation or parole; and to register as a sex offender within 48 HOURS of release from prison.

SENTENCING (NARCUS WESLEY)

By virtue of the Jury's Verdict, Deft WESLEY is ADJUDGED GUILTY of CTS 1 & 18 - Conspiracy To Commit Burglary; CT 2 - Conspiracy to Commit Robbery; CTS 3 & 11 - Burglary While in Possession of a Deadly Weapon; CTS 4,6,7 & 9 - Robbery With Use of a Deadly Weapon; CTS 5 & 8 - Assault With Use of a Deadly Weapon; CT 10 - Second Degree Kidnapping With Use of a Deadly Weapon; CTS 12,13,14,15 & 17 - Sexual Assault With Use of a Deadly Weapon; CT 16 - Coercion With Use of a Deadly Weapon; CT 18 - Open or Gross Lewdness with Use of a Deadly Weapon. Arguments by counsel. Statement by deft. Ms. Luzaich stated the victims have elected not to speak today but are present in the courtroom. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, and a \$150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED on CT 1 - TWELVE (12) MONTHS in Clark County Detention Center; on CT 18 - TWELVE (12) MONTHS in Clark County Detention Center; CT 2 - a MINIMUM of TWENTY-EIGHT (28) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC); CT 3 - a MINIMUM of SEVENTY-TWO (72) MONTHS and a MAXIMUM of ONE-HUNDRED AND EIGHTY (180) MONTHS in the Nevada Department of Corrections; CT 11 - a MINIMUM of SEVENTY-TWO (72) MONTHS and a MAXIMUM of ONE-HUNDRED AND EIGHTY (180) MONTHS in the Nevada Department of Corrections; CT 4 - ROBBERY, a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of ONE HUNDRED AND EIGHTY (180) MONTHS, PLUS an EQUAL AND CONSECUTIVE MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of ONE HUNDRED AND EIGHTY (180) MONTHS; CT 6 - ROBBERY,

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a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of ONE HUNDRED AND EIGHTY (180) MONTHS, PLUS an EQUAL AND CONSECUTIVE MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of ONE HUNDRED AND EIGHTY (180) MONTHS; CT 7 - ROBBERY, a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of ONE HUNDRED AND EIGHTY (180) MONTHS, PLUS an EQUAL AND CONSECUTIVE MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of ONE HUNDRED AND EIGHTY (180) MONTHS; CT 9 - ROBBERY, a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of ONE HUNDRED AND EIGHTY (180) MONTHS, PLUS an EQUAL AND CONSECUTIVE MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of ONE HUNDRED AND EIGHTY (180) MONTHS; CT 5 - a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections; CT 8 - a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections; CT 10 - SECOND DEGREE KIDNAPPING, a MINIMUM of SEVENTY-TWO (72) MONTHS and a MAXIMUM of ONE-HUNDRED AND EIGHTY (180) MONTHS in the Nevada Department of Corrections, PLUS an EQUAL AND CONSECUTIVE MINIMUM of SEVENTY-TWO (72) MONTHS and a MAXIMUM of ONE-HUNDRED AND EIGHTY (180) MONTHS for the USE OF A DEADLY WEAPON; CT 12 - LIFE in the Nevada Department of Corrections with a MINIMUM parole eligibility after TEN (10) YEARS has been served, PLUS a CONSECUTIVE MINIMUM of EIGHT (8) YEARS to a MAXIMUM of TWENTY (20) YEARS for the USE OF A DEADLY WEAPON; CT 13 - LIFE in the Nevada Department of Corrections with a MINIMUM parole eligibility after TEN (10) YEARS has been served, PLUS a CONSECUTIVE MINIMUM of EIGHT (8) YEARS to a MAXIMUM of TWENTY (20) YEARS for the USE OF A DEADLY WEAPON; CT 14 - LIFE in the Nevada Department of Corrections with a MINIMUM parole eligibility after TEN (10) YEARS has been served, PLUS a CONSECUTIVE MINIMUM of EIGHT (8) YEARS to a MAXIMUM of TWENTY (20) YEARS for the USE OF A DEADLY WEAPON; CT 15 - LIFE in the Nevada Department of Corrections with a MINIMUM parole eligibility after TEN (10) YEARS has been served, PLUS a CONSECUTIVE MINIMUM of EIGHT (8) YEARS to a MAXIMUM of TWENTY (20) YEARS for the USE OF A DEADLY WEAPON; CT 17 - LIFE in the Nevada Department of Corrections with a MINIMUM parole eligibility after TEN (10) YEARS has been served, PLUS a CONSECUTIVE MINIMUM of EIGHT (8) YEARS to a MAXIMUM of TWENTY (20) YEARS for the USE OF A DEADLY WEAPON; CT 16 - COERCION - a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections PLUS a CONSECUTIVE ENHANCEMENT of a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS; ALL COUNTS to run CONCURRENT one with the other; with 185 DAYS credit for time served; RESTITUTION \$3,196 jointly and severally with co-deft; deft subject to LIFETIME SUPERVISION upon release from prison, probation or parole; and to register as a sex offender within 48 HOURS of release from prison. Mr. Winder moved for bail pending appeal as to Narcus Wesley. Objection by Ms. Luzaich. COURT ORDERED, there will not be any bail in this case, Mr. Winder will have to petition the Supreme Court. Mr. Winder requested the Court appoint him to do the appeal, the family does not have the funds to retain him. Objection by Ms. Luzaich and stated the Public Defender does not have a conflict to do the appeal. Jeffrey Banks, DPD, Deft's trial counsel present and stated deft has challenged his trial counsel's representation of him at trial, therefore, they cannot take the appeal. Court stated for the record, the Court felt both Mr. Landis and Mr. Westbrook did an excellent job defending the case. Mr. Winder to put his motion in writing.

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Mr. Oronoz has one issue to address with regard to Deft. Wilson. He would like the record to reflect their position, that the sentence given to Deft Wilson was entirely too severe and excessive. Court directed Mr. Winder to file the Notice of Appeal, then file his motion for appointment. Mr. Oronoz had the same request, Court directed him to file his motion for appointment in writing.

BONDS, if any, EXONERATED.

NDC (BOTH)

Certification of Copy

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

I, Charles J. Short, 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; DISTRICT COURT
DOCKET ENTRIES; JUDGMENT OF CONVICTION (PLEA OF GUILTY); DISTRICT COURT
MINUTES;**

STATE OF NEVADA,

Plaintiff(s),

VS.

DELARIAN K. WILSON

aka DELARIAN KAMERON WILSON,

Defendant(s),

Case No: C232494
Dept No: XXIV

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 24 day of July, 2008.**

Charles J. Short, Clerk of the Court

Heather Lofquist, Deputy Clerk