

No. C-204957

Dept. No. FILED

2008 SEP 12 P 1:03

IN THE Eighth JUDICIAL DISTRICT COURT OF THE  
STATE OF NEVADA IN AND FOR  
THE COUNTY OF Clark

CLERK OF THE COURT

**FILED**

Rickie Slaughter Jr.

Petitioner/Plaintiff,

v.

The State of Nevada

Respondent/Defendant.

No. 52385

SEP 15 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT

BY H. Lindeman  
DEPUTY CLERK

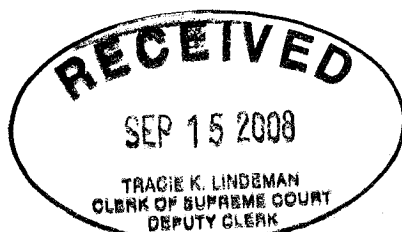
#### NOTICE OF APPEAL

Notice is hereby given that Rickie Slaughter Jr. Petitioner/Defendant above named,  
hereby appeals to the Supreme Court of Nevada from the final judgment/order  
Finding of Facts, Conclusion of law and order denying petition  
entered in this action on the 11 day of August, 2008. For writ of Habeas Corpus

Dated this 10 day of September, 2008.

Rickie Slaughter Jr. #85902

Appellant  
Ely State Prison  
P.O. Box 1989  
Ely, Nevada 89301-1989



RECEIVED  
SEP 12 2008  
CLERK OF THE COURT

08-23771

**CERTIFICATE OF SERVICE BY MAIL**

I, Rickie Staughter hereby certify pursuant to Rule 5(b) of the NRCP, that on this 10<sup>th</sup> day of September, 2008, I served a true and correct copy of the above-entitled Notice of Appeal postage prepaid and addressed as follows:

Charles J. Short  
200 Lewis Ave 3rd  
Floor  
Las Vegas, NV.  
89155-1160

Signature

Print Name

Rickie Staughter Jr.  
Ely State Prison  
P.O. Box 1989  
Ely, Nevada 89301-1989

**AFFIRMATION**  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Notice

Of Appeal  
(Title of Document)

filed in District Court Case No. C204957

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

N/A  
(State specific law)

-OR-

B. For the administration of a public program or  
for an application for a federal or state grant.

[Signature]  
(Signature)

9-10-08  
(Date)

1 ASTA

**FILED**

2008 SEP 12 P 4:42

4 **DISTRICT COURT**  
5 **CLARK COUNTY, NEVADA**

6 **CLERK OF THE COURT**

7 STATE OF NEVADA,

8 Plaintiff(s),

9 vs.

10 RICKIE SLAUGHTER, JR.,

11 Defendant(s),

) Case No: C204957

) Dept No: III

12  
13  
14 **CASE APPEAL STATEMENT**

15 1. Appellant(s): RICKIE SLAUGHTER, JR.

16 2. Judge: DOUGLAS W. HERNDON

17 3. All Parties, District Court:

18 Plaintiff, THE STATE OF NEVADA

19 Defendant(s), RICKIE SLAUGHTER, JR.

20 4. All Parties, Appeal:

21 Appellant(s), RICKIE SLAUGHTER, JR.

22 Respondent, THE STATE OF NEVADA

23 5. Appellate Counsel:

24 *Appellant/Proper Person*  
25 Rickie Slaughter # 85902  
26 P.O. Box 1989  
27 Ely, NV 89301

*Respondent*  
David Roger, District Attorney  
200 Lewis Ave.  
Las Vegas, NV 89101  
(702) 671-2700

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6. District Court Attorney, Appointed

7. On Appeal, N/A

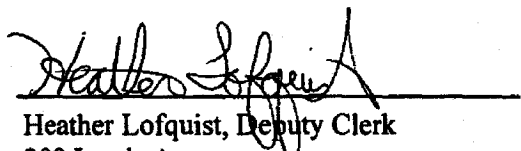
8. Forma Pauperis, Granted

9. Date Commenced in District Court: September 22, 2004

Dated This 12 day of September 2008.

Edward A. Friedland, Clerk of the Court

By:



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

DATE: 09/12/08  
CASE NO. 04-C-204957-C

I N D E X

TIME 4:32 PM  
JUDGE: Herndon, Douglas W

STATE OF NEVADA

[ ] vs Slaughter, Rickie

[ ]

0001 D1 Rickie Slaughter  
P O Box 1989  
Ely, NV 89301

Pro Se

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	09/22/04	CBO /CRIMINAL BINDOVER Fee \$0.00				
0002	09/22/04	ARRN/INITIAL ARRAIGNMENT	0001		10/05/04	
0003	09/22/04	CBOR/CRIMINAL BINDOVER RECEIPT	0001			
0004	09/28/04	INFO/INFORMATION	0001		09/28/04	
0005	09/28/04	INFO/AMENDED INFORMATION	0001		09/28/04	
0006	10/05/04	HEAR/CONFIRMATION OF COUNSEL (PRIVATE)	0001	CM	10/19/04	
0007	10/05/04	CALC/CALENDAR CALL	0001		11/30/04	
0008	10/05/04	JURY/TRIAL BY JURY (VJ 11/30/04)	0001	VC	12/06/04	
0009	10/05/04	MOT /EXPARTE MOTION FOR RELEASE OF MEDICAL RECORDS	0001	MT	10/19/04	
0010	10/11/04	ORDR/ORDER RELEASING MEDICAL RECORDS			10/11/04	
0011	10/12/04	MOT /RUE'S MTN TO WITHDRAW DUE TO CONFLICT/06	0001	GR	10/19/04	
0012	10/13/04	LIST/NOTICE OF EXPERT WITNESSES AND WITNESSES	0001			
0013	10/13/04	TRAN/REPORTER'S TRANSCRIPT PRELIMINARY HEARING	0001		09/21/04	
0014	10/19/04	MOT /ALL PENDING MOTIONS 10-19-04	0001		10/19/04	
0015	11/30/04	JURY/OVERFLOW (16) S KRISKO / P WOMMER 2-3 DAYS/10-13 WITNESSES/NO OUT OF STATE	0001		12/10/04	
0016	12/01/04	ORDR/ORDER APPOINTING COUNSEL	0001		12/01/04	
0017	12/02/04	ORDR/STIPULATION AND ORDER EXTENDING TIME	0001		12/02/04	
0018	12/10/04	JURY/TRIAL BY JURY	0001		12/13/04	
0019	12/06/04	LIST/NOTICE OF WITNESSES	0001			
0020	12/13/04	HEAR/TRIAL SETTING	0001		12/16/04	
0021	12/07/04	NOTC/NOTICE OF ALIBI	0001			
0022	12/08/04	LIST/NOTICE OF WITNESSES	0001			
0023	12/09/04	NOTC/NOTICE OF REBUTTAL ALIBI	0001			
0024	12/16/04	CALC/CALENDAR CALL	0001	RS	02/08/05	
0025	12/16/04	JURY/TRIAL BY JURY (RV 2/8/05)	0001	VC	02/14/05	
0026	12/13/04	INFO/SECOND AMENDED INFORMATION	0001		12/13/04	
0027	12/13/04	REQT/MOTION TO DISMISS COUNSEL EX PARTE AND APPOINTMENT OF ALTERNATE COUNSEL	0001			
0028	12/27/04	CRTF/CERTIFICATE OF SERVICE BY MAIL OF CERTIFICATE OF TITLE	0001		12/27/04	
0029	12/27/04	ORDR/ORDER TO PRODUCE TRANSCRIPT OF FARETTA CANVASS PORTION OF HEARING HELD	0001		12/27/04	Y
DECEMBER 13 2004 IN DISTRICT COURT DEPT 1						
0030	01/10/05	PET /DEFT'S PRO PER PTN FOR PERMISSION FOR INCARCERATED PERSON TO MARRY/13	0001	GR	02/07/05	
0031	01/11/05	MOT /DEFT'S APPLICATION TO PROCEED IN FORMA PAUPERIS/14	0001	GR	02/07/05	
0032	01/10/05	APPL/EX PARTE APPLICATION TO PROCEED IN FORMA PAUPERIS/AFFIDAVIT OF	0001			Y
INDIGENT/FINANCIAL CERTIFICATE						
0033	01/24/05	MOT /DEFT'S PRO PER MTN TO INSPECT ALL EVID FAVORABLE TO DEFENSE COURT MINUTES/15	0001	DN	02/07/05	
0034	01/24/05	MOT /DEFT'S PRO PER MTN FOR APPOINTMENT OF INVESTIGATOR/16	0001	GR	02/07/05	

(Continued to page 2)

04-C-204957-C		(Continuation	Page	2)
NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC SCH/PER C
0035	01/31/05	RSPN/RESPONSE TO DEFENDANTS MOTION FOR INVESTIGATOR	0001	
0036	01/31/05	CRTF/CERTIFICATE OF FACSIMILE TRANSMISSION	0001	01/28/05
0037	01/31/05	RSPN/RESPONSE TO DEFENDANTS MOTION FOR FULL DISCOVERY AND REQUEST BY THE STATE	0001	Y
FOR RECIPROCAL DISCOVERY				
0038	01/31/05	MOT /ALL PENDING MOTIONS (1/31/05)	0001	01/31/05
0039	02/07/05	MOT /ALL PENDING MOTIONS - 2/7/05	0001	02/07/05
0040	03/15/05	CALC/CALENDAR CALL (VJ 2/14/05)	0001	VC 03/15/05
0041	02/08/05	JURY/TRIAL BY JURY (VJ 2/14/05)	0001	VC 03/21/05
0042	02/09/05	HEAR/STATE'S REQUEST RESET TRIAL DATE	0001	GR 02/14/05
0043	02/07/05	PET /PETITION FOR PERMISSION FOR INCARCERATED PERSON TO MARRY PROPOSED ORDER	0001	Y
AUTHORIZING MARRIAGE				
0044	02/14/05	CALC/CALENDAR CALL	0001	03/29/05
0045	02/14/05	JURY/TRIAL BY JURY (VJ 3/29/05)	0001	VC 04/04/05
0046	02/09/05	ORDR/ORDER FOR APPOINTMENT OF PRIVATE INVESTIGATOR	0001	02/09/05
0047	02/09/05	ORDR/ORDER FOR CONTACT VISITS OF PRIVATE INVESTIGATOR	0001	02/09/05
0048	02/22/05	TRAN/REPORTER'S TRANSCRIPT RE EXCERPT OF SEALED HEARING	0001	12/13/04
0049	02/28/05	MOT /DEFT'S PRO PER MTN TO REVEAL CONFIDENTIAL INFORMANT/24	0001	DN 03/29/05
0050	02/28/05	MOT /DEFT'S PRO PER MTN TO PRESERVE EVIDENCE /25	0001	GR 03/29/05
0052	03/01/05	RSPN/RESPONSE TO DEFENDANTS MOTION TO PRESERVE EVIDENCE AND INSPECT ORIGINAL	0001	Y
PHOTO LINE UPS				
0053	03/01/05	OPPS/OPPOSITION TO DEFENDANTS MOTION TO REVEAL THE CONFIDENTIAL INFORMANT	0001	
0054	03/10/05	HEAR/DEFT'S PRO PER REQUEST FOR ISSUANCE OF SUBPOENA DUCES TECUM FOR DEFT/27	0001	MT 03/29/05
0055	03/10/05	REQT/REQUEST FOR ISSUANCE OF SUBPOENA DUCES TECUM FOR DEFENDANTS MEDICAL RECORDS	0001	
0056	03/16/05	REQT/EX PARTE MOTION FOR RELEASE OF MEDICAL RECORDS	0001	
0057	03/21/05	MOT /ALL PENDING MOTIONS (3/21/05)	0001	03/21/05
0058	03/16/05	ORDR/ORDER RELEASING MEDICAL RECORDS	0001	03/16/05
0059	03/18/05	RPLY/DEFENDANTS REPLY TO THE STATES OPPOSITION TO DEFENDANTS MOTION TO REVEAL CONFIDENTIAL INFORMANT	0001	Y
0060	03/23/05	MOT /ALL PENDING MOTIONS (3/23/05)	0001	03/23/05
0061	03/24/05	HEAR/DEFT'S PRO PER REQUEST COURT ORDER TO RECEIVE LAW BOOKS /30	0001	GR 03/29/05
0062	03/21/05	INFO/THIRD AMENDED INFORMATION	0001	03/21/05
0063	03/29/05	MOT /ALL PENDING MOTIONS (3/29/05)	0001	03/29/05
0064	03/29/05	JURY/OVERFLOW (16) S KRISKO/PRO PER-WOMMER 3 DAYS/10-13 WITNESSES/NO OUT OF STATE	0001	MC 04/01/05
0065	04/01/05	JURY/TRIAL BY JURY	0001	04/04/05
0067	03/30/05	ORDR/SUPPLEMENTAL ORDER FOR APPOINTMENT AND PAYMENT OF PRIVATE INVESTIGATOR	0001	03/30/05

(Continued to page 3)

04-C-204957-C		(Continuation	Page	3)
NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC SCH/PER C
0068	03/30/05	ORDR/ORDER FOR RETURN OF LAW BOOKS	0001	
0069	04/05/05	SENT/SENTENCING	0001	GR 08/08/05
0070	04/01/05	REQT/DEFENDANTS MOTION FOR A CONTINUANCE	0001	
0071	04/04/05	INFO/FOURTH AMENDED INFORMATION	0001	04/04/05
0072	04/04/05	MEMO/GUILTY PLEA MEMORANDUM/AGREEMENT	0001	
0073	04/13/05	ASSG/REASSIGNMENT OF JUDGE McGroarty TO JUDGE Herndon		
0074	05/05/05	ORDR/ORDER FOR PRODUCTION OF INMATE	0001	SH 06/06/05
0075	06/06/05	SENT/SENTENCING VQ 06/06/05	0001	VC 08/08/05
0076	06/28/05	MOT /DEFT'S PRO PER REQ FOR AMENDED PLEA/36		MT 08/08/05
0077	06/27/05	REQT/DEFENDANTS REQUEST FOR AMENDED PLEA AGREEMENT	0001	
0078	08/05/05	MOT /DEFT'S PRO PER MTN TO APPOINT COUNSEL/37	0001	VC 08/16/05
0079	08/08/05	MOT /ALL PENDING MOTIONS 8/8/05		08/08/05
0080	08/08/05	MOT /DEFT'S PRO PER MOTION TO WITHDRAW GUILTY PLEA/39	0001	08/23/05
0081	08/08/05	CCPD/CASE CLOSED PER DEPARTMENT		08/08/05
0082	08/31/05	JUDG/JUDGMENT OF CONVICTION - PLEA OF GUILTY	0001	08/31/05
0083	08/31/05	JMNT/ADMINISTRATION/ASSESSMENT FEE	0001	09/07/05
0084	08/31/05	JMNT/GENETIC TESTING FEE	0001	09/07/05
0085	09/08/05	ORDR/ORDER APPOINTING COUNSEL	0001	09/08/05
0086	08/07/06	AFFD/AFFIDAVIT IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS	0001	
0087	08/07/06	CASO/CASE (RE)OPENED		08/07/06
0088	08/07/06	MOT /DEFT'S PRO PER MTN FOR LEAVE TO PROCEED IN FORMA PAUPERIS /40	0001	GR 09/13/06
0089	08/07/06	MOT /DEFT'S PRO PER MTN TO APPOINT COUNSEL/41	0001	DN 09/13/06
0090	08/07/06	MOT /DEFT'S PRO PER MTN FOR COURT MINUTES & TRANSCRIPTS OF COURT MINUTES AT STATE/42	0001	DN 09/13/06
0091	08/07/06	MOT /DEFT'S PRO PER MTN FOR LEAVE TO SUPPLEMENT PETITION FOR WRIT OF /43	0001	DN 09/13/06
0092	08/07/06	PET /PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION	0001	
0093	08/10/06	PET /PTN FOR WRIT OF HABEAS CORPUS /44	0001	DN 12/18/06
0094	08/10/06	PPOW/ORDER FOR PETITION FOR A WRIT OF HABEAS CORPUS	0001	SH 11/20/06
0095	09/11/06	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION FOR LEAVE TO SUPPLEMENT PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION APPOINTMENT OF COUNSEL AND MOTION FOR COURT MINUTES AND TRANSCRIPTS AT STATE EXPENSE	0001	
0096	09/11/06	ORDR/APPLICATION AND ORDER FOR TRANSCRIPTS	0001	09/11/06
0097	09/13/06	MOT /ALL PENDING MOTIONS 9/13/06	0001	09/13/06
0098	09/13/06	MOT /DEFT'S PRO PER MOTION FOR TRANSCRIPTS AT STATE EXPENSE/46	0001	DN 10/09/06
0099	10/04/06	MOT /DEFT'S PRO PER MTN FOR A TESTIMONIAL EVIDENTIARY HEARING TO DEVELOP /47	0001	DN 10/17/06
0100	10/11/06	TRAN/REPORTER'S TRANSCRIPT OF SENTENCING	0001	08/08/05
0101	10/13/06	TRAN/REPORTER'S TRANSCRIPT GUILTY PLEA	0001	04/04/05
0102	10/25/06	ORDR/ORDER DENYING DEFENDANTS MOTION HEARD SEPTEMBER 13 2006	0001	10/25/06
0103	11/08/06	OCAL/MINUTE ORDER RE: DEFT'S MTN FOR TRANSPORTATION OF INMATE	0001	11/08/06

(Continued to page 4)



NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0104	11/17/06	OPPS/STATES OPPOSITION TO DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS POST	0001			Y
CONVICTION						
0105	12/13/06	RSPN/PETITIONERS RESPONSE TO THE STATES OPPOSITION TO PETITIONERS PETITION FOR WRIT OF HABEAS CORPUS REQUEST FOR EVIDENTIARY HEARING EXHIBITS	0001			Y
0106	12/15/06	MOT /DEFT'S PRO PER MTN FOR LEAVE TO FILE /49 (VJ 12/18/06)	0001	VC	01/08/07	
0107	01/11/07	STAT/CASE APPEAL STATEMENT	0001			
0108	01/11/07	NOAS/DESIGNATION OF RECORD ON APPEAL	0001			
0109	01/11/07	NOAS/NOTICE OF APPEAL (SC 48742)	0001	AP	01/11/07	
0110	01/12/07	STAT/CASE APPEAL STATEMENT	0001			
0111	01/29/07	JUDG/FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER	0001	HG	12/18/06	
0112	01/30/07	NOED/NOTICE OF ENTRY OF DECISION AND ORDER	0001		01/29/07	
0113	03/19/07	CASO/CASE (RE)OPENED-RECORD ON APPEAL		AP	03/19/07	
0114	03/19/07	IAPD/CASE INACTIVE PER DEPARTMENT		AP	03/19/07	
0115	03/28/07	CASO/CASE (RE)OPENED			03/28/07	
0116	03/28/07	MOT /DEFT'S PRO PER MTN FOR CORRECTION OR MODIFCATION OF THE RECORD/50	0001	DN	04/24/07	
0117	03/29/07	MOT /DEFT'S PRO PER REQUEST FOR TRANSCRIPT OF PROCEEDINGS /51	0001		04/17/07	
0118	04/16/07	TRAN/REPORTER'S TRANSCRIPT WRIT OF HABEAS CORPUS	0001			
0119	04/16/07	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO CORRECT OR MODIFICATION OF THE	0001			Y
RECORD						
0120	07/26/07	HEAR/AT THE REQUEST OF THE COURT: SUPREME CT REMAND	0001	MH	09/11/07	
0121	07/30/07	APCL/APPEAL TO SUPREME COURT: CLOSED 48742			07/24/07	
0122	08/23/07	JMNT/CLERK/AFFIRMED-VACATED IN PART/REMANDED	S		08/24/07	
0123	09/11/07	HEAR/CONFIRMATION OF COUNSEL (CHELINI)	0001		09/25/07	
0124	09/25/07	HEAR/CONFIRMATION OF COUNSEL (ALAN HARTE)	0001	MH	10/02/07	
0125	09/25/07	ORDR/ORDER FOR PRODUCTION OF INMATE RICKIE LAMONT SLAUGHTER BAC #85902	0001	SH	09/25/07	
0126	10/02/07	HEAR/CONFIRMATION OF COUNSEL (GARY GOWEN)	0001		10/19/07	
0127	10/09/07	ORDR/ORDER FOR PRODUCTION OF INMATE	0001	SH	10/18/07	
0128	10/19/07	OCAL/STATUS CHECK:EVIDENTIARY HEARING	0001	MH	11/27/07	
0129	10/22/07	ORDR/ORDER APPOINTING POST CONVICTION RELIEF COUNSEL	0001		10/22/07	
0130	11/02/07	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	0001		10/18/07	
0131	11/09/07	RSPN/ATTORNEY GENERALS RESPONSE TO NEVADA SUPREME COURTS JULY 24 2007 ORDER	0001			
0132	11/27/07	OCAL/FURTHER PROCEEDINGS: SENTENCE	0001		02/14/08	
0133	12/05/07	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	0001		12/05/07	
0134	02/14/08	ARGU/ARGUMENT DEFT'S REQUEST TO WITHDRAW PLEA	0001	MH	06/03/08	
0135	03/28/08	BREF/PETITIONERS OPENING BRIEF IN SUPPORT OF HIS REQUEST TO WITHDRAW HIS GUILTY	0001			Y
PLEAS AS APPROPRIATE HABEAS RELIEF						
0136	03/28/08	NCA /PETITIONERS APPENDIX IN SUPPORT OF OPENING BRIEF	0001			
0137	04/18/08	OPPS/OPPOSITION TO PETITIONERS MOTION FOR WITHDRAWAL OF GUILTY PLEA	0001			

(Continued to page 5)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0138	05/12/08	RPLY/PETITIONERS REPLY TO THE STATES OPPOSITION TO WITHDRAWAL OF GUILTY	0001 0001			Y
PLEA AS APPROPRIATE RELIEF						
0139	06/03/08	HEAR/EVIDENTIARY HEARING	0001	MH	06/19/08	
0140	06/30/08	ORDR/ORDER FOR TRANSCRIPT	0001		06/30/08	
0141	06/30/08	ORDR/ORDER FOR TRANSCRIPT	0001		06/30/08	
0142	06/30/08	TRAN/REPORTER'S TRANSCRIPT MTN TO WITHDRAW PLEA	0001 0001		06/03/08	
0143	06/30/08	TRAN/REPORTER'S TRANSCRIPT EVIDENTIARY HEARING	0001 0001		06/30/08	
0144	07/28/08	TRAN/REPORTER'S TRANSCRIPT OF FURTHER PROCEEDINGS	0001 0001		02/14/08	
0145	08/04/08	AFFT/PETITIONERS AFFIDAVIT FOR DISQUALIFICATION OF THE HONORABLE	0001 0001			Y
DISTRICT COURT JUDGE DOUGLAS W HERNDON FOR PARTIALITY BIAS PREJUDICE AND AS MATERIAL WITNESS TO DISPUTED EVIDENTIARY FACTS OF HABEAS CLAIM						
0146	08/11/08	FFCO/FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER	0001 0001	GR	08/11/08	
0147	08/12/08	NOED/NOTICE OF ENTRY OF DECISION AND ORDER	0001		08/11/08	
0148	08/22/08	CASO/CASE (RE)OPENED			08/22/08	
0149	08/22/28	MOT /DEFT'S PRO PER MTN FOR CORRECTION OR MODIFICATION OF RECORD & TRANSCRIPT/60	0001 0001		09/09/08	
0150	08/26/08	NOEV/NOTICE OF EXHIBITS IN THE VAULT			08/25/08	
0151	09/09/08	RSPN/STATES RESPONSE TO DEFTS MTN TO CORRECT TRANSCRIPT	0001 0001			
0152	09/09/08	NOAS/NOTICE OF APPEAL	0001	AP	09/07/08	
0153	09/10/08	STAT/CASE APPEAL STATEMENT	0001		09/10/08	
0154	09/09/08	STAT/CASE APPEAL STATEMENT	0001			

ORIGINAL

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CLERK OF THE COURT

ORDR  
DAVID ROGER  
Clark County District Attorney  
Nevada Bar #002781  
MARC P. DI GIACOMO  
Deputy District Attorney  
Nevada Bar #006955  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

RICKIE SLAUGHTER,  
#1896569

Defendant.

CASE NO: C204957  
DEPT NO: III

FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER

DATE OF HEARING: 6/18/08  
TIME OF HEARING: 8:30 A.M.

THIS CAUSE having come on for hearing before the Honorable Douglas Herndon, District Judge, on the 18th day of June, 2008, the Petitioner being present, in proper person, the Respondent being represented by DAVID ROGER, District Attorney, by and through MARC P. DI GIACOMO, Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, the evidentiary hearing and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. That on June 27, 2007, the Nevada Supreme Court remanded Petitioner's appeal from the denial of his post-conviction petition for writ of habeas corpus ordering this Court to hold an evidentiary hearing to determine three questions.

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CLERK OF THE COURT

- 1 2. As to the first question, the Court finds that no one specifically told Petitioner that his  
2 plea agreement would make him eligible for parole after fifteen (15) years, or that he  
3 would be paroled after fifteen (15) years, other than the language contained in the guilty  
4 plea agreement. This includes the representatives of the State, Mr. DiGiacomo and Ms.  
5 Krisko, his stand-by counsel, Mr. Wommer, and his investigator, Mr. Conklin.
- 6 3. To the extent that no promises, other than that contained in the guilty plea agreement  
7 were made to Petitioner, the court finds the plea knowing and voluntary. Petitioner's  
8 only issue is whether he can withdraw his plea because he was not aware of the Attorney  
9 General's interpretation of NRS 213.1213. However, as Petitioner represented himself in  
10 proper person, that lack of understanding cannot be grounds for relief.
- 11 4. As to whether NRS 213.1213 would allow for a minimum sentence of fifteen (15) years  
12 under the plea agreement, the Court answers that question in the affirmative. The clear  
13 intent of the statute is to prevent a prisoner who has two concurrent sentences to be  
14 paroled from prison on the earlier of the two parole dates. The statute is silent as to  
15 institutional parole from an underlying sentence to a weapons enhancement. To interpret  
16 the statute as the Attorney General has interpreted it, would allow the department to carry  
17 out sentences which were not the intent of the sentencing judge. When this Court  
18 sentenced Petitioner, the Court intended the sentence for Attempt Murder With Use of a  
19 Deadly Weapon (and the other counts) to run concurrent with the sentence for First  
20 Degree Kidnapping With Substantial Bodily Harm. The interpretation suggested by the  
21 Attorney General would have the deadly weapon enhancement run consecutive to the  
22 Kidnapping count which was not the intention of the Court.
- 23 5. Finally, this Court finds that the Nevada Department of Prisons is not precluded from  
24 paroling Petitioner for the primary offence with the deadly weapon enhancement when it  
25 paroles petitioner on the controlling sentence of First Degree Kidnapping Resulting In  
26 Substantial Bodily Harm.

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ORDER

THEREFORE, IT IS HEREBY ORDERED that the Nevada Department of Corrections is directed to interpret NRS 213.1213 as it relates to Petitioner in conformance with this order.

DATED this 8<sup>th</sup> day of August, 2008.

  
DISTRICT JUDGE

DAVID ROGER  
DISTRICT ATTORNEY  
Nevada Bar #002781

BY   
MARC P. DI GIACOMO  
Chief Deputy District Attorney  
Nevada Bar #006955

ORIGINAL

NOED

DISTRICT COURT  
CLARK COUNTY, NEVADA

FILED

2008 AUG 12 A 9:56

RICKIE SLAUGHTER,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

*Charles J. Short*  
CLERK OF THE COURT

Case No: C204957  
Dept No: III

NOTICE OF ENTRY OF  
DECISION AND ORDER

PLEASE TAKE NOTICE that on August 11, 2008, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on August 12, 2008.

CHARLES J. SHORT, CLERK OF THE COURT

By: *Brandi J. Wendel*

Brandi J. Wendel, Deputy Clerk

CERTIFICATE OF MAILING

I hereby certify that on this 12 day of August 2008, I placed a copy of this Notice of Entry of Decision and Order in:

The bin(s) located in the Office of the District Court Clerk of:  
Clark County District Attorney's Office  
Attorney General's Office - Appellate Division

- ☒ The United States mail addressed as follows:  
Rickie Slaughter # 85902  
P.O. Box 1989  
Ely, NV 89301

*Brandi J. Wendel*  
Brandi J. Wendel, Deputy Clerk

1 **ORDR**  
2 **DAVID ROGER**  
3 **Clark County District Attorney**  
4 **Nevada Bar #002781**  
5 **MARC P. DI GIACOMO**  
6 **Deputy District Attorney**  
7 **Nevada Bar #006955**  
8 **200 Lewis Avenue**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 671-2500**  
11 **Attorney for Plaintiff**

**FILED**  
Aug 11 8 58 AM '08  
CLERK OF THE COURT

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

12 **THE STATE OF NEVADA,**

13 **Plaintiff,**

14 **-vs-**

15 **RICKIE SLAUGHTER,**  
16 **#1896569**

17 **Defendant.**

CASE NO: C204957

DEPT NO: III

**FINDINGS OF FACT, CONCLUSIONS OF**  
**LAW AND ORDER**

**DATE OF HEARING: 6/18/08**  
**TIME OF HEARING: 8:30 A.M.**

18 **THIS CAUSE** having come on for hearing before the Honorable Douglas Herndon,  
19 **District Judge**, on the 18th day of June, 2008, the Petitioner being present, in proper person,  
20 **the Respondent** being represented by DAVID ROGER, District Attorney, by and through  
21 **MARC P. DI GIACOMO**, Deputy District Attorney, and the Court having considered the  
22 **matter**, including briefs, transcripts, arguments of counsel, the evidentiary hearing and  
23 **documents** on file herein, now therefore, the Court makes the following findings of fact and  
24 **conclusions of law:**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

- 25  
26 1. That on June 27, 2007, the Nevada Supreme Court remanded Petitioner's appeal from  
27 the denial of his post-conviction petition for writ of habeas corpus ordering this Court to  
28 hold an evidentiary hearing to determine three questions.

- 1 2. As to the first question, the Court finds that no one specifically told Petitioner that his  
2 plea agreement would make him eligible for parole after fifteen (15) years, or that he  
3 would be paroled after fifteen (15) years, other than the language contained in the guilty  
4 plea agreement. This includes the representatives of the State, Mr. DiGiacomo and Ms.  
5 Krisko, his stand-by counsel, Mr. Wommer, and his investigator, Mr. Conklin.
- 6 3. To the extent that no promises, other than that contained in the guilty plea agreement  
7 were made to Petitioner, the court finds the plea knowing and voluntary. Petitioner's  
8 only issue is whether he can withdraw his plea because he was not aware of the Attorney  
9 General's interpretation of NRS 213.1213. However, as Petitioner represented himself in  
10 proper person, that lack of understanding cannot be grounds for relief.
- 11 4. As to whether NRS 213.1213 would allow for a minimum sentence of fifteen (15) years  
12 under the plea agreement, the Court answers that question in the affirmative. The clear  
13 intent of the statute is to prevent a prisoner who has two concurrent sentences to be  
14 paroled from prison on the earlier of the two parole dates. The statute is silent as to  
15 institutional parole from an underlying sentence to a weapons enhancement. To interpret  
16 the statute as the Attorney General has interpreted it, would allow the department to carry  
17 out sentences which were not the intent of the sentencing judge. When this Court  
18 sentenced Petitioner, the Court intended the sentence for Attempt Murder With Use of a  
19 Deadly Weapon (and the other counts) to run concurrent with the sentence for First  
20 Degree Kidnapping With Substantial Bodily Harm. The interpretation suggested by the  
21 Attorney General would have the deadly weapon enhancement run consecutive to the  
22 Kidnapping count which was not the intention of the Court.
- 23 5. Finally, this Court finds that the Nevada Department of Prisons is not precluded from  
24 paroling Petitioner for the primary offence with the deadly weapon enhancement when it  
25 paroles petitioner on the controlling sentence of First Degree Kidnapping Resulting In  
26 Substantial Bodily Harm.

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ORDER


THEREFORE, IT IS HEREBY ORDERED that the Nevada Department of Corrections is directed to interpret NRS 213.1213 as it relates to Petitioner in conformance with this order.

DATED this 7 day of August, 2008.

DOUGLAS W. HERNDON

DISTRICT JUDGE

DAVID ROGER  
DISTRICT ATTORNEY  
Nevada Bar #002781

BY   
\_\_\_\_\_  
MARC P. DI GIACOMO  
Chief Deputy District Attorney  
Nevada Bar #006955

## CRIMINAL COURT MINUTES

04-C-204957-C      STATE OF NEVADA      vs Slaughter, Rickie

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10/05/04 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Jennifer Kimmel/jk, Court Clerk  
April Watkins, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES:              STATE OF NEVADA  
006024      Krisko, Susan R.  
  
0001 D1      Slaughter, Rickie  
PUBDEF      Public Defender  
008243      Rue, Jeffrey T.

Y  
Y  
  
Y  
Y  
Y

Ex Parte Motion For Release of Medical Records, FILED IN OPEN COURT.  
Colloquy regarding Defendant's request for Own Recognizance (O.R.) release  
for marriage. Ms. Krisko stated opposition. COURT ORDERED, request is  
DENIED. Defendant requested to retain private counsel. FURTHER ORDERED,  
matter set for hearing. DEFT. SLAUGHTER ARRAIGNED, PLED NOT GUILTY and  
INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial. FURTHER  
ORDERED, Writ may be filed 21 days after date of receipt.

## CUSTODY

10/19/04 9:00 A.M. CONFIRMATION OF COUNSEL (PRIVATE)//EX PARTE MOTION FOR  
RELEASE OF MEDICAL RECORDS

11/30/04 9:00 A.M. CALENDAR CALL

12/6/04 1:30 P.M. TRIAL BY JURY

---

10/19/04 09:00 AM 00 ALL PENDING MOTIONS 10-19-04

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Annette Duncan, Court Clerk  
Peggy Isom, Reporter/Recorder

PARTIES:              STATE OF NEVADA  
006024      Krisko, Susan R.  
  
0001 D1      Slaughter, Rickie  
PUBDEF      Public Defender  
005924      Cox, G. Darren  
000015      Wommer, Paul E.

Y  
Y  
  
Y  
Y  
Y  
Y

CONFIRMATION OF COUNSEL (PRIVATE)...EX PARTE MOTION FOR RELEASE OF MEDICAL  
RECORDS...PUBLIC DEFENDER'S MOTION WITHDRAW

## CRIMINAL COURT MINUTES

04-C-204957-C STATE OF NEVADA

vs Slaughter, Rickie

CONTINUED FROM PAGE: 001

Statement by Ms. Krisko. COURT ORDERED, Public Defender's Motion GRANTED; PD WITHDRAWN. Mr. WOMMER APPOINTED and CONFIRMED as Counsel of Record. COURT ORDERED, Ex Parte Motion MOOT and an Order has already been signed and filed. FURTHER, trial date STANDS.

CUSTODY

11/30/04 09:00 AM 00 CALENDAR CALL

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Jennifer Kimmel, Court Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA

006024 Krisko, Susan R.

0001 D1 Slaughter, Rickie

000015 Wommer, Paul E.

Y

Y

Y

Y

Both sides announced ready for a 2-to-3 day trial with 10-13 witnesses, none out of state. COURT ORDERED, case REFERRED to OVERFLOW.

CUSTODY

12-03-04 9:30 A.M. OVERFLOW (VII)  
S.KRISKO/P.WOMMER 2-3 DAYS  
10-13 WITNESSES

12/03/04 09:30 AM 00 OVERFLOW (16) S KRISKO / P WOMMER  
2-3 DAYS/10-13 WITNESSES/NO OUT OF STATE

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

OFFICERS: Denise Trujillo, Court Clerk  
Jackie Nelson, Reporter/Recorder

PARTIES: STATE OF NEVADA

Y

COURT ORDERED, pursuant to stipulation, this matter CONTINUED to next weeks overflow calendar.

CUSTODY

CONTINUED TO: 12/10/04 09:30 AM 01

## CRIMINAL COURT MINUTES

04-C-204957-C

STATE OF NEVADA

vs Slaughter, Rickie

CONTINUED FROM PAGE: 002

12/10/04 09:30 AM 01 OVERFLOW (16) S KRISKO / P WOMMER  
2-3 DAYS/10-13 WITNESSES/NO OUT OF STATE

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

OFFICERS: Tina Hurd, Court Clerk  
JoAnn Orduna, Reporter/Recorder

PARTIES: STATE OF NEVADA  
006024 Krisko, Susan R.  
0001 D1 Slaughter, Rickie  
000015 Wommer, Paul E.

Y  
Y  
N  
Y

COURT ORDERED, matter REFERRED TO DEPARTMENT I for trial on Monday at 9:30 a.m.; counsel to meet with Judge Cory in chambers prior to trial. Court advised, due to the size of Judge Cory's courtroom, this Court will find a larger courtroom for jury selection and advise Judge Cory and the jail.

CUSTODY

12-13-04 9:30 AM JURY TRIAL (DEPT. I)

12/13/04 09:30 AM 00 TRIAL BY JURY

HEARD BY: Ken Cory, Judge; Dept. 1

OFFICERS: Cheryl Case, Court Clerk  
Debbie Van Blaricom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
006024 Krisko, Susan R.  
006955 Di Giacomo, Marc P.  
0001 D1 Slaughter, Rickie  
000015 Wommer, Paul E.

Y  
Y  
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Y

Mr. Wommer stated Defendant refuses to dress for Court and will not attend the trial. Second Amended Information was FILED IN OPEN COURT. Matter TRAILED.

Matter RECALLED. Same parties present. Defendant present. Defendant submitted Motion To Dismiss Counsel (Ex Parte) And Appointment Of Alternate Counsel, which was FILED IN OPEN COURT. Court reviewed Motion. Argument by Defendant. Based upon the allegations in the Motion, Court excused the Deputy District Attorneys from the Courtroom. Upon Court's inquiry, Mr. Wommer stated he has adequately for trial, and there are no issues for a Writ. Colloquy regarding Defendant's medical records and scars. COURT ORDERED, Motion To Dismiss Counsel DENIED; Motion For Appointment Of

## CRIMINAL COURT MINUTES

04-C-204957-C STATE OF NEVADA

vs Slaughter, Rickie

CONTINUED FROM PAGE: 003

Alternate Counsel DENIED. FURTHER, COURT ORDERED, Defendant's request for a continuance GRANTED; Defendant shall have the opportunity to obtain medical records. Defendant requested a faretta canvass and stated he would do the trial himself with co-counsel. Mr. Wommer stated he could be stand-by counsel to answer procedural and evidentiary questions. Court conducted faretta canvass. Defendant stated he understood and wanted to represent himself in this case. COURT SO ORDERED. FURTHER, COURT ORDERED, Mr. Wommer APPOINTED AS STAND-BY COUNSEL. Mr. Wommer stated he would visit Defendant tomorrow and provide discovery. Ms. Krisko and Mr. DiGiacomo present. Colloquy regarding trial continuance. Defendant requested this case be referred back to Judge McGroarty. Mr. DiGiacomo inquired about the faretta canvass. Upon Court's inquiry, Defendant requested a trial continuance of six months. Ms. Krisko inquired about Defendant's right to a speedy trial. Defendant WAIVED his right to a trial within sixty days. Ms. Krisko requested a transcript of the faretta canvass. Court noted a Motion to unseal the transcript could be filed. COURT ORDERED, faretta canvass portion of the transcript UNSEALED. COURT ORDERED, matter REFERRED BACK TO DEPARTMENT SIXTEEN for trial setting.

## CUSTODY

12/16/04 9:00 AM TRIAL SETTING

CLERK'S NOTE: Exhibits 1-92, which were marked as proposed exhibits, were returned to Mr. DiGiacomo on 12/13/04. Thirty-three exhibits which were not marked as proposed exhibits were returned to Detective Prieto on 12/14/04.cc

12/16/04 09:00 AM 00 TRIAL SETTING

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Jennifer Kimmel, Court Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
006024 Krisko, Susan R.

Y

Y

0001 D1 Slaughter, Rickie  
000015 Wommer, Paul E.

Y

Y

Colloquy regarding transcript, previously unsealed. COURT CONFIRMED transcript of Farretta canvass has previously been UNSEALED and shall remain unsealed, with all other matters remaining sealed. COURT ORDERED, Trial RESET.

## CUSTODY

2/8/05 9:00 A.M. CALENDAR CALL

CONTINUED ON PAGE: 005

## CRIMINAL COURT MINUTES

04-C-204957-C STATE OF NEVADA

vs Slaughter, Rickie

CONTINUED FROM PAGE: 004

2/14/05 1:30 P.M. TRIAL BY JURY

01/31/05 09:00 AM 00 ALL PENDING MOTIONS (1/31/05)

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: April Watkins, Relief Clerk  
Peggy Isom, Reporter/RecorderPARTIES: STATE OF NEVADA  
007842 Nelson III, Roy L.  
0001 D1 Slaughter, Rickie  
000015 Wommer, Paul E.Y  
Y  
Y  
YDEFT'S PRO PER MOTION FOR PERMISSION FOR INCARCERATED PERSON TO MARRY/ORDER  
AUTHORIZING MARRIAGE OF DEFT...DEFT'S PRO PER APPLICATION TO PROCEED INFORMA  
PAUPERISMr. Wommer advised the State has not responded and the Deft. will be asking  
for additional time. Statement by Deft. COURT ORDERED, matters CONTINUED.

CUSTODY

CONTINUED TO: 2/7/05 9:00 AM

02/07/05 09:00 AM 00 ALL PENDING MOTIONS - 2/7/05

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Jennifer Kimmel, Court Clerk  
Peggy Isom, Reporter/RecorderPARTIES: STATE OF NEVADA  
006024 Krisko, Susan R.  
0001 D1 Slaughter, Rickie  
000015 Wommer, Paul E.Y  
Y  
Y  
YDEFENDANT'S PRO PER MOTION TO INSPECT ALL EVIDENCE FAVORABLE TO  
DEFENSE...DEFENDANT'S PRO PER MOTION FOR APPOINTMENT OF  
INVESTIGATOR...DEFENDANT'S PRO PER MOTION FOR PERMISSION FOR INCARCERATED  
PERSON TO MARRY/ORDER AUTHORIZING MARRIAGE OF DEFENDANT...DEFENDANT'S PRO  
PER APPLICATION TO PROCEED IN FORMA PAUPERISStatements by Deft., argument by counsel. COURT ORDERED as follows:  
Regarding Deft's Motion to Inspect all evidence favorable to Defense, Motion  
is DENIED as all discovery requests have been provided to Deft. or his

CONTINUED ON PAGE: 006

## CRIMINAL COURT MINUTES

04-C-204957-C STATE OF NEVADA

vs Slaughter, Rickie

CONTINUED FROM PAGE: 005

counsel, Mr. Wommer. Regarding Deft's Motion for Appointment of Investigator, this Motion is GRANTED, given there is no opposition. Additionally Regarding Deft's Motion to Proceed in Forma Pauperis given there is no opposition, matter is GRANTED. FURTHER, regarding Deft's Motion for Permission to Marry, Motion is GRANTED subject to the Rules, Regulations and Procedures of the Clark County Detention Center (CCDC). Order offered to Court and SIGNED and FILED IN OPEN COURT.

## CUSTODY

CLERK'S NOTE: A copy of the Order Granting Deft. Permission to Marry was mailed, via Proper Person Clerk to Deft. on 2/11/05. jk

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02/08/05 09:00 AM 00 CALENDAR CALL

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: Jennifer Kimmel, Court Clerk  
Peggy Isom, Reporter/RecorderPARTIES: STATE OF NEVADA  
006024 Krisko, Susan R.

Y

Y

0001 D1 Slaughter, Rickie  
000015 Wommer, Paul E.

Y

Y

Mr. Jim Conklin, Investigator, also present. Both sides announced ready for trial. Ms. Krisko requesting #1 on next stack. COURT ORDERED, Trial RESET.

## CUSTODY

3/15/05 9:00 A.M. CALENDAR CALL

3/21/05 1:30 P.M. TRIAL BY JURY (#1)

## CRIMINAL COURT MINUTES

04-C-204957-C      STATE OF NEVADA      vs Slaughter, Rickie  
CONTINUED FROM PAGE: 006

02/14/05 09:00 AM 00 STATE'S REQUEST RESET TRIAL DATE

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: April Watkins, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
007842	Nelson III, Roy L.	Y
0001 D1	Slaughter, Rickie	Y
PRO SE	Pro Se	Y
000015	Wommer, Paul E.	Y

Statements by counsel and Deft. COURT ORDERED, State's request GRANTED;  
trial date VACATED and RESET.

CUSTODY

3/29/05 9:00 AM CALENDAR CALL

4/4/05 1:30 PM JURY TRIAL

---

03/21/05 09:00 AM 00 ALL PENDING MOTIONS (3/21/05)

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: April Watkins, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
006024	Krisko, Susan R.	Y
0001 D1	Slaughter, Rickie	Y
PRO SE	Pro Se	Y
000015	Wommer, Paul E.	Y

DEFT'S PRO PER MOTION TO PRESERVE EVIDENCE. REQUEST TO INSPECT ORIGINAL  
PHOTO LINEUP...DEFT'S PRO PER MOTION TO REVEAL CONFIDENTIAL INFORMANT

Third Amended Information FILED IN OPEN COURT. Deft. requested matter be  
continued to prepare for argument. Ms. Krisko requested motion set for  
March 29, 2005, be moved to new continuance date. COURT ORDERED, matters  
CONTINUED and matter set for March 29, 2005, moved to new date.

CUSTODY

3/23/05 9:00 AM DEFT'S PRO PER MOTION TO PRESERVE EVIDENCE/REQUEST TO  
INSPECT ORIGINAL PHOTO LINEUP...DEFT'S PRO PER MOTION TO REVEAL CONFIDENTIAL



## CRIMINAL COURT MINUTES

04-C-204957-C STATE OF NEVADA

vs Slaughter, Rickie

CONTINUED FROM PAGE: 007

INFORMANT...DEFT'S PRO PER REQUEST FOR ISSUANCE OF SUBPOENA DUCES TECUM FOR DEFT.

03/23/05 09:00 AM 00 ALL PENDING MOTIONS (3/23/05)

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: April Watkins, Court Clerk  
Nancy Noble/nn, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
006024 Krisko, Susan R.

Y  
Y

0001 D1 Slaughter, Rickie  
000015 Wommer, Paul E.

Y  
Y

DEFT'S PRO PER MTN TO PRESERVE EVIDENCE, REQUEST TO INSPECT ORIGINAL PHOTO LINEUPS...DEFT'S PRO PER REQUEST FOR ISSUANCE OF SUBPOENA DUCES TECUM FOR DEFT....DEFT'S PRO PER MOTION TO REVEAL CONFIDENTIAL INFORMANT....

COURT ORDERED matters CONTINUED to be handled at Calendar Call.

CUSTODY

03/29/05 9:00 AM DEFT'S MTN PRESERVE EVIDENCE, DEFT REQ INSPECT ORIG PHOTO LINEUPS, DEFT'S REQUEST FOR ISSUANCE OF SUBPOENA DUCES TECUM, DEFT'S MTN TO REVEAL CONFIDENTIAL INFORMANT

03/29/05 09:00 AM 00 ALL PENDING MOTIONS (3/29/05)

HEARD BY: John S. McGroarty, Judge; Dept. 16

OFFICERS: April Watkins, Court Clerk  
Peggy Isom, Reporter/Recorder

PARTIES: STATE OF NEVADA  
006024 Krisko, Susan R.

Y  
Y

0001 D1 Slaughter, Rickie  
PRO SE Pro Se  
000015 Wommer, Paul E.

Y  
Y  
Y

DEFT'S PRO PER REQUEST FOR ISSUANCE OF SUBPOENA DUCES TECUM FOR DEFT'S MEDICAL RECORDS...DEFT'S PRO PER MOTION TO PRESERVE EVIDENCE/REQUEST TO INSPECT ORIGINAL PHOTO LINEUPS...DEFT'S PRO PER MOTION TO REVEAL CONFIDENTIAL INFORMANT...DEFT'S PRO PER REQUEST COURT ORDER TO RECEIVE LAW BOOKS

CONTINUED ON PAGE: 009

## CRIMINAL COURT MINUTES

04-C-204957-C STATE OF NEVADA

vs Slaughter, Rickie

CONTINUED FROM PAGE: 008

Ms. Krisko advised she has subpoena and provided to the Deft. in open court. COURT ORDERED, Deft's Pro Per Request for Issuance MOOT. Ms. Krisko stated as to Deft's Pro Per Motion to Preserve Evidence, originals will be provided at trial. FURTHER ORDERED, Deft's Pro Per Motion to Preserve GRANTED. Deft. argued in support of Motion to Reveal Confidential Informant. COURT ORDERED, Motion to Reveal DENIED. Deft. requested the Court review in camera. FURTHER ORDERED, request DENIED. COURT ORDERED, Deft's Pro Per Request Court Order to Receive Law Books GRANTED.

Ms. Krisko requested matter be sent to overflow. Opposition by the Deft. Ms. Krisko argued the State invoked it's speedy trial rights which have already been violated. CONFERENCE AT BENCH. FURTHER ORDERED, matter REFERRED to OVERFLOW.

## CUSTODY

4/1/05 9:30 AM OVERFLOW (16)  
S. KRISKO/PRO PER/P. WOMMER (STANDBY); 2-3 DAYS  
10-13 WITNESSES; NOT OUT OF STATE WITNESSES

04/01/05 09:30 AM 00 OVERFLOW (16) S KRISKO/PRO PER-WOMMER  
3 DAYS/10-13 WITNESSES/NO OUT OF STATE

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

OFFICERS: Georgette Byrd/gb, Relief Clerk  
Renee Silvaggio, Reporter/Recorder

PARTIES: STATE OF NEVADA  
006024 Krisko, Susan R.

Y

Y

0001 D1 Slaughter, Rickie  
000015 Wommer, Paul E.

Y

Y

Deft. filed his Pro Per Motion to Continue due to stand by counsel not being available for trial. Mr. Wommer stated he will be in an Elko trial. Additionally, defendants investigator will not be available to testify regarding an alibi witnesses. The defendant further stated he has suppression motions he wants to argue; he never got to listen to jail phone conversations; he needs his booking photo to verify it was not him in the line up and he needs his expert witnesses to testify. The defendant further pointed out that the case has not been going on very long and has not created any hardship for the State. COURT ORDERED, when parties get to this point there are no continuances, this case will go to trial in department III next week.

## CUSTODY

## CRIMINAL COURT MINUTES

04-C-204957-C STATE OF NEVADA

vs Slaughter, Rickie

CONTINUED FROM PAGE: 009

04/04/05 1:30 PM TRIAL BY JURY

04/04/05 01:30 PM 00 TRIAL BY JURY

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk  
Yvonne Valentin, Reporter/Recorder

PARTIES:	STATE OF NEVADA	N
006024	Krisko, Susan R.	Y
006955	Di Giacomo, Marc P.	Y
0001 D1	Slaughter, Rickie	Y
PRO SE	Pro Se	Y
000015	Wommer, Paul E.	Y

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL. Standby counsel, Mr. Wommer not present. Record made by Defendant regarding issues he has which are reasons he does not want to proceed to trial today. Statement by Defendant's investigator, Jim Conklin. Response by Ms. Krisko that she believes that these are delay tactics. Argument by Defendant. Court stated the Mr. Wommer previously announced ready for trial, however, Defendant spoke with Judge Cory outside the presence of the State and was granted a continuance and also was allowed to represent himself. Further, on 2/8 the Court minutes reflect that both sides announced ready for trial on 2/14. Defendant stated that minutes are in error and he is not ready as he was just granted a private investigator. Additionally, Defendant advised that he never saw the original photo line-up, however, he did receive the booking photo. Original photo line-up marked as a proposed exhibit and was given to Defendant. COURT ORDERED, Request for Continuance is DENIED.

Mr. Wommer present. Matter recessed for parties to discuss negotiation.

Matter recalled with same parties present. FOURTH AMENDED INFORMATION and GUILTY PLEA AGREEMENT FILED IN OPEN COURT. NEGOTIATIONS: State agrees to retain right to argue for fifteen (15) years to life as to Count 3, but stipulates that life without parole is not available; State will not oppose concurrent time; Defendant retains right to argue for fifteen (15) to forty (40) years as to Count 3. Defendant SLAUGHTER ARRAIGNED AND PLED GUILTY TO COUNT 1 - Attempt Murder With Use Of A Deadly Weapon (F), Count 2 - Robbery With Use Of A Deadly Weapon (F), Count 3 - First Degree Kidnapping (F), resulting in substantial bodily harm, and Count 4 - First Degree Kidnapping With Use Of A Deadly Weapon (F). COURT ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing. Defendant REMANDED to Custody. Proposed Exhibits returned to the State.

CUSTODY

## CRIMINAL COURT MINUTES

04-C-204957-C STATE OF NEVADA

vs Slaughter, Rickie

CONTINUED FROM PAGE: 010

6/6/05 10:30 AM SENTENCING

06/06/05 10:30 AM 00 SENTENCING

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk  
Mary Beth Cook, Reporter/Recorder

PARTIES: NO PARTIES PRESENT

Court noted that Parole and Probation did not interview Defendant as he was transferred to Nevada State Prison on another case. COURT ORDERED, matter CONTINUED until after interview and amended presentence report is prepared. Court stated it would like to remand Defendant to Detention Center for a few days and have interviewed by Thursday. Defendant Slaughter advised that he is in a program at Nevada State Prison and would prefer to go back and would agree to a phone interview. COURT ORDERED, matter CONTINUED; Parole and Probation is to conduct a phone interview and prepare an amended presentence report.

CUSTODY (COC-NDP)

CONTINUED TO: 08/08/05 10:00 AM 01

08/08/05 09:00 AM 00 ALL PENDING MOTIONS 8/8/05

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk  
Sharon Howard, Reporter/Recorder

PARTIES: STATE OF NEVADA  
006024 Krisko, Susan R.  
0001 D1 Slaughter, Rickie  
PRO SE Pro Se  
000015 Wommer, Paul E.

N  
Y  
Y  
Y  
Y

DEFT'S PRO PER REQUEST FOR AMENDED PLEA...SENTENCING

Defendant Slaughter advised that he filed a Motion for Appointment of Counsel for sentencing. Upon inquiry by the Court, Mr. Wommer, who is standby counsel, advised that he is prepared to proceed. COURT ORDERED, Deft's Pre Per Motion to Appoint Counsel which is set for hearing on 8/16 is GRANTED, Court will allow Mr. Wommer to proceed with Sentencing and motion is VACATED from 8/16 calendar.

CONTINUED ON PAGE: 012

## CRIMINAL COURT MINUTES

04-C-204957-C STATE OF NEVADA

vs Slaughter, Rickie

CONTINUED FROM PAGE: 011

As to Deft's Pro Per Request for Amended Plea, Ms. Krisko advised that she has discussed with Defendant and will stipulate to argue for a sentence of 15 years to Life, noting that she has written that stipulation on Mr. Slaughter's paperwork, and Mr. Slaughter can argue 15 years to 40 years. COURT ORDERED, Deft's Pro Per Request for Amended Plea is MOOT.

DEFT. SLAUGHTER ADJUDGED GUILTY of Count 1 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F), COUNT 2 - ROBBERY WITH USE OF A DEADLY WEAPON (F), COUNT 3 - FIRST DEGREE KIDNAPPING (F), and COUNT 4 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F). Argument by Ms. Krisko. Statement by Defendant. Argument by Mr. Wommer. In addition to the \$25.00 Administrative Assessment Fee, \$150 DNA Fee, submitting to Genetic marker testing, and \$35,000 Restitution, COURT ORDERED, on COUNT 1 Defendant SLAUGHTER is SENTENCED to a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS and a MINIMUM of NINETY (90) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MAXIMUM of TWO HUNDRED FORTY (240) MONTHS and a MINIMUM of NINETY (90) MONTHS for Use of a Deadly Weapon; on COUNT 2, Defendant SLAUGHTER is SENTENCED to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS and a MINIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC), plus and equal and CONSECUTIVE MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS and a MINIMUM of SEVENTY-TWO (72) MONTHS for Use of a Deadly Weapon, CONCURRENT with Count 1; on COUNT 3, Defendant SLAUGHTER is SENTENCED to a MAXIMUM of LIFE in the Nevada Department of Corrections (NDC), with a MINIMUM of 15 YEARS before Parole Eligibility, CONCURRENT with Counts 1 and 2; on COUNT 4, Defendant SLAUGHTER is SENTENCED to LIFE in the Nevada Department of Corrections (NDC), with a MINIMUM of 5 YEARS before Parole Eligibility, plus and equal and CONSECUTIVE LIFE in the Nevada Department of Prisons, with a MINIMUM of 5 YEARS before Parole Eligibility for Use of a Deadly Weapon, CONCURRENT with Counts 1, 2, and 3, with NO Credit for Time Served. Ms. Krisko noted an issue of concurrent with C196399. Further, COURT ORDERED, since Defendant is given no credit for time served in this case, this sentence is CONCURRENT with C196399.

---

09/13/06 09:00 AM 00 ALL PENDING MOTIONS 9/13/06

HEARD BY: J. Charles Thompson, Judge; Dept. 1

OFFICERS: Carol Green, Court Clerk  
Norma Silverman, Reporter/RecorderPARTIES: STATE OF NEVADA  
006024 Krisko, Susan R.N  
Y

DEFT'S PRO PER MOTION FOR COURT MINUTES AND TRANSCRIPTS OF COURT MINUTES AT STATE'S EXPENSE...DEFT'S PRO PER MOTION FOR LEAVE TO SUPPLEMENT PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...DEFT'S PRO PER MOTION TO APPOINT COUNSEL

## CRIMINAL COURT MINUTES

04-C-204957-C STATE OF NEVADA

vs Slaughter, Rickie

CONTINUED FROM PAGE: 012

As to Defendant's Pro Per Motion for Leave to Proceed in Forma Pauperis, COURT ORDERED, motion GRANTED. Argument by Ms. Krisco that there is nothing complex for Defendant to have counsel appointed and no need for court minutes or transcripts, and there is no reason for him to file a supplemental petition. Court noted that the time to file a petition has expired, so a petition to file a supplement would have expired as well. Further, Defendant pled guilty and Court does not see any error showing the need for transcripts or counsel to be appointed. As Court does not see merit to motions, COURT ORDERED, Deft's Pro Per Motion for Court Minutes and Transcripts of Court Minutes at State's Expense, Defendant's Pro Per Motion for Leave to Supplement Petition for Writ of Habeas Corpus and Deft's Pro Per Motion to Appoint Counsel are DENIED.

NDC

10/09/06 09:00 AM 00 DEFT'S PRO PER MOTION FOR TRANSCRIPTS AT  
STATE EXPENSE/46

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Jennifer Lott, Relief Clerk  
Mary Beth Cook, Reporter/Recorder

PARTIES: STATE OF NEVADA  
007135 Pesci, Giancarlo

Y  
Y

Court noted the same motion was denied by Judge Thompson 9/13/06, and there is no reason for motion to be re-filed. COURT ORDERED, motion is DENIED as there is no basis for reconsideration and no legal merit. State to prepare the order.

NDC

## CRIMINAL COURT MINUTES

04-C-204957-C

STATE OF NEVADA

vs Slaughter, Rickie

CONTINUED FROM PAGE: 013

10/17/06 09:00 AM 00 DEFT'S PRO PER MTN FOR A TESTIMONIAL  
EVIDENTIARY HEARING TO DEVELOP /47

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk  
Sharon Howard, Reporter/Recorder

PARTIES: STATE OF NEVADA  
006955 Di Giacomo, Marc P.

N  
Y

Court noted that Defendant is not present as he is in custody at the Nevada Department of Corrections. Mr. DiGiacomo represented that Defendant received Fifteen (15) years to Life and he does not see need to have testimony. Court stated that it seems that Defendant is complaining that he got more than 15 to life, but Court noted that on Count 3 Defendant was sentenced to Life with a Minimum of Fifteen (15) years, with other counts running concurrently, and none of the other counts had more than 15 years. Therefore, COURT ORDERED, motion is DENIED.

NDC

11/08/06 09:00 AM 00 MINUTE ORDER RE: DEFT'S MTN FOR  
TRANSPORTATION OF INMATE

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk

PARTIES: NO PARTIES PRESENT

Court received the original unfiled Motion for Transportation of Inmate for Court Appearance. If this motion was filed and set by Master Calendar, it would be heard after the hearing date for the Petition for Writ of Habeas Corpus. Therefore, Court requested that the Judicial Executive Assistant contact the District Attorney's Office and direct them to prepare an Order to Transport Defendant Slaughter for the hearing on the Petition for Writ of Habeas Corpus on November 20, 2006. Therefore, Defendant's Motion is MOOT and will not be filed or set for hearing.

## CRIMINAL COURT MINUTES

04-C-204957-C STATE OF NEVADA vs Slaughter, Rickie  
CONTINUED FROM PAGE: 014

11/20/06 09:00 AM 00 PTN FOR WRIT OF HABEAS CORPUS /44

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk  
Sharon Howard, Reporter/Recorder

PARTIES: STATE OF NEVADA  
009210 Tomsheck, Joshua L.

N  
Y

Court was informed that Defendant was not transported from Nevada State Prison. COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 11/28/06 09:00 AM 01

11/28/06 09:00 AM 01 PTN FOR WRIT OF HABEAS CORPUS /44

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk  
Sharon Howard, Reporter/Recorder

PARTIES: STATE OF NEVADA  
006955 Di Giacomo, Marc P.

N  
Y

0001 D1 Slaughter, Rickie  
PRO SE Pro Se

Y  
Y

Mr. Slaughter stated he received the State's opposition last night and is not prepared. Court stated it will continue matter but explained to Defendant Slaughter that he does not have any sentence after the 15 to Life and the most he can do before being eligible for parole is 15 years, as there are no sentences which are consecutive. Upon request of Defendant, a copy of the District Attorney's copy of the plea transcript and the sentencing transcript was provided to the Defendant. COURT ORDERED, matter CONTINUED; reply to the State's opposition is to be filed by 12/13. Further, COURT ORDERED, Mr. Di Giacomo to prepare Order to Transport Defendant for the next hearing.

NDC

CONTINUED TO: 12/18/06 09:00 AM 02



## CRIMINAL COURT MINUTES

04-C-204957-C      STATE OF NEVADA      vs Slaughter, Rickie  
CONTINUED FROM PAGE: 015

12/18/06 09:00 AM 02 PTN FOR WRIT OF HABEAS CORPUS /44

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk  
Sharon Howard, Reporter/Recorder

PARTIES:                      STATE OF NEVADA  
006955      Di Giacomo, Marc P.  
  
0001 D1      Slaughter, Rickie  
PRO SE      Pro Se

N  
Y  
  
Y  
Y

Argument by Defendant Slaughter. Mr. Di Giacomo submitted on the pleadings. Court stated it remembers doing this plea and Court is satisfied from memory and review of plea agreement that everything was understood. Further, Court stated that Defendant believes that there is a sentence which will start running after 15 years as records from Nevada Department of Prisons indicate that there is a deadly weapon enhancement pending. Court advised that every sentence is concurrent and what Defendant was told did happen. Therefore, as Defendant got exactly what he bargained for, there is nothing to warrant an Evidentiary Hearing. Mr. Di Giacomo represented that he has called the timekeeper, but has not received a return phone call. Court noted if they do not give Defendant a parole hearing after five years, then that can be brought before the Court and at that time Defendant can move the Court for some relief, but that does not change the agreement which was entered into, or the granting for request to withdraw plea. COURT ORDERED, Petition for Writ of Habeas Corpus is DENIED; further, Defendant's Pro Per Motion for Leave to File Supplemental and Amended Petition for Writ of Habeas Corpus/Amended Petition set for hearing on 1/8/07 is VACATED.

NDC

04/17/07 09:00 AM 00 DEFT'S PRO PER REQUEST FOR TRANSCRIPT OF  
PROCEEDINGS /51

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk

PARTIES:                      STATE OF NEVADA  
009897      Rinetti, Dena I.

N  
Y

Court noted Defendant is not present as he is in the Nevada Department of Prisons. As there is no showing by Defendant as to necessity of request, COURT ORDERED, Defendant's motion is DENIED.

MATTER RECALLED. Court stated that in talking with the Court Reporter, she informed the Court that Defendant Slaughter's father contacted her, provided

CONTINUED ON PAGE: 017

## CRIMINAL COURT MINUTES

04-C-204957-C STATE OF NEVADA

vs Slaughter, Rickie

CONTINUED FROM PAGE: 016

a check and transcripts were produced. Therefore, motion is MOOT.

NDC

04/24/07 09:00 AM 00 DEFT'S PRO PER MTN FOR CORRECTION OR  
MODIFCATION OF THE RECORD/50

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk  
Sharon Howard, Reporter/Recorder

PARTIES: STATE OF NEVADA  
004630 Hendricks, Craig L.

N  
Y

Court stated that Defendant is requesting modification of the record to reflect that standby counsel was not present during part of the proceedings. After review, COURT FINDS the record is correct and COURT ORDERED, motion is DENIED.

NDC

09/11/07 09:00 AM 00 AT THE REQUEST OF THE COURT: SUPREME CT  
REMAND

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk  
Sharon Howard, Reporter/Recorder

PARTIES: STATE OF NEVADA  
009182 Scow, Richard H.

N  
Y

Court stated that matter was remanded from the Supreme Court due to sentencing issues in the way the prison is interpreting his sentences. COURT ORDERED, Amy Chelini is APPOINTED to represent Defendant. Further, As Court needs a response from the Attorney General's office, COURT ORDERED, Mr. Scow to request that Ms. Krisko contact the Attorney General's Office to request that they file an Amicus brief and to try to have someone present at the next hearing. Also, COURT ORDERED, State to prepare Order to Transport Defendant for next hearing.

Conrad Hafen, Esq. approached the bench for a discussion with the Court.

NDC

9/25/07 9:00 AM CONFIRMATION OF COUNSEL (CHELINI)

## CRIMINAL COURT MINUTES

04-C-204957-C STATE OF NEVADA

vs Slaughter, Rickie

CONTINUED FROM PAGE: 017

CLERK'S NOTE: Law Clerk contacted Ms. Chelini's office to advise of appointment and next hearing date.

09/25/07 09:00 AM 00 CONFIRMATION OF COUNSEL (CHELINI)

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk  
Sharon Howard, Reporter/Recorder

PARTIES: STATE OF NEVADA  
004420 Wilson, Dennis C.  
0001 D1 Slaughter, Rickie  
006932 Chelini, Amy

N  
Y  
  
N  
Y

Ms. Chelini advised that she cannot confirm as her office does not do appellate work, and she will advise Court Administration to remove her name from their list. Court stated it will also contact Court Administration. COURT ORDERED, Alan Harter is APPOINTED; matter CONTINUED to determine if Mr. Harter can confirm as counsel. Mr. Wilson stated that the Attorney General's office had a response due and requested an extension of thirty days to file. COURT ORDERED, brief to be filed by 10/23.

NDC

10/2/07 9:00 AM CONFIRMATION OF COUNSEL (ALAN HARTER)

CLERK'S NOTE: 9/25/07 - Law Clerk advised Mr. Harter of appointment and Court date for confirmation.

10/02/07 09:00 AM 00 CONFIRMATION OF COUNSEL (ALAN HARTER)

HEARD BY: James Brennan, Senior Judge; Dept. VJ6

OFFICERS: Carol Green, Court Clerk  
Sharon Howard, Reporter/Recorder

PARTIES: STATE OF NEVADA  
008273 Staudaher, Michael V.

N  
Y

Mr. Staudaher stated that he has an order to transport, however, Defendant was not transported. Court noted that Alan Harter telephoned to advise that he could not accept appointment as he does not do appeals. COURT ORDERED, Gary Gowen APPOINTED. Law Clerk to advise Mr. Gowen.

NDC

## CRIMINAL COURT MINUTES

04-C-204957-C STATE OF NEVADA

vs Slaughter, Rickie

CONTINUED FROM PAGE: 018

10/9/07 9:00 AM CONFIRMATION OF COUNSEL (GARY GOWEN)

10/09/07 09:00 AM 00 CONFIRMATION OF COUNSEL (GARY GOWEN)

HEARD BY: James Brennan, Senior Judge; Dept. VJ6

OFFICERS: Teri Braegelmann, Relief Clerk  
Sharon Howard, Reporter/RecorderPARTIES: STATE OF NEVADA  
006024 Krisko, Susan R.0001 D1 Slaughter, Rickie  
001867 Gowen, Gary E.Y  
Y  
N  
Y

Court Noted deft. not present and in the Nevada Department of Corrections. Matter trailed for Ms. Krisko. Later matter recalled. Counsel advised there were three orders to transport prepared, however, there seems to be a problem because deft. hasn't been transported. Colloquy. Court stated it will issue an order for contempt if deft. isn't transported. This Court's law clerk advised, there is an order to transport pending for October 17. Court advised counsel to tell the warden to have deft. here next time and ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 10/17/07 09:00 AM 01

10/18/07 09:00 AM 02 CONFIRMATION OF COUNSEL (GARY GOWEN)

HEARD BY: James Brennan, Senior Judge; Dept. VJ6

OFFICERS: Phyllis Irby/pi, Court Clerk  
Dianne Prock, Reporter/RecorderPARTIES: STATE OF NEVADA  
009182 Scow, Richard H.0001 D1 Slaughter, Rickie  
001867 Gowen, Gary E.Y  
Y  
Y  
Y

Mr. Gowen requested a continuance; advised the Court that the Supreme Court needs this matter to be set for Evidentiary hearing to determine if the plea was given to the Deft voluntarily. COURT ORDERED, Deft to be held in Clark County Detention Center (CCDC) to be brought over in the morning for hearing, matter CONTINUED.

NDC

CONTINUED TO: 10/19/07 09:00 AM 03

## CRIMINAL COURT MINUTES

04-C-204957-C STATE OF NEVADA

vs Slaughter, Rickie

CONTINUED FROM PAGE: 019

10/19/07 09:00 AM 03 CONFIRMATION OF COUNSEL (GARY GOWEN)

HEARD BY: James Brennan, Senior Judge; Dept. VJ6

OFFICERS: Roshonda Mayfield, Court Clerk  
Julie Lever, Reporter/Recorder

PARTIES: STATE OF NEVADA

009182 Scow, Richard H.

Y

Y

0001 D1 Slaughter, Rickie

Y

001867 Gowen, Gary E.

Y

Mr. Scow advised Ms. Krisko previously handled this matter and is currently on maternity leave. Therefore, Mr. Scow has been unable to verify if the plea should be set aside. Following review of the information Court noted it appears the Supreme Court is requesting the Attorney General's opinion on this matter. Colloquy between parties regarding the plea being set aside, NRS 213.1213, Defendant's misapprehension and possibly scheduling an Evidentiary Hearing.

COURT ORDERED, matter CONTINUED for status check; Deft. is to remain in Clark County Detention Center (CCDC) until the next court date.

CUSTODY (NDC)

10/25/07 9:00 A.M. STATUS CHECK:EVIDENTIARY HEARING

10/25/07 09:00 AM 00 STATUS CHECK:EVIDENTIARY HEARING

HEARD BY: James Brennan, Senior Judge; Dept. VJ6

OFFICERS: Linda M. Smith, Relief Clerk  
Diane Prock, Reporter/Recorder

PARTIES: STATE OF NEVADA

004420 Wilson, Dennis C.

Y

Y

0001 D1 Slaughter, Rickie

N

001867 Gowen, Gary E.

Y

Following arguments of counsel, COURT ORDERED, matter CONTINUED. State will prepare a transport order.

NDC

CONTINUED TO: 11/27/07 09:00 AM 01

## CRIMINAL COURT MINUTES

04-C-204957-C STATE OF NEVADA

vs Slaughter, Rickie

CONTINUED FROM PAGE: 020

11/27/07 09:00 AM 01 STATUS CHECK:EVIDENTIARY HEARING

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk  
Sharon Howard, Reporter/RecorderPARTIES: STATE OF NEVADA  
004420 Wilson, Dennis C.  
0001 D1 Slaughter, Rickie  
001867 Gowen, Gary E.N  
Y  
N  
Y

Court noted that pursuant to negotiation, the Court and Defendant believed that Defendant would be eligible for Parole in 15 years, however the Attorney General is stating 22-1/2 years. Court agreed that 213.1213 mandates and Defendant must serve 22-1/2 years before the weapon enhancement, and that the Bowen case overrules the earlier cases. However, serving 22-1/2 years goes against the spirit of the negotiation. COURT ORDERED, matter will be continued; State to prepare Order to Transport and Ms. DiGiacomo to be present at next date along with Mr. Gowen to discuss possible remedies. Upon inquiry by Mr. Gowen, Court stated it does not think that Mr. Gowen needs to subpoena anyone. Court noted that there is an issue as to whether Defendant thought he would be out, not just eligible, in fifteen years.

NDC

1/17/08 9:00 AM FURTHER PROCEEDINGS: SENTENCE

01/17/08 09:00 AM 00 FURTHER PROCEEDINGS: SENTENCE

HEARD BY: Noel Manoukian, Senior Judge; Dept. VJ41

OFFICERS: Roshonda Mayfield, Relief Clerk  
Sharon Howard, Reporter/RecorderPARTIES: STATE OF NEVADA  
006024 Krisko, Susan R.  
0001 D1 Slaughter, Rickie  
001867 Gowen, Gary E.Y  
Y  
Y  
Y

Mr. Gowen requests that this matter be continued in order for it to be heard by Judge Herndon. There being no opposition. COURT ORDERED, matter CONTINUED at the request of counsel.

NDC

CONTINUED TO: 02/14/08 09:00 AM 01

PRINT DATE: 09/12/08

PAGE: 021

CONTINUED ON PAGE: 022  
MINUTES DATE: 01/17/08

## CRIMINAL COURT MINUTES

04-C-204957-C STATE OF NEVADA

vs Slaughter, Rickie

CONTINUED FROM PAGE: 021

02/14/08 09:00 AM 01 FURTHER PROCEEDINGS: SENTENCE

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk  
Sharon Howard, Reporter/Recorder

PARTIES: STATE OF NEVADA

006024 Krisko, Susan R.

N  
Y

0001 D1 Slaughter, Rickie

Y

Court was notified that due to a medical condition, Mr. Gower would not be available until the week of February 25. Ms. Krisko stated that Defendant wanted to talk with her as he was going to request that he be allowed to proceed in proper person, and he did represent himself for the plea. Defendant requested Mr. Gower's dismissal, that he be allowed to proceed in proper person, and that he be allowed to lodge documents with the court. Court stated it is not necessary to lodge anything, as Court ruled in his favor previously, and it only needs to be determined how to modify sentence to comply with intent or whether to allow Defendant to withdraw plea and proceed to trial. Court stated Defendant needs to communicate with Mr. Gower his intent to dismiss him. Defendant advised he sent Mr. Gower a letter. Matter trailed for Ms. Krisko to contact Mr. Gower.

MATTER RECALLED with same parties present. Ms. Krisko confirmed that she contacted Mr. Gower and he did receive a letter regarding dismissal, and he had no opposition to her speaking directly with Defendant, as long as he understood that anything he says can be used against him. Matter trailed for Ms. Krisko to speak with Defendant.

MATTER RECALLED with same parties present. Ms. Krisko represented that Defendant is interested in getting a briefing schedule as his position is that plea has to be withdrawn, however, State does not agree. Upon inquiry by the Court, Defendant stated he wants to proceed in proper person. COURT ORDERED, Defendant to file opening brief by March 31; opposition to be filed by April 28; reply to be filed by May 26; matter will be set for argument on June 3 at 9:00 AM. State to prepare order to transport

NDC

6/3/08 9:00 AM ARGUMENT: DEFT'S REQUEST TO WITHDRAW PLEA

CLERK'S NOTE: 2/20/08 - A copy of this Minute Order was sent to:

Rickie Lamont Slaughter, Jr. #85902, Ely State Prison, P.O. Box 1989,  
Ely, Nevada 89301

## CRIMINAL COURT MINUTES

04-C-204957-C STATE OF NEVADA

vs Slaughter, Rickie

CONTINUED FROM PAGE: 022

06/03/08 09:00 AM 00 ARGUMENT DEFT'S REQUEST TO WITHDRAW PLEA

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk  
Sharon Howard, Reporter/Recorder

PARTIES: STATE OF NEVADA

006024 Krisko, Susan R.

N

Y

0001 D1 Slaughter, Rickie

Y

PRO SE Pro Se

Y

Ms. Krisko advised that she never received the reply and had to get the motion from Blackstone. Matter trailed for Ms. Krisko to review the reply.

Matter recalled with same parties present. Court stated that Defendant is not getting the benefit of what he bargained for at time of plea, so State is willing to drop the "with use" so that sentence will then give him what he bargained for. Defendant stated that Supreme Court will not allow to modify sentence, and only form of relief is to vacate sentence. Argument by Ms. Krisko that it would be State's request to modify the sentence. COURT ORDERED, matter set for Evidentiary Hearing. Defendant inquired as to procedure for him to subpoena witnesses. Court directed Defendant to send a list of names to the Law Clerk. Further, COURT ORDERED, Defendant REMANDED to the Clark County Detention Center until hearing.

NDC (CUSTODY)

6/19/08 9:00 AM EVIDENTIARY HEARING

06/19/08 09:00 AM 00 EVIDENTIARY HEARING

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk  
Sharon Howard, Reporter/Recorder

PARTIES: STATE OF NEVADA

006955 Di Giacomo, Marc P.

N

Y

006024 Krisko, Susan R.

Y

0001 D1 Slaughter, Rickie

Y

PRO SE Pro Se

Y

Statement by Ms. Krisko regarding Judge Herndon being on witness list. Statement by Defendant Slaughter. After hearing what Defendant would purport to want Court as a witness on, Court was satisfied that it has no information whatsoever on that; no recollection of hearing conversations



## CRIMINAL COURT MINUTES

04-C-204957-C STATE OF NEVADA

vs Slaughter, Rickie

CONTINUED FROM PAGE: 023

about any negotiations that everyone engaged in, so Court stated it would not recuse and hearing would proceed.

Defendant's witnesses sworn and testified. Exhibits marked and admitted per worksheet. Argument by Defendant and Mr. DiGiacomo. Statements by the Court. Court stated that focus is on what was said when plea was entered. Also, that Supreme Court raised issue the Court may want to appoint counsel for Defendant, however, Defendant declined representation when this matter was first brought back. Court believes that what Defendant bargained for was a minimum 15 years before being eligible for release, and everyone else thought that would happen, but it was not a stipulated plea or a conditional plea and no one promised concurrent, so there are no issues raised to indicate that it was not a knowing an voluntary plea. Therefore, COURT ORDERED, Motion to Withdraw Plea is DENIED.

Another issue on which Supreme Court remanded case was the Court's comment in November 2007 about 213.1213, and that statute looks like it mandates that this sentence has to be served in a certain way, so Defendant has to serve 22-1/2 years. Court entered findings in regard to that statute. Directing the prisons that their interpretation of 213 is incorrect, COURT ORDERED, Prison can parole Defendant off the primary and weapon enhancements for the other 3 counts at the time that Defendant is up for parole on the kidnapping count. Further, at request of Defendant, a transcript of this proceeding and the 6/2 hearing are to be provided to Defendant at State's expense.

NDC

09/09/08 09:00 AM 00 DEPT'S PRO PER MTN FOR CORRECTION OR  
MODIFICATION OF RECORD & TRANSCRIPT/60

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk  
Sharon Howard, Reporter/Recorder

PARTIES: STATE OF NEVADA  
010160 Morton, Carrie A.

N  
Y

Court stated that Defendant is trying to add to the transcripts any statements made after Court was recessed. Court does not recall anything substantive being discussed after either hearing and cannot add to a transcript by trying to guess what was said. if anything was said. Court does not recall a briefing schedule being discussed as Court had ruled on the motion. Additionally, Court will not change the couple of words read by the District Attorney as the transcript indicates that is what was read, and what Defendant is requesting is not material to anything. COURT ORDERED, motion DENIED.

CONTINUED ON PAGE: 025

CRIMINAL COURT MINUTES

04-C-204957-C STATE OF NEVADA

vs Slaughter, Rickie

CONTINUED FROM PAGE: 024

NDC

09/12/08

E X H I B I T S

4:32 PM

CASE NO. 04-C-204957-C

CASE STATUS: INACTIVE

STATE OF NEVADA

[ ] vs Slaughter, Rickie

[ ]

<u>NO.</u>	<u>CODE</u>	<u>EXHIBIT DESCRIPTION</u>	<u>SUB</u>	<u>OF/OB</u>	<u>DATE</u>	<u>S</u>
0001	DA	/ENVELOPE-LTTR & NOTES 12/8/05 CONKLIN		AD/NO	06/19/08	V
0002	DB	/ENVELOPE LTTR & AFFADAVIT 11/13/07		AD/NO	06/19/08	V
0003	DC	/AFFIDAVIT -SLAUGHTER		AD/NO	06/19/08	V

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Edward A. Friedland, 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; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF  
ENTRY OF DECISION AND ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

RICKIE SLAUGHTER, JR.,

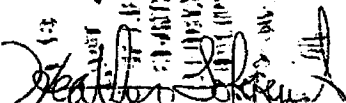
Defendant(s),

)  
)  
) Case No: C204957  
) Dept No: III  
)  
)  
)  
)  
)  
)

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 12 day of September 2008.

Edward A. Friedland, Clerk of the Court

  
Heather Lofquist, Deputy Clerk

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

RICKIE LAMONT SLAUGHTER, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 52385**  
District Court Case No. C204957

**RECEIPT FOR DOCUMENTS**

TO: Rickie Lamont Slaughter Jr. #85902  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Edward A. Friedland , District Court Clerk

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

09/10/08	Filing Fee Waived: Criminal.
09/10/08	Filed Certified Copy of proper person Notice of Appeal. Appeal docketed in the Supreme Court this day.
09/15/08	Filed Certified Copy of proper person Notice of Appeal.

DATE: September 15, 2008

Tracie Lindeman, Clerk of Court

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

Deputy Clerk