

1 NOAS

2 PHILIP J. KOHN, PUBLIC DEFENDER  
3 NEVADA BAR No. 0556  
309 South Third Street, Suite 226  
4 Las Vegas, Nevada 89155  
(702) 455-4685  
Attorney for Defendant

FILED  
OCT 29 2009  
Clerk of Court

5  
6 DISTRICT COURT  
CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA, )

8 Plaintiff, )

9 v. )

10 JUSTIN JUG CAPRI PORTER, )

11 Defendant. )

Electronically Filed  
Nov 02 2009 03:42 p.m.  
Tracie K. Lindeman

CASE NO. CI74954X

DEPT. NO. VI

12 NOTICE OF APPEAL

13 TO: THE STATE OF NEVADA  
14 DAVID ROGER, DISTRICT ATTORNEY, CLARK COUNTY, NEVADA and  
DEPARTMENT NO. VI OF THE EIGHTH JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK.

15 NOTICE is hereby given that Defendant, Justin Jug Capri  
16 Porter, presently incarcerated in the Nevada State Prison, appeals  
17 to the Supreme Court of the State of Nevada from the judgment  
18 entered against said Defendant on the 13th day of October, 2009,  
19 whereby he was convicted of Ct. 3 - Second Degree Murder With Use  
20 of a Deadly Weapon and sentenced to \$25 Admin. fee; \$150 DNA  
21 analysis fee; genetic testing; \$425 restitution; \$2,421.50  
22 extradition costs; 120 months to Life in prison plus a consecutive  
23 term of 120 months to Life in prison; 3,338 days CTS; Counts 1 & 2  
24 Not Guilty.

25 DATED this 23<sup>rd</sup> day of October, 2009.

26 PHILIP J. KOHN  
27 CLARK COUNTY PUBLIC DEFENDER

28 By:

HOWARD S. BROOKS, #3374  
Deputy Public Defender

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

An employee of the Clark County  
Public Defender's Office

DAVID ROGER  
CLARK COUNTY DISTRICT ATTORNEY

By: NIM

CC

CAS

PHILIP J. KOHN, PUBLIC DEFENDER  
NEVADA BAR No. 0556  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
(702) 455-4685  
Attorney for Defendant

FILED

OCT 29 2009

*John L. Blum*  
CLERK OF COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C174954X
	)	
v.	)	DEPT. NO. VI
	)	
JUSTIN JUG CAPRI PORTER,	)	
	)	
Defendant.	)	

CASE APPEAL STATEMENT

1. Appellant filing this case appeal statement:  
Justin Jug Capri Porter.

2. Judge issuing the decision, judgment, or order  
appealed from: Elissa Cadish.

3. All parties to the proceedings in the district  
court (the use of et al. To denote parties is prohibited): The  
State of Nevada, Plaintiff; Justin Jug Capri Porter, Defendant.

4. All parties involved in this appeal (the use of et.  
al. to denote parties is prohibited): Justin Jug Capri Porter,  
Appellant; The State of Nevada, Respondent.

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

3 PHILIP J. KOHN  
4 Clark County Public Defender  
5 309 South Third Street, #226  
6 Las Vegas, Nevada 89155-2610

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

7 Attorney for Appellant

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

8 Counsel for Respondent

9  
10           6.    Whether appellant was represented by appointed or  
11 retained counsel in the district court: Appointed.

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

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

17           9.    Date proceedings commenced in the district court  
18 (e.g., date complaint, indictment, information, or petition was  
19 filed): Information 04/26/01.

20           DATED this 28th day of October, 2009.

21 PHILIP J. KOHN  
22 CLARK COUNTY PUBLIC DEFENDER

23 By:

Howard S. Brooks  
24 HOWARD S. BROOKS, #3374  
25 Deputy Public Defender  
26 309 S. Third Street, Ste. 226  
27 Las Vegas, Nevada 89155  
28 (702) 455-4685

7  
1 RECEIPT OF COPY of the foregoing Case Appeal Statement  
2 is hereby acknowledged this 29 day of October, 2009.

3 DAVID ROGER  
4 CLARK COUNTY DISTRICT ATTORNEY

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6 By: NM  
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DATE: 11/02/09  
CASE NO. 01-C-174954-C

I N D E X

TIME 9:11 AM  
JUDGE: CADISH, ELISSA

STATE OF NEVADA

[ ] vs Porter, Justin D

[ ]

0001 D1 Justin D Porter

Pro Se

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	04/26/01		INFO/INFORMATION Fee \$0.00				04/26/01
0002	04/26/01		ARRN/INITIAL ARRAIGNMENT	0001			05/02/01
0003	04/30/01		CBO /CRIMINAL BINDOVER	0001			
0004	04/30/01		NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT				04/30/01
0005	05/02/01		JURY/TRIAL BY JURY VJ 9/6/01	0001	VC		09/17/01
0006	05/02/01		CALC/CALENDAR CALL VJ 9/6/01	0001	VC		09/11/01
0007	05/02/01		INFO/AMENDED INFORMATION	0001			05/02/01
0008	05/21/01		TRAN/REPORTER'S TRANSCRIPT OF ARRAIGNMENT	0001			05/02/01
0009	07/03/01		PET /DEFT'S PETITION FOR WRIT OF HABEAS CORPUS	0001	GP		09/20/01
0010	07/02/01		TRAN/REPORTER'S TRANSCRIPT OF DECISION ON PRELIMINARY HEARING	0001			04/18/01
0011	07/13/01		ORDR/ORDER	0001			
0012	07/13/01		WRIT/WRIT OF HABEAS CORPUS	0001			
0015	07/31/01		WRIT/RETURN TO WRIT OF HABEAS CORPUS	0001			07/03/01
0016	08/03/01		NISD/NOTICE OF INTENT TO SEEK DEATH PENALTY	0001			
0017	07/31/01		WRIT/RETURN TO WRIT OF HABEAS CORPUS	0001			08/09/01
0018	09/06/01		OCAL/STATUS CHECK: RESET TRIAL	0001			09/20/01
0019	09/17/01		TRAN/REPORTER'S TRANSCRIPT OF SEPT 6 2001	0001			09/06/01
0020	09/20/01		JURY/TRIAL BY JURY VJ 4/16/02	0001	VC		04/22/02
0021	09/20/01		CALC/CALENDAR CALL	0001			04/16/02
0022	09/20/01		MOT /ALL PENDING MOTIONS 9/20/01	0001			09/20/01
0023	09/19/01		BREF/REPLY BRIEF	0001			
0024	09/25/01		ORDR/ORDER	0001			
0025	10/11/01		INFO/SECOND AMENDED INFORMATION	0001			10/11/01
0026	01/03/02		OTTE/ORDER TO TRANSPORT	0001			01/03/02
0027	02/08/02		ORDR/MEDIA REQUEST TO PERMIT CAMERA ACCESS TO PROCEEDINGS AND ORDER GRANTING				02/08/02
0028	04/15/02		ORDR/MEDIA REQUEST TO PERMIT CAMERA ACCESS TO PROCEEDINGS AND ORDER GRANTING	0001			04/15/02
0029	04/16/02		JURY/TRIAL BY JURY (RV 10-21-02)	0001	VC		11/04/02
0030	04/16/02		CALC/CALENDAR CALL (RV 10-21-02)	0001	VC		10/29/02
0031	07/25/02		OTTE/ORDER TO TRANSPORT	0001			08/14/02
0032	07/30/02		OTTE/ORDER TO TRANSPORT	0001			08/12/02
0034	09/26/02		MOT /DEFT'S MTN TO REMAND CASE TO JUVENILE CRT/12	0001			02/08/05
0035	09/26/02		MOT /DEFT'S MTN TO SUPPRESS DEFT CONFESSIONS/ADMISSIONS/13 (DAY 2)	0001			08/11/05
0036	10/10/02		MOT /DEFT'S MTN TO DISMISS NTC OF INTENT TO SEEK DEATH PENALTY FOR VIOLATION OF/14	0001	DN		12/17/02
0037	10/10/02		NOTC/NOTICE OF MOTION	0001	SC		10/21/02
0038	10/14/02		MOT /ALL PENDING MOTIONS 10/14/02	0001			10/14/02
0039	10/14/02		OCAL/STATUS CHECK: SET HRG DATES/ BRIEFING SHCEULE /16	0001	GR		10/21/02
0040	10/21/02		MOT /ALL PENDING MOTIONS 10-21-02	0001			10/21/02
0041	10/21/02		CALC/CALENDAR CALL (VJ 3-6-03)	0001	VC		04/15/03
0042	10/21/02		JURY/TRIAL BY JURY (VJ 3-6-03)	0001	VC		04/21/03

(Continued to page 2)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0043	10/21/02	HEAR/DECISION: DEFT'S MTN TO REMAND; DEFT'S MTN TO DISMISS FIRM	0001		01/18/05	
0044	10/21/02	HEAR/EVID.HEARING: DEFT' MTN SUPPRESS FIRM DEFT'S CONFESSIONS AND ADMISSIONS	0001		01/03/06	
0045	11/19/02	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO DISMISS NOTICE OF INTENT TO SEEK	0001			Y
0046	11/19/02	DEATH PENALTY FOR VIOLATION OF INTERNATIONAL TREATY AND CUSTOMARY LAW OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO REMAND THE CASE TO JUVENILE COURT AND CONDUCT A HEARING AS TO WHETHER HE SHOULD BE CERTIFIED AS AN ADULT	0001			Y
0047	11/21/02	TRAN/REPORTER'S TRANSCRIPT VARIOUS DEFENSE MOTIONS (MURDER WITH USE OF A DEADLY WEAPON)	0001		10/14/02	Y
0048	11/26/02	MOT /ALL PENDING MOTIONS 11-26-02	0001		11/26/02	
0049	11/25/02	ORDR/MEDIA REQUEST TO PERMIT CAMERA ACCESS TO PROCEEDINGS AND ORDER GRANTING	0001		11/25/02	
0050	12/02/02	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO SUPPRESS DEFENDANTS CONFESSIONS AND ADMISSIONS TO METRO AND CHICAGO DETECTIVES BASED ON VIOLATION OF HIS MIRANDA RIGHTS AND INVOLUNTARINESS AND REQUEST FOR JACKSON V DENNO HEARING	0001			Y
0051	12/17/02	MOT /ALL PENDING MOTIONS 12-17-02	0001		12/17/02	
0052	12/18/02	TRAN/REPORTER'S TRANSCRIPT SETTING OF MOTIONS	0001		12/17/02	
0053	12/18/02	ORDR/ORDER FOR TRANSCRIPT	0001		12/18/02	
0054	01/02/03	ORDR/ORDER DENYING DEFENDANTS MOTION TO DISMISS NOTICE OF INTENT TO SEED	0001	HG	12/17/02	Y
0055	03/03/03	DEATH PENALTY FOR VIOLATION OF INTERNATIONAL TREATY AND CUSTOMARY LAW MOT /ALL PENDING MOTIONS 3/3/03	0001		03/03/03	
0056	03/05/03	ORDR/MEDIA REQUEST TO PERMIT CAMERA ACCESS TO PROCEEDINGS ORDER GRANTING PERMISSION			03/05/03	
0057	03/05/03	TRAN/REPORTER'S TRANSCRIPT OF HEARING DEFENDANTS VARIOUS MOTIONS	0001		11/25/02	
0058	03/10/03	MOT /ALL PENDING MOTIONS 3-6-03	0001		03/06/03	
0059	07/18/03	MOT /ALL PENDING MOTIONS 7-14-03	0001		07/14/03	
0060	07/18/03	OCAL/STATUS CHECK: RESET TRIAL	0001	MC	06/09/04	
0061	07/18/03	TRAN/REPORTER'S TRANSCRIPT CONTINUANCE	0001		07/14/03	
0062	09/15/03	MOT /ALL PENDING MOTIONS 9/15/03	0001		09/15/03	
0063	09/30/03	TRAN/REPORTER'S TRANSCRIPT OF HEARING SCHEDULED EVIDENTIARY HEARING	0001		09/15/03	
0064	11/24/03	MOT /ALL PENDING MOTIONS 11/20/03	0001		11/20/03	
0065	02/05/04	ORDR/ORDER	0001		02/05/04	
0066	02/17/04	HEAR/DAY 2/EVIDENTIARY HEARING EVIDENTIARY HEARING	0001	VC	03/08/04	
0067	03/09/04	MOT /ALL PENDING MOTIONS 3-8-04	0001		03/08/04	
0068	03/09/04	OCAL/STATUS CHECK: SET 2ND 1/2 OF EVID HRG.	0001		03/17/04	
0069	03/09/04	ORDR/ORDER FOR TRANSCRIPT	0001		03/09/04	
0070	03/09/04	TRAN/REPORTER'S TRANSCRIPT EVIDENTIARY HEARING	0001		03/08/04	
0071	03/17/04	MOT /ALL PENDING MOTIONS 3/17/04	0001		03/17/04	
0072	03/17/04	HEAR/EVIDENTIARY HEARING (DAY #2 - 1/2 DAY)	0001	MC	06/09/04	
0073	03/31/04	TRAN/REPORTER'S TRANSCRIPT VARIOUS MOTIONS	0001		03/17/04	
0074	05/03/04	MOT /ALL PENDING MOTIONS 4-3-04	0001		05/03/04	
0075	05/05/04	MOT /ALL PENDING MOTIONS 5-5-04	0001		05/05/04	

(Continued to page 3)

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0076	05/03/04	RAO	/MEDIA REQUEST AND ORDER	0001	GR	05/03/04	
0077	06/18/04	HEAR/EVIDENTIARY	HEARING RE: DEFT'S MOTION TO	0001		08/19/04	
			REMAND, DISMISS, SUPPRESS CONFESSION & A	0001			
0078	06/24/04	MOT	/ALL PENDING MOTIONS 6/24/04	0001		06/24/04	
0079	08/13/04	OCAL/STATUS	CHECK: RESET EVIDENTIARY HEARING	0001		08/19/04	
			FIRM	0001			
0080	08/17/04	MOT	/ALL PENDING MOTIONS 8-13-04	0001		08/13/04	
0081	08/28/04	MOT	/ALL PENDING MOTIONS 8-19-04	0001		08/19/04	
0082	08/31/04	TRAN/REPORTER'S	TRANSCRIPT OF HEARING	0001		08/19/04	
0083	10/01/04	MOT	/ALL PENDING MOTIONS 9-29-04	0001		09/29/04	
0084	11/15/04	MOT	/ALL PENDING MOTIONS (11/15/04)	0001		11/15/04	
0085	11/16/04	OCAL/STATUS	CHECK: RESET OF HEARINGS	0001		12/08/04	
0086	12/08/04	MOT	/ALL PENDING MOTIONS (12/8/04)	0001		12/08/04	
0087	01/11/05	OCAL/STATUS	CHECK: RESET EVIDENTIARY HEARING	0001		01/19/05	
0088	01/18/05	MOT	/ALL PENDING MOTIONS	0001		01/18/05	
0089	02/09/05	OCAL/STATUS	CHECK: SET BRIEFING SCHEDULE	0001	GR	02/24/05	
0090	02/11/05	NOEV/NOTICE	OF EXHIBITS IN THE VAULT			02/08/05	
0091	02/07/05	MOT	/ALL PENDING MOTIONS - 2/7/05	0001		02/07/05	
0092	02/09/05	ORDR/ORDER	FOR TRANSCRIPT	0001		02/09/05	
0093	02/09/05	TRAN/REPORTER'S	TRANSCRIPT OR EVIDENTIARY	0001		02/08/05	
			HEARING	0001			
0094	02/10/05	TRAN/REPORTER'S	TRANSCRIPT EVIDENTIARY	0001		02/09/05	
			HEARING	0001			
0095	02/17/05	MOT	/ALL PENDING MOTIONS (2/17/05)	0001		02/17/05	
0096	02/24/05	ARGU/ARGUMENT/DECISION	DEFT'S MTN TO SUPPRESS	0001	MH	04/10/06	
			DEFT'S CONFESSIONS	0001			
0097	02/24/05	MOT	/ALL PENDING MOTIONS - 2/24/05	0001		02/24/05	
0098	03/10/05	MOT	/DEFT'S MTN TO STRIKE STATE'S NTC OF	0001	GR	03/24/05	
			INTENT TO SEEK DEATH PENALTY/53	0001			
0099	08/11/05	MOT	/ALL PENDING MOTIONS 8-11-5	0001		08/11/05	
0100	08/24/05	ARGU/WRITTEN	ARGUMENT REGARDING DEFENDANT	0001			
			JUSTIN PORTERS JACKSON Y DENNO HEARING	0001			
0101	12/08/05	MOT	/ALL PENDING MOTIONS (12/7/05)	0001		12/07/05	
0102	12/09/05	OCAL/STATUS	CHECK: APPROVAL OF CHIEF JUSTICE	0001	GR	01/03/06	
0103	12/09/05	MOT	/ALL PENDING MOTIONS (12/9/05)	0001		12/09/05	
0104	12/30/05	RAO	/MEDIA REQUEST AND ORDER	0001	GR	12/30/05	
0105	12/30/05	MREQ/NOTIFICATION	OF MEDIA REQUEST	0001			
0106	01/03/06	MOT	/ALL PENDING MOTIONS (01/03/06)	0001		01/03/06	
0107	03/04/06	ASSG/Reassign	Case From Judge McGroarty To				
			Judge Bell				
0108	03/09/06	OCAL/MINUTE	ORDER RE: RECUSAL DEPT VII	0001		03/09/06	
0109	03/09/06	ASSG/RECUSAL	OF JUDGE Bell REASSIGNED TO				
			JUDGE Wall				
0110	03/09/06	NDR	/NOTICE OF DEPARTMENT REASSIGNMENT			03/09/06	Y
			PUBDEFFC				
PUBDEF							
0111	04/10/06	OCAL/STATUS	CHECK: ARGUMENT/DECISION - DEFT'S	0001		05/01/06	
			MOTION TO SUPPRESS DEFT'S CONFESSIONS	0001			
0112	05/01/06	OCAL/STATUS	CHECK	0001		01/03/07	
0113	08/16/06	HEAR/HEARING:	DEFT'S MOTION TO SUPPRESS	0001	MH	11/15/06	
0114	08/18/06	ARGU/STATES	WRITTEN ARGUMENT REGARDING	0001			
			DEFENDANTS JACKSON V DENNO HEARING	0001			

(Continued to page 4)



01-C-174954-C		(Continuation	Page	4)	
NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER C
0116	10/09/06	RPLY/DEFENDANTS JUSTIN PORTERS REPLY TO STATES WRITTEN ARGUMENT REGARDING DEFENDANTS JACKSON V DENNO HEARING	0001 0001		Y
0117	11/15/06	HEAR/DECISION RE: MOTION TO SUPPRESS	AL	DN	12/19/06
0118	12/05/06	ORDR/ORDER FOR TRANSCRIPT	0001		12/05/06
0119	12/07/06	TRAN/REPORTER'S TRANSCRIPT	0001		11/15/06
0120	01/03/07	OCAL/STATUS CHECK: CASE VA 1/12/07	0001	VC	01/23/07
0121	01/09/07	TRAN/REPORTER'S TRANSCRIPT OF PROCEEDINGS	0001		12/19/06
0122	01/12/07	ASSG/RECUSAL OF JUDGE Wall REASSIGNED TO JUDGE Bell			
0123	01/12/07	NDR /NOTICE OF DEPARTMENT REASSIGNMENT PUBDEFFC			01/12/07 Y
		PUBDEF			
0124	01/12/07	NDR /NOTICE OF DEPARTMENT REASSIGNMENT PUBDEFFC			01/12/07 Y
		PUBDEF			
0125	01/19/07	OCAL/MINUTE ORDER RE: RECUSAL DEPT VII	0001		01/19/07
0126	01/22/07	ASSG/RECUSAL OF JUDGE Bell REASSIGNED TO JUDGE Herndon			
0127	01/22/07	ASSG/RECUSAL OF JUDGE Herndon REASSIGNED TO JUDGE Gates			
0128	01/22/07	NDR /NOTICE OF DEPARTMENT REASSIGNMENT PUBDEFD1FC			01/22/07 Y
		D1PUBDEF			
0129	01/25/07	OCAL/STATUS CHECK: STATUS OF CASE	0001	MH	01/31/07
0130	01/31/07	CALC/CALENDAR CALL	0001		09/05/07
0131	01/31/07	JURY/TRIAL BY JURY VJ 09-05-07	0001	VC	09/10/07
0132	08/02/07	OTTE/EX PARTE ORDER FOR TRANSPORT	0001		08/02/07
0133	08/20/07	LIST/NOTICE OF WITNESSES AND/OR EXPERT WITNESSES	0001 0001		
0134	09/05/07	OCAL/STATUS CHECK: NEGOTIATIONS	0001	MH	09/19/07
0135	09/07/07	MREQ/MEDIA REQUEST TO COURT PROCEEDINGS	0001		
0136	09/07/07	RAO /MEDIA REQUEST AND ORDER	0001		
0137	09/19/07	CALC/CALENDAR CALL	0001	MH	06/25/08
0138	09/19/07	JURY/TRIAL BY JURY (VJ 06/25/08)	0001	VC	07/01/08
0139	12/10/07	OTTE/EX PARTE ORDER TO TRANSPORT	0001	SH	12/19/07
0140	05/07/08	ORDR/ORDER	0001		05/07/08
0141	05/15/08	MOT /DEFT'S MTN TO SEVER COUNTS XXX, XXXI & XXXII/73	0001 0001		06/18/08
0142	06/05/08	MOT /DEFT'S MTN TO REMAND CASE TO JUVENILE COURT/74	0001 0001	MH	10/13/08
0143	06/12/08	OPPS/STATES OPPOSITION TO DEFENDANTS MOTION TO SEVER COUNTS XXX XXXI XXXII	0001 0001		Y
		CHARGING MURDER AND RELATED CRIMES AGAINST GYALTSO LUNGTOK FROM THE REMAINING COUNTS IN THE SECOND AMENDED INFORMATION			
0144	06/12/08	OPPS/STATES OPPOSITION TO JUSTIN PORTERS MOTION TO REMAND CASE TO JUVENILE COURT AND CONDUCT A HEARING AS TO WHETHER HE SHOULD BE CERTIFIED AS AN ADULT	0001 0001		Y
0145	06/18/08	MOT /ALL PENDING MOTIONS (06/18/08)	0001	GR	06/18/08
0146	06/23/08	MOT /ALL PENDING MOTIONS (06/23/08)	0001		06/23/08
0147	06/23/08	OCAL/STATUS CHECK: TRIAL SETTING FOR SEVERED COUNTS	0001 0001		10/13/08

(Continued to page 5)

01-C-174954-C		(Continuation	Page	5)
NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC SCH/PER C
0148	06/23/08	OCAL/STATUS CHECK: DISCOVERY RE: OTHER CHARGES (VJ 06/25/08)	0001	VC 07/21/08
0149	06/25/08	MOT /ALL PENDING MOTIONS (06/25/08)	0001	06/25/08
0150	06/23/08	EXPR/EX PARTE ORDER FOR TRANSPORT	0001	06/25/08
0151	06/25/08	ORDR/EXPEDITED ORDER FOR TRANSCRIPT	0001	06/25/08
0152	07/01/08	TRAN/REPORTER'S TRANSCRIPT OF DEFTS MTN TO REMAND CASE RO JUVENILE COURT DEFTS	0001	06/18/08 Y
		MTN TO SEVER COUNTS XXX XXXI AND XXXII		
0153	07/03/08	ORDR/ORDER GRANTING DEFENDANTS MOTION TO SEVER COUNTS XXX XXXI XXXII CHARGING	0001	HG 06/18/08 Y
		MURDER AND RELATED CRIMES AGAINST GYALTSO LUNGTOK FROM THE REMAINING COUNTS IN THE SECOND AMENDED INFORMATION		
0154	07/09/08	MOT /ALL PENDING MOTIONS 7/09/08	0001	07/09/08
0155	07/21/08	MOT /ALL PENDING MOTIONS (07/21/08)	0001	07/21/08
0156	08/04/08	MOT /ALL PENDING MOTIONS 8/04/08	0001	08/04/08
0157	08/18/08	MOT /ALL PENDING MOTIONS (8/18/08)	0001	08/18/08
0158	09/03/08	MOT /ALL PENDING MOTIONS (09/03/08)	0001	09/03/08
0159	09/03/08	CALC/CALENDAR CALL	0001	02/02/09
0160	09/03/08	JURY/TRIAL BY JURY Vj 2-2-09	0001	VC 02/10/09
0161	10/01/08	MOT /ALL PENDING MOTIONS (10/01/08)	0001	10/01/08
0162	10/06/08	MOT /ALL PENDING MOTIONS (10/06/08)	0001	10/06/08
0163	10/13/08	MOT /ALL PENDING MOTIONS (10/13/08)	0001	10/13/08
0164	10/14/08	OCAL/MINUTE ORDER RE: DECISION FOR REMAND TO JUVENILE COURT	0001	10/15/08
0165	11/06/08	ORDR/ORDER DENYING DEFENDANTS MOTION TO REMAND TO JUVENILE COURT	0001	HG 10/13/08
0166	12/28/08	ASSG/Reassign Case From Judge Gates To Judge CADISH	0001	
0167	01/26/09	EXPR/EX PARTE ORDER FOR TRANSCRIPT	0001	
0168	02/02/09	CALC/CALENDAR CALL	0001	04/27/09
0169	02/02/09	JURY/TRIAL BY JURY	0001	JV 05/08/09
0170	04/13/09	MOT /DEFT'S MTN IN LIMINE TO PROHIBIT STATE FROM REFERRING TO DECENT GYALTSO/93	0001	GR 04/27/09
0171	04/14/09	MOT /DEFT'S MTN FOR JURY QUESTIONNAIRE/94	0001	DN 04/27/09
0172	04/27/09	MOT /ALL PENDING MOTIONS 4-27-09	0001	04/27/09
0173	04/30/09	INFO/THIRD AMENDED INFORMATION	0001	04/30/09
0174	05/04/09	TRB /TRIAL BEGINS		
0175	05/06/09	JLST/DISTRICT COURT JURY LIST	AL	
0176	05/08/09	SENT/SENTENCING	0001	09/30/09
0177	05/08/09	TRE /TRIAL ENDS		
0178	05/08/09	JLST/DISTRICT COURT AMENDED JURY LIST	0001	
0179	05/08/09	INST/INSTRUCTIONS TO THE JURY - INSTRUCTION NO 1	0001	
0180	05/08/09	JMNT/VERDICT COUNTS 1 2	S	05/12/09
0181	05/08/09	JMNT/VERDICT COUNT 3	0001	05/12/09
0182	05/14/09	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT		05/12/09
0183	09/30/09	OCAL/STATUS CHECK: TRIAL SETTING	0001	10/14/09
0184	10/14/09	CALC/CALENDAR CALL	0001	11/08/10
0185	10/14/09	JURY/TRIAL BY JURY	0001	11/15/10
0186	10/13/09	JMNT/JUDGMENT OF CONVICTION/ADMIN ASSESSMENT	0001	10/15/09
0187	10/13/09	JMNT/JUDGMENT OF CONVICTION/GENETIC TESTING	0001	10/15/09
0188	10/13/09	JMNT/JUDGMENT OF CONVICTION/RESTITUTION	0001	10/15/09

(Continued to page 6)

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0189	10/13/09	JMNT/JUDGMENT OF CONVICTION/EXTRADITION FEE	0001		10/15/09	
0190	10/26/09	ORDR/ORDER FOR PRODUCTION OF INMATES				

JOC

FILED

OCT 13 2009

*John J. Blum*  
CLERK OF COURT

ORIGINAL

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JUSTIN D. PORTER  
aka Jug Capri Porter  
#1682627

Defendant.

CASE NO. C174954

DEPT. NO. VI

JUDGMENT OF CONVICTION

(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 – BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony) in violation of NRS 205.060, 193.165, COUNT 2 – ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 193.330, 200.380, 193.165, COUNT 3 – MURDER WITH USE OF A DEADLY WEAPON (OPEN MURDER) (Category A Felony) in violation of NRS 200.010, 200.030, 193.165; and the matter having been tried before a jury and the Defendant having been found guilty of the crime of COUNT 3 – SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.010, 200.030, 193.165;

1 thereafter, on the 30<sup>TH</sup> day of September, 2009, the Defendant was present in court for  
2 sentencing with his counsel JOSEPH A. ABOOD, Deputy Special Public Defender and  
3 CURTIS BROWN, Deputy Special Public Defender, and good cause appearing,  
4

5 THE DEFENDANT IS HEREBY ADJUDGED guilty of said crime as set forth in  
6 the jury's verdict and, in addition to the \$25.00 Administrative Assessment Fee,  
7 \$150.00 DNA Analysis Fee including testing to determine genetic markers, \$425.00  
8 Resstitution and \$2,421.50 Extradition Costs, the Defendant is SENTENCED as follows:  
9 TO LIFE with a MINIMUM parole eligibility after ONE HUNDRED TWENTY (120)  
10 MONTHS plus a CONSECUTIVE term of LIFE with a MINIMUM parole eligibility after  
11 ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections  
12 (NDC), with THREE THOUSAND THREE HUNDRED THIRTY-EIGHT (3,338) DAYS  
13 credit for time served. COUNTS 1 & 2 – NOT GUILTY  
14  
15  
16

17 DATED this 12 day of October, 2009.

18   
19  
20 ELISSA CADISH  
21 DISTRICT JUDGE  
22  
23  
24  
25  
26  
27  
28

## CRIMINAL COURT MINUTES

01-C-174954-C      STATE OF NEVADA      vs Porter, Justin D

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05/02/01    08:45 AM    00    INITIAL ARRAIGNMENT

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

OFFICERS: BARBARA KARP, Court Clerk  
DIANN PROCK, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004286	Herndon, Douglas W.	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004546	Brown, Curtis	Y
004501	Abood, Joseph K.	Y

AMENDED INFORMATION FILED IN OPEN COURT. Mr. Herndon advised Amended Information filed is to correct numerical numbers. COURT SO ORDERED. DEFENDANT PORTER ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE. COURT ORDERED, matter set for trial. State extended Defense Counsel 60 days to file any writs. COURT SO ORDERED; Deft. to file any writs by 7/3/01.

CUSTODY

9/11/01 8:45 AM CALENDAR CALL

9/17/01 10:00 AM JURY TRIAL

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07/18/01    08:45 AM    00    DEFT'S PETITION FOR WRIT OF HABEAS  
CORPUS

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

OFFICERS: Barbara Karp, Court Clerk  
Margaret Cardwell, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004286	Herndon, Douglas W.	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004546	Brown, Curtis	Y

Mr. Brown advised the State will need more time to respond. COURT ORDERED, State to respond by August 1, 2001 and matter set for Hearing thereafter.

CUSTODY

CONTINUED TO:    08/09/01    08:45 AM    01

## CRIMINAL COURT MINUTES

01-C-174954-C      STATE OF NEVADA      vs Porter, Justin D  
CONTINUED FROM PAGE: 001

08/09/01    08:45 AM    01    DEFT'S PETITION FOR WRIT OF HABEAS  
CORPUS

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

OFFICERS: ANNETTE DUNCAN, Court Clerk  
DIANN PROCK, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004286	Herndon, Douglas W.	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
005863	Banks, Jeffrey M.	Y

Mr. Banks requested CONTINUANCE. There being no objection, COURT ORDERED,  
matter CONTINUED.

CUSTODY

CONTINUED TO:    08/23/01    08:45 AM    02

08/23/01    08:45 AM    02    DEFT'S PETITION FOR WRIT OF HABEAS  
CORPUS

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

OFFICERS: Barbara Karp, Court Clerk  
Diann Prock, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004286	Herndon, Douglas W.	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004546	Brown, Curtis	Y

COURT ORDERED, at the request of Defense Counsel matter CONTINUED.

CUSTODY

CONTINUED TO:    09/06/01    08:45 AM    03

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 002

09/06/01 08:45 AM 03 DEFT'S PETITION FOR WRIT OF HABEAS  
CORPUS

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

OFFICERS: Barbara Karp, Court Clerk  
Diann Prock, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004286	Herndon, Douglas W.	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004546	Brown, Curtis	Y

Mr. Brown SPD, agreed to Trial date being reset and set this matter and resetting of trial in two weeks. State concurred. COURT ORDERED, matters SET for STATUS CHECK. FURTHER, Trial date VACATED and to be reset at next hearing date.

CUSTODY

9/20/01 8:45 AM STATUS CHECK: RESET TRIAL/WRIT

CONTINUED TO: 09/20/01 08:45 AM 04

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09/20/01 08:45 AM 00 ALL PENDING MOTIONS 9/20/01

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

OFFICERS: Barbara Karp, Court Clerk  
Diann Prock, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004286	Herndon, Douglas W.	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004546	Brown, Curtis	Y

STATUS CHECK: RESET TRIAL...DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

COURT ORDERED, DEFT. PETITION as to first issue GRANTED, in as far as deadly weapon with enhancement is concern knife not used, drop enhancement; as to issue 2 GRANTED, Not substantial incurred; as to issue 3A GRANTED; 3B DENIED as both parties have right to money; as to issue 4 DENIED, facts for the Jury; as to issue 5A GRANTED, strike; issue 5B DENIED, fact for the jury. FURTHER, Trial date reset.



## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 003

## CUSTODY

4/16/02 8:45 AM CALENDAR CALL

4/22/02 10:00 AM JURY TRIAL

04/16/02 08:45 AM 00 CALENDAR CALL

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

OFFICERS: Barbara Karp, Court Clerk  
Diann Prock, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004286 Herndon, Douglas W.	Y
	0001 D1 Porter, Justin D	Y
	PUBDEF Public Defender	Y
	004546 Brown, Curtis	Y

Counsel agreed to a CONTINUANCE due to Court's on going trial for next week. COURT ORDERED, Trial date VACATED and RESET.

## CUSTODY

10/29/02 8:45 AM CALENDAR CALL

11/4/02 10:00 AM JURY TRIAL

10/14/02 09:00 AM 00 ALL PENDING MOTIONS 10/14/02

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

OFFICERS: Carole D'Aloia/CD, Court Clerk  
Alan Castle, Relief Clerk  
Cindy Magnusen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Porter, Justin D	Y
	PUBDEF Public Defender	Y
	004546 Brown, Curtis	Y
	004501 Abood, Joseph K.	Y

DEFT'S MOTION TO REMAND THE CASE TO JUVENILE COURT AND CONDUCT A HEARING AS TO WHETHER HE SHOULD BE CERTIFIED AS AN ADULT...DEFT'S MOTION TO SUPPRESS DEFT'S CONFESSIONS AND ADMISSIONS TO METRO AND CHICAGO DETECTIVES BASED ON

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 004

VIOLATION OF HIS MIRANDA RIGHTS AND INVOLUNTARINESS AND REQUEST FOR JACKSON V DENNO HEARING

Ms. Luzaich requested matter be continued to 10/21/02 as there is another motion set on that date and there may be a couple of more motions filed that can also be heard on that date. Ms. Luzach advised that Mr. Herndon and Mr. Brown will be jointly asking to continue the trial, however, she suggested trial not be vacated until 10/21/02 at which time a briefing schedule and Evidentiary Hearing can be set. COURT ORDERED, matter CONTINUED and set for STATUS CHECK.

CUSTODY

10/21/02 9:00 AM ALL PENDING MOTIONS...STATUS CHECK

10/21/02 09:00 AM 00 ALL PENDING MOTIONS 10-21-02

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

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

PARTIES:	STATE OF NEVADA	Y
005056	Luzaich, Elissa	Y
004286	Herndon, Douglas W.	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004546	Brown, Curtis	Y
004501	Abood, Joseph K.	Y

DEFT'S MOTION TO REMAND THE CASE TO JUVENILE COURT AND CONDUCT A HEARING AS TO WHETHER HE SHOULD BE CERTIFIED AS AN ADULT...DEFT'S MOTION TO SUPPRESS DEFT'S CONFESSIONS AND ADMISSIONS TO METRO AND CHICAGO DETECTIVES BASED ON VIOLATION OF HIS MIRANDA RIGHTS AND INVOLUNTARINESS AND REQUEST FOR JACKSON V DENNO HEARING...STATUS CHECK: SET HEARING DATES/BRIEFING SCHEDULE...DEFT'S MOTION TO DISMISS AND NOTICE OF INTENT TO SEEK DEATH PENALTY FOR VIOLATION OF INTERNATIONAL TREATY AND CUSTOMARY LAW

Mr. Herndon requested 3 weeks to respond to the Motion to Suppress. COURT ORDERED, Motion GRANTED and the COURT SET the following briefing schedule: State's Response due 11-12-02; Defense Reply due 11-19-02 with hearing set thereafter. Counsel requested an Evidentiary Hearing be set regarding Defts Motion to Suppress and also requested trial date be VACATED and RESET and COURT SO ORDERED.

CUSTODY

11-26-02 DEFT'S MOTION TO REMAND THE CASE TO JUVENILE COURT AND CONDUCT A

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 005

HEARING AS TO WHETHER HE SHOULD BE CERTIFIED AS AN ADULT...DEFT'S MOTION TO DISMISS AND NOTICE OF INTENT TO SEEK DEATH PENALTY FOR VIOLATION OF INTERNATIONAL TREATY AND CUSTOMARY LAW

2-10-03 11:00 AM EVIDENTIARY HEARING: DEFT'S MOTION TO SUPPRESS DEFT'S CONFESSIONS AND ADMISSIONS TO METRO AND CHICAGO DETECTIVES BASED ON VIOLATION OF HIS MIRANDA RIGHTS AND INVOLUNTARINESS AND REQUEST FOR JACKSON V DENNO HEARING

4-15-03 9:00 AM CALENDAR CALL

4-21-03 10:00 AM JURY TRIAL

11/26/02 09:00 AM 00 ALL PENDING MOTIONS 11-26-02

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

OFFICERS: Annette Duncan/ad, Court Clerk  
Georgette Byrd, Relief Clerk  
Cindy Magnussen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004286	Herndon, Douglas W.	Y
005056	Luzaich, Elissa	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004501	Abood, Joseph K.	Y
004546	Brown, Curtis	Y

DEFT'S MOTION TO REMAND THE CASE TO JUVENILE COURT AND CONDUCT A HEARING AS TO WHETHER HE SHOULD BE CERTIFIED AS AN ADULT...DEFT'S MOTION TO DISMISS AND NOTICE OF INTENT TO SEEK DEATH PENALTY FOR VIOLATION OF INTERNATIONAL TREATY AND CUSTOMARY LAW...DECISION: DEFT'S MOTION TO REMAND; MOTION TO DISMISS

Mr. Herndon advised he has not yet filed his response and requested additional time. COURT ORDERED, matters CONTINUED.

CUSTODY

CONTINUED TO: 12-17-02 9:00 AM

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA vs Porter, Justin D

CONTINUED FROM PAGE: 006

12/17/02 09:00 AM 00 ALL PENDING MOTIONS 12-17-02

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

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

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Porter, Justin D	N
	PUBDEF Public Defender	Y
	004501 Abood, Joseph K.	Y
	004546 Brown, Curtis	Y

DEFT'S MOTION TO REMAND THE CASE TO JUVENILE COURT AND CONDUCT A HEARING AS TO WHETHER HE SHOULD BE CERTIFIED AS AN ADULT...DEFT'S MOTION TO DISMISS AND NOTICE OF INTENT TO SEEK DEATH PENALTY FOR VIOLATION OF INTERNATIONAL TREATY AND CUSTOMARY LAW...DECISION: DEFT'S MOTION TO REMAND, MOTION TO DISMISS

Mr. Brown advised the Defense had not responded to Motion to Remand as they are waiting for documents from Chicago. Regarding Deft's Motion to Dismiss: Counsel submitted. COURT ORDERED, Motion DENIED. FURTHER, Deft's Motion to Remand and Decision regarding Deft's Motion to Remand and Motion to Dismiss, CONTINUED.

CUSTODY

3-3-03 1:30 PM DEFT'S MOTION TO REMAND THE CASE TO JUVENILE COURT AND CONDUCT A HEARING AS TO WHETHER HE SHOULD BE CERTIFIED AS AN ADULT...DECISION: DEFT'S MOTION TO REMAND; MOTION TO DISMISS

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02/10/03 11:00 AM 00 EVID.HEARING: DEFT' MTN SUPPRESS FIRM  
DEFT'S CONFESSIONS AND ADMISSIONS

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

OFFICERS: Barbara Karp, Court Clerk

PARTIES: NO PARTIES PRESENT

On in error; Clerk to correct date.

CONTINUED TO: 03/03/03 01:30 PM 01

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 007

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

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

OFFICERS: Barbara Karp, Court Clerk  
Janness Slabe, Reporter/Recorder

PARTIES: NO PARTIES PRESENT

EVIDENTIARY HEARING: DEFT'S MOTION TO REMAND THE CASE TO JUVENILE COURT AND  
CONDUCT A HEARING AS TO WHETHER HE SHOULD BE CERTIFIED AS AN ADULT...  
DECISION: DEFT'S MOTION TO REMAND, MOTION TO DISMISSDue to Scheduling problems with the Court, COURT ORDERED, matters CONTINUED  
to Thursday. Clerk contacted Counsel via e-mail.

3-6-03 10:00 AM EVIDENTIARY HEARING...DECISION

03/06/03 10:00 AM 00 ALL PENDING MOTIONS 3-6-03

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

OFFICERS: Annette Duncan/ad, Court Clerk  
Denise Husted, Relief Clerk  
Jeness Slabe, Reporter/RecorderPARTIES: STATE OF NEVADA  
004286 Herndon, Douglas W.  
0001 D1 Porter, Justin D  
PUBDEF Public Defender  
004546 Brown, Curtis  
004501 Abood, Joseph K.Y  
Y  
Y  
Y  
Y  
YEVIDENTIARY HEARING: DEFT'S MOTION TO SUPPRESS DEFT'S CONFESSIONS AND  
ADMISSIONS...DEFT'S MOTION TO REMAND THE CASE TO JUVENILE COURT AND CONDUCT  
A HEARING AS TO WHETHER HE SHOULD BE CERTIFIED AS AN ADULT...DECISION:  
DEFT'S MOTION TO REMAND; MOTION TO DISMISSFollowing a CONFERENCE AT THE BENCH, COURT ORDERED, matters CONTINUED; trial  
date VACATED.

CUSTODY

CONTINUED TO: 7-14-03 10:00 AM

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 008

07/14/03 09:00 AM 00 ALL PENDING MOTIONS 7-14-03

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

OFFICERS: Annette Duncan, Court Clerk  
Peggy Isom, Reporter/RecorderPARTIES: STATE OF NEVADA  
004286 Herndon, Douglas W.  
0001 D1 Porter, Justin D  
PUBDEF Public Defender  
004546 Brown, CurtisY  
Y  
Y  
Y  
Y

EVIDENTIARY HEARING: DEFT'S MOTION TO SUPPRESS DEFT'S CONFESSIONS AND  
ADMISSIONS...DEFT'S MOTION TO REMAND THE CASE TO JUVENILE COURT AND CONDUCT  
A HEARING AS TO WHETHER HE SHOULD BE CERTIFIED AS AN ADULT...DECISION:  
DEFT'S MOTION TO REMAND; MOTION TO DISMISS

The COURT NOTED it's trial schedule would prevent this matter from going  
forward today and ORDERED, matters CONTINUED. Mr. Brown requested Deft. be  
allowed to obtain schooling while incarcerated at the Clark County Detention  
Center (CCDC). COURT ORDERED, request GRANTED; Mr. Brown to prepare the  
Order.

CUSTODY

CONTINUED TO: 9-15-03 10:00 AM

CLERK'S NOTE: Following outcome of the above matters trial may need to be  
reset. Matter set for status check to reset trial on the above date/ad.

09/15/03 09:00 AM 00 ALL PENDING MOTIONS 9/15/03

HEARD BY: David Wall, Judge; Dept. 20

OFFICERS: Barbara Karp, Court Clerk  
Diann Prock, Reporter/RecorderPARTIES: STATE OF NEVADA  
005056 Luzaich, Elissa  
0001 D1 Porter, Justin D  
PUBDEF Public Defender  
000383 Rigsby, Thomas W.Y  
Y  
Y  
Y  
Y

STATUS CHECK: RESET TRIAL...EVIDENTIARY HEARING: DEFT'S MOTION TO SUPPRESS  
DEFT'S CONFESSION AND ADMISSIONS...DEFT'S MOTION TO REMAND THE CASE TO  
JUVENILE COURT AND CONDUCT A HEARING AS TO WHETHER HE SHOULD BE CERTIFIED AS

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 009

AN ADULT...DECISION: DEFT'S MOTION TO REMAND; MOTION TO DISMISS

Ms. Luzaich advised she is appearing for Mr. Herndon, who advised he spoke with Mr. Curtis Brown and they agreed to continue these matters 60 days for the State to have an independent evaluation completed. Mr. Rigsby stated he would stand in for Mr. Brown and convey the Court's ruling. COURT ORDERED, matter CONTINUED. Ms. Luzaich advised it would take all afternoon to complete the hearing.

CUSTODY

CONTINUED TO: 11/20/03 11:00 AM

11/20/03 09:00 AM 00 ALL PENDING MOTIONS 11/20/03

HEARD BY: SEE MINUTES, Visiting Judge

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

PARTIES: STATE OF NEVADA  
004286 Herndon, Douglas W.  
0001 D1 Porter, Justin D  
PUBDEF Public Defender  
004546 Brown, Curtis

Y  
Y  
Y  
Y  
Y

STATUS CHECK: RESET TRIAL...EVIDENTIARY HEARING; DEFT'S MOTION TO SUPPRESS DEFT'S CONFESSIONS AND ADMISSIONS...DEFT'S MOTION TO REMAND THE CASE TO JUVENILE COURT AND CONDUCT A HEARING AS TO WHETHER HE SHOULD BE CERTIFIED AS AN ADULT...DECISION: DEFT'S MOTION TO REMAND; MOTION TO DISMISS

Due to Court's absence, matters CONTINUED.

CONTINUED TO: 3-5-04 9:00 AM (FULL DAY HEARING)

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 010

03/08/04 09:00 AM 00 ALL PENDING MOTIONS 3-8-04

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

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

PARTIES:	STATE OF NEVADA	Y
005056	Luzaich, Elissa	Y
004286	Herndon, Douglas W.	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004546	Brown, Curtis	Y
004501	Abood, Joseph K.	Y

DECISION: DEFT'S MOTION TO REMAND; MOTION TO DISMISS...EVIDENTIARY HEARING:  
DEFT'S MOTION TO SUPPRESS CONFESSIONS AND ADMISSIONS...STATUS CHECK: RESET  
TRIALTestimony presented (see worksheet). COURT ORDERED, matters CONTINUED and  
matter set for status check regarding setting of 2nd half of hearing.

CUSTODY

CONTINUED TO: 3-17-04 9:00 AM (ALL PENDING MOTIONS)...STATUS CHECK: SET 2ND  
HALF HEARING

03/17/04 09:00 AM 00 ALL PENDING MOTIONS 3/17/04

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

OFFICERS: Barbara Karp, Court Clerk  
Diann Prock, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004286	Herndon, Douglas W.	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004501	Abood, Joseph K.	Y
004546	Brown, Curtis	Y

DECISION: DEFT'S MOTION TO REMAND; MOTION TO DISMISS...EVIDENTIARY HEARING:  
DEFT'S MOTION TO SUPPRESS CONFESSIONS AND ADMISSIONS...STATUS CHECK: RESET  
TRIAL...STATUS CHECK: SET 2ND HALF OF EVIDENTIARY HEARINGCounsel agree to a date of May 3 at 1:30 to hold the second half of the  
Evidentiary Hearing. COURT SO ORDERED. FURTHER, all other matters



## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 011

CONTINUED to date of Hearing.

CUSTODY

5/3/04 1:30 PM EVIDENTIARY HEARING (2ND HALF)

05/03/04 09:00 AM 00 ALL PENDING MOTIONS 4-3-04

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

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

PARTIES:	STATE OF NEVADA	Y
	002781 Roger, David J.	Y
	003649 Kephart, William D.	Y
	0001 D1 Porter, Justin D	Y

DECISION: DEFT'S MOTION TO REMAND; MOTION TO DISMISS...EVIDENTIARY HEARING:  
DEFT'S MOTION TO SUPPRESS CONFESSIONS AND ADMISSIONS...STATUS CHECK: RESET  
TRIALDue to congestion of this Court's trial calendar and upon request of  
counsel, COURT ORDERED, matters CONTINUED.

CONTINUED TO: 5-5-04 11:00 AM

05/05/04 09:00 AM 00 ALL PENDING MOTIONS 5-5-04

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

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

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Porter, Justin D	Y
	PUBDEF Public Defender	Y
	004546 Brown, Curtis	Y

DECISION: DEFT'S MOTION TO REMAND; MOTION TO DISMISS...EVIDENTIARY HEARING:  
DEFT'S MOTION TO SUPPRESS CONFESSIONS AND ADMISSIONS...STATUS CHECK: RESET  
TRIAL...EVIDENTIARY HEARINGMr. Brown advised Mr. Abood is not back in town and they have no updated  
dates on when the Doctor can be available for testimony. COURT ORDERED,

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 012

matter CONTINUED.

CUSTODY

CONTINUED TO: 6-9-04 9:00 AM

06/09/04 09:00 AM 02 EVIDENTIARY HEARING (DAY #2 - 1/2 DAY)

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

OFFICERS: Barbara Karp, Court Clerk  
Barbara Blankenship/bb, Relief Clerk  
Diann Prock, Reporter/RecorderPARTIES: STATE OF NEVADA  
004286 Herndon, Douglas W.Y  
YDECISION: DEFT'S MOTION TO REMAND; MOTION TO DISMISS...EVIDENTIARY HEARING:  
DEFT'S MOTION TO SUPPRESS CONFESSIONS AND ADMISSIONS...STATUS CHECK: RESET  
TRIAL...EVIDENTIARY HEARINGMr. Herndon asked for a continuance, did not have a date and advised he will  
let the clerk know.

CUSTODY

06/24/04 09:00 AM 00 ALL PENDING MOTIONS 6/24/04

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

OFFICERS: Jennifer Kimmel/jk, Court Clerk  
Jennifer Lott, Relief Clerk  
Diann Prock, Reporter/RecorderPARTIES: STATE OF NEVADA  
004286 Herndon, Douglas W.Y  
Y0001 D1 Porter, Justin D  
PUBDEF Public Defender  
004501 Abood, Joseph K.N  
Y  
YDECISION: DEFENDANT'S MOTION TO REMAND; MOTION TO DISMISS...EVIDENTIARY  
HEARING: DEFENDANT'S MOTION TO SUPPRESS CONFESSIONS AND ADMISSIONS...STATUS  
CHECK: RESET EVIDENTIARY HEARINGPrior to the hearing counsel agreed matter shall be set for a two hour  
hearing. COURT ORDERED, matter set for Evidentiary Hearing.

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 013

## CUSTODY

8/13/04 10:00 AM EVIDENTIARY HEARING RE: DEFENDANT'S MOTION TO REMAND,  
DISMISS, SUPPRESS CONFESSIONS AND ADMISSIONS

08/13/04 09:00 AM 00 ALL PENDING MOTIONS 8-13-04

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

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

PARTIES: STATE OF NEVADA  
004286 Herndon, Douglas W.  
0001 D1 Porter, Justin D  
PUBDEF Public Defender  
004501 Abood, Joseph K.

Y  
Y  
Y  
Y  
Y

DECISION: DEFT'S MOTION TO REMAND; DEFT'S MOTION TO DISMISS...EVIDENTIARY  
HEARING: DEFT'S MOTION TO REMAND, DISMISS SUPPRESS CONFESSIONS AND  
ADMISSIONS

Due to Court's trial schedule, COURT ORDERED, matter SET for status check to  
reset the hearing; matters CONTINUED.

## CUSTODY

8-19-04 9:00 AM STATUS CHECK: RESET HEARING

CONTINUED TO: 8-19-04 9:00 AM

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 014

08/19/04 09:00 AM 00 ALL PENDING MOTIONS 8-19-04

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

OFFICERS: Annette Duncan, Court Clerk  
Diann Prock, Reporter/Recorder

PARTIES: STATE OF NEVADA

Y

0001 D1 Porter, Justin D

Y

PUBDEF Public Defender

Y

004546 Brown, Curtis

Y

004501 Abood, Joseph K.

Y

DECISION: DEFT'S MOTION TO REMAND; DEFT'S MOTION TO DISMISS...EVIDENTIARY  
HEARING: DEFT'S MOTION TO REMAND, DISMISS, SUPPRESS CONFESSIONS AND  
ADMISSIONS...STATUS CHECK: RESET EVIDENTIARY HEARINGDue to Court's trial schedule, matter unable to be heard today. COURT  
ORDERED, matter CONTINUED. Due to the numerous times this matter has been  
continued, COURT FURTHER ORDERED, matter to be set as a FIRM date; no trial  
to be set on the week of 9-27-04. FURTHER, matter also set on 10-1-04 at  
9:00 AM.

CUSTODY

CONTINUED TO: 9-29-04 1:30 PM and 10-1-04 9:00 AM (EXCLUDES STATUS CHECK)

09/29/04 09:00 AM 00 ALL PENDING MOTIONS 9-29-04

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

OFFICERS: Annette Duncan, Court Clerk  
Diann Prock, Reporter/Recorder

PARTIES: STATE OF NEVADA

Y

005056 Luzaich, Elissa

Y

0001 D1 Porter, Justin D

N

PUBDEF Public Defender

Y

004501 Abood, Joseph K.

Y

004546 Brown, Curtis

Y

DECISION: DEFT'S MOTION TO REMAND; DEFT'S MOTION TO DISMISS...EVIDENTIARY  
HEARING: DEFT'S MOTION TO REMAND; MTN TO DISMISS; SUPPRESS CONFESSIONS AND  
ADMISSIONSMs. Luzaich advised counsel agreed to continue this matter for at least 2  
weeks. COURT ORDERED, matters CONTINUED and set for 2 successive

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 015

afternoons.

CUSTODY

CONTINUED TO: 11-15-04 and 11-16-04 at 1:30 PM

CLERK'S NOTE: The date for 11-16-04 has not been set and will be set following the hearing the afternoon of the 15th/ad.

11/15/04 09:00 AM 00 ALL PENDING MOTIONS (11/15/04)

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

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

PARTIES: STATE OF NEVADA

008001 Brian, Kam

Y

Y

0001 D1 Porter, Justin D

N

PUBDEF Public Defender

Y

004501 Abood, Joseph K.

Y

DECISION: DEFT'S MOTION TO REMAND; DEFT'S MOTION TO DISMISS...EVIDENTIARY  
HEARING: DEFT'S MOTION TO REMAND, DISMISS/SUPPRESS CONFESSIONS AND  
ADMISSIONS

Statement by Mr. Abood. COURT ORDERED, matters CONTINUED and matter set for  
status check.

CUSTODY

CONTINUED TO: 12/8/04 9:00 AM

12/8/04 9:00 AM STATUS CHECK: RESET HEARING DATE

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA vs Porter, Justin D

CONTINUED FROM PAGE: 016

12/08/04 09:00 AM 00 ALL PENDING MOTIONS (12/8/04)

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

OFFICERS: April Watkins, Relief Clerk  
Diann Prock, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003649 Kephart, William D.	Y
	0001 D1 Porter, Justin D	Y
	PUBDEF Public Defender	Y
	004546 Brown, Curtis	Y
	004501 Abood, Joseph K.	Y

DECISION: DEFT'S MOTION TO REMAND; DEFT'S MOTION TO DISMISS...EVIDENTIARY  
HEARING: DEFT'S MOTION TO REMAND, DISMISS/SUPPRESS CONFESSIONS AND  
ADMISSIONS...STATUS CHECK: RESETTING OF HEARINGSMr. Brown advised counsel have agreed upon a date and stated they will need  
a full day and second day just in case. COURT ORDERED, matters CONTINUED.

CUSTODY

CONTINUED TO: 1/18/05 11:00 AM

01/13/05 09:00 AM 00 STATUS CHECK: RESET EVIDENTIARY HEARING

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

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

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Porter, Justin D	Y

As the doctor cannot be present 1/18/05, Ms. Luzaich requested Court SET a  
status check to RESET hearing; counsel will notify Mr. Brown and Mr. Abood.  
COURT ORDERED, status check CONTINUED. State and defendant agree his  
presence is NOT NEEDED at the next date.

CUSTODY

CONTINUED TO: 01/19/05 09:00 AM 01

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 017

01/18/05 11:00 AM 00 ALL PENDING MOTIONS

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

OFFICERS: April Watkins, Relief Clerk  
Peggy Isom, Reporter/RecorderPARTIES: STATE OF NEVADA  
007421 Lee, Christopher K.  
0001 D1 Porter, Justin D  
PUBDEF Public Defender  
004546 Brown, CurtisY  
Y  
Y  
Y  
YDECISION: DEFT'S MOTION TO REMAND; DEFT'S MOTION TO DISMISS...EVIDENTIARY  
HEARING: DEFT'S MOTION TO REMAND, DISMISS SUPPRESS CONFESSIONS AND  
ADMISSIONSCounsel advised matter is actually scheduled for the 19th. Therefore,  
request that date stand and COURT SO ORDERED.

CUSTODY

CONTINUED TO: 1/19/05 9:00 AM

01/19/05 09:00 AM 01 STATUS CHECK: RESET EVIDENTIARY HEARING

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

OFFICERS: April Watkins, Relief Clerk  
Peggy Isom, Reporter/RecorderPARTIES: STATE OF NEVADA  
005056 Luzaich, Elissa  
0001 D1 Porter, Justin D  
PUBDEF Public Defender  
004501 Abood, Joseph K.  
004546 Brown, CurtisY  
Y  
N  
Y  
Y  
YFollowing discussion in Chambers, COURT ORDERED, matter set for Evidentiary  
Hearing. Counsel advised hearing will take at least two afternoons.

CUSTODY

2/8/05 1:30 PM EVIDENTIARY HEARING

CONTINUED ON PAGE: 019

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 018

02/07/05 01:30 PM 00 ALL PENDING MOTIONS - 2/7/05

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

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

PARTIES:	STATE OF NEVADA	Y
005056	Luzaich, Elissa	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004501	Abood, Joseph K.	Y
004546	Brown, Curtis	Y

DEFENDANT'S MOTION TO REMAND CASE TO JUVENILE COURT...DEFENDANT'S MOTION TO  
SUPPRESS DEFENDANT'S CONFESSIONSCOURT NOTED Deft's Motion to Remand is calendared in error, matter before  
the Court is the Deft's Motion to Suppress. Testimony and exhibits  
presented. (See worksheets.) COURT ORDERED, Motion to Suppress is CONTINUED  
for additional testimony.2/9/05 1:30 P.M. DEFENDANT'S MOTION TO SUPPRESS DEFENDANT'S CONFESSIONS (DAY  
2)02/09/05 09:00 AM 04 DEFT'S MTN TO SUPPRESS DEFT  
CONFESSIONS/ADMISSIONS/13 (DAY 2)

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

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

PARTIES:	STATE OF NEVADA	Y
005056	Luzaich, Elissa	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004546	Brown, Curtis	Y
004501	Abood, Joseph K.	Y

COURT ORDERED, pursuant to Jackson vs. Denno, Deft's testimony may not be  
used, in any way, against Deft. at trial. Testimony and exhibits continued.  
(See worksheets.) BENCH CONFERENCE. FURTHER ORDERED, matter set for Status  
Check to set briefing schedule and Deft need not be present.

CUSTODY



## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 019

2/17/05 9:00 A.M. STATUS CHECK: SET BRIEFING SCHEDULE

CONTINUED TO: 02/17/05 09:00 AM 05

02/17/05 09:00 AM 00 ALL PENDING MOTIONS (2/17/05)

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

OFFICERS: April Watkins, Relief Clerk  
Peggy Isom, Reporter/RecorderPARTIES: STATE OF NEVADA  
005056 Luzaich, ElissaY  
Y0001 D1 Porter, Justin D  
PUBDEF Public Defender  
005901 Cano, Charles A.N  
Y  
YSTATUS CHECK: SET BRIEFING SCHEDULE...DEFT'S MOTION TO SUPPRESS DEFT'S  
CONFESSIONSCounsel advised a briefing schedule has yet not been agreed upon and  
requested matters be continued. COURT ORDERED, matters CONTINUED.

CUSTODY

CONTINUED TO: 2/24/05 9:00 AM

02/24/05 09:00 AM 00 ALL PENDING MOTIONS - 2/24/05

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

OFFICERS: Jennifer Kimmel, Court Clerk  
Peggy Isom, Reporter/RecorderPARTIES: STATE OF NEVADA  
005056 Luzaich, ElissaY  
Y0001 D1 Porter, Justin D  
PUBDEF Public Defender  
004501 Abood, Joseph K.  
004546 Brown, CurtisY  
Y  
Y  
YSTATUS CHECK: SET BRIEFING SCHEDULE...DEFENDANT'S MOTION TO SUPPRESS  
DEFENDANT'S CONFESSIONSCounsel set briefing schedule as follows: Defendant's Motion is due 4/22/05,  
State's Response due 6/24/05 and Deft's Reply is due 7/22/05. Matter set for

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 020

Argument/Decision. COURT SO ORDERED.

CUSTODY

8/11/05 9:00 A.M. ARGUMENT/DECISION RE: DEFT'S MOTION TO SUPPRESS DEFT'S  
CONFESSIONS03/24/05 09:00 AM 00 DEFT'S MTN TO STRIKE STATE'S NTC OF  
INTENT TO SEEK DEATH PENALTY/53

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

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

PARTIES:	STATE OF NEVADA	Y
005056	Luzaich, Elissa	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004501	Abood, Joseph K.	Y

Statements by counsel. COURT ORDERED, motion GRANTED.

CUSTODY

08/11/05 09:00 AM 00 ALL PENDING MOTIONS 8-11-5

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

OFFICERS: Nancy Noble, Relief Clerk  
Peggy Isom, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003776	Monroe, Vicki J.	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004546	Brown, Curtis	Y

ARGUMENT/DECISION: DEFT'S MOTION TO SUPPRESS DEFT'S CONFESSIONS....DEFT'S  
MOTION TO SUPPRESS DEFT'S CONFESSIONS...Mr. Brown requested a continuance and a new briefing schedule to be set.  
COURT SO ORDERED. Opening brief to be filed by 8/24/05; State's reply  
10/12/05; Defense's response 10/26/05; Argument and Decision 12/7/05.

CUSTODY

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 021

12/07/05 9:00 AM ARGUMENT/DECISION: DEFT'S MOTION TO SUPPRESS DEFT'S  
CONFESSIONS

12/07/05 09:00 AM 00 ALL PENDING MOTIONS (12/7/05)

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

OFFICERS: Nancy Noble, Court Clerk  
Peggy Isom, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Porter, Justin D	Y
	PUBDEF Public Defender	Y
	004546 Brown, Curtis	Y

ARGUMENT/DECISION: DEFT'S MOTION TO SUPPRESS DEFT'S  
CONFESSIONS...EVIDENTIARY HEARING: DEFT'S MOTION TO REMAND, DISMISS SUPPRESS  
CONFESSIONS AND ADMISSIONS...

At request of Mr. Brown, COURT ORDERED matter CONTINUED for further status  
check.

CUSTODY

12/09/05 09:00 AM 00 ALL PENDING MOTIONS (12/9/05).

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

OFFICERS: Nancy Noble, Court Clerk  
Peggy Isom, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	0001 D1 Porter, Justin D	N
	PUBDEF Public Defender	Y
	004546 Brown, Curtis	Y

ARGUMENT/DECISION: DEFT'S MOTION TO SUPPRESS DEFT'S  
CONFESSIONS...EVIDENTIARY HEARING: DEFT'S MOTION TO REMAND, DISMISS SUPPRESS  
CONFESSIONS AND ADMISSIONS...

Court advised he had spoken with Justice Becker and she approved of his  
being able to sit as a Senior judge on this case after January 13, 2006. Mr.  
Brown stated Ms. Luzaich will not be available for the hearing for 3-5 weeks  
and requested a date in March. COURT ORDERED matter CONTINUED for status

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 022

check pending approval from the Chief Justice.

CUSTODY

01/03/06 9:00 AM STATUS CHECK: APPROVAL CHIEF JUSTICE

---

01/03/06 09:00 AM 00 ALL PENDING MOTIONS (01/03/06)

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

OFFICERS: Nancy Noble, Court Clerk  
Peggy Isom, Reporter/RecorderPARTIES: STATE OF NEVADA  
005056 Luzaich, Elissa  
0001 D1 Porter, Justin D  
PUBDEF Public Defender  
004546 Brown, CurtisY  
Y  
Y  
Y  
Y

ARGUMENT/DECISION: DEFT'S MOTION TO SUPPRESS DEFT'S  
CONFESSIONS...EVIDENTIARY HEARING; DEFT'S MOTION TO REMAND, DISMISS SUPPRESS  
CONFESSIONS AND ADMISSIONS...STATUS CHECK: APPROVAL OF CHIEF JUSTICE...

Upon inquiry of Ms. Luzaich, the Court advised Justice Beck gave approval  
for this Court to hear the matter. Ms. Luzaich requested sixty (60) days to  
file her briefs. COURT ORDERED State's brief to be filed by 3/6/06; Deft's  
Response due 3/27/06 and matter set for Argument/Decision on 4/10/06 at 9:00  
AM.

CUSTODY

---

03/09/06 11:45 AM 00 MINUTE ORDER RE: RECUSAL DEPT VII

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

OFFICERS: Tina Hurd, Court Clerk

PARTIES: NO PARTIES PRESENT

As this Court worked on this case as the District Attorney, to avoid the  
appearance of impropriety and implied bias, this Court hereby disqualifies  
itself and ORDERS, this matter be REASSIGNED at random.

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 023

04/10/06 09:00 AM 04 ARGUMENT/DECISION DEFT'S MTN TO SUPPRESS  
DEFT'S CONFESSIONS

HEARD BY: David Wall, Judge; Dept. 20

OFFICERS: Carol Foley, Court Clerk  
Angela Lee, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005043	Laurent, Christopher J.	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004546	Brown, Curtis	Y

Mr. Brown advised Ms. Luzaich is in trial today. Mr. Brown noted he was informed the opposition is on its way and he would like to reply. Court noted he does not believe he had anything to do with the case when he was in the District Attorney's office but he wants the State to check. Court noted he would not recuse just because he worked in the District Attorney's office, and if there is a motion to disqualify it would be heard by the Chief Judge. Court noted he does not know why he cannot review the transcript and hear the motion since the trial will be here. Mr. Brown advised counsel agreed Deft's demeanor at the time was important so they agreed to have Judge McGroarty hear it. Upon Court's inquiry, Mr. Brown advised it was a Rule 250 case but Roper v. Simmons resolved the issue. COURT ORDERED, status check set. Mr. Brown and Mr. Luzaich may contact chambers to set up a meeting in chambers before the status check if they want to.

CUSTODY

4/24/06 8:30 AM STATUS CHECK: ARGUMENT/DECISION - DEFT'S MOTION TO SUPPRESS  
DEFT'S CONFESSIONS

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA vs Porter, Justin D

CONTINUED FROM PAGE: 024

04/24/06 08:30 AM 00 STATUS CHECK: ARGUMENT/DECISION - DEFT'S  
MOTION TO SUPPRESS DEFT'S CONFESSIONS

HEARD BY: David Wall, Judge; Dept. 20

OFFICERS: Carol Foley, Court Clerk  
Angela Lee, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005056	Luzaich, Elissa	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004546	Brown, Curtis	Y

Court and counsel met in chambers prior to court.

Court advised he may have a conflict because he had some contact with the case by reviewing the file when he worked in the District Attorney's office. Counsel advised they have no objection to Court staying on the case just until it goes back to Judge McGroarty. COURT ORDERED, matter CONTINUED. Court will contact Judge Hardcastle about sending it back to Judge McGroarty and will not take any other action on the case based on contact.

## CUSTODY

CONTINUED TO: 05/01/06 08:30 AM 01

05/01/06 08:30 AM 01 STATUS CHECK: ARGUMENT/DECISION - DEFT'S  
MOTION TO SUPPRESS DEFT'S CONFESSIONS

HEARD BY: David Wall, Judge; Dept. 20

OFFICERS: Carol Foley, Court Clerk  
Angela Lee, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005056	Luzaich, Elissa	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004501	Abood, Joseph K.	Y

Court and counsel met in chambers prior to court. Counsel will contact Senior Judge Judicial Executive Assistant to have matter previously heard by Judge McGroarty decided. Status check set.

6/19/06 8:30 AM STATUS CHECK

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 025

## CUSTODY

06/19/06 08:30 AM 00 STATUS CHECK

HEARD BY: David Wall, Judge; Dept. 20

OFFICERS: Carol Foley, Court Clerk  
Angela Lee, Reporter/RecorderPARTIES: STATE OF NEVADA  
009592 Iscan, Ercan E  
0001 D1 Porter, Justin D  
PUBDEF Public Defender  
004501 Abood, Joseph K.Y  
Y  
Y  
Y  
Y

Mr. Abood requested another status check in sixty days because Mr. Brown was informed an Order from the Supreme Court allowing Judge McGroarty to hear the matter is required before the hearing is scheduled. Mr. Abood advised he will contact Mr. Brown and they will do what they need to do to get the Order. COURT ORDERED, matter CONTINUED sixty days. Court noted it will determine if the matter is to be heard here if a hearing has not been set by then.

## CUSTODY

CONTINUED TO: 08/23/06 08:30 AM 01

08/23/06 09:00 AM 00 HEARING: DEFT'S MOTION TO SUPPRESS

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

OFFICERS: Carole D'Aloia, Relief Clerk  
Julie Lever, Reporter/RecorderPARTIES: STATE OF NEVADA  
005056 Luzaich, Elissa  
0001 D1 Porter, Justin D  
PUBDEF Public Defender  
004546 Brown, Curtis  
004501 Abood, Joseph K.Y  
Y  
Y  
Y  
Y  
Y

Statements by Court regarding the history of the case. Upon Court's inquiry, counsel advised the death penalty is off the table. Court acknowledged review and receipt of all pleadings pertaining to this motion. Mr. Brown advised that, since the State just filed it's response on 8/18/06, matter be continued to allow him to file a reply. Ms. Luzaich advised she

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 026

thought she had previously filed her response, and since it was just filed on 8/18/06 she has no objection to the continuance. Court instructed counsel to check their schedules and contact the Senior Judge Judicial Executive Assistant with possible dates and she will have the matter placed on calendar. Court advised that, in the meantime, it will review all hearing transcripts related to this motion.

CUSTODY

CLERK'S NOTE: JUDGE MCGROARTY KEPT THE FILE ON THIS CASE AND IT IS IN HIS OFFICE. cd

CONTINUED TO: 11/15/06 09:30 AM 01

08/30/06 08:30 AM 02 STATUS CHECK

HEARD BY: David Wall, Judge; Dept. 20

OFFICERS: Carol Foley/cf, Court Clerk  
Carol Donahoo, Relief Clerk  
Angela Lee, Reporter/Recorder

PARTIES: STATE OF NEVADA

005056 Luzaich, Elissa

0001 D1 Porter, Justin D

PUBDEF Public Defender

004501 Abood, Joseph K.

Y

Y

Y

Y

Y

Counsel advised Judge McGroarty will hear argument 10/24. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 11/01/06 08:30 AM 03



## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 027

11/01/06 08:30 AM 03 STATUS CHECK

HEARD BY: David Wall, Judge; Dept. 20

OFFICERS: Sharon Chun, Relief Clerk  
Angela Lee, Reporter/RecorderPARTIES: STATE OF NEVADA  
006955 Di Giacomo, Marc P.  
0001 D1 Porter, Justin D  
PUBDEF Public Defender  
004501 Abood, Joseph K.Y  
Y  
Y  
Y  
Y

Mr. DiGiacomo was present for Ms. Luzaich today and had no opposition to Mr. Abood's request for continuance after the ruling in Deft's other case.

COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 12/06/06 08:30 AM 04

11/15/06 09:30 AM 01 HEARING: DEFT'S MOTION TO SUPPRESS

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

OFFICERS: REBECCA FOSTER, Court Clerk  
Julie Lever, Reporter/Recorder

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

PARTIES: STATE OF NEVADA  
005056 Luzaich, Elissa  
0001 D1 Porter, Justin D  
004501 Abood, Joseph K.  
004546 Brown, CurtisN  
Y  
Y  
Y  
Y

Mr. Brown provided to the Court Exhibit A which had been misplaced from a prior hearing. Court noted there are three issues to be considered today: 1) Whether deft's statement to Chicago detective was voluntary; 2) Ford v. State which goes to the issue of whether parental presence was necessary at the time of questioning; and 3) Deft's Motion to Suppress. Arguments by counsel. COURT ORDERED, matter taken UNDER ADVISEMENT. FURTHER ORDERED, transcript to be delivered by 11-29-06; and matter SET for DECISION.

12-12-06, DECISION RE: MOTION TO SUPPRESS, 9:00 A.M.

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA vs Porter, Justin D

CONTINUED FROM PAGE: 028

12/06/06 08:30 AM 04 STATUS CHECK

HEARD BY: David Wall, Judge; Dept. 20

OFFICERS: Melissa Swinn, Relief Clerk  
Angela Lee, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005873 Benedict, Susan M.	Y
	0001 D1 Porter, Justin D	Y
	004501 Abood, Joseph K.	Y
	004546 Brown, Curtis	Y

Counsel requested matter be continued, pending outcome of a decision in another matter to be heard on 12/12/06. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 12/18/06 08:30 AM 05

12/18/06 08:30 AM 05 STATUS CHECK

HEARD BY: David Wall, Judge; Dept. 20

OFFICERS: Carol Foley, Court Clerk  
Angela Lee, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	009286 Sedlock, Priyanka T.	Y
	0001 D1 Porter, Justin D	Y
	PUBDEF Public Defender	Y
	004501 Abood, Joseph K.	Y

Mr. Abood requested a continuance until after Judge McGroarty's decision. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 01/03/07 08:30 AM 06

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 029

12/19/06 09:00 AM 01 DECISION RE: MOTION TO SUPPRESS

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

OFFICERS: REBECCA FOSTER, Court Clerk  
Julie Lever, Reporter/Recorder

PARTIES:	STATE OF NEVADA	N
005056	Luzaich, Elissa	Y
0001 D1	Porter, Justin D	Y
004501	Abood, Joseph K.	Y

Court advised counsel it read the transcripts and the missing Exhibit A that was provided at the last court date. Court STATED ITS FINDINGS based on the transcripts, expert witness testimony, deft's signing a waiver and deft's criminal history and previous behavior. COURT ORDERED, Deft's Motion to Suppress Deft's Confessions and Admissions is DENIED. The State to prepare the appropriate Findings of Fact by 1-22-07.

CLERK'S NOTE: For full context of the Court's Findings see transcript.

01/03/07 08:30 AM 06 STATUS CHECK

HEARD BY: David Wall, Judge; Dept. 20

OFFICERS: Carol Foley, Court Clerk  
Angela Lee, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005056	Luzaich, Elissa	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004546	Brown, Curtis	Y

Court noted the motion was heard and the case needs to be reassigned. Counsel concurred. Conference at bench. COURT ORDERED, status check set in one week. Reassignment will be through Chief Judge Hardcastle.

CUSTODY

1/10/07 8:30 AM STATUS CHECK: REASSIGNMENT

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 030

01/10/07 08:30 AM 00 STATUS CHECK: CASE VA 1/12/07

HEARD BY: David Wall, Judge; Dept. 20

OFFICERS: Carol Foley, Court Clerk  
Angela Lee, Reporter/RecorderPARTIES: STATE OF NEVADA  
005056 Luzaich, Elissa  
0001 D1 Porter, Justin D  
PUBDEF Public Defender  
004546 Brown, CurtisY  
Y  
Y  
Y  
Y

Court advised it must recuse because Court was in the District Attorney's Office when the case came through.

To avoid the appearance of impropriety and implied bias, this Court hereby disqualifies itself and ORDERS, this matter be REASSIGNED at random.

CUSTODY

CONTINUED TO: 01/23/07 08:30 AM 01

01/19/07 08:45 AM 00 MINUTE ORDER RE: RECUSAL DEPT VII

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

OFFICERS: Tina Hurd, Court Clerk

PARTIES: NO PARTIES PRESENT

To avoid the appearance of impropriety and implied bias, this Court hereby disqualifies itself and ORDERS, this matter be REASSIGNED at random as this Court has previously recused as he worked on this case as a prosecutor. Court further advised this case cannot be assigned to Dept. III - Judge Herndon or Dept. XX - Judge Wall as they too worked on this case as prosecutors.

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA vs Porter, Justin D

CONTINUED FROM PAGE: 031

01/31/07 09:00 AM 00 STATUS CHECK: STATUS OF CASE

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Sharon Coffman, Court Clerk  
Sonia Riley, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Porter, Justin D	Y
	PUBDEF Public Defender	Y
	004501 Abood, Joseph K.	Y
	004546 Brown, Curtis	Y

Parties advised this matter needs to be set for trial. Upon Court's inquiry, parties advised the Information was filed 4/26/01. COURT ORDERED, TRIAL DATE SET and advised there will be no continuances.

CUSTODY

9/5/07 9:00 A.M. CALENDAR CALL

9/10/07 10:00 A.M. TRIAL BY JURY ( #1 FIRM DATE)

09/05/07 09:00 AM 00 CALENDAR CALL

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Katherine Streuber, Court Clerk  
Sonia Riley, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Porter, Justin D	Y
	PUBDEF Public Defender	Y
	004546 Brown, Curtis	Y
	004501 Abood, Joseph K.	Y

Counsel advised they were still working on negotiations and were not prepared for trial. State noted this first trial setting in this case and there have been several Evidentiary hearings. Court stated its findings and ORDERED, trial date VACATED and matter SET for status check.

CUSTODY

09-19-07 9:00 AM STATUS CHECK: NEGOTIATIONS

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA vs Porter, Justin D

CONTINUED FROM PAGE: 032

09/19/07 09:00 AM 00 STATUS CHECK: NEGOTIATIONS

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Carole D'Aloia/cd//Phyllis Irby, Relief Clerk  
Sonia Riley, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Porter, Justin D	Y
	PUBDEF Public Defender	Y
	004546 Brown, Curtis	Y
	004501 Abood, Joseph K.	Y

Statements by Mr. Brown regarding the history of the case. Mr. Brown advised parties have been in discussions on trying to negotiate the matter. Ms. Luzaich stated she did make an offer to resolve the matter. Defendant stated he does not want to accept negotiations and wants to proceed to trial. Mr. Brown advised he cannot be prepared for trial until June of 2008 because of this trial schedule and the amount of work that needs to be done on this case. COURT ORDERED, matter set for JURY TRIAL AND ADVISED THIS IS A FIRM DATE.

CUSTODY

6/23/08 9:00 AM CALENDAR CALL

7/1/08 10:00 AM JURY TRIAL

05/28/08 09:00 AM 00 DEFT'S MTN TO SEVER COUNTS XXX, XXXI &  
XXXII/73

HEARD BY: Valerie Adair, Judge; Dept. 21

OFFICERS: Katherine Streuber, Court Clerk  
Janie Olsen, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005144 Sweetin, James R.	Y
	0001 D1 Porter, Justin D	Y
	PUBDEF Public Defender	Y
	004546 Brown, Curtis	Y

State requested a continuance in order to file opposition. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 06/18/08 09:00 AM 01

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA vs Porter, Justin D

CONTINUED FROM PAGE: 033

06/16/08 09:00 AM 00 DEFT'S MTN TO REMAND CASE TO JUVENILE COURT/74

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Katherine Streuber, Court Clerk  
Sonia Riley, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	006541 Lewis, Linda Y.	Y
	0001 D1 Porter, Justin D	N
	PUBDEF Public Defender	Y
	004501 Abood, Joseph K.	Y

At request of parties, COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 06/18/08 09:00 AM 01

06/18/08 09:00 AM 00 ALL PENDING MOTIONS (06/18/08)

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Katherine Streuber, Court Clerk  
Sonia Riley, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Porter, Justin D	Y
	PUBDEF Public Defender	Y
	004546 Brown, Curtis	Y
	004501 Abood, Joseph K.	Y

DEFT'S MOTION TO REMAND CASE TO JUVENILE COURT...DEFT'S MOTION TO SEVER COUNTS XXX, XXXI AND XXXII

Counsel advised matter needs to before Juvenile Court for hearing regarding certifying Deft. up as an adult. Argument by State regarding Chicago charges. Court advised Deft. needed to be adjudicated on previous sexual assault case and whether it was a felony, parties to inquire with Chicago. Counsel advised Chicago attorney would be contacted and noted Count XXXII does not apply as there are no connections with other charges. Counsel further noted if homicide is tried with other counts it may make State's case stronger as jury might assume Deft's guilt and requested severance. Arguments by counsel regarding relation of cases to which Deft. had confessed. Court stated its findings and ORDERED, Motion to Severe GRANTED

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 034

and Motion to Remand CONTINUED.

CUSTODY

06-23-08 9:00 AM DEFT'S MOTION TO REMAND CASE TO JUVENILE COURT

06/23/08 09:00 AM 00 ALL PENDING MOTIONS (06/23/08)

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Katherine Streuber, Court Clerk  
Sonia Riley, Reporter/RecorderPARTIES: STATE OF NEVADA  
005056 Luzaich, Elissa  
0001 D1 Porter, Justin D  
PUBDEF Public Defender  
004546 Brown, CurtisY  
Y  
Y  
Y  
Y

CALENDAR CALL...DEFT'S MOTION TO REMAND CASE TO JUVENILE COURT

State advised no new information has been received due to age of case, contact has been made with Chicago authorities and requested a continuance. Counsel argued regarding loss of current trial setting and requested Court grant motion. Court pointed out Juvenile Court would have to do same discovery. Counsel requested trial setting of severed counts. State requested matter remain together as a new offer may be given. COURT ORDERED, matters are CONTINUED and SET for status check.

CUSTODY

06-25-08 9:00 AM CALENDAR CALL...DEFT'S MOTION TO REMAND CASE TO JUVENILE COURT...STATUS CHECK: TRIAL SETTING FOR SEVERED COUNTS

07-21-08 9:00 AM STATUS CHECK: DISCOVERY RE: OTHER CHARGES



## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA vs Porter, Justin D

CONTINUED FROM PAGE: 035

06/25/08 09:00 AM 00 ALL PENDING MOTIONS (06/25/08)

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Katherine Streuber, Court Clerk  
Sonia Riley, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005056	Luzaich, Elissa	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004546	Brown, Curtis	Y

STATUS CHECK: TRIAL SETTING FOR SEVERED COUNTS...DEFT'S MOTION TO REMAND  
CASE TO JUVENILE COURT...CALENDAR CALL

Counsel requested setting of trial for severed counts. State advised information regarding Deft's other charges from Chicago might be received before previous set status check date. Statement by counsel. COURT ORDERED, matters are CONTINUED. Trial date and future status check date are VACATED.

CUSTODY

07-09-08 9:00 AM STATUS CHECK: TRIAL SETTING FOR SEVERED COUNTS...DEFT'S  
MOTION TO REMAND CASE TO JUVENILE COURT

07/09/08 09:00 AM 00 ALL PENDING MOTIONS 7/09/08

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Nora Pena, Relief Clerk  
Sonia Riley, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005056	Luzaich, Elissa	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004546	Brown, Curtis	Y

STATUS CHECK: TRIAL SETTING FOR SEVERED COUNTS...DEFT'S MOTION TO REMAND  
CASE TO JUVENILE COURT

Ms. Luzaich advised she needed to obtain documents from Chicago and she is doing everything to get them. COURT ORDERED, matter CONTINUED.

CUSTODY

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 036

CONTINUED TO: 7/21/08 9:00 AM

07/21/08 09:00 AM 00 ALL PENDING MOTIONS (07/21/08)

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Katherine Streuber, Court Clerk  
Sonia Riley, Reporter/Recorder

PARTIES: STATE OF NEVADA

005056 Luzaich, Elissa

Y

Y

0001 D1 Porter, Justin D

Y

PUBDEF Public Defender

Y

004546 Brown, Curtis

Y

STATUS CHECK: TRIAL SETTING FOR SEVERED COUNTS...DEFT'S MOTION TO REMAND  
CASE TO JUVENILE COURT

State advised some documents have been received and a felony plea was entered by Deft. State further advised they had asked for transcripts of Deft's plea and sentencing and requested continuance in order to obtain items. There being no opposition, COURT ORDERED, matter CONTINUED.

CUSTODY

08-04-08 9:00 AM STATUS CHECK: TRIAL SETTING FOR SEVERED COUNTS...DEFT'S  
MOTION TO REMAND CASE TO JUVENILE COURT

08/04/08 09:00 AM 00 ALL PENDING MOTIONS 8/04/08

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Nora Pena, Relief Clerk  
Sonia Riley, Reporter/Recorder

PARTIES: STATE OF NEVADA

005056 Luzaich, Elissa

Y

Y

0001 D1 Porter, Justin D

Y

PUBDEF Public Defender

Y

004546 Brown, Curtis

Y

004501 Abood, Joseph K.

Y

STATUS CHECK: TRIAL SETTING FOR SEVERED COUNTS...DEFT'S MOTION TO REMAND  
CASE TO JUVENILE COURT

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 037

Ms. Luzaich advised she got the transcript from Chicago for March 1996 and the Deft. was placed on probation, it indicates it was a felony, therefore, you don't need to remand Deft. back and she provided a copy of the transcript to Court and Counsel. Mr. Brown advised he reads the transcript differently than Ms. Luzaich, he reads it was a wobbler and the State's motion was denied; however, Deft. received one year of probation and the transcript is not clear. Ms. Luzaich argued on the distinction is whether it's forceable felony or non forceable. Court noted Deft. was charged with Attempt Vehicler Hijacking and asked the State to check their statute. Mr. Brown asked to try and find out what the Court's discretion was. Court believed the Judge was concerned about the Deft. being 13 years old and he agreed it's not clear, therefore, he asked the State to provide a statute on Attempt then asked the State to find out what is it for Chicago on Attempt. Mr. Brown asked did they clarify the terms. Ms. Luzaich stated she has asked for the original plea transcript. COURT ORDERED, matter CONTINUED two weeks.

CUSTODY

CONTINUED TO: 8/18/08 9:00 AM

08/18/08 09:00 AM 00 ALL PENDING MOTIONS (8/18/08)

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Willa Pettice, Court Clerk  
Robin Mucciarone/rm, Relief Clerk  
Sonia Riley, Reporter/Recorder

PARTIES: 0001 D1 Porter, Justin D  
PUBDEF Public Defender  
004501 Abood, Joseph K.

Y  
Y  
Y

STATUS CHECK: TRIAL SETTING FOR SEVERED COUNTS...DEFT'S MOTION TO REMAND  
CASE TO JUVENILE COURT

Prior to Court, Mr. Abood requested a continuance and advised Ms. Luzaich is aware of the request. COURT ORDERED, matter CONTINUED.

CUSTODY

9/3/08 9:00 AM STATUS CHECK: TRIAL SETTING FOR SEVERED COUNTS

9/3/08 9:00 AM DEFT'S MOTION TO REMAND CASE TO JUVENILE COURT

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA vs Porter, Justin D

CONTINUED FROM PAGE: 038

09/03/08 09:00 AM 00 ALL PENDING MOTIONS (09/03/08)

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Katherine Streuber/ks, Court Clerk  
Susan Jovanovich, Relief Clerk  
Sonia Riley, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Porter, Justin D	Y
	PUBDEF Public Defender	Y
	004501 Abood, Joseph K.	Y

STATUS CHECK: TRIAL SETTING FOR SEVERED COUNTS...DEFT'S MOTION TO REMAND  
CASE TO JUVENILE COURT

State advised Court requested more documentation from Chicago regarding Deft's cases and noted documents had not been received. CONFERENCE AT THE BENCH. Court noted counts had been severed and trial should be set as to murder counts and ORDERED, matters are CONTINUED. FURTHER, matter SET for trial.

CUSTODY

10-01-08 9:00 AM STATUS CHECK: TRIAL SETTING FOR SEVERED COUNTS...DEFT'S  
MOTION TO REMAND CASE TO JUVENILE COURT

02-02-09 9:00 AM CALENDAR CALL

02-10-09 10:00 AM TRIAL BY JURY

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA vs Porter, Justin D

CONTINUED FROM PAGE: 039

10/01/08 09:00 AM 00 ALL PENDING MOTIONS (10/01/08)

HEARD BY: David Barker, Judge; Dept. 18

OFFICERS: Katherine Streuber, Court Clerk  
Sonia Riley, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Porter, Justin D	Y
	PUBDEF Public Defender	Y
	004501 Abood, Joseph K.	Y

STATUS CHECK: TRIAL SETTING FOR SEVERED COUNTS...DEFT'S MOTION TO REMAND  
CASE TO JUVENILE COURT

At the request of Judge Gates, COURT ORDERED, matters are CONTINUED.

CUSTODY

10-06-08 9:00 AM STATUS CHECK: TRIAL SETTING FOR SEVERED COUNTS...DEFT'S  
MOTION TO REMAND CASE TO JUVENILE COURT

10/06/08 09:00 AM 00 ALL PENDING MOTIONS (10/06/08)

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Katherine Streuber, Court Clerk  
Sonia Riley, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Porter, Justin D	Y
	PUBDEF Public Defender	Y
	004501 Abood, Joseph K.	Y

STATUS CHECK: TRIAL SETTING FOR SEVERED COUNTS...DEFT'S MOTION TO REMAND  
CASE TO JUVENILE COURTAt request of State, COURT ORDERED, matters are CONTINUED. State provide  
transcript from Deft's case in Chicago.

CUSTODY

10-13-08 9:00 AM STATUS CHECK: TRIAL SETTING FOR SEVERED COUNTS...DEFT'S  
MOTION TO REMAND CASE TO JUVENILE COURT

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 040

10/13/08 09:00 AM 00 ALL PENDING MOTIONS (10/13/08)

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: Katherine Streuber, Court Clerk  
Sonia Riley, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Porter, Justin D	Y
	PUBDEF Public Defender	Y
	004501 Abood, Joseph K.	Y

STATUS CHECK: TRIAL SETTING FOR SEVERED COUNTS...DEFT'S MOTION TO REMAND  
CASE TO JUVENILE COURT

Counsel argued documents provided by State show vehicular high-jacking, Deft. did not plead guilty to which no Judgment of Conviction (JOC) was prepared. Counsel noted Deft. was 12 years of age at time of incident and requested case be remanded back to Juvenile Court. State argued conviction took place in Juvenile Court and Deft. was adjudged a juvenile delinquent and problem being the age of case, most of records had been destroyed. Court noted Supreme Court states certified copy of JOC is needed. Further argument by State regarding Deft's current age of 26, he has been aged out of juvenile system. COURT ORDERED, matter taken UNDER ADVISEMENT.

10/15/08 09:00 AM 00 MINUTE ORDER RE: DECISION FOR REMAND TO  
JUVENILE COURT

HEARD BY: Lee A Gates, Judge; Dept. 8

PARTIES: NO PARTIES PRESENT

Court believes Deft. had been convicted of vehicular high-jacking and he would have been charged with felony if he were an adult. Court hereby ORDERS, Deft's Motion to Remand to Juvenile Court DENIED. Ms. Elissa Luzaich to prepare the order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Elissa Luzaich Deputy D.A. and Joseph Abood Deputy P.D. 10/15/08 kls

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA vs Porter, Justin D

CONTINUED FROM PAGE: 041

02/02/09 08:30 AM 00 CALENDAR CALL

HEARD BY: ELISSA CADISH, Judge; Dept. 6

OFFICERS: Keith Reed, Court Clerk  
Patty Slattery, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005056	Luzaich, Elissa	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004546	Brown, Curtis	Y
004501	Abood, Joseph K.	Y

Mr. Brown requested a continuance of the trial. Colloquy between court and counsel regarding the history of the case and the need for the continuance. Ms. Luzaich advised the trial will proceed in 2 parts, first will be the murder and the other part will deal with the sexual assaults and robbery; the murder portion can be completed in a week and was separated from the sexual assault by Judge Gates. Colloquy regarding further proceedings. Parties advised the sexual assault portion of the trial will take approximately 5 weeks. COURT ORDERED, trial CONTINUED.

## CUSTODY

4-27-09 9:30 AM CALENDAR CALL

5-4-09 10:00 AM JURY TRIAL

04/27/09 08:30 AM 00 ALL PENDING MOTIONS 4-27-09

HEARD BY: ELISSA CADISH, Judge; Dept. 6

OFFICERS: Keith Reed, Court Clerk  
Jessica Ramirez, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005056	Luzaich, Elissa	Y
009210	Tomsheck, Joshua L.	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004501	Abood, Joseph K.	Y
004546	Brown, Curtis	Y

CALENDAR CALL...DEFT'S MOTION IN LIMINE TO PROHIBIT STATE FROM REFERRING TO DECEDENT, GYALTSO LUNGTOK AS A FORMER MONK...DEFT'S MOTION FOR JURY QUESTIONNAIRE

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 042

There being no opposition, COURT ORDERED, motion in limine to preclude the decedent from being referred to as a monk GRANTED. Arguments by counsel regarding the need for a jury questionnaire. Court stated findings & ORDERED, motion for jury questionnaire DENIED. Colloquy regarding further proceedings as to the trial. COURT ORDERED, trial date stands with proposed jury instructions to be provided electronically in word to the Judicial Executive Assistant by Thursday or at latest by noon Friday, additional instructions will be allowed to be submitted should something come up in the course of the trial, parties to contact Chambers should there be any issues.

CUSTODY

5-4-09 10:00 AM JURY TRIAL

05/04/09 10:00 AM 00 TRIAL BY JURY

HEARD BY: ELISSA CADISH, Judge; Dept. 6

OFFICERS: Keith Reed, Court Clerk  
Jessica Ramirez, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005056	Luzaich, Elissa	Y
009210	Tomsheck, Joshua L.	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004546	Brown, Curtis	Y
004501	Abood, Joseph K.	Y

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Colloquy regarding trial logistics, methodology for preemptory challenges and further proceedings. Ms. Luzaich advised should there be a conviction for first degree murder, parties have waived the right of the Jury to sentence the Deft. and will have the Court do so. Mr. Brown stated in the event there is a conviction, a stipulation will be prepared for the signature of the Court. IN THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Role of prospective Jurors called and sworn. Voir Dire. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Ms. Luzaich advised a Third Amended Information has been filed for which the language was agreed to by the state and defense counsel. IN THE PRESENCE OF THE PROSPECTIVE JURY PANE: Voir Dire. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Colloquy regarding further proceedings. IN THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Voir Dire. COURT ORDERED, proceedings CONTINUED to May 5th @ 10 AM.

CONTINUED TO: 05/05/09 10:00 AM 01



## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA vs Porter, Justin D

CONTINUED FROM PAGE: 043

05/05/09 10:00 AM 01 TRIAL BY JURY

HEARD BY: ELISSA CADISH, Judge; Dept. 6

OFFICERS: Keith Reed, Court Clerk  
Jessica Ramirez, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	009210 Tomsheck, Joshua L.	Y
	0001 D1 Porter, Justin D	Y
	PUBDEF Public Defender	Y
	004501 Abood, Joseph K.	Y
	004546 Brown, Curtis	Y

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Colloquy regarding further proceedings. IN THE PRESENCE OF THE JURY: Voir Dire. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Court and counsel addressed prospective juror #065 Hidrosollo outside the presence of the prospective jury panel. COURT ORDERED, Juror #65, Hidrosollo EXCUSED. IN THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Voir Dire. Peremptory challenges exercised. Jury impaneled. IN THE PRESENCE OF THE JURY: Jury panel sworn, admonished and released to return May 6th @ 10AM. OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding further proceedings with the trial schedule. Mr. Brown advised a language barrier was previously noted as to juror #52 Yao, and the defense moved for her to be excused for cause, understanding the Court's ruling, Mr. Brown requested a Tagolian interpreter be provided for Ms. Yao. Court stated findings and ORDERED, request DENIED.

CONTINUED TO: 05/06/09 10:00 AM 02

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 044

05/06/09 10:00 AM 02 TRIAL BY JURY

HEARD BY: ELISSA CADISH, Judge; Dept. 6

OFFICERS: Keith Reed, Court Clerk  
Jessica Ramirez, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
009210	Tomsheck, Joshua L.	Y
005056	Luzaich, Elissa	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004501	Abood, Joseph K.	Y
004546	Brown, Curtis	Y

OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding further proceedings. Arguments by Mr. Brown in regards to the states opening statements and statements that will be made by them throughout the trial in regards to statements made by the Deft. to investigators. Mr. Brown requested the statements not be mentioned in openings. Argument in opposition by Mr. Tomsheck. Court stated findings noting any statements denying the commission of any crimes are relevant & ORDERED, motion DENIED. For the record, Mr. Brown requested the state reveal what will be said in their opening statement and the testimony that will be elicited from Detective Jensen. Content of the state's opening statements presented by Mr. Tomsheck. IN THE PRESENCE OF THE JURY: Charging Information read by the Clerk. Opening statements on behalf of the state by Mr. Tomsheck & on behalf of the Deft. by Mr. Abood. Exclusionary rule INVOKED. Testimony & Exhibits Presented (See Worksheet). OUTSIDE THE PRESENCE OF THE JURY: Mr. Brown advised of a juror potentially over hearing a conversation by counsel in regards to severance and a specific conviction of the Deft's. Colloquy regarding further proceedings in regards to the representations of Mr. Brown. Court stated the issue will be addressed with the Juror outside the presence of the remaining Juror's. Upon the inquiry of the Court, Juror #52 Yao stated she did not overhear any conversations between counsel. IN THE PRESENCE OF THE JURY: Testimony & Exhibits (See Worksheets). COURT ORDERED, proceedings CONTINUED to May 7th @ 10:00 AM.

CONTINUED TO: 05/07/09 10:00 AM 03

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA vs Porter, Justin D

CONTINUED FROM PAGE: 045

05/07/09 10:00 AM 03 TRIAL BY JURY

HEARD BY: ELISSA CADISH, Judge; Dept. 6

OFFICERS: Keith Reed, Court Clerk  
Jessica Ramirez, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	009210 Tomsheck, Joshua L.	Y
	0001 D1 Porter, Justin D	Y
	PUBDEF Public Defender	Y
	004546 Brown, Curtis	Y
	004501 Abood, Joseph K.	Y

OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding further proceedings. IN THE PRESENCE OF THE JURY: Testimony and exhibits presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE JURY: Upon agreement of parties COURT ORDERED, transcript of preliminary hearing testimony of Detective Jensen ADMITTED as a Court's exhibit. IN THE PRESENCE OF THE JURY: Testimony and exhibits presented. (See worksheets.) OUTSIDE THE PRESENCE OF THE JURY: For appellant purposes Mr. Brown advised the testimony of Detective LaRochelle in regards to findings & conclusions drawn by firearms expert Good & DNA results from Welch were stipulated with the state to be allowed to be brought in so they did not have to appear. Mr. Tomsheck stated the reason for the stipulation is because both are retired, there are severance issues and testing by Good was done in another event linking matters and there were concerns about spillover. IN THE PRESENCE OF THE JURY: Testimony and exhibits presented. (See worksheets.) State REST. Jury admonished and released to return May 8th @ 10:30 AM. OUTSIDE THE PRESENCE OF THE JURY: Court advised Deft. of his rights as to testimony. Instructions settled. Colloquy regarding further proceedings.

CONTINUED TO: 05/08/09 10:30 AM 04

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 046

05/08/09 10:30 AM 04 TRIAL BY JURY

HEARD BY: ELISSA CADISH, Judge; Dept. 6

OFFICERS: Keith Reed, Court Clerk  
Jessica Ramirez, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005056	Luzaich, Elissa	Y
009210	Tomsheck, Joshua L.	Y
0001 D1	Porter, Justin D	Y
PUBDEF	Public Defender	Y
004501	Abood, Joseph K.	Y
004546	Brown, Curtis	Y

OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding, jury instructions, verdict form & further proceedings. IN THE PRESENCE OF THE JURY: Defense REST. Jury instructions read by the Court. Closing arguments on behalf of the state by Ms. Luzaich and on behalf of the Deft. by Mr. Brown. Closing rebuttal arguments on behalf of the state by Mr. Tomsheck. 2 Alternate Jurors selected, admonished and released. At the hour of 12:40 PM the jury retired to commence deliberations. At the hour 4PM the Jury returned with verdicts as follows: COUNT I., BURGLARY WHILE IN POSSESSION OF A FIREARM- NOT GUILTY, COUNT II., ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON- NOT GUILTY, COUNT III., MURDER WITH USE OF A DEADLY WEAPON, GUILTY OF SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON. Court thanked and excused the jury. OUTSIDE THE PRESENCE OF THE JURY: COURT ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing.

CUSTODY

7-8-09 8:30 AM SENTENCING

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA vs Porter, Justin D

CONTINUED FROM PAGE: 047

07/08/09 08:30 AM 00 SENTENCING

HEARD BY: ELISSA CADISH, Judge; Dept. 6

OFFICERS: Susan Jovanovich /sj, Relief Clerk  
Jessica Ramirez, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	009210 Tomsheck, Joshua L.	Y
	0001 D1 Porter, Justin D	Y
	PUBDEF Public Defender	Y
	004546 Brown, Curtis	Y
	004501 Abood, Joseph K.	Y

Court stated she does not have Pre Sentence Investigation (PSI) Report. Additionally, message from P&P was received, stating they never received the case file from District Attorney's office. Mr. Tomsheck advised this issue has been addressed, further noting P&P will prepare the report quickly, and the file will be forwarded to them as soon as possible. Mr. Brown requested continuance for thirty days. COURT ORDERED, matter CONTINUED for P&P to prepare the PSI.

CUSTODY

CONTINUED TO: 08/05/09 08:30 AM 01

08/05/09 08:30 AM 01 SENTENCING

HEARD BY: ELISSA CADISH, Judge; Dept. 6

OFFICERS: Keith Reed, Court Clerk  
Jessica Ramirez, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Porter, Justin D	Y
	PUBDEF Public Defender	Y
	004546 Brown, Curtis	Y

Mr. Brown advised the Presentence Investigation Report (PSI) has still not been received; 45 days is required for P & P to complete the PSI if the Deft. is in custody. COURT ORDERED, proceedings CONTINUED for the receipt of the PSI.

CUSTODY

CLERK'S NOTE: COURT ORDERED, sentencing CONTINUED from September 28th to

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 048

September 30th @ 8:30 AM. Minutes Distributed To: District Attorney Elissa Luzaich and Public Defender, Curtis Brown. kar 8-24-09

CONTINUED TO: 09/28/09 08:30 AM 02

09/30/09 08:30 AM 03 SENTENCING

HEARD BY: ELISSA CADISH, Judge; Dept. 6

OFFICERS: Keith Reed, Court Clerk  
Jessica Ramirez, Reporter/Recorder

PARTIES: STATE OF NEVADA  
005056 Luzaich, Elissa  
  
0001 D1 Porter, Justin D  
PUBDEF Public Defender  
004501 Abood, Joseph K.  
004546 Brown, Curtis

Y  
Y  
  
Y  
Y  
Y  
Y

Pursuant to the verdict of the Jury, DEFT. PORTER ADJUDGED GUILTY of COUNT III, SECOND DEGREE MURDER WITH THE USE OF A DEADLY WEAPON (F). Statements by counsel & Deft. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$425.00 Restitution, \$2,421.50 Extradition fees and a \$150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED to LIFE in the Nevada Department of Corrections (NDC) with PAROLE ELIGIBILITY after a MINIMUM of ONE HUNDRED TWENTY (120) MONTHS, plus an equal and CONSECUTIVE term of LIFE in the Nevada Department of Corrections (NDC) with PAROLE ELIGIBILITY after a MINIMUM of ONE HUNDRED TWENTY (120) MONTHS; THREE THOUSAND THREE HUNDRED THIRTY-EIGHT (3338) DAYS credit for time served. Colloquy regarding trial setting with an expected time frame of 4 weeks. COURT ORDERED, matter set for status check.

NDC

10-14-09 8:30 AM STATUS CHECK: TRIAL SETTING

## CRIMINAL COURT MINUTES

01-C-174954-C STATE OF NEVADA

vs Porter, Justin D

CONTINUED FROM PAGE: 049

10/14/09 08:30 AM 00 STATUS CHECK: TRIAL SETTING

HEARD BY: ELISSA CADISH, Judge; Dept. 6

OFFICERS: Keith Reed, Court Clerk  
Jessica Ramirez, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005056 Luzaich, Elissa	Y
	0001 D1 Porter, Justin D	Y
	PUBDEF Public Defender	Y
	004546 Brown, Curtis	Y
	004501 Abood, Joseph K.	Y

Colloquy regarding the scheduling of the trial which is expected to last 4 weeks. COURT ORDERED, matter set for trial, Deft. can be transported to the Nevada Department of Corrections to serve his other sentence.

CUSTODY (NDC)

11-8-09 9:30 AM CALENDAR CALL

11-15-09 10:00 AM JURY TRIAL

11/02/09  
CASE NO. 01-C-174954-C

E X H I B I T S

9:11 AM  
CASE STATUS: ACTIVE

STATE OF NEVADA

[ ] vs Porter, Justin D

[ ]

NO.	CODE	EXHIBIT DESCRIPTION	SUB	OF/OB	DATE	S
0001	P/D	/JUSTICE COURT EXHIBITS	S	/	04/30/01	V
0002	P1	/COPY OF STATEMENT BY DEFT		AD/NO	02/08/05	V
0003	P2	/STATEMENT NO. 2		AD/NO	02/08/05	V
0004	P3	/STATEMENT 8/13		AD/NO	02/08/05	V
0005	P4	/STMNT INTRVW W/JUSTIN PORTER		AD/NO	02/09/05	V
0006	P5	/POWER POINT PRSNTATN TRAN		/	99/99/99	V
0007	DA	/SCHOOL REC FOR DFT (NUMEROUS COPIES)		AD/NO	02/08/05	V
0008	DB	/COPY DR. PAGLINI'S COGNITIVE ANALYSIS		AD/NO	02/08/05	V
0009	DC	/REPORT		AD/NO	02/08/05	V
0010	DD	/COPY OF MIRANDA TEST ASSESSMENT FOR DFT		AD/NO	02/08/05	V
0011	DE	/BOOK RE MIRANDA COMPARATIVE RIGHTS		AD/NO	02/08/05	V
0012	P1-52	/PHOTO		AD/NO	05/06/09	V
0013	P53	/CRIME SCENE DIAGRAM		AD/NO	05/06/09	V
0014	P54	/EVIDENCE ENVELOPE/COMTENTS		AD/NO	05/06/09	V
0015	P54A	/PROJECTILE FRAGMENT		AD/NO	05/06/09	V
0016	P54B	/PROJECTILE FRAGMENT		AD/NO	05/06/09	V
0017	P55	/EVIDENCE ENVELOPE		AD/NO	05/06/09	V
0018	P55A	/PROJECTILE FRAGMENT		AD/NO	05/06/09	V
0019	P55B	/PROJECTILE FRAGEMNT		AD/NO	05/06/09	V
0020	P56-68	/PHOTO		AD/NO	05/07/09	V
0021	P69	/CRIME SCENE DIAGRAM		AD/NO	05/06/09	V
0022	P70	/DIAGRAM W/TRANSPARENT COVER		AD/NO	05/07/09	V
0023	P71-72	/PHOTO		AD/NO	05/06/09	V
0024	P73	/EVIDENCE ENVELOPE/CONTENTS		AD/NO	05/06/07	V
0025	P73A	/BULLET		AD/NO	05/06/09	V
0026	P73B	/BULLET		AD/NO	05/06/09	V
0027	P73C	/BULLET		AD/NO	05/06/09	V
0028	P74-91	/PHOTO		AD/NO	05/06/09	V
0029	P92	/EVIDENCE BAG		/	99/99/99	V
0030	P93	/EVIDENCE BAG (NOT OPENED)		AD/NO	05/06/09	V
0031	P94	/EVIDENCE BAG		AD/NO	05/06/09	V
0032	P94A	/PURPLE PAPER/RUBBER LIFTER		AD/NO	05/06/09	V
0033	P95-97	/PHOTO		AD/NO	05/07/09	V
0034	P98-99	/DIAGRAM/CORONER EXAM		AD/NO	05/07/09	V
0035	P100	/** SEE LIST		/	99/99/99	V



# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, 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; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

JUSTIN D. PORTER,

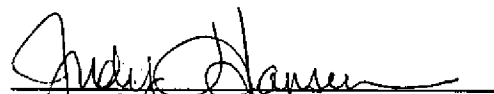
Defendant(s),

)  
)  
) Case No: C174954  
) Dept No: VI  
)  
)  
)  
)  
)  
)

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 2 day of November 2009.

Steven D. Grierson, Clerk of the Court

  
Judy Hansen, Deputy Clerk

