

1 NOAS  
2 DAVID ROGER  
3 Clark County District Attorney  
4 Nevada Bar #002781  
5 STEVEN S. OWENS  
6 Chief Deputy District Attorney  
7 Nevada Bar #004352  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

FILED

JUL 24 8 40 AM '08

CLERK OF THE COURT  
FILED

DISTRICT COURT  
CLARK COUNTY, NEVADA

JUL 25 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY H. Ingosue  
DEPUTY CLERK

9 THE STATE OF NEVADA,  
10 Plaintiff,  
11 v.  
12 NARCUS S. WESLEY,  
13 Defendant(s).

No. 52127

Case No. C232494  
Dept. No. XXIV

NOTICE OF APPEAL

15 TO: NARCUS S. WESLEY, Defendant; and

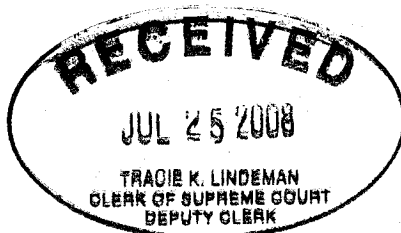
16 TO: DAN M. WINDER, Attorney for Defendant; and

17 TO: JAMES BIXLER, District Judge, Eighth Judicial District, Dept. No. XXIV

18 NOTICE IS HEREBY GIVEN THAT THE STATE OF NEVADA, Plaintiff in the  
19 above entitled matter, appeals to the Supreme Court of Nevada from the Judgment of  
20 Conviction, filed July 18, 2008.

21 Dated this 24<sup>th</sup> day of July, 2008.

23 DAVID ROGER  
24 Clark County District Attorney



26 BY

25   
26 STEVEN S. OWENS  
27 Chief Deputy District Attorney  
28 Regional Justice Center  
200 Lewis Avenue, P.O. Box 552212  
Las Vegas, Nevada 89155-2212

08-19295

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DAN M. WINDER, ESQ.  
3507 W. Charleston Blvd.  
Las Vegas, Nevada 89102

Eileen Haney  
Employee, District Attorney's Office

\\APPPELLATE\\WPDOCS\\SECRETARY\\DISTRICT COURT- EIGHTH\\NOA\\WESLEY, NARCUS S., C232494.DOC

1 **CASE APPEAL STATEMENT**  
2 **DAVID ROGER**  
3 **Clark County District Attorney**  
4 **Nevada Bar #002781**  
5 **STEVEN S. OWENS**  
6 **Chief Deputy District Attorney**  
7 **Nevada Bar #004352**  
8 **200 Lewis Avenue**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 671-2500**  
11 **Attorney for Plaintiff**

**FILED**

**JUL 24 8 40 AM '98**

*Clark*  
**CLERK OF THE COURT**

8 **DISTRICT COURT**  
9 **CLARK COUNTY, NEVADA**

11 **THE STATE OF NEVADA,**  
12 **Plaintiff,**

13 **-vs-**

14 **NARCUS S. WESLEY,**  
15 **Defendant(s)**

**Case No. C232494**

**Dept. No. XXIV**

16 **CASE APPEAL STATEMENT**

- 17
- 18 **1. Name of appellant filing this case appeal statement:**  
19 **The State of Nevada**
- 20 **2. Identify the judge issuing the decision, judgment, or order appealed from:**  
21 **Judge James Bixler**
- 22 **3. Identify all parties to the proceedings in the district court:**  
23 **Narcus S. Wesley, Defendant**  
24 **Dan M. Winder, Esq.**  
25 **The State of Nevada**
- 26 **4. Identify all parties involved in this appeal:**  
27 **Same as #3**  
28

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

3     STEVEN S. OWENS  
4     Chief Deputy District Attorney  
5     Nevada Bar #004352  
6     Clark County District Attorney's Office  
7     200 Lewis Avenue  
8     Las Vegas, Nevada 89155-2212  
9     (702) 671-2500

DAN M. WINDER, ESQ.  
Nevada Bar No. 001569  
3507 W. Charleston Blvd.  
Las Vegas, Nevada 89102  
(702) 474-0523

Counsel for Appellant  
State of Nevada

Counsel for Respondent  
Narcus S. Wesley

10           6.     Indicate whether appellant was represented by appointed or retained  
11     counsel in the district court:     N/A (The State of Nevada is the Appellant)

12           7.     Indicate whether appellant is represented by appointed or retained  
13     counsel on appeal: N/A

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

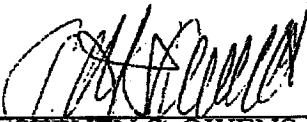
16           9.     Date proceedings commenced in the district court:

17                     Information filed April 20, 2007.

18           DATED this 24<sup>th</sup> day of July, 2008.

19                     DAVID ROGER  
20                     Clark County District Attorney  
21                     Nevada Bar # 002781

22           BY

23                       
24                     STEVEN S. OWENS  
25                     Chief Deputy District Attorney  
26                     Nevada Bar #004352  
27                     200 Lewis Avenue  
28                     Las Vegas, Nevada 89155-2212  
                      (702) 671-2750

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**DAN M. WINDER, ESQ.**  
3507 W. Charleston Blvd.  
Las Vegas, Nevada 89102

Eileen Davis  
Employee, District Attorney's Office

3  
 1:APPELLATEWPDOCS\SECRETARY\DISTRICT COURT- EIGHTH CASE\APPI\WESLEY, NARCUS S., C232494.DOC

DATE: 07/25/08  
CASE NO. 07-C-232494-C

I N D E X

TIME 10:52 AM  
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)

07-C-232494-C		(Continuation	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)	0001	VC 04/02/08
0038	03/27/08	MOT /ALL PENDING MOTIONS (3/27/08)	0002	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	AL	
0048	04/07/08	NWEW/NOTICE OF WITNESSES AND/OR EXPERT WITNESSES	0001	RS 05/13/08
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
			0001	

(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			



JOC

ORIGINAL

FILED

JUL 18 2 24 PM '08

DISTRICT COURT

*Cliff P. [Signature]*  
CLERK OF THE COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C232494

-VS-

DEPT. NO. XXIV

NARCUS S. WESLEY  
aka Narcus Samone Wesley  
#1757866

Defendant.

JUDGMENT OF CONVICTION  
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 – CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor) in violation of NRS 205.060, 199.480; COUNT 2 – CONSPIRACY TO COMMIT ROBBERY (Category B Felony) in violation of NRS 205.380, 199.480; COUNTS 3 & 11 – BURGLARY WHILE IN POSSESSION OF DEADLY WEAPON (Category B Felony) in violation of NRS 205.060; COUNTS 4, 6, 7 & 9 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.165; COUNTS 5 & 8 – ASSAULT WITH A DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; COUNT 10 – FIRST DEGREE KIDNAPING (Category A Felony) in violation of NRS 200.310,

RECEIVED  
JUL 18 2008  
CLERK OF THE COURT

1 200.320, 193.165; COUNTS 12, 13, 14, 15, & 17 – SEXUAL ASSAULT WITH USE OF  
2 A DEADLY WEAPON (Category A Felony) in violation of NRS 200.366, 200.364,  
3 193.165; COUNT 16 – COERCION WITH USE OF A DEADLY WEAPON (Category B  
4 Felony) in violation of NRS 207.190, 193.165; COUNT 18 – OPEN OR GROSS  
5 LEWDNESS WITH USE OF A DEADLY WEAPON (Category D Felony) in violation of  
6 NRS 201.210, 193.165; and the matter having been tried before a jury and the  
7 Defendant having been found guilty of the crimes of COUNT 1 – CONSPIRACY TO  
8 COMMIT BURGLARY (Gross Misdemeanor) in violation of NRS 205.060, 199.480;  
9 COUNT 2 – CONSPIRACY TO COMMIT ROBBERY (Category B Felony) in violation of  
10 NRS 205.380, 199.480; COUNTS 3 & 11 – BURGLARY WHILE IN POSSESSION OF  
11 DEADLY WEAPON (Category B Felony) in violation of NRS 205.060; COUNTS 4, 6, 7  
12 & 9 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation  
13 of NRS 200.380, 193.165; COUNTS 5 & 8 – ASSAULT WITH A DEADLY WEAPON  
14 (Category B Felony) in violation of NRS 200.471, COUNT 10 – SECOND DEGREE  
15 KIDNAPING (Category B Felony) in violation of NRS 200.320, 193.165; COUNTS 12,  
16 13, 14, 15, & 17 – SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON (Category  
17 A Felony) in violation of NRS 200.366, 200.364, 193.165; COUNT 16 – COERCION  
18 WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 207.190,  
19 193.165; COUNT 18 – OPEN OR GROSS LEWDNESS WITH USE OF A DEADLY  
20 WEAPON (Category D Felony) in violation of NRS; thereafter, on the 3<sup>RD</sup> day of July,  
21 2008, the Defendant was present in court for sentencing with his counsel, DAN  
22 WINDER, ESQ., and good cause appearing.

23  
24 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in  
25 addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee  
26  
27  
28

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 as follows: AS  
3 TO COUNT 1 - TO TWELVE (12) MONTHS in the Clark County Detention Center  
4 (CCDC); AS TO COUNT 2 - TO A MAXIMUM of SEVENTY-TWO (72) MONTHS with a  
5 MINIMUM Parole Eligibility of TWENTY-EIGHT (28) MONTHS, in the Nevada  
6 Department of Corrections (NDC); AS TO COUNT 3 - TO A MAXIMUM of ONE  
7 HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of SEVENTY-  
8 TWO (72) MONTHS in the Nevada Department of Corrections (NDC); AS TO COUNT  
9 4 - TO A MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM  
10 Parole Eligibility of SIXTY (60) MONTHS, plus an EQUAL and CONSECUTIVE term of  
11 ONE HUNDRED EIGHTY (180) MONTHS MAXIMUM with a MINIMUM Parole Eligibility  
12 of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC); AS TO  
13 COUNT 5 - TO A MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM  
14 Parole Eligibility of TWENTY-FOUR (24) MONTHS in the Nevada Department of  
15 Corrections (NDC); AS TO COUNT 6 - TO A MAXIMUM of ONE HUNDRED EIGHTY  
16 (180) MONTHS with a MINIMUM Parole Eligibility of SIXTY (60) MONTHS, plus an  
17 EQUAL and CONSECUTIVE term of ONE HUNDRED EIGHTY (180) MONTHS  
18 MAXIMUM with a MINIMUM Parole Eligibility of SIXTY (60) MONTHS in the Nevada  
19 Department of Corrections (NDC); AS TO COUNT 7 - TO A MAXIMUM of ONE  
20 HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of SIXTY (60)  
21 MONTHS, plus an EQUAL and CONSECUTIVE term of ONE HUNDRED EIGHTY (180)  
22 MONTHS MAXIMUM with a MINIMUM Parole Eligibility of SIXTY (60) MONTHS in the  
23 Nevada Department of Corrections (NDC); AS TO COUNT 8 - TO A MAXIMUM of  
24 SEVENTY-TWO (72) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR  
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1 (24) MONTHS in the Nevada Department of Corrections (NDC); AS TO COUNT 9 - TO  
2 A MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole  
3 Eligibility of SIXTY (60) MONTHS, plus an EQUAL and CONSECUTIVE term of ONE  
4 HUNDRED EIGHTY (180) MONTHS MAXIMUM with a MINIMUM Parole Eligibility of  
5 SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC); AS TO COUNT  
6 10 - TO A MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM  
7 Parole Eligibility of SEVENTY-TWO (72) MONTHS, plus an EQUAL and  
8 CONSECUTIVE term of ONE HUNDRED EIGHTY (180) MONTHS MAXIMUM and  
9 SEVENTY-TWO (72) MONTHS MINIMUM for the Use of a Deadly Weapon in the  
10 Nevada Department of Corrections (NDC); AS TO COUNT 11 - TO A MAXIMUM of  
11 ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of  
12 SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC); AS  
13 TO COUNT 12 - TO LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS, plus a  
14 CONSECUTIVE term of TWENTY (20) YEARS MAXIMUM and EIGHT (8) YEARS  
15 MINIMUM for the Use of a Deadly Weapon in the Nevada Department of Corrections  
16 (NDC); AS TO COUNT 13 - TO LIFE with a MINIMUM Parole Eligibility of TEN (10)  
17 YEARS, plus a CONSECUTIVE term of TWENTY (20) YEARS MAXIMUM and EIGHT  
18 (8) YEARS MINIMUM for the Use of a Deadly Weapon in the Nevada Department of  
19 Corrections (NDC); AS TO COUNT 14 - TO LIFE with a MINIMUM Parole Eligibility of  
20 TEN (10) YEARS, plus a CONSECUTIVE term of TWENTY (20) YEARS MAXIMUM  
21 and EIGHT (8) YEARS MINIMUM for the Use of a Deadly Weapon in the Nevada  
22 Department of Corrections (NDC); AS TO COUNT 15 - TO LIFE with a MINIMUM  
23 Parole Eligibility of TEN (10) YEARS, plus a CONSECUTIVE term of TWENTY (20)  
24 YEARS MAXIMUM and EIGHT (8) YEARS MINIMUM for the Use of a Deadly Weapon

1 in the Nevada Department of Corrections (NDC); AS TO COUNT 16 - TO A MAXIMUM  
2 of SEVENTY-TWO (72) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR  
3 (24) MONTHS, plus an EQUAL and CONSECUTIVE term of SEVENTY-TWO (72)  
4 MAXIMUM and TWENTY-FOUR (24) MONTHS MINIMUM for the Use of a Deadly  
5 Weapon in the Nevada Department of Corrections (NDC); AS TO COUNT 17 - TO LIFE  
6 with a MINIMUM Parole Eligibility of TEN (10) YEARS, plus a CONSECUTIVE term of  
7 TWENTY (20) YEARS MAXIMUM and EIGHT (8) YEARS MINIMUM for the Use of a  
8 Deadly Weapon in the Nevada Department of Corrections (NDC); AS TO COUNT 18 -  
9 TO TWELVE (12) MONTHS in the Clark County Detention Center (CCDC), COUNTS 1  
10 - 18 to run CONCURRENT; with ONE HUNDRED EIGHTY FIVE (185) DAYS credit for  
11 time served.  
12

13  
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

18 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender in  
19 accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any release  
20 from custody.  
21

22  
23 DATED this 17th day of July, 2008

24  
25  
26 JAMES BIXLER  
27 DISTRICT JUDGE  
28

## CRIMINAL COURT MINUTES

07-C-232494-C      STATE OF NEVADA      vs Wesley, Narcus S

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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

See MINUTES for Defendant 0001: Wilson, Delarian K

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05/22/07 08:30 AM 00 DEFT'S O.R. RELEASE/BAIL REDUCTION /5

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
0002 D	Wesley, Narcus S	Y
003095	Kocka, Francis	Y

Ms. Luzaich stated she never received a copy of the motion, however, she can respond orally or the Court can continue so she can file a written response. Mr. Kocka stated he can see there is not Receipt of Copy attached to the motion. The Court commented on the lack of information provided in the District Court file as opposed to the information they have on scope, NCIC and deft's background information when a file is before the court. Argument by Ms. Luzaich in opposition to the motion arguing the facts of the case. Argument by Mr. Kocka in support of his motion for bail reduction. Deft is a lifetime resident, has a baby, family support. Further, the Preliminary Hearing transcript has not been filed yet. Statements by both counsel re a possible severance. COURT ORDERED, motion for bail reduction is DENIED. The Court is not going to lower the bail. Under the circumstances, the Court feels deft's bail is reasonable in light of the charges. Further comment by the Court re the nature and severity of the charges. In light of the Courts ruling, Mr. Kocka stated he is not going to be able to prepare this case if deft is in custody and not working. COURT ORDERED, oral motion to WITHDRAW as counsel is GRANTED, Public Defender APPOINTED, Mr. Westbrook present, and acknowledged the appointment, and stated he will investigate to determine if

## CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA

vs Wesley, Narcus S

CONTINUED FROM PAGE: 001

there is any conflict with the Public Defender's office representing deft.  
COURT ORDERED, matter CONTINUED for confirmation of counsel.

CUSTODY

5/24/07 8:30 A.M. CONFIRMATION OF COUNSEL (KOHN)

05/24/07 08:30 AM 00 CONFIRMATION OF COUNSEL (KOHN)

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

Frank Kocka present to turn over his file to the Public Defender. Mr. Landis stated no conflict with representing deft, never represented the co-deft either, and the victims have never been arrested to his knowledge. COURT ORDERED, Public Defender CONFIRMED AS COUNSEL. Mr. Luzaich stated she spoke to Oronoz' office who represents co-deft. He is out of the jurisdiction for most of July, so the 7/2/07 date will not work. Ms. Luzaich thought the Court had calendared both defts for today to discuss the trial date. She also does not expect the Public Defender to be ready by 7/2/07. Deft Wesley requested his discovery. Court advised deft his attorney will make sure he gets what he needs. Deft stated he put in a discovery request six weeks ago. Ms. Luzaich stated she received the Preliminary Hearing transcript yesterday. COURT ORDERED, matter CONTINUED to discuss the trial date as to both defts.

CUSTODY (BOTH)

5/31/07 8:30 A.M. STATUS CHECK: TRIAL DATE

## CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA

vs Wesley, Narcus S

CONTINUED FROM PAGE: 002

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	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
005924	Cox, G. Darren	Y

See MINUTES for Defendant 0001: Wilson, Delarian K

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: NO PARTIES PRESENT

See MINUTES for Defendant 0001: Wilson, Delarian K



## CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA

vs Wesley, Narcus S

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

See MINUTES for Defendant 0001: Wilson, Delarian K

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	Y
009158	Rachiele, Andrea M.	Y
0001 D1	Wilson, Delarian K	Y
0002 D	Wesley, Narcus S	Y
PUBDEF	Public Defender	Y
009278	Westbrook, P D.	Y

See MINUTES for Defendant 0001: Wilson, Delarian K

## CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA

vs Wesley, Narcus S

CONTINUED FROM PAGE: 004

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

See MINUTES for Defendant 0001: Wilson, Delarian K

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

See MINUTES for Defendant 0001: Wilson, Delarian K

## CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA

vs Wesley, Narcus S

CONTINUED FROM PAGE: 005

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

See MINUTES for Defendant 0001: Wilson, Delarian K

03/31/08 01:30 PM 00 FRANKS HEARING  
(DO NOT POST)

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
005391	Kollins, Stacy L.	Y
0002 D	Wesley, Narcus S	Y
PUBDEF	Public Defender	Y
009424	Landis, Casey	Y
005863	Banks, Jeffrey M.	Y

Deft not present. Mr. Landis stated he appreciates the State accommodating counsel, but he would prefer the Franks Hearing held with the Officer present on Wednesday before the trial commences. Ms. Luzaich stated she has 36 witnesses, and has witnesses scheduled for Thursday and Friday this week. Court informed counsel the Court is not available Friday, 4/4/08 at 12:00 P.M. scheduled to return to work on Wednesday, 4/9/08. Mr. Banks has a conflict this Wednesday at 10:30 A.M. He has a dentist appointment to have stitches removed. The Court wanted to pick a jury tomorrow. Ms. Luzaich stated she was prepared to start this trial on Wednesday and witnesses lined up for Thursday and Friday. State has 30 witnesses. Further, technically, her Detective is not due back until one week from tomorrow which is 4/8/08. Ms. Luzaich has a trial on Monday, 4/7/08 before Judge Bell. Ms. Luzaich

## CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA

vs Wesley, Narcus S

CONTINUED FROM PAGE: 006

stated since she was not expecting the continuance, does not want to be held responsible if she cannot have a witness present. Court concurred. COURT ORDERED, the Court will hold the Franks Hearing on Wednesday, 4/9/08 at 10:30 A.M. and trial to commence at 1:00 P.M.

## BAIL

4/9/08 10:30 A.M. FRANKS HEARING (DO NOT POST)...TRIAL BY JURY (1:00 P.M.)

CONTINUED TO: 04/09/08 10:30 AM 01

04/10/08 10:00 AM 01 TRIAL BY JURY

HEARD BY: James Bixler, Judge; Dept. 24

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

PARTIES: STATE OF NEVADA  
005056 Luzaich, Elissa  
005391 Kollins, Stacy L.  
  
0002 D Wesley, Narcus S  
PUBDEF Public Defender  
009424 Landis, Casey  
005863 Banks, Jeffrey M.

Y  
Y  
Y  
  
Y  
Y  
Y  
Y

Deft present on Bond. Jury panel present. Clerk called role of Jury Panel. Jury selection continued. Second Amended Information FILED IN OPEN COURT. OUTSIDE PRESENCE OF JURY PANEL, Mr. Banks stated the State provided them with a disk with 400 crime scene photos, and stated it would be irresponsible on defense counsel not to review the photos prior to opening statements. Court advised counsel the Court will recess for the day once the jury is selected. Counsel STIPULATED to the presence of the Jury Panel. Jury selection CONTINUED. At the hour of 5:48 P.M. Jury and two Alternates selected and sworn. Instruction by Court to Jury. Jury EXCUSED until 10:00 A.M. on 4/11/08. OUTSIDE PRESENCE OF JURY, Mr. Banks made a Batson Challenge as to a juror excused by the State, and argued in support of his motion. Argument by Ms. Luzaich in opposition thereto. COURT ORDERED, Court feels the State gave a race neutral reason for the challenge and the motion is DENIED. ADJOURNED 6:05 P.M.

## BOND

CONTINUED TO: 04/11/08 09:00 AM 02

## CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA

vs Wesley, Narcus S

CONTINUED FROM PAGE: 007

04/14/08 10:00 AM 03 TRIAL BY JURY

HEARD BY: James Bixler, Judge; Dept. 24

OFFICERS: Roshonda Mayfield, Relief Clerk  
Bill Nelson, Reporter/Recorder

PARTIES: STATE OF NEVADA  
005056 Luzaich, Elissa  
0002 D Wesley, Narcus S  
005863 Banks, Jeffrey M.  
009424 Landis, Casey

Y  
Y  
Y  
Y  
Y

JURY PRESENT: Witnesses and testified (See worksheets).

COURT RECESSED FOR LUNCH.

OUTSIDE PRESENCE OF JURY: Court advised, juror #1 has taken ill and will be EXCUSED. Therefore, the jury will consist of panel members 2-13 with #14 being the alternate.

JURY PRESENT: COURT RECONVENED; Testimony and exhibits presented (See worksheets).

OUTSIDE PRESENCE OF JURY: Ms. Luzaich argued she believes the State will rest tomorrow and will provide instructions to defense counsel.

JURY PRESENT: COURT ORDERED, matter ADJOURNED and will reconvene tomorrow at 10:00 A.M. COURT FURTHER ORDERED, jury ADMONISHED not to discuss this matter any further once released from today's proceedings.

4/15/08 10:00 A.M. NATURAL PROGRESSION

CONTINUED TO: 04/15/08 10:00 AM 04

## CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA

vs Wesley, Narcus S

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04/15/08 10:00 AM 04 TRIAL BY JURY

HEARD BY: James Bixler, Judge; Dept. 24

OFFICERS: Nora Pena, Relief Clerk  
Bill Nelson, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005391	Kollins, Stacy L.	Y
005056	Luzaich, Elissa	Y
0002 D	Wesley, Narcus S	Y
PUBDEF	Public Defender	Y
009424	Landis, Casey	Y
005863	Banks, Jeffrey M.	Y

JURY PRESENT: Testimony presented. (See worksheet.) Conference at the bench.

OUTSIDE THE PRESENCE OF THE JURY: Court noted the objection is the witness may be aware of other illegal activity that the Deft. has engaged in. Argument by Ms. Luzaich that the Deft. can't use his claim for defense if he has done other illegal activity. Ms. Kollins believed it's still irrelevant. Mr. Landis believed it's relevant towards the case. Argument by Mr. Banks. COURT ORDERED, Testimony of witness comes in.

JURY PRESENT: Testimony and exhibits presented. (See worksheets.) Conference at the bench. Court admonished the jury.

OUTSIDE THE PRESENCE OF THE JURY: Court advised Wilson's conviction can come in as evidence as to what he pled guilty to. Ms. Luzaich stated he plead to Count I & II - Robbery with use of a deadly weapon and Count III - Sexual Assault but the Defense's theory is that Wilson accepted responsibility and she believed the Defense would need to tell the jury the entire truth that Wesley had the gun and committed sexual assault. Mr. Landis asked to redact the Information. Court advised if they choose to bring it in it's the full picture of the plea that has to be present to be fair.

JURY PRESENT: Testimony and exhibits presented. (See worksheets.)

OUTSIDE THE PRESENCE OF THE JURY: Court advised Defense exhibits A, B, and C are not evidence of this trial and does not go back to the jury. Argument by Mr. Banks regarding the issue of the rifle found at the home and he is concerned about effectively defending his client now that the testimony is in evidence. He stated his client didn't have possession of the gun at anytime and there is no instruction that will undo what has been done; therefore, he requested a mistrial. COURT ORDERED, Deft's request for mistrial is DENIED due to 1) the weapon he had was not a rifle and 2) Court can explain to the jury it was the Deft's Dad's house and Deft. had no ownership to that rifle. Court advised he will give an instruction or will explain to the jury or will let Defense draft an instruction. Mr. Banks

## CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA

vs Wesley, Narcus S

CONTINUED FROM PAGE: 009

moved to withdraw based on the rifle, he believed there is a conflict in the evidence and asked to appoint someone else. COURT ORDERED, motion to withdraw DENIED. Court advised there is no conflict and will proceed and he will tell the jury that Deft. had no control of the rifle.

JURY PRESENT: Testimony presented. (See worksheet.) Exhibit #43 CD played for the jury. Conference at the bench. Court gave a curative instruction of the rifle. COURT ORDERED, matter CONTINUED tomorrow at 10:00 a.m. and jury admonished.

OUTSIDE THE PRESENCE OF THE JURY: Court admonished the Deft. on his right to testify.

CONTINUED TO: 04/16/08 09:30 AM 05

04/18/08 10:00 AM 07 TRIAL BY JURY

HEARD BY: James Bixler, Judge; Dept. 24

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

PARTIES:	STATE OF NEVADA	Y
005056	Luzach, Elissa	Y
005391	Kollins, Stacy L.	Y
0002 D	Wesley, Narcus S	Y
PUBDEF	Public Defender	Y
009424	Landis, Casey	Y
005863	Banks, Jeffrey M.	Y

Deft present on Bond. Counsel STIPULATED as to the presence of the Jury. At the hour of 2:53 P.M. the Jury returned with a VERDICT as follows:

CT 1 - GUILTY of Conspiracy To Commit Burglary.  
CT 2 - GUILTY of Conspiracy to Commit Robbery.  
CT 3 - GUILTY of Burglary While in Possession of a Deadly Weapon.  
CT 4 - GUILTY of Robbery With Use of a Deadly Weapon (Justin Richardson).  
CT 5 - GUILTY of Assault With Use of a Deadly Weapon (Aitor Eskandon).  
CT 6 - GUILTY of Robbery With Use of a Deadly Weapon (Justin Foucault).  
CT 7 - GUILTY of Robbery With Use of a Deadly Weapon (Ryan Tognotti).  
CT 8 - GUILTY of Assault With Use of a Deadly Weapon (Clinton Tognotti).  
CT 9 - GUILTY of Robbery With Use of a Deadly Weapon (Danielle Browning).  
CT 10 - GUILTY of Second Degree Kidnapping With Use of a Deadly Weapon (Ryan Tognotti).  
CT 11 - GUILTY of Burglary While in Possession of a Deadly Weapon (Honda Civic).

## CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA

vs Wesley, Narcus S

CONTINUED FROM PAGE: 010

CT 12 - GUILTY of Sexual Assault With Use of a Deadly Weapon (Danielle Browning - fellatio).

CT 13 - GUILTY of Sexual Assault With Use of a Deadly Weapon (Danielle Browning - cunnilingus).

CT 14 - GUILTY of Sexual Assault With Use of a Deadly Weapon (Justin Richardson - fellatio).

CT 15 - GUILTY of Sexual Assault With Use of a Deadly Weapon (Justin Richardson - cunnilingus).

CT 16 - GUILTY of Coercion With Use of a Deadly Weapon (Ryan Tognotti).

CT 17 - GUILTY of Sexual Assault With Use of a Deadly Weapon (Danielle Browning - digital penetration).

CT 18 - GUILTY of Open or Gross Lewdness with Use of a Deadly Weapon (Danielle Browning).

Upon Court's inquiry, Mr. Landis requested the Jury polled, SO ORDERED. Court thanked and excused the Jury. State moved to REMAND deft into CUSTODY WITHOUT BAIL, SO ORDERED, BOND EXONERATED. COURT ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing.

CUSTODY

6/5/08 8:30 A.M. SENTENCING (JURY VERDICT)

05/08/08 08:30 AM 00 DEFT WESLEY'S MTN FOR NEW TRIAL/32

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
0002 D	Wesley, Narcus S	Y
PUBDEF	Public Defender	Y
009424	Landis, Casey	Y
005863	Banks, Jeffrey M.	Y

Deft present in custody. At the request of Ms. Luzaich, Court advised Deft he cannot file proper person motions, except a motion to withdraw counsel when he has counsel. Court advised deft it is his prerogative to retain private counsel, and ORDERED, deft's motion to dismiss counsel is GRANTED. Mr. Banks stated he will be cooperative with whoever deft hires and turn over all of their information. COURT ORDERED, all proceedings are suspended at this time pending deft's retention of private counsel. COURT ORDERED, matter CONTINUED two weeks for confirmation of counsel. The Court received a request from P & P as to Deft Wilson that the PSI will not be ready by 5/13/08. COURT ORDERED, the Court will reset Deft Wesley's sentencing date for the same date as Deft Wesley. The Court received a letter from the



## CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA

vs Wesley, Narcus S

CONTINUED FROM PAGE: 011

mother of deft's child which needs to be copied and given to his new attorney.

CUSTODY (WESLEY)

5/22/08 8:30 A.M. CONFIRMATION OF COUNSEL (PRIVATE)...RESET SENTENCING DATE (WILSON)

CONTINUED TO: 05/22/08 08:30 AM 01

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/Recorder

PARTIES:	STATE OF NEVADA	Y
005056	Luzaich, Elissa	Y
0001 D1	Wilson, Delarian K	Y
010707	Pandullo, Michael R.	Y
0002 D	Wesley, Narcus S	Y
001569	Winder, Dan M.	Y
PUBDEF	Public Defender	Y
005863	Banks, Jeffrey M.	Y

See MINUTES for Defendant 0001: Wilson, Delarian K

06/19/08 08:30 AM 00 ALL PENDING MOTIONS (6/19/08)

HEARD BY: James Bixler, Judge; Dept. 24

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

PARTIES:	STATE OF NEVADA	Y
004232	Carroll, Thomas M.	Y
0002 D	Wesley, Narcus S	Y

DEFT'S PRO PER MOTION FOR BAIL PENDING SENTENCING/APPEAL (WESLEY)...DEFT'S MOTION FOR NEW TRIAL

Deft present in custody. Court informed deft his attorney, Dan Winder, had an appearance today in Reno, NV and ORDERED, matter CONTINUED.

## CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA

vs Wesley, Narcus S

CONTINUED FROM PAGE: 012

CUSTODY

6/26/08 8:30 A.M. SAME

06/26/08 08:30 AM 00 ALL PENDING MOTIONS (6/26/08)

HEARD BY: James Bixler, Judge; Dept. 24

OFFICERS: Theresa Lee, Court Clerk  
Lee Bahr, Reporter/RecorderPARTIES: STATE OF NEVADA  
005056 Luzaich, Elissa  
0002 D Wesley, Narcus S  
001569 Winder, Dan M.Y  
Y  
Y  
YDEFT WESLEY'S PRO PER MOTION FOR BAIL PENDING SENTENCING/APPEAL...DEFT  
WESLEY'S MOTION FOR NEW TRIAL

Deft present in custody. COURT ORDERED, traileed for Mr. Winder. Court noted this was passed from last week at Mr. Winder's request as he had a preliminary hearing in Reno, NV. Mr. Wesley's father stated he saw Mr. Winder downstairs, and has had difficulty communicating with him.

LATER, Court recalled matter, Mr. Winder present. Ms. Luzaich moved the Court to deny the motions as procedurally barred and argued in support of her position. Court advised deft he is not to file proper person motions when he is represented by counsel. They are fugitive documents. Deft stated his attorney will not return phone calls. He filed a motion to dismiss his attorney before he filed any proper person motions. Court reviewed the prior minute orders in this case. Argument by Mr. Winder in support of his motions. Argument by Ms. Luzaich in opposition to the motions. COURT ORDERED, motions DENIED. Mr. Winder stated he would like to file a sentencing memorandum on behalf of Narcus Wesley. Ms. Luzaich objected to a continuance of the sentencing date, and will waive timing defects with regard to receiving the memorandum. COURT ORDERED, he may file his sentencing memorandum, but sentencing will proceed on 7/3/08. Mr. Winder will file it and fax to Ms. Luzaich. COURT ORDERED, sentencing date STANDS.

CUSTODY

## CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA

vs Wesley, Narcus S

CONTINUED FROM PAGE: 013

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

See MINUTES for Defendant 0001: Wilson, Delarian K

## CRIMINAL COURT MINUTES

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

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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	Y
006526	Turner, Robert B.	Y
0001 D1	Wilson, Delarian K	Y
006769	Oronoz, James A	Y

Mr. Oronoz advised this matter had not been negotiated. DEPT. 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)

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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	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
005924	Cox, G. Darren	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	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 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	Y
009158	Rachiele, Andrea M.	Y
0001 D1	Wilson, Delarian K	Y
0002 D	Wesley, Narcus S	Y
PUBDEF	Public Defender	Y
009278	Westbrook, P D.	Y

DEFT'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

## CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA

vs Wilson, Delarian K

CONTINUED FROM PAGE: 007

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

## CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA

vs Wilson, Delarian K

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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/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Wilson, Delarian K	Y
	006769 Oronoz, James A	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/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Wilson, Delarian K	Y
	010707 Pandullo, Michael R.	Y
	0002 D Wesley, Narcus S	Y
	001569 Winder, Dan M.	Y
	PUBDEF Public Defender	Y
	005863 Banks, Jeffrey M.	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

## CRIMINAL COURT MINUTES

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vs Wilson, Delarian K

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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

## CRIMINAL COURT MINUTES

07-C-232494-C STATE OF NEVADA

vs Wilson, Delarian K

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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,

## CRIMINAL COURT MINUTES

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vs Wilson, Delarian K

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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.

## CRIMINAL COURT MINUTES

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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 (JURY TRIAL); DISTRICT COURT  
MINUTES;

STATE OF NEVADA,

**Plaintiff(s),**

**vs.**

**NARCUS W. WESLEY aka**

**NARCUS SAMONE WESLEY,**

**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 25 day of July 2008.

Charles J. Short, Clerk of the Court

Heather Lofquist, Deputy Clerk

**SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

THE STATE OF NEVADA,  
Appellant,

vs.

NARCUS S. WESLEY A/K/A NARCUS SAMONE WESLEY,  
Respondent.

**Supreme Court No. 52127**

District Court Case No. C232494

**RECEIPT FOR DOCUMENTS**

TO: Clark County District Attorney David J. Roger and Steven S. Owens,  
Chief Deputy District Attorney  
Dan M. Winder  
Charles J. Short , District Court Clerk

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

07/25/08      Filing Fee Waived: Criminal.

07/25/08      Filed Certified Copy of Notice of Appeal.  
Appeal docketed in the Supreme Court this day. (Docketing statement mailed to counsel  
for appellant.)

DATE: July 25, 2008

Tracie Lindeman, Clerk of Court

By: \_\_\_\_\_

Deputy Clerk

*ai*