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10 # JOHO

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CASE NO.

| 1176 - LARGE COLOR PHOTOGRAPH | Date Offered | Objection | Date Admitted |
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COURT'S EXHIBITS

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CASE NO. C228752

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CASE NO. 0228752

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STATE'S EXHIBITS

CASE NO. C228752

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| 1090 - LARGE B&W PHOTOS-RENTAL PAPERWORK | 11 | 1/ | 11 |
| 1091 - LARGE COLOR PHOTOGRAPH | 5/22 | oly | MAY 2 2 2008 |
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| , 1181 - CALL LOG | | | |
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| _o 1181B - CD (calls 12a-19) | | ļ | |
| ส181C - CD (calls 20-25) | | | |
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| D 1189A- CD (calls 1-10) | | | |
| 5/189B- CD (Calls 11-19) | 11 | t f | 1(|
| -1189C - CD (Calls 20-24) | y | 11 | 15 |
| 0 1189B- CD (Calls 25-32) | 11 | 11 | 11 |
| "1189B-CD (calls 1-2,4-10) | 5/28 | 440 | MAY 2 8 200 |
| 1189F - CALL LOG | 11 | 1/ | 71 |
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DOFTIS EXHIBITS

CASE NO. <u>C228752</u>

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VAULT EXHIBIT FORM

| CASE NO: (228752) | HEARING DATE:: OCT 0 1 2008 |
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| DEPT. NO. VII | JUDGE: STEWART L. BELL |
| | CLERK: TINA HURD |
| THE STATE OF NOVADA | RECORDER RONDO VINCONT |
| PLAINTIFF | JURY FEES: NA |
| DAIMON MONROG AKA HOYT; | SANDRA DIGIACOMO |
| BRYAN FORGASON | COUNSEL-FOR PLAINTIFF |
| / DEFENDANTS | MARTY HART: CYNTHIA DUSTIN |
| | COUNSEL FOR DEFENDANT |

| | | | | • | | Date Offered | | Date Admitted |
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Certification of Copy

| State of Nevada |) | ee. |
|-----------------|---|-----|
| County of Clark | 了 | 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; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF ENTRY OF DECISION AND ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST

| STATE OF NEVADA, |) |
|------------------|---|
| Plaintiff(s), |)) Case N <u>o</u> : 06C228752-4) Dept No: IV |
| vs. | <u> </u> |
| ROBERT HOLMES, |) |
| Defendant(s), |))) |

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 14 day of January 2011.

Steven D. Grierson, Clerk of the Court

Heather Ungermann, Deputy Clerk

mes III 1034/84 Post Office Box 208, S.D.C.C. 2 Cond Indian Springs, Nevada 89018 3 DISTRICT COURT **CLARK COUNTY, NEVADA** 6 FILED 7 JAN 04 2011 8 Robert HolmesTI 9 10 11 Case No. 228752 VS. State of nevada Brian Williams 12 Dept. No. AN espondents 13 Docket -14 15 16 **NOTICE OF APPEAL** NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant, 17 Robert Holmeszzi, in and through his proper person, hereby 18 appeals to the Supreme Court of Nevada from the ORDER denying and/or dismissing the 20 refition for writ of Habeas con 21 22 ruled on the 2 day of Desember 2000 23 24 Dated this 29 day of Desember Respectfully Submitted, Yokel Halms Itt 08C228752-4 Notice of Appeal (criminal) 1 .

Docket 57538 Document 2011-01394

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CERTIFICATE OF SERVICE

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2

| 3 | I, Robert Holmes III, hereby certify that I am the |
|----|--|
| 4 | Petitioner in this matter and I am representing myself in propria persona. |
| 5 | |
| 6 | the Notice of Appeal |
| 7 | |
| 8 | in Case No. 228752 , and placed said document(s) in the United States |
| 9 | Mail, first-class postage prepaid, addressed as follows: |
| 10 | District Attorney DA |
| 11 | David Roger DA |
| 12 | 200 Lewis Avenue |
| 13 | |
| 14 | |
| 15 | |
| 16 | |
| 17 | |
| 18 | DECLARATION UNDER PENALTY OF PERJURY |
| 19 | The undersigned declares under penalty of perjury that he is the Petitioner in the |
| 20 | above-entitled action, and he has read this Certificate of Service and the information |
| 21 | contained therein is true and correct. |
| 22 | Executed pursuant to 28 U.S.C. § 1746 and 18 U.S.C. § 1621 at |
| 23 | So. Desert Corr. CTR. on this 29 |
| 24 | December, 2010. |
| 25 | |
| 26 | |
| 27 | Robert Holme II |
| 28 | NDOC No. 1034184 |
| | Petitioner – In Propria Persona |

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Elle Posex 208 Indian Springs Nevada 89070

Robert Holmes III 1034/84

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Las Vegas NU 89155-1960 200 Lewis Avenue 3rd Clerk of the Court STEVEN O. GRIENSON

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DISTRICT COURT CLARK COUNTY, NEVADA

STATE OF NEVADA, Case No: 06C228752-4 Plaintiff(s), Dept $N_{\underline{o}}$: IV

ROBERT HOLMES,

vs.

Defendant(s),

CASE APPEAL STATEMENT

1. Appellant(s): Robert Holmes

2. Judge: Kathy Hardcastle

3. Appellant(s): Robert Holmes

Counsel:

Robert Holmes #1034184 P.O. Box 208 Indian Springs, NV 89070

4. Respondent: THE STATE OF NEVADA

Counsel:

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

- 5. Respondent's Attorney Licensed in Nevada: Yes
- 6. Appellant Represented by Appointed Counsel In District Court: Yes

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- 7. Appellant Represented by Appointed Counsel On Appeal: N/A
- 8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A
- 9. Date Commenced in District Court: December 13, 2006
- 10. Brief Description of the Nature of the Action: CriminalType of Judgment or Order Being Appealed: Writ of Habeas Corpus
- 11. Previous Appeal: Yes

Supreme Court Docket Number(s): 52788, 52877, 53848

12. Child Custody or Visitation: N/A

Dated This 14 day of January 2011.

Steven D. Grierson, Clerk of the Court

Heather Ungermann, Deputy Clerk

200 Lewis Ave PO Box 551601

Las Vegas, Nevada 89155-1601

(702) 671-0512

CASE SUMMARY CASE No. 06C228752-4

The State of Nevada vs Robert Holmes

Location: Department 4 Judicial Officer: Hardcastle, Kathy Filed on: 12/13/2006

Case Number History: Conversion Case Number: C228752 Defendant's Scope ID #: 0876216

Lower Court Case Number: 06GJ00101

CASE INFORMATION

| | | | CASE INFORMATION | | |
|-------|--|-----|------------------|-------------|---------------------------|
| Offer | 18e | Deg | Date | Case Type: | Felony/Gross Misdemeanor |
| 1. | CONSPIRACY TO COMMIT A CRIME | G | 01/01/1900 | Case Flags: | Appealed to Supreme Court |
| 1. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | G | 01/01/1900 | | |
| 2. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 | | |
| 2. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 | | |
| 3. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 | | |
| 4. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 | | |
| 5. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 | | |
| 6. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 | | |
| 7. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 | | |
| 8. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 | | |
| 9. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 | | |
| 10. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 | | |
| 11. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 | | |
| 12. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 | | |
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| 15. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 | | |
| 16. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 | | |
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| 19. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 | | |
| 20. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 | | |
| 21. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 | | |
| 22. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 | | |
| | | | | | |

CASE SUMMARY CASE NO. 06C228752-4

| 23. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 |
|-----|--|---|------------|
| 24. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 |
| 25. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 |
| 26. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 |
| 27. | RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS | F | 01/01/1900 |

Related Cases

06C228752-1 (Multi-Defendant Case) 06C228752-2 (Multi-Defendant Case) 06C228752-3 (Multi-Defendant Case)

Warrants

Bench Warrant - Holmes, Robert (Judicial Officer: Hardcastle, Kathy)

12/02/2008 Quashed 05/12/2008 Issued Fine: \$0 Bond: \$0

Bench Warrant - Holmes, Robert (Judicial Officer: Hardcastle, Kathy)

12/02/2008 Quashed 05/12/2008 Issued Fine: \$0 Bond: \$0

Bench Warrant - Holmes, Robert (Judicial Officer: Hardcastle, Kathy)

12/22/2006 Quashed 12/13/2006 Issued Fine: \$0 Bond: \$0

Bonds

Converted Surety Bond #DS50134729 \$13,000

12/5/2008 Exonerated 1/22/2007 Posted

Counts: 1, 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 2, 20, 21, 22, 23, 24, 25, 26,

27, 3, 4, 5, 6, 7, 8, 9

Converted Surety Bond #250148813 \$137,000

1/8/2007 Posted 12/5/2008 Exonerated

Counts: 1, 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 2, 20, 21, 22, 23, 24, 25, 26,

27, 3, 4, 5, 6, 7, 8, 9

DATE CASE ASSIGNMENT

Current Case Assignment

Case Number 06C228752-4
Court Department 4
Date Assigned 01/05/2011
Judicial Officer Hardcastle, Kathy

PARTY INFORMATION

Defendant Holmes, Robert Lead Attorneys
Ruggeroli, James J.
Retained

CASE SUMMARY CASE No. 06C228752-4

7023872020(W)

Plaintiff

State of Nevada

Roger, David J. 702-671-2700(W)

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| 01/01/1900 | Plea (Judicial Officer: User, Conversion) 1. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Guilty | |
| 01/01/1900 | Plea (Judicial Officer: User, Conversion) 2. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Guilty | |
| 01/01/1900 | Plea (Judicial Officer: User, Conversion) 2. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Guilty | |
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| 01/11/2007 | Motion for Confirmation of Counsel (9:30 AM) (Judicial Officer: Leavitt, Michelle) Events: 01/05/2007 Hearing CONFIRMATION OF COUNSEL (FIGLER) Heard By: Michelle Leavitt | |
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| | CASE No. 06C228752-4 | |
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| | ALL PENDING MOTIONS 10/02/07 | |
| 10/04/2007 | Application EX PARTE APPLICATION FOR EXCESSIVE INVESTIGATOR FEES - RELATED PARTYID: 06C228752_0001 | 06C228752- 40108.tif pages |
| 10/09/2007 | CANCELED Jury Trial (1:30 PM) Vacated | |
| 10/09/2007 | CANCELED Jury Trial (1:30 PM) Vacated | |
| 10/09/2007 | CANCELED Jury Trial (1:30 PM) Vacated | |
| 10/16/2007 | Q Order ORDER TO APPOINT INVESTIGATOR AND INVESTIGATIVE FEES - RELATED PARTYID: 06C228752_0001 | 06C228752- 40109.tif pages |
| 10/19/2007 | Order AMENDED ORDER APPOINTING COUNSEL AND ALLOWING INTERIM BILLING - RELATED PARTYID: 06C228752_0003 | 06C228752- 40110.tif pages |
| 11/06/2007 | EX Parte Order EX PARTE ORDER ALLOWING FEES IN EXCESS OF STATUTORY MAXIMUM FOR ATTORNEY ON COURT APPOINTED CASE FIRST INTERIM BILLING ON COURT APPOINTED CASE FIRST INTERIM BILLING- RELATED PARTYID: 06C228752_0003 | 06C228752- 40111.tif pages |
| 11/06/2007 | Supplement SUPPLEMENT TO DEFTS PETITION FOR WRIT OF HABEAS CORPUS - RELATED PARTYID: 06C228752_0003 | 06C228752- 40112.tif pages |
| 11/06/2007 | Receipt of Copy RECEIPT OF COPY - RELATED PARTYID: 06C228752_0003 | 06C228752- 40113.tif pages |
| 11/06/2007 | Request EX PARTE MOTION TO ALLOW FEES IN EXCESS OF STATORY MAXIMUM FOR ATTORNEY ON COURT APPOINTED CASE COURT APPOINTED CASE- RELATED PARTYID: 06C228752_0003 | 06C228752- 40114.tif pages |
| 11/08/2007 | Status Check (9:30 AM) (Judicial Officer: Leavitt, Michelle) Events: 03/06/2007 Hearing STATUS CHECK: SENTENCING Heard By: Michelle Leavitt | |
| 11/08/2007 | Petition for Writ of Habeas Corpus (11:00 AM) (Judicial Officer: Leavitt, Michelle) Events: 10/02/2007 Petition PTN FOR WRIT OF HABEAS CORPUS Relief Clerk: Tia Everett/te Reporter/Recorder: Thelma Stapley Heard By: Michelle Leavitt | |
| 12/10/2007 | Order TRIAL ORDER | 06C228752- 40121.tif pages |
| 01/23/2008 | Minute Order (9:00 AM) (Judicial Officer: Leavitt, Michelle) MINUTE ORDER RE: (RECUSAL) Court Clerk: April Watkins Heard By: Michelle Leavitt | |
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| CASE 110. 00C220732-4 | | |
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| 01/23/2008 | Hearing MINUTE ORDER RE: (RECUSAL) | 06C228752- 40122.tif pages |
| 01/23/2008 | Notice of Department Reassignment NOTICE OF DEPARTMENT REASSIGNMENT 008435007797005984FC 005984007797008435 005984007797008435 | 06C228752- 40124.tif pages |
| 01/24/2008 | Minute Order (9:00 AM) (Judicial Officer: Hardcastle, Kathy) MINUTE ORDER RE: REASSIGNMENT TO DEPT. VII Court Clerk: Denise Trujillo Heard By: Kathy Hardcastle | |
| 01/24/2008 | Hearing MINUTE ORDER RE: REASSIGNMENT TO DEPT. VII | 06C228752- 40125.tif pages |
| 01/25/2008 | Hearing STATUS CHECK: VERIFY TRIAL DATES | 06C228752- 40133.tif pages |
| 01/25/2008 | Hearing STATUS CHECK: VERIFY TRIAL DATES | 06C228752- 40134.tif pages |
| 01/25/2008 | Hearing STATUS CHECK: VERIFY TRIAL DATES | 06C228752- 40135.tif pages |
| 01/30/2008 | Status Check (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 01/25/2008 Hearing STATUS CHECK: VERIFY TRIAL DATES | |
| 01/30/2008 | Status Check (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 01/25/2008 Hearing STATUS CHECK: VERIFY TRIAL DATES | |
| 01/30/2008 | Status Check (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 01/25/2008 Hearing STATUS CHECK: VERIFY TRIAL DATES | |
| 01/30/2008 | All Pending Motions (8:30 AM) (Judicial Officer: Bell, Stewart) ALL PENDING MOTIONS 1/30/08 Relief Clerk: Carole D'Aloia Reporter/Recorder: Renee Vincent Heard By: Stewart Bell | |
| 01/30/2008 | Motion ALL PENDING MOTIONS 1/30/08 | 06C228752- 40136.tif pages |
| 02/05/2008 | Status Check (8:30 AM) (Judicial Officer: Bell, Stewart) STATUS CHECK: VERIFY TRIAL DATES | |
| 02/05/2008 | Status Check (8:30 AM) (Judicial Officer: Bell, Stewart) STATUS CHECK: VERIFY TRIAL DATES | |
| 02/05/2008 | Status Check (8:30 AM) (Judicial Officer: Bell, Stewart) STATUS CHECK: VERIFY TRIAL DATES | |
| 02/05/2008 | All Pending Motions (8:30 AM) (Judicial Officer: Bell, Stewart) ALL PENDING MOTIONS 2-5-08 Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell | |

| | CASE NO. 00C228/32-4 | |
|------------|---|-------------------------------|
| 02/05/2008 | Motion ALL PENDING MOTIONS 2-5-08 | 06C228752- 40137.tif pages |
| 03/11/2008 | CANCELED Calendar Call (9:30 AM) Vacated | |
| 03/11/2008 | CANCELED Calendar Call (9:30 AM) Vacated | |
| 03/11/2008 | CANCELED Calendar Call (9:30 AM) Vacated | |
| 03/13/2008 | CANCELED Calendar Call (8:30 AM) Vacated | |
| 03/13/2008 | CANCELED Calendar Call (8:30 AM) Vacated | |
| 03/13/2008 | CANCELED Calendar Call (8:30 AM) Vacated | |
| 03/13/2008 | CANCELED Calendar Call (9:30 AM) Vacated | |
| 03/13/2008 | CANCELED Calendar Call (9:30 AM) Vacated | |
| 03/13/2008 | CANCELED Calendar Call (9:30 AM) Vacated | |
| 03/18/2008 | CANCELED Jury Trial (1:30 PM) Vacated | |
| 03/18/2008 | CANCELED Jury Trial (1:30 PM) Vacated | |
| 03/18/2008 | CANCELED Jury Trial (1:30 PM) Vacated | |
| 03/25/2008 | CANCELED Jury Trial (10:30 AM) Vacated | |
| 03/25/2008 | CANCELED Jury Trial (10:30 AM) Vacated | |
| 03/25/2008 | CANCELED Jury Trial (10:30 AM) Vacated | |
| 03/25/2008 | CANCELED Jury Trial (10:30 AM) Vacated | |
| 03/25/2008 | CANCELED Jury Trial (10:30 AM) Vacated | |
| 03/25/2008 | CANCELED Jury Trial (10:30 AM) Vacated | |
| 04/23/2008 | Notice of Witnesses and/or Expert Witnesses | 06C228752- |

| | NOTICE OF WITNESSES AND/OR EXPERT WITNESSES | 40147.tif pages |
|------------|--|-------------------------------|
| 04/24/2008 | Status Check (8:30 AM) (Judicial Officer: Leavitt, Michelle) STATUS CHECK: SENTENCING Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell | |
| 04/24/2008 | Motion DEFT'S MTN TO SEVER /83 | 06C228752- 40144.tif pages |
| 04/24/2008 | Hearing STATUS CHECK: SENTENCING | 06C228752- 40146.tif pages |
| 04/25/2008 | Motion DEFT'S MTN TO SEVER /84 | 06C228752- 40145.tif pages |
| 04/25/2008 | Receipt of Copy RECEIPT OF COPY - RELATED PARTYID: 06C228752_0004 | 06C228752- 40148.tif pages |
| 04/25/2008 | Receipt of Copy RECEIPT OF COPY - RELATED PARTYID: 06C228752_0003 | 06C228752- 40149.tif pages |
| 04/28/2008 | Opposition OPPOSITION TO DEFENDANT HOLMES MOTION TO SEVER | 06C228752- 40153.tif pages |
| 04/28/2008 | Opposition OPPOSITION TO DEFENDANT FERGUSONS MOTION TO SEVER | 06C228752- 40154.tif pages |
| 04/29/2008 | Motion STATE'S MTN TO AMEND INDICTMENT /86 | 06C228752- 40150.tif pages |
| 04/29/2008 | Motion STATE'S MTN TO AMEND INDICTMENT | 06C228752- 40151.tif pages |
| 04/29/2008 | Motion STATE'S MTN TO AMEND INDICTMENT | 06C228752- 40152.tif pages |
| 04/30/2008 | Notice NOTICE OF HABITUAL CRIMINALITY | 06C228752- 40159.tif pages |
| 04/30/2008 | Opposition STATES OPPOSITION TO DEFENDANTS MOTION TO DISQUALIFY THE DISTRICT ATTORNEYS OFFICE AND SANDRA DIGIACOMO AS PROSECUTOR DUE TO CONFLICT ON INTEREST OFFICE AND SANDRA DIGIACOMO AS PROSECUTOR DUE TO | 06C228752- 40161.tif pages |
| 05/01/2008 | CONFLICT ON INTEREST Calendar Call (8:30 AM) CALENDAR CALL | I |
| 05/01/2008 | Calendar Call (8:30 AM) | |

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| | CALENDAR CALL | |
| 05/01/2008 | Calendar Call (8:30 AM) CALENDAR CALL | |
| 05/01/2008 | Motion to Sever (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 04/24/2008 Motion DEFT'S MTN TO SEVER /83 Heard By: Stewart Bell | |
| 05/01/2008 | Motion to Sever (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 04/25/2008 Motion DEFT'S MTN TO SEVER /84 Heard By: Stewart Bell | |
| 05/01/2008 | Motion to Amend (8:30 AM) Events: 04/29/2008 Motion STATE'S MTN TO AMEND INDICTMENT /86 | |
| 05/01/2008 | Motion to Amend (8:30 AM) Events: 04/29/2008 Motion STATE'S MTN TO AMEND INDICTMENT | |
| 05/01/2008 | Motion to Amend (8:30 AM) Events: 04/29/2008 Motion STATE'S MTN TO AMEND INDICTMENT | |
| 05/01/2008 | All Pending Motions (8:30 AM) (Judicial Officer: Bell, Stewart) ALL PENDING MOTIONS 5-1-08 Court Clerk: Tina Hurd Relief Clerk: Sharon Coffman/scDana Cooper Reporter/Recorder: Renee Vincent Heard By: Stewart Bell | |
| 05/01/2008 | Motion ALL PENDING MOTIONS 5-1-08 | 06C228752- 40155.tif pages |
| 05/01/2008 | Indictment AMENDED (GRAND JURY) INDICTMENT | 06C228752- 40160.tif pages |
| 05/01/2008 | Order ORDER AMENDING INDICTMENT | 06C228752- 40162.tif pages |
| 05/02/2008 | Order SECOND ORDER TO APPOINT INVESTIGATOR AND INVESTIGATIVE FEES | 06C228752- 40167.tif pages |
| 05/03/2008 | Motion DEFT'S MTN TO SUPPRESS TELEPHONE RECORDINGS/93 | 06C228752- 40163.tif pages |
| 05/03/2008 | Motion DEFT'S MTN TO DISQUALIFY DA'S OFFICE & SANDRA DIGIACOMO AS PROSECUTOR /94 | 06C228752- 40164.tif pages |
| 05/03/2008 | Motion DEFT'S MTN IN LIMINE RE: ROP DETECTIVES/95 | 06C228752- 40165.tif pages |
| 05/03/2008 | Motion DEFT'S MTN TO SUPPRESS EVIDENCE OBTAINED PURSUANT TO SEARCH WARRANTS/96 | 06C228752- 40166.tif pages |

| 05/05/2008 | Notice of Witnesses and/or Expert Witnesses NOTICE OF WITNESSES AND/OR EXPERT WITNESSES | 06C228752- 40170.tif pages |
|------------|--|-------------------------------|
| 05/06/2008 | Motion DEFTS MTN TO SUPPRESS /97 | 06C228752- 40168.tif pages |
| 05/06/2008 | Motion DEFTS MTN TO DISMISS POSSESSION OF STOLEN PROPERTY/98 | 06C228752- 40169.tif pages |
| 05/07/2008 | Motion DEFT'S MTN FOR PRODUCTION OF DISCOVERY (HEARD 5-12-08) | 06C228752- 40171.tif pages |
| 05/07/2008 | Motion DEFT'S MTN IN LIMINE TO EXCLUDE/PRECLUDE EVIDENCE (DENIED 5-12-08) | 06C228752- 40172.tif pages |
| 05/07/2008 | Motion DEFT'S MTN IN LIMINE TO BAR ADMISSION OF RECORDED TEL CALLS (DENIED 5-12-08) | 06C228752- 40173.tif pages |
| 05/07/2008 | Motion DEFT'S MTN TO SUPPRESS / 102 | 06C228752- 40174.tif pages |
| 05/07/2008 | Motion DEFT'S JOINDER IN MTNS IN LIMINE/103 | 06C228752- 40175.tif pages |
| 05/07/2008 | Motion DEFT'S MTN TO STRIKE LANGUAGE IN COUNT 1 & COUNT 13 /104 | 06C228752- 40176.tif pages |
| 05/07/2008 | Motion DEFT'S MTN IN LIMINE TO BAR ADMISSION OF EXPERT TESTIMONY /105 | 06C228752- 40177.tif pages |
| 05/07/2008 | Motion DEFT'S MTN IN LIMINE TO BAR ADMISSION OF EVID /106 | 06C228752- 40178.tif pages |
| 05/07/2008 | Receipt of Copy RECEIPT OF COPY - RELATED PARTYID: 06C228752_0003 | 06C228752- 40185.tif pages |
| 05/07/2008 | Receipt of Copy RECEIPT OF COPY - RELATED PARTYID: 06C228752_0003 | 06C228752- 40186.tif pages |
| 05/07/2008 | Certificate CERTIFICATE OF SERVICE - RELATED PARTYID: 06C228752_0001 | 06C228752- 40187.tif pages |
| 05/07/2008 | Receipt of Copy RECEIPT OF COPY - RELATED PARTYID: 06C228752_0003 | 06C228752- 40189.tif pages |

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| 05/07/2008 | RECEIPT OF COPY - RELATED PARTYID: 06C228752_0003 | 06C228752- 40192.tif pages |
| 05/08/2008 | Motion DEFT'S MTN TO DISMISS /107 | 06C228752- 40179.tif pages |
| 05/08/2008 | Motion DEFT'S MTN IN LIMINE TO EXLCUDE ANY TESTIMONY RE PRIOR ARRESTS/108 | 06C228752- 40180.tif pages |
| 05/08/2008 | A Motion DEFT'S MTN IN LIMINE TO BAR THE ADMISSION OF RECORDED TELPHONE CALLS/109 | 06C228752- 40181.tif pages |
| 05/08/2008 | Motion DEFT'S MTN TO JOIN CO DEFT DAIMON MONROE'S MOTIONS/110 | 06C228752- 40182.tif pages |
| 05/08/2008 | Motion DEFT'S MTN TO JOIN CO DEFT BRYAN FERGASON'S MOTIONS/111 | 06C228752- 40183.tif pages |
| 05/08/2008 | Motion DEFT'S MTN TO SUPPRESS /112 | 06C228752- 40184.tif pages |
| 05/08/2008 | Opposition OPPOSITION TO MOTION IN LIMINE TO EXCLUDE PRECLUDE EVIDENCE ATTRIBUTEDTO CO DEFENDANTS FROM BEING ADMITTED DURING TRIAL AGAINST EHE DEFENDANT BRYAN FERGASON TO CO DEFENDANTS FROM BEING ADMITTED DURING TRIAL AGAINST EHE DEFENDANT BRYAN FERGASON | 06C228752- 40188.tif pages |
| 05/08/2008 | Opposition STATES OPPOSITION TO DEFENDANTS MOTION TO DISMISS POSSESSION OF STOLEN PROPERTY CHARGES PROPERTY CHARGES | 06C228752- 40190.tif pages |
| 05/08/2008 | Notice of Witnesses and/or Expert Witnesses **NOTICE OF WITNESSES AND/OR EXPERT WITNESSES - RELATED PARTYID: 06C228752_0004 | 06C228752- 40191.tif pages |
| 05/09/2008 | Opposition OPPOSITION TO DEFT FERGASONS MTN IN LIMINE TO BAR THE ADMISSION OF RECORDED TELEPHONE CALLS TELEPHONE CALLS | 06C228752- 40193.tif pages |
| 05/09/2008 | Opposition OPPOSITION TO DEFT FERGASONS MTN TO SUPPRESS | 06C228752- 40194.tif pages |
| 05/09/2008 | Q Opposition OPPOSITION TO DEFT MONROES MTN TO SUPPRESS TELEPHONE RECORDINGS | 06C228752- 40195.tif pages |
| 05/09/2008 | Q Opposition OPPOSITION TO DEFT HOLMES MTN IN LIMINE TO BAR THE ADMISSION OF RECORDED TELEPHONE CALLS TELEPHONE CALLS | 06C228752- 40196.tif pages |

| 05/09/2008 | Opposition OPPOSITION TO DEFT FERGASONS MTN TO STRIKE LANGUAGE IN COUNT ONE AND COUNT THIRTEEN AND COUNT THIRTEEN | 06C228752- 40197.tif pages |
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| 05/09/2008 | Opposition STATES OPPOSITION TO DEFTS MOTION TO SUPPRESS EVIDENCE OBTAINED PURSUANT TO SEARCH WARRANTS SEARCH WARRANTS | 06C228752- 40199.tif pages |
| 05/09/2008 | Opposition OPPOSITION TO DEFENDANT HOLMES MOTION TO DISMISS CONSPIRACY TO COMMIT BURGLARY AND/OR STOLEN PROPERTY CHARGES BURGLARY AND/OR STOLEN PROPERTY CHARGES | 06C228752- 40202.tif pages |
| 05/09/2008 | Opposition OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO BAR ADMISSION OF EVIDENCE | 06C228752- 40203.tif pages |
| 05/09/2008 | Opposition OPPOSITION TO DEFENDANTS MOTION IN LIMINE TO BAR ADMISSION OF EXPERT TESTIMONY TESTIMONY | 06C228752- 40204.tif pages |
| 05/09/2008 | Opposition OPPOSITION TO DEFTS MOTION IN LIMINE RE ROP DETECTIVES | 06C228752- 40205.tif pages |
| 05/12/2008 | Motion to Suppress (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 05/03/2008 Motion DEFT'S MTN TO SUPPRESS TELEPHONE RECORDINGS/93 Heard By: Stewart Bell | |
| 05/12/2008 | Motion to Disqualify Attorney (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 05/03/2008 Motion DEFT'S MTN TO DISQUALIFY DA'S OFFICE & SANDRA DIGIACOMO AS PROSECUTOR /94 Heard By: Stewart Bell | |
| 05/12/2008 | Motion in Limine (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 05/03/2008 Motion DEFT'S MTN IN LIMINE RE: ROP DETECTIVES/95 Heard By: Stewart Bell | |
| 05/12/2008 | Motion to Suppress (8:30 AM) Events: 05/03/2008 Motion DEFT'S MTN TO SUPPRESS EVIDENCE OBTAINEDPURSUANT TO SEARCH WARRANTS/96 | |
| 05/12/2008 | Motion to Suppress (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 05/06/2008 Motion DEFTS MTN TO SUPPRESS /97 Heard By: Stewart Bell | |
| 05/12/2008 | Motion to Dismiss (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 05/06/2008 Motion DEFTS MTN TO DISMISS POSSESSION OF STOLEN PROPERTY/98 Heard By: Stewart Bell | |
| 05/12/2008 | Motion to Suppress (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 05/07/2008 Motion DEFT'S MTN TO SUPPRESS /102 Heard By: Stewart Bell | |

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| 05/12/2008 | Joinder (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 05/07/2008 Motion DEFT'S JOINDER IN MTNS IN LIMINE/103 Heard By: Stewart Bell |
| 05/12/2008 | Motion to Strike (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 05/07/2008 Motion DEFT'S MTN TO STRIKE LANGUAGE IN COUNT 1& COUNT 13/104 Heard By: Stewart Bell |
| 05/12/2008 | Motion in Limine (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 05/07/2008 Motion DEFT'S MTN IN LIMINE TO BAR ADMISSION OF EXPERT TESTIMONY / 105 Heard By: Stewart Bell |
| 05/12/2008 | Motion in Limine (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 05/07/2008 Motion DEFT'S MTN IN LIMINE TO BAR ADMISSION OF EVID / 106 Heard By: Stewart Bell |
| 05/12/2008 | Motion to Dismiss (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 05/08/2008 Motion DEFT'S MTN TO DISMISS /107 Heard By: Stewart Bell |
| 05/12/2008 | Motion in Limine (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 05/08/2008 Motion DEFT'S MTN IN LIMINE TO EXLCUDE ANY TESTIMONY RE PRIOR ARRESTS/108 Heard By: Stewart Bell |
| 05/12/2008 | Motion in Limine (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 05/08/2008 Motion DEFT'S MTN IN LIMINE TO BAR THE ADMISSION OF RECORDED TELPHONE CALLS/109 Heard By: Stewart Bell |
| 05/12/2008 | Motion (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 05/08/2008 Motion DEFT'S MTN TO JOIN CO DEFT DAIMON MONROE'S MOTIONS/110 Heard By: Stewart Bell |
| 05/12/2008 | Motion (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 05/08/2008 Motion DEFT'S MTN TO JOIN CO DEFT BRYAN FERGASON'S MOTIONS/111 Heard By: Stewart Bell |
| 05/12/2008 | Motion to Suppress (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 05/08/2008 Motion DEFT'S MTN TO SUPPRESS /112 Heard By: Stewart Bell |
| 05/12/2008 | All Pending Motions (8:30 AM) (Judicial Officer: Bell, Stewart) ALL PENDING MOTIONS 5-12-08 Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell |
| 05/12/2008 | CANCELED Jury Trial (9:30 AM) Vacated |
| 05/12/2008 | CANCELED Jury Trial (9:30 AM) Vacated |
| 05/12/2008 | CANCELED Jury Trial (9:30 AM) Vacated |
| 05/12/2008 | CANCELED Jury Trial (9:30 AM) Vacated |
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| 05/12/2008 | CANCELED Jury Trial (9:30 AM) Vacated | |
| 05/12/2008 | Jury Trial (9:30 AM) (Judicial Officer: Bell, Stewart) TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. | |
| 05/12/2008 | Motion ALL PENDING MOTIONS 5-12-08 | 06C228752- 40198.tif pages |
| 05/12/2008 | Bench Warrant BENCH WARRANT ISSUED | 06C228752- 40206.tif pages |
| 05/12/2008 | Jury List DISTRICT COURT JURY LIST | 06C228752- 40207.tif pages |
| 05/13/2008 | Jury Trial (9:30 AM) TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. | |
| 05/13/2008 | Indictment SECOND AMENDED (GRAND JURY) INDICTMENT | 06C228752- 40211.tif pages |
| 05/14/2008 | Jury Trial (9:45 AM) TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. | |
| 05/15/2008 | Jury Trial (9:15 AM) TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. | |
| 05/15/2008 | Notice of Intent to Forfeit NOTICE OF INTENT TO FORFEIT | 06C228752- 40208.tif pages |
| 05/15/2008 | Notice of Intent to Forfeit NOTICE OF INTENT TO FORFEIT | 06C228752- 40209.tif pages |
| 05/15/2008 | Hearing SHOW CAUSE HEARING | 06C228752- 40210.tif pages |
| 05/16/2008 | Jury Trial (9:30 AM) TRIAL BY JURY Court Clerk: Tina Hurd Relief Clerk: Carole D'Aloia (1:05 PM - 5:10 PM) Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. | |
| 05/19/2008 | CANCELED Motion (8:30 AM) Events: 05/07/2008 Motion Vacated | |
| 05/19/2008 | CANCELED Motion in Limine (8:30 AM) Events: 05/07/2008 Motion Vacated | |
| 05/19/2008 | CANCELED Motion in Limine (8:30 AM) Events: 05/07/2008 Motion | |

| | CASE NO. 06C228/52-4 | |
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| | Vacated | |
| 05/19/2008 | Jury Trial (9:30 AM) (Judicial Officer: Bell, Stewart) TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. | |
| 05/19/2008 | Proposed Jury Instructions Not Used At Trial PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL | 06C228752- 40214.tif pages |
| 05/20/2008 | CANCELED Jury Trial (9:30 AM) Vacated | |
| 05/20/2008 | Jury Trial (9:30 AM) TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell | |
| 05/20/2008 | Conversion Case Event Type SENTENCING | 06C228752- 40213.tif pages |
| 05/20/2008 | Amended Jury List AMENDED CRIMINAL JURY LIST | 06C228752- 40218.tif pages |
| 05/20/2008 | Instructions to the Jury INSTRUCTIONS TO THE JURY | 06C228752- 40220.tif pages |
| 05/20/2008 | Judgment VERDICT | 06C228752- 40221.tif pages |
| 05/21/2008 | Jury Trial (9:30 AM) (Judicial Officer: Bell, Stewart) TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. | |
| 05/21/2008 | Notice of Witnesses and/or Expert Witnesses **DEFENDANTS WITNESS LIST - RELATED PARTYID: 06C228752_0003 | 06C228752- 40217.tif pages |
| 05/21/2008 | Receipt of Copy RECEIPT OF COPY - RELATED PARTYID: 06C228752_0003 | 06C228752- 40219.tif pages |
| 05/21/2008 | Jury List DISTRICT COURT JURY LIST | 06C228752- 40222.tif pages |
| 05/21/2008 | Indictment THIRD AMENDED (GRAND JURY) INDICTMENT | 06C228752- 40223.tif pages |
| 05/21/2008 | Indictment FOURTH AMENDED (GRAND JURY) INDICTMENT | 06C228752- 40224.tif pages |
| 05/22/2008 | Jury Trial (9:15 AM) TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. | |
| 05/23/2008 | Jury Trial (10:00 AM) | |

| | TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. | |
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| 05/27/2008 | Jury Trial (9:30 AM) TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. | |
| 05/28/2008 | Jury Trial (10:00 AM) (Judicial Officer: Bell, Stewart) TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. | |
| 05/28/2008 | Proposed Jury Instructions Not Used At Trial PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL | 06C228752- 40227.tif pages |
| 05/28/2008 | Memorandum BENCH MEMORANDUM | 06C228752- 40228.tif pages |
| 05/29/2008 | Jury Trial (10:00 AM) TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell | |
| 05/29/2008 | Conversion Case Event Type SENTENCING | 06C228752- 40225.tif pages |
| 05/29/2008 | Instructions to the Jury INSTRUCTIONS TO THE JURY (INSTRUCTION NO I) | 06C228752- 40229.tif pages |
| 05/29/2008 | Jury List AMENDED DISTRICT COURT JURY LIST | 06C228752- 40230.tif pages |
| 05/29/2008 | Judgment VERDICT (COUNTS 1,2 AND 4) - RELATED PARTYID: 06C228752_0001 | 06C228752- 40233.tif pages |
| 05/29/2008 | Judgment VERDICT (COUNT 3) - RELATED PARTYID: 06C228752_0003 | 06C228752- 40234.tif pages |
| 06/03/2008 | Motion SULLIVAN'S MTN TO WITHDRAW AS COUNSEL | 06C228752- 40231.tif pages |
| 06/03/2008 | Receipt of Copy RECEIPT OF COPY - RELATED PARTYID: 06C228752_0004 | 06C228752- 40232.tif pages |
| 06/05/2008 | Order EX PARTE ORDER ALLOWING FEES IN EXCESS OF STATUTORY MAXIMUM FOR ATTORNEY ON COURT APPOINTED CASE FIRST INTERIM BILLING ON COURT APPOINTED CASE FIRST INTERIM BILLING- RELATED PARTYID: 06C228752_0003 | 06C228752- 40235.tif pages |
| 06/16/2008 | Motion to Withdraw as Counsel (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 06/03/2008 Motion SULLIVAN'S MTN TO WITHDRAW AS COUNSEL Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell | |

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| 06/16/2008 | Bench Warrant NO BAIL BENCH WARRANT ISSUED | 06C228752- 40236.tif pages |
| 06/16/2008 | Order ORDER OF INTENT TO FORFEIT | 06C228752- 40237.tif pages |
| 06/16/2008 | Order ORDER TO WITHDRAW AS ATTORNEY OF RECORD - RELATED PARTYID: 06C228752_0004 | 06C228752- 40238.tif pages |
| 06/17/2008 | Notice NOTICE OF ENTRY OF ORDER - RELATED PARTYID: 06C228752_0004 | 06C228752- 40239.tif pages |
| 07/11/2008 | Motion to Quash Bench Warrant DEFT'S MTN TO QUASH BENCH WARRANT/123 | 06C228752- 40240.tif pages |
| 07/15/2008 | Motion to Quash Bench Warrant (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 07/11/2008 Motion to Quash Bench Warrant DEFT'S MTN TO QUASH BENCH WARRANT/123 Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell | |
| 07/16/2008 | Status Check (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 04/24/2008 Hearing STATUS CHECK: SENTENCING Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell | |
| 07/16/2008 | Conversion Case Event Type SENTENCING | 06C228752- 40243.tif pages |
| 08/04/2008 | Motion STATE'S MTN FOR RELEASE OF EVIDENCE TO VICTIMS AND/OR AUCTION BY LVMPD | 06C228752- 40244.tif pages |
| 08/07/2008 | Motion (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 08/04/2008 Motion STATE'S MTN FOR RELEASE OF EVIDENCE TO VICTIMS AND/OR AUCTION BY LVMPD Relief Clerk: Carole D'Aloia Reporter/Recorder: Cheryl Carpenter Heard By: Stewart Bell | |
| 08/13/2008 | Sentencing (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 07/16/2008 Conversion Case Event Type SENTENCING Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. | |
| 08/13/2008 | Order ORDER | 06C228752- 40245.tif pages |
| 08/14/2008 | Sentencing (8:30 AM) (Judicial Officer: Bell, Stewart) SENTENCING Relief Clerk: Carole D'Aloia Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. | |
| 08/19/2008 | Motion STATES MTN FOR RELEASE OF PROPERTY/128 | 06C228752- 40246.tif pages |
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| 08/19/2008 | Order ORDER FOR PRODUCTION OF INMATE | 40247.tif pages |
| 08/21/2008 | Motion (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 08/19/2008 Motion STATES MTN FOR RELEASE OF PROPERTY/128 Relief Clerk: Carole D'Aloia Reporter/Recorder: Renee Vincent Heard By: Stewart Bell | |
| 08/23/2008 | Order ORDER | 06C228752- 40248.tif pages |
| 08/26/2008 | Sentencing (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 05/20/2008 Conversion Case Event Type SENTENCING Heard By: Stewart Bell | |
| 08/26/2008 | Sentencing (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 05/29/2008 Conversion Case Event Type SENTENCING Heard By: Stewart Bell | |
| 09/26/2008 | Sentencing (8:30 AM) SENTENCING Court Clerk: Tina Hurd Relief Clerk: Susan Jovanovich/sj Reporter/Recorder: Angela Lee Heard By: David Wall | |
| 09/26/2008 | Hearing STATUS CHECK: COMPLIANCE | 06C228752- 40251.tif pages |
| 09/30/2008 | Receipt of Copy RECEIPT OF COPY - RELATED PARTYID: 06C228752_0003 | 06C228752- 40254.tif pages |
| 09/30/2008 | Memorandum SENTENCING MEMORANDUM - RELATED PARTYID: 06C228752_0003 | 06C228752- 40255.tif pages |
| 10/01/2008 | Sentencing (8:30 AM) (Judicial Officer: Bell, Stewart) SENTENCING Heard By: Stewart Bell | |
| 10/01/2008 | Sentencing (8:30 AM) (Judicial Officer: Bell, Stewart) SENTENCING Heard By: Stewart Bell | |
| 10/01/2008 | All Pending Motions (8:30 AM) (Judicial Officer: Bell, Stewart) ALL PENDING MOTIONS 10-1-08 Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell | |
| 10/01/2008 | Motion ALL PENDING MOTIONS 10-1-08 | 06C228752- 40252.tif pages |
| 10/01/2008 | Conversion Case Event Type AS TO DEFENDANT #1) CTS 1-14 CONCURRENT WITH EACH OTHER, CTS 15-27 CONCURRENT WITH EACH OTHER BUT CONSECUTIVE WITH CTS 1-14. WITH EACH OTHER BUT CONSECUTIVE WITH CTS 1-14. | 06C228752- 40257.tif pages |
| 10/01/2008 | Conversion Case Event Type AS TO DEFENDANT #3) CTS 1,2 AND 4-14 CONCURRENT WITH EACH OTHER CTS 15- 27 CONCURRENT WITH EACH OTHER BUT CONSECUTIVE WITH CTS 1,2 AND 4-14. CONCURRENT WITH EACH OTHER BUT CONSECUTIVE WITH CTS 1,2 AND 4-14. | 06C228752- 40258.tif pages |

| 10/03/2008 | Judgment JUDGMENT OF CONVICTION/ADMIN ASSESSMENT | 06C228752- 40256.tif pages |
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| 11/03/2008 | Request STATES NOTICE OF MOTION AND MOTION TO ADMIT EVIDENCE OF OTHER CRIMES WRONGS OR BAD ACTS OR BAD ACTS | 06C228752- 40263.tif pages |
| 11/03/2008 | Request STATES NOTICE OF MOTION AND MOTION IN LIMINE | 06C228752- 40264.tif pages |
| 11/03/2008 | Motion STATE'S MTN TO ADMIT EVIDENCE (VJ 11-12-08) | 06C228752- 40267.tif pages |
| 11/03/2008 | Motion STATE'S MTN IN LIMINE /134 | 06C228752- 40269.tif pages |
| 11/04/2008 | JUDGMENT OF CONVICTION/ADMIN ASSESSMENT | 06C228752- 40259.tif pages |
| 11/04/2008 | Judgment JUDGMENT OF CONVICTION/GENETIC TESTING | 06C228752- 40260.tif pages |
| 11/04/2008 | JUDGMENT OF CONVICTION/ADMIN ASSESSMENT | 06C228752- 40261.tif pages |
| 11/04/2008 | Judgment JUDGMENT OF CONVICTION/GENETIC TESTING | 06C228752- 40262.tif pages |
| 11/07/2008 | Hearing ENTRY OF PLEA | 06C228752- 40265.tif pages |
| 11/07/2008 | Notice of Witnesses and/or Expert Witnesses SUPPLEMENTAL NOTICE OF WITNESSES - RELATED PARTYID: 06C228752_0004 | 06C228752- 40268.tif pages |
| 11/10/2008 | Entry of Plea (8:30 AM) (Judicial Officer: Glass, Jackie) Events: 11/07/2008 Hearing ENTRY OF PLEA Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass | |
| 11/10/2008 | Conversion Case Event Type SENTENCING | 06C228752- 40266.tif pages |
| 11/10/2008 | Indictment (GRAND JURY) FIFTH AMENDED INDICTMENT | 06C228752- 40270.tif pages |
| 11/10/2008 | Memorandum GUILTY PLEA MEMORANDUM/AGREEMENT | 06C228752- 40271.tif pages |

| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 4. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped |
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| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 5. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped |
| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 6. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped |
| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 7. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped |
| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 8. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped |
| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 9. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped |
| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 10. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped |
| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 11. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped |
| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 12. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped |
| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 13. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped |
| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 14. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped |
| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 15. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped |
| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 16. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped |
| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 17. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped |
| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 18. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped |
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| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 19. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped | |
| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 20. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped | |
| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 21. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped | |
| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 22. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped | |
| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 23. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped | |
| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 24. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped | |
| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 25. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped | |
| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 26. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped | |
| 11/10/2008 | Disposition (Judicial Officer: User, Conversion) 27. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Charges Amended/Dropped | |
| 11/13/2008 | CANCELED Calendar Call (8:30 AM) Vacated | |
| 11/13/2008 | CANCELED Motion to Admit Evidence (8:30 AM) Events: 11/03/2008 Motion Vacated | |
| 11/13/2008 | Motion in Limine (8:30 AM) Events: 11/03/2008 Motion STATE'S MTN IN LIMINE /134 | |
| 11/14/2008 | Order ORDER OF APPOINTMENT - RELATED PARTYID: 06C228752_0001 | 06C228752- 40272.tif pages |
| 11/17/2008 | CANCELED Jury Trial (9:30 AM) Vacated | |
| 11/19/2008 | Notice of Appeal NOTICE OF APPEAL (SC 52788) - RELATED PARTYID: 06C228752_0001 | 06C228752- 40273.tif pages |
| 11/25/2008 | Bench Warrant BENCH WARRANT RETURN | 06C228752- 40274.tif pages |

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| 12/01/2008 | Bench Warrant Return (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 11/25/2008 Bench Warrant BENCH WARRANT RETURN Relief Clerk: Nora Pena Reporter/Recorder: Cheryl Carpenter Heard By: Stewart Bell | |
| 12/04/2008 | Motion STATES MTN FOR RELEASE OF EVIDENCE/136 | 06C228752- 40276.tif pages |
| 12/04/2008 | Notice of Appeal NOTICE OF APPEAL (SC 52877) - RELATED PARTYID: 06C228752_0003 | 06C228752- 40277.tif pages |
| 12/04/2008 | Statement CASE APPEAL STATEMENT - RELATED PARTYID: 06C228752_0003 | 06C228752- 40278.tif pages |
| 12/04/2008 | Request REQUEST FOR ROUGH DRAFT TRANSCRIPT - RELATED PARTYID: 06C228752_0003 | 06C228752- 40279.tif pages |
| 12/05/2008 | Show Cause Hearing (9:05 AM) (Judicial Officer: Hardcastle, Kathy) Events: 05/15/2008 Hearing SHOW CAUSE HEARING Court Clerk: Denise Trujillo/dt Relief Clerk: Janet Deaver Reporter/Recorder: Jjill Jacoby Heard By: Kathy Hardcastle | |
| 12/18/2008 | Motion (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 12/04/2008 Motion STATES MTN FOR RELEASE OF EVIDENCE/136 Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell | |
| 12/19/2008 | Order ORDER APPOINTING COUNSEL - RELATED PARTYID: 06C228752_0003 | 06C228752- 40280.tif pages |
| 12/30/2008 | Sentencing (8:30 AM) (Judicial Officer: Bell, Stewart) Events: 11/10/2008 Conversion Case Event Type SENTENCING Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell | |
| 12/30/2008 | Disposition (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT A CRIME Guilty | |
| 12/30/2008 | Disposition (Judicial Officer: User, Conversion) | |
| 12/30/2008 | Disposition (Judicial Officer: User, Conversion) 1. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Guilty | |
| 12/30/2008 | Disposition (Judicial Officer: User, Conversion) 2. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Guilty | |
| 12/30/2008 | Disposition (Judicial Officer: User, Conversion) | |
| 12/30/2008 | Disposition (Judicial Officer: User, Conversion) 2. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Guilty | |
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| 12/30/2008 | Disposition (Judicial Officer: User, Conversion) 3. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Guilty | |
| 12/30/2008 | Disposition (Judicial Officer: User, Conversion) | |
| 12/30/2008 | Sentence (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT A CRIME Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 12 Months to Maximum 12 Months Placement: CCDC Converted Disposition: Sentence# 0002: CREDIT FOR TIME SERVED Minimum 169 Days to Maximum 169 Days Converted Disposition: Sentence# 0003: RESTITUTION Amount: \$4892.45 Converted Disposition: Sentence# 0004: DNA FEE/GENETIC MARKERS ANALYSIS Amount: \$150.00 Converted Disposition: Sentence# 0005: ADMINISTRATION FEE Amount: \$25.00 | |
| 12/30/2008 | Sentence (Judicial Officer: User, Conversion) 2. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 48 Months to Maximum 120 Months Placement: NSP | |
| 12/30/2008 | Sentence (Judicial Officer: User, Conversion) 3. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 24 Months to Maximum 120 Months Placement: NSP Cons/Conc: Concurrent W/Charge Item: 0003 and Sentence#: 0001 | |
| 01/05/2009 | Judgment JUDGMENT OF CONVICTION/ADMIN ASSESSMENT | 06C228752- 40282.tif pages |
| 01/05/2009 | Judgment JUDGMENT OF CONVICTION/GENETIC TESTING | 06C228752- 40283.tif pages |
| 01/05/2009 | Judgment JUDGMENT OF CONVICTION/RESTITUTION | 06C228752- 40284.tif pages |
| 01/20/2009 | Reporters Transcript REPORTER'S TRANSCRIPT TRIAL BY JURY DAY 2 VOLUME I | 06C228752- 40285.tif pages |
| 01/20/2009 | Reporters Transcript | 06C228752- 40286.tif pages |

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| | REPORTER'S TRANSCRIPT OF PROCEEDINGS - STATUS CHECK - VERIFY TRIAL DATES | |
| 01/20/2009 | Reporters Transcript | 06C228752- 40287.tif pages |
| | REPORTER'S TRANSCRIPT OF PROCEEDINGS - STATES MTN TO AMEND INDICTMENT - DEFT HOLMES MTN TO SEVER DEFT FERGASONS MTN TO SEVER DEFT HOLMES MTN TO SEVER DEFT FERGASONS MTN TO SEVER | |
| 01/20/2009 | Reporters Transcript **REPORTER'S PARTIAL TRANSCRIPT - TRIAL BY JURY - VOLUME 1** **PARTIAL TRANSCRIPT - T | 06C228752- 40288.tif pages |
| 01/20/2009 | Reporters Transcript REPORTER'S PARTIAL TRANSCRIPT - TRIAL BY JURY - DAY 3 - VOLUME I | 06C228752- 40289.tif pages |
| 01/20/2009 | Reporters Transcript REPORTER'S PARTIAL TRANSCRIPT - TRIAL BY JURY - DAY 5 - VOLUME I | 06C228752- 40290.tif pages |
| 01/20/2009 | Reporters Transcript REPORTER'S TRANSCRIPT OF PROCEEDINGS - STATES MTN FOR RELEASE OF EVIDENCE TO VICTIMS AND OR AUCTION BY THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT VICTIMS AND OR AUCTION BY THE LAS VEGAS METROPOLITAN POLICE DEPARTMENT | 06C228752- 40291.tif pages |
| 01/20/2009 | Reporters Transcript REPORTER'S TRANSCRIPT OF PROCEEDINGS - STATES MOTION FOR RELEASE OF PROPERTY PROPERTY | 06C228752- 40292.tif pages |
| 01/20/2009 | Reporters Transcript REPORTER'S TRANSCRIPT - TRIAL BY JURY - DAY 7 - VOLUME I | 06C228752- 40293.tif pages |
| 01/20/2009 | Reporters Transcript REPORTER'S PARTIAL TRANSCRIPT - TRIAL BY JURY - DAY 6 - VOLUME I | 06C228752- 40294.tif pages |
| 01/20/2009 | Reporters Transcript REPORTER'S PARTIAL TRANSCRIPT - TRIAL BY JURY - DAY 2 - VOLUME I | 06C228752- 40295.tif pages |
| 01/20/2009 | Reporters Transcript REPORTER'S TRANSCRIPT OF PROCEEDINGS - STATUS CHECK - VERIFY TRIAL DATES | 06C228752- 40296.tif pages |
| 01/20/2009 | Reporters Transcript REPORTER'S PARTIAL TRANSCRIPT - TRIAL BY JURY - DAY 1 - VOLUME I | 06C228752- 40297.tif pages |
| 01/20/2009 | Reporters Transcript REPORTER'S PARTIAL TRANSCRIPT - TRIAL BY JURY - DAY 5 - VOLUME I | 06C228752- 40298.tif pages |
| 01/20/2009 | Reporters Transcript REPORTER'S PARTIAL TRANSCRIPT - TRIAL BY JURY - DAY 4 - VOLUME I | 06C228752- 40299.tif pages |
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| 01/20/2009 | Reporters Transcript **REPORTER'S TRANSCRIPT OF PROCEEDINGS - SENTENCING** | 06C228752- 40300.tif pages |
| 01/20/2009 | Reporters Transcript REPORTER'S PARTIAL TRANSCRIPT - TRIAL BY JURY - DAY 1 - VOLUME I | 06C228752- 40301.tif pages |
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| 01/20/2009 | Reporters Transcript REPORTER'S PARTIAL TRANSCRIPT - TRIAL BY JURY - DAY 3 - VOLUME I | 06C228752- 40303.tif pages |
| 01/20/2009 | Reporters Transcript REPORTER'S TRANSCRIPT OF PROCEEDINGS - GRAND JURY INDICTMENT | 06C228752- 40304.tif pages |
| 02/05/2009 | Reporters Transcript REPORTER'S TRANSCRIPT OF PROCEEDINGS - CALENDAR CALL - HEARD 03-06-07 | 06C228752- 40305.tif pages |
| 02/05/2009 | Reporters Transcript REPORTER'S TRANSCRIPT OF PROCEEDINGS - PETITION FOR WRIT OF HABEAS CORPUS - HEARD 11-08-07 HEARD 11-08-07 | 06C228752- 40306.tif pages |
| 02/05/2009 | Reporters Transcript REPORTER'S TRANSCRIPT OF PROCEEDINGS - ALL PENDING MOTIONS ARRAIGNMENT MOTION TO WITHDRAW MOTION TO WITHDRAW | 06C228752- 40307.tif pages |
| 02/13/2009 | Motion DEFT'S PRO PER MTN FOR RETURN OF SEIZED PROPERTY/137 | 06C228752- 40308.tif pages |
| 02/26/2009 | Hearing STATES REQUEST STATUS CHECK: CORRECTED JOC | 06C228752- 40310.tif pages |
| 02/26/2009 | Reporters Transcript REPORTER'S TRANSCRIPT OF SENTENCING | 06C228752- 40311.tif pages |
| 02/27/2009 | Opposition STATES OPPOSITION TO DEFTS MTN FOR RETURN OF SEIZED PROPERTY | 06C228752- 40312.tif pages |
| 03/03/2009 | Motion (9:00 AM) (Judicial Officer: Hardcastle, Kathy) Events: 02/13/2009 Motion DEFT'S PRO PER MTN FOR RETURN OF SEIZED PROPERTY/137 Heard By: Kathy Hardcastle | |
| 03/03/2009 | Request (9:00 AM) (Judicial Officer: Hardcastle, Kathy) Events: 02/26/2009 Hearing STATES REQUEST STATUS CHECK: CORRECTED JOC Heard By: Kathy Hardcastle | |
| 03/03/2009 | All Pending Motions (9:00 AM) (Judicial Officer: Hardcastle, Kathy) ALL PENDING MOTIONS (3-03-09) Relief Clerk: Phyllis Irby/pi Reporter/Recorder: Debra Winn Heard By: Kathy Hardcastle | |

| 03/04/2009 | Motion ALL PENDING MOTIONS (3-03-09) | 06C228752- 40313.tif pages |
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| 03/17/2009 | Motion DEFT'S MTN TO WITHDRAW GUILTY PLEA / 140 | 06C228752- 40314.tif pages |
| 03/17/2009 | Receipt of Copy RECEIPT OF COPY - RELATED PARTYID: 06C228752_0004 | 06C228752- 40315.tif pages |
| 03/27/2009 | Receipt of Copy RECEIPT OF COPY - RELATED PARTYID: 06C228752_0001 | 06C228752- 40316.tif pages |
| 03/27/2009 | Opposition OPPOSITION TO DEFTS MOTION TO WITHDRAW GUILTY PLEA | 06C228752- 40319.tif pages |
| 03/30/2009 | Certificate CERTIFICATE OF SERVICE BY FACSIMILE - RELATED PARTYID: 06C228752_0001 | 06C228752- 40317.tif pages |
| 03/30/2009 | Reply REPLY TO STATES OPPOSITION TO MTN TO WITHDRAW GUILTY PLEA - RELATED PARTYID: 06C228752 0004 | 06C228752- 40320.tif pages |
| 03/31/2009 | Status Check: Compliance (9:00 AM) (Judicial Officer: Hardcastle, Kathy) Events: 09/26/2008 Hearing STATUS CHECK: COMPLIANCE Heard By: Kathy Hardcastle | |
| 03/31/2009 | Motion (9:00 AM) (Judicial Officer: Hardcastle, Kathy) Events: 03/17/2009 Motion DEFT'S MTN TO WITHDRAW GUILTY PLEA / 140 Heard By: Kathy Hardcastle | |
| 03/31/2009 | All Pending Motions (9:00 AM) (Judicial Officer: Hardcastle, Kathy) ALL PENDING MOTIONS 3/31/09 Court Clerk: Denise Trujillo Reporter/Recorder: Cheryl Carpenter Heard By: Kathy Hardcastle | |
| 03/31/2009 | Motion ALL PENDING MOTIONS 3/31/09 | 06C228752- 40318.tif pages |
| 04/01/2009 | Order ORDER DENYING MTN FOR RETURN OF SEIZED PROPERTY | 06C228752- 40321.tif pages |
| 04/02/2009 | Motion (9:00 AM) (Judicial Officer: Hardcastle, Kathy) DEFT'S MTN TO WITHDRAW GUILTY PLEA /140 Court Clerk: Denise Trujillo Reporter/Recorder: Lara Corcoran Heard By: Kathy Hardcastle | |
| 04/06/2009 | Judgment AMENDED JUDGMENT OF CONVICTION | 06C228752- 40322.tif pages |
| 04/17/2009 | Order ORDER DENYING DEFENDANTS MOTION TO WITHDRAW GUILTY PLEA | 06C228752- 40323.tif pages |
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| 05/18/2009 | Statement CASE APPEAL STATEMENT - RELATED PARTYID: 06C228752_0004 | 06C228752- 40324.tif pages |
| 05/18/2009 | Notice of Appeal NOTICE OF APPEAL (SC 53848) - RELATED PARTYID: 06C228752_0004 | 06C228752- 40325.tif pages |
| 07/21/2009 | Reporters Transcript **REPORTER'S TRANSCRIPT OF DETS MTN TO QUASH BENCH WARRANT AND SET BAIL - HEARD 07-15-08 HEARD 07-15-08 | 06C228752- 40328.tif pages |
| 07/23/2009 | Hearing AT THE REQUEST OF THE COURT: CONFIRMATION OF APPELANT COUNSEL | 06C228752- 40327.tif pages |
| 08/04/2009 | Request of Court (9:00 AM) (Judicial Officer: Hardcastle, Kathy) Events: 07/23/2009 Hearing AT THE REQUEST OF THE COURT: CONFIRMATIONOF APPELANT COUNSEL Court Clerk: Denise Trujillo Reporter/Recorder: Lara Corcoran Heard By: Hardcastle, Kathy | |
| 08/12/2009 | Request of Court (9:00 AM) (Judicial Officer: Hardcastle, Kathy) AT THE REQUEST OF THE COURT: CONFIRMATIONOF APPELANT COUNSEL Court Clerk: Denise Trujillo Reporter/Recorder: Lara Corcoran Heard By: Kathy Hardcastle | |
| 09/29/2009 | Reporters Transcript REPORTER'S TRANSCRIPT STATES MOTION TO AMEND INDICTMENT DEFT HOLMES MOTION TO SEVER DEFT FERGASONS MOTION TO SEVER AND CALENDAR CALL MAY 1 2008 SEVER DEFT FERGASONS MOTION TO SEVER AND CALENDAR CALL MAY 1 2008 | 06C228752- 40329.tif pages |
| 09/29/2009 | Request REQUEST FOR ROUGH DRAFT TRANSCRIPT - RELATED PARTYID: 06C228752_0004 | 06C228752- 40330.tif pages |
| 10/02/2009 | Reporters Transcript REPORTER'S TRANSCRIPT OF PROCEEDING - STATUS CHECK - COMPLIANCE - DEFTS MTN TO WITHDRAW GUILTY PLEA - HEARD 03-31-09 DEFTS MTN TO WITHDRAW GUILTY PLEA - HEARD 03-31-09 | 06C228752- 40331.tif pages |
| 10/02/2009 | Reporters Transcript REPORTER'S TRANSCRIPT OF PROCEEDINGS - DEFTS MTN TO WITHDRAW GUILTY PLEA - HEARD 04-02-09 HEARD 04-02-09 | 06C228752- 40332.tif pages |
| 10/05/2009 | Reporters Transcript **REPORTER'S ROUGH DRAFT TRANSCRIPT OF PROCEEDINGS - ENTRY OF PLEA - HEARD 11-10-08 11-10-08 | 06C228752- 40333.tif pages |
| 04/07/2010 | Hearing FURTHER PROCEEDINGS COMPTENCY (DEPT V) | 06C228752- 40334.tif pages |
| 04/08/2010 | Further Proceedings (9:30 AM) (Judicial Officer: Glass, Jackie) Events: 04/07/2010 Hearing FURTHER PROCEEDINGS COMPTENCY (DEPT V) Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass | |

| | | l 060000750 |
|-------------|--|-------------------------------|
| 06/04/2010 | Judgment Sudgment | 06C228752- 40336.tif pages |
| | CLERK'S CERTIFICATE JUDGMENT AFFIRMED | 70550.iij pages |
| | | |
| 09/28/2010 | Petition for Writ of Habeas Corpus | |
| | Filed by: Defendant Holmes, Robert | |
| | The of the state o | |
| 10/04/2010 | Q Order for Petition for Writ of Habeas Corpus | |
| 10/0 1/2010 | and Order for Fedician for with or Maceas Corpus | |
| 10/10/2010 | \$3 | |
| 10/18/2010 | Motion | |
| | Filed By: Defendant Holmes, Robert Motion for Return of Seized Property/Notice of Motion | |
| | Monon for Rearn of Seizea Froperty/Nonce of Monon | |
| 11/02/2010 | Motion (9:00 AM) (Judicial Officer: Hardcastle, Kathy) | |
| 11/02/2010 | Events: 10/18/2010 Motion | |
| | Motion for Return of Seized Property/Notice of Motion | |
| | Monon for Remark of Seizeur roperty/Nonce of Monon | |
| 11/29/2010 | Response | |
| 11/25/2010 | State's Response to Defendant's Petition for Writ of Habeas Corpus and Motion to Dismiss | |
| | state's Response to Defendant's Lettion for With of Habeds Corpus and Motion to Dismiss | |
| 12/02/2010 | Petition for Writ of Habeas Corpus (9:00 AM) (Judicial Officer: Hardcastle, Kathy) | |
| 12/02/2010 | Events: 10/04/2010 Order for Petition for Writ of Habeas Corpus | |
| | Events. 10/04/2010 Order for Petition for Wift of Habeas Corpus | |
| 12/22/2010 | Order Denying Motion | |
| 12/22/2010 | Filed By: Plaintiff State of Nevada | |
| | Order Denying Defendant's Pro Per Motion for Return of Seized Property | |
| | Order Denying Defendant 31 101 or Motion for Retain of Select Property | |
| 01/04/2011 | Notice of Appeal (criminal) | |
| 01/0 1/2011 | Party: Defendant Holmes, Robert | |
| | Tarry. Determines, Recent | |
| 01/10/2011 | Findings of Fact, Conclusions of Law and Order | |
| 51/10/2011 | Filed By: Plaintiff State of Nevada | |
| | Thea Dy. Thailain State of Nevada | |
| 01/13/2011 | Notice of Entry of Decision and Order | |
| | | |
| | | |

| DATE | FINANCIAL INFORMATION | |
|------|-----------------------------|--------|
| | Defendant Holmes, Robert | |
| | Total Charges | 175.00 |
| | Total Payments and Credits | 0.00 |
| | Balance Due as of 1/14/2011 | 175.00 |

OLDRIK OF THE COURT

FFCL
DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
CARRIE A. MORTON
Deputy District Attorney
Nevada Bar #0010160
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

FILED

JAN 10 7 24 AM '11

GEC 228762 - 4

FFCD
Findlens of Fact. 6

DISTRICT COURT CLARK COUNTY, NEVADA

06C:228762 – 4 FFCO Findings of Fact, Conclusions of Law and (1151940



THE STATE OF NEVADA,

Plaintiff,

CASE NO:

06C228752-4

-VS-

ROBERT HOLMES III, #0876216 DEPT NO:

IV

Defendant.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

DATE OF HEARING: December 2, 2010 TIME OF HEARING: 9:00 A.M.

THIS CAUSE having come on for hearing before the HONORABLE KATHY HARDCASTLE, District Judge, on the 2nd day of December, 2010, the Petitioner not being present, PROCEEDING IN FORMA PAUPERIS, the Respondent being represented by DAVID ROGER, District Attorney, by and through CARRIE A. MORTON, Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, no arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. On December 13, 2006, Robert Homes III (hereinafter "Defendant"), and Co-Defendants Daimon Monroe, Tonya Trevarthen, and Bryan Fergason were charged

- by way of Grand Jury Indictment with one (1) count of Conspiracy to Possess Stolen Property and/or to Commit Burglary (Gross Misdemeanor NRS 205.275, 199.480) and twenty-six (26) counts of Possession of Stolen Property (Felony NRS 205.275).
- 2. Defendant retained Sean Sullivan, Esq., to represent him in the instant case, as well as in C247085. After Defendant filed many motions to continue his trial date, trial was finally set for May 12, 2008. However, despite informing Mr. Sullivan that he would be ready for trial, Defendant failed to appear. Furthermore, Defendant also failed to appear for a status hearing in C247085. As a result, bench warrants were issued in both cases. Mr. Sullivan subsequently filed a Motion to Withdraw on June 3, 2008, citing Defendant's "lack of cooperation and assistance" in preparing Defendant's defense. The district court granted Mr. Sullivan's motion on June 16, 2008.
- 3. Kirk Kennedy, Esq., was confirmed as Defendant's counsel on July 15, 2008. The district court informed Mr. Kennedy that the trial would be set for November 17, 2008, and if he was for some reason unable to try the case, he must withdraw at the end of July 2008.
- 4. On November 3, 2008, the State filed a Notice of Motion and Motion to Admit Evidence of other Crimes, Wrongs, or Bad Acts. In the meantime, Defendant's Co-Defendants had proceeded to trial. Monroe had been found guilty of all counts. Fergason had been found guilty of all counts except one (1) count of Possession of Stolen Property.
- 5. Thereafter, Defendant began negotiating with the State. On November 10, 2008, Defendant entered into a Guilty Plea Agreement ("GPA") whereby he agreed to plead guilty to one (1) count of Conspiracy to Possess Stolen Property and/or to Commit Burglary and two (2) counts of Possession of Stolen Property. Defendant also agreed to plead guilty to one (1) count of Burglary (Category B Felony NRS 205.060) in C247085. Furthermore, Defendant agreed to pay full restitution, including on all counts to be dismissed. In exchange for dismissing the remaining twenty-four (24) counts, the State retained the full right to argue at rendition of sentence. The State

filed a Fifth Amended Indictment on November 10, 2008, reflecting the negotiations with Defendant.

- 6. On December 30, 2008, Defendant was present in court with counsel and sentenced as follows: as to Count I TWELVE (12) months in the Clark County Detention Center (CCDC); as to Count II FORTY-EIGHTY (48) to ONE HUNDRED TWENTY (120) months in the Nevada Department of Corrections, to run CONCURRENTLY with Count I; and as to Count III TWENTY-FOUR (24) to ONE HUNDRED TWENTY (120) months, to run CONSECUTIVELY to Count II. Defendant was also ordered to pay the \$25 Administrative Assessment Fee, the \$150 DNA Analysis Fee, and \$4,892.45 in Restitution. Judgment of Conviction was filed on January 5, 2009. Defendant did not file a direct appeal.
- 7. Defendant filed a Motion and Notice of Motion to Withdraw Guilty Plea on March 17, 2009. The State filed its opposition to Defendant's motion on March 27, 2009. The State attached telephone recordings of Defendant's calls from jail which belied Defendant's contention that Mr. Kennedy had led him to believe he was getting probation. Defendant filed a reply to the State's opposition on March 30, 2009.
- 8. The district court held a hearing on April 2, 2009. After reviewing the motion and listening to the arguments of counsel, the district court denied Defendant's motion to withdraw his guilty plea. The district court issued its order denying Defendant's motion on April 17, 2009. Defendant filed his Notice of Appeal from that decision thirty-one (31) days later, on May 18, 2009.
- 9. The Nevada Supreme Court filed its Order affirming the district court's denial of Defendant's motion to withdraw his guilty plea on May 7, 2010. Remittitur issued June 2, 2010.
- 10. Defendant filed a Petition for Writ of Habeas Corpus (Post-Conviction) on September 28, 2010.
- 11. On November 29, 2010, the State filed a Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction) and Motion to Dismiss.

- 12. Defendant's Petition is time-barred.
- 13. Defendant has failed to demonstrate good cause for filing a late petition.
- 14. The Nevada Supreme Court has already determined that Defendant's plea was freely and voluntarily entered; thus, his claims regarding his guilty plea agreement are barred by the doctrine of law of the case.

CONCLUSIONS OF LAW

- 1. NRS 34.726(1) provides:
 - 1. Unless there is good cause shown for delay, a petition that challenges the validity of a judgment or sentence must be filed within 1 year after entry of the judgment of conviction or, if an appeal has been taken from the judgment, within 1 year after the supreme court issues its remittitur. For the purposes of this subsection, good cause for delay exists if the petitioner demonstrates to the satisfaction of the court:

(a) That the delay is not the fault of the petitioner; and

(b) That dismissal of the petition as untimely will unduly prejudice the petitioner...

(Emphasis added).

- "In order to demonstrate good cause, a petitioner must show that an impediment external to the defense prevented him or her from complying with the state procedural default rules." <u>Hathaway v. State</u>, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003); <u>citing Pellegrini v. State</u>, 117 Nev. 860, 886-87, 34 P.3d 519, 537 (2001); <u>Lozada v. State</u>, 110 Nev. 349, 353, 871 P.2d 944, 946 (1994); <u>Passanisi v. Director</u>, 105 Nev. 63, 66, 769 P.2d 72, 41 (1989); <u>see also Crump v. Warden</u>, 113 Nev. 293, 295, 934 P.2d 247, 252 (1997); <u>Phelps v. Director</u>, 104 Nev. 656, 764 P.2d 1303 (1988).
- 3. Such an external impediment could be "that the factual or legal basis for a claim was not reasonably available to counsel, or that 'some interference by officials' made compliance impracticable." Hathaway, 119 Nev. at 252, 71 P.3d at 506 (quoting Murray v. Carrier, 477 U.S. 478, 488, 106 S.Ct. 2639, 2645 (1986)).
- 4. To find good cause there must be a "substantial reason; one that affords a legal excuse." Hathaway, 119 Nev. at 252, 71 P.3d at 506; citing Colley v. State, 105 Nev. 235, 236, 773 P.2d 1229, 1230 (1989).

| 1 | 5. Where an issue has already been decided on the merits by the Nevada Supreme |
|----------|--|
| 2 | Court, the Court's ruling is law of the case, and the issue will not be revisited. |
| 3 | Pellegrini v. State, 117 Nev. 860, 884, 34 P.3d 519, 535 (2001); see McNelton v. |
| 4 | State, 115 Nev. 396, 990 P.2d 1263, 1276 (1999); Hall v. State, 91 Nev. 314, 315-16, |
| 5 | 535 P.2d 797, 798-99 (1975); see also Valerio v. State, 112 Nev. 383, 386, 915 P.2d |
| 6 | 874, 876 (1996); Hogan v. Warden, 109 Nev. 952, 860 P.2d 710 (1993). |
| 7 | <u>ORDER</u> |
| 8 | THEREFORE, IT IS HEREBY ORDERED that the Petition for Writ of Habeas |
| 9 | Corpus (Post-Conviction) shall be, and it is, hereby denied. |
| 10 | DATED this 5 day of December, 2010. |
| 11 | DISTRICTION |
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| 13 | |
| 14 | DAVID ROGER DISTRICT ATTORNEY |
| 15 | Nevada Bar #002781 |
| 16 | Name / |
| 17 | BY (CARRIE A. MORTON |
| 18 | Deputy District Attorney Nevada Bar #0010160 |
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DISTRICT COURT **CLARK COUNTY, NEVADA**

JAN 1 3 2011

Petitioner,

THE STATE OF NEVADA,

ROBERT HOLMES,

vs.

Respondent.

Case No: 06C228752-4

Dept No: IV

NOTICE OF ENTRY OF DECISION AND ORDER

PLEASE TAKE NOTICE that on January 10, 2011, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on January 13, 2011.

STEVEN D. GRIERSON, CLERK OF THE COURT

Heather Ungermann, Deputy Clerk

CERTIFICATE OF MAILING

I hereby certify that on this 13 day of January 2011, I placed a copy of this Notice of Entry of Decision and

Order in:

The bin(s) located in the Office of the District Court Clerk of:

Clark County District Attorney's Office

Attorney General's Office - Appellate Division

☐ The United States mail addressed as follows:

Robert Holmes # 1034184

P.O. Box 208 Indian Springs, NV 89070

Heather Ungermann, Deput

ORIGINAL

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|-----|--|--|--|
| 1 | FFCL | FIL | .ED |
| 2 | DAVID ROGER Clark County District Attorney Nevada Bar #002781 | | |
| 3 | CARRIE A. MORTON | JAN 10 1 | 7 24 AH 11 |
| 4 | Deputy District Attorney Nevada Bar #0010160 | CA 1. | *P. |
| 5 | 200 Lewis Avenue Las Vegas, Nevada 89155-2212 | Crif 34, 3 | 1 - MOURT |
| 6 | Las Vegas, Nevada 89155-2212 (702) 671-2500 Attorney for Plaintiff | | 08C228762 - 4 FFC3 |
| 7 | DISTRIC | CT COURT | Findings of Fact, Conclusions of Law and 1151940 Programment and Conclusion (Conclusion) |
| 8 | | NTY, NEVADA | |
| 9 | THE STATE OF NEVADA, |) | |
| 10 | Plaintiff, | CASE NO: | 06C228752-4 |
| 11 | -vs- | DEPT NO: | IV |
| 12 | ROBERT HOLMES III, #0876216 | } | |
| 13 | Defendant. | } | |
| 14 | |) | |
| 15 | | 'T, CONCLUSIONS (ND ORDER | OF |
| 16 | | 1 1 mm - 100 A 1000 And B 1 | |
| 17 | | NG: December 2, 2010 ARING: 9:00 A.M. | 0 |
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OLDRIK OF THE COURT

THIS CAUSE having come on for hearing before the HONORABLE KATHY HARDCASTLE, District Judge, on the 2nd day of December, 2010, the Petitioner not being present, PROCEEDING IN FORMA PAUPERIS, the Respondent being represented by DAVID ROGER, District Attorney, by and through CARRIE A. MORTON, Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, no arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. On December 13, 2006, Robert Homes III (hereinafter "Defendant"), and Co-Defendants Daimon Monroe, Tonya Trevarthen, and Bryan Fergason were charged

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by way of Grand Jury Indictment with one (1) count of Conspiracy to Possess Stolen Property and/or to Commit Burglary (Gross Misdemeanor – NRS 205.275, 199.480) and twenty-six (26) counts of Possession of Stolen Property (Felony – NRS 205.275).

- 2. Defendant retained Sean Sullivan, Esq., to represent him in the instant case, as well as in C247085. After Defendant filed many motions to continue his trial date, trial was finally set for May 12, 2008. However, despite informing Mr. Sullivan that he would be ready for trial, Defendant failed to appear. Furthermore, Defendant also failed to appear for a status hearing in C247085. As a result, bench warrants were issued in both cases. Mr. Sullivan subsequently filed a Motion to Withdraw on June 3, 2008, citing Defendant's "lack of cooperation and assistance" in preparing Defendant's defense. The district court granted Mr. Sullivan's motion on June 16, 2008.
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27 28 filed a Fifth Amended Indictment on November 10, 2008, reflecting the negotiations with Defendant.

- On December 30, 2008, Defendant was present in court with counsel and sentenced 6. as follows: as to Count I - TWELVE (12) months in the Clark County Detention Center (CCDC); as to Count II - FORTY-EIGHTY (48) to ONE HUNDRED TWENTY (120) months in the Nevada Department of Corrections, to run CONCURRENTLY with Count I; and as to Count III - TWENTY-FOUR (24) to ONE HUNDRED TWENTY (120) months, to run CONSECUTIVELY to Count II. Defendant was also ordered to pay the \$25 Administrative Assessment Fee, the \$150 DNA Analysis Fee, and \$4,892.45 in Restitution. Judgment of Conviction was filed on January 5, 2009. Defendant did not file a direct appeal.
- Defendant filed a Motion and Notice of Motion to Withdraw Guilty Plea on March 7. 17, 2009. The State filed its opposition to Defendant's motion on March 27, 2009. The State attached telephone recordings of Defendant's calls from jail which belied Defendant's contention that Mr. Kennedy had led him to believe he was getting probation. Defendant filed a reply to the State's opposition on March 30, 2009.
- The district court held a hearing on April 2, 2009. After reviewing the motion and 8. listening to the arguments of counsel, the district court denied Defendant's motion to withdraw his guilty plea. The district court issued its order denying Defendant's motion on April 17, 2009. Defendant filed his Notice of Appeal from that decision thirty-one (31) days later, on May 18, 2009.
- The Nevada Supreme Court filed its Order affirming the district court's denial of 9. Defendant's motion to withdraw his guilty plea on May 7, 2010. Remittitur issued June 2, 2010.
- 10. Defendant filed a Petition for Writ of Habeas Corpus (Post-Conviction) on September 28, 2010.
- 11. On November 29, 2010, the State filed a Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction) and Motion to Dismiss.

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12. Defendant's Petition is time-barred.

- 13. Defendant has failed to demonstrate good cause for filing a late petition.
- 14. The Nevada Supreme Court has already determined that Defendant's plea was freely and voluntarily entered; thus, his claims regarding his guilty plea agreement are barred by the doctrine of law of the case.

CONCLUSIONS OF LAW

1. NRS 34.726(1) provides:

1. Unless there is good cause shown for delay, a petition that challenges the validity of a judgment or sentence must be filed within I year after entry of the judgment of conviction or, if an appeal has been taken from the judgment, within 1 year after the supreme court issues its remittitur. For the purposes of this subsection, good cause for delay exists if the petitioner demonstrates to the satisfaction of the court:

(a) That the delay is not the fault of the petitioner; and

(b) That dismissal of the petition as untimely will unduly prejudice the petitioner...

(Emphasis added).

- "In order to demonstrate good cause, a petitioner must show that an impediment external to the defense prevented him or her from complying with the state procedural default rules." Hathaway v. State, 119 Nev. 248, 252, 71 P.3d 503, 506 (2003); citing Pellegrini v. State, 117 Nev. 860, 886-87, 34 P.3d 519, 537 (2001); Lozada v. State, 110 Nev. 349, 353, 871 P.2d 944, 946 (1994); Passanisi v. Director, 105 Nev. 63, 66, 769 P.2d 72, 41 (1989); see also Crump v. Warden, 113 Nev. 293, 295, 934 P.2d 247, 252 (1997); Phelps v. Director, 104 Nev. 656, 764 P.2d 1303 (1988).
- 3. Such an external impediment could be "that the factual or legal basis for a claim was not reasonably available to counsel, or that 'some interference by officials' made compliance impracticable." Hathaway, 119 Nev. at 252, 71 P.3d at 506 (quoting Murray v. Carrier, 477 U.S. 478, 488, 106 S.Ct. 2639, 2645 (1986)).
- 4. To find good cause there must be a "substantial reason; one that affords a legal excuse." Hathaway, 119 Nev. at 252, 71 P.3d at 506; citing Colley v. State, 105 Nev. 235, 236, 773 P.2d 1229, 1230 (1989).

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5. Where an issue has already been decided on the merits by the Nevada Supreme

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DISTRICT COURT CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor COURT MINUTES December 13, 2006 The State of Nevada vs Robert Holmes 06C228752-4 December 13, 2006 1:30 PM **Grand Jury Indictment GRAND JURY INDICTMENT** Relief Clerk: Sandra Anderson Reporter/Recorder: Paula Walsh Heard By: Kathy Hardcastle **HEARD BY:** COURTROOM: COURT CLERK: RECORDER: REPORTER: **PARTIES** PRESENT: DiGiacomo, Sandra Attorney Jorgenson, Eric G. Attorney Sullivan, Sean P. Attorney

JOURNAL ENTRIES

- Mary Jane Burkhalter, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. The State presented Grand Jury Case Number 06AGJ101A/B/C/D to the Court. COURT ORDERED, the indictment may be filed and is assigned Case Number C228752, Department XII. Mr. Jorgenson requested warrants for all Defts. Arguments by Ms. Digiacomo regarding bail amounts. Opposing argument on behalf of Deft. Holmes by Mr. Sullivan.

As to Deft. MONROE: COURT ORDERED, BENCH WARRANT WILL ISSUE, \$500,000.00 BOND. Matter set for initial arraignment.

As to Deft. TREVARTEN: State requested a summons be issued and sent. COURT SO ORDERED. Matter set for initial arraignment.

As to Deft. FREGASON: COURT ORDERED, BENCH WARRANT WILL ISSUE, \$250,000.00 BOND. Matter set for initial arraignment.

As to Deft. HOLMES: COURT ORDERED, BENCH WARRANT WILL ISSUE, \$150,000.00 BOND.

PRINT DATE: 01/14/2011 Page 1 of 81 Minutes Date: December 13, 2006

06C228752-4

FURTHER ORDERED, transfer bail amount of \$13,000.00. Matter set for initial arraignment.

Exhibit(s) 1-187 lodged with Clerk of District Court.

CUSTODY (MONROE/FREGASON)

B.W. (HOLMES/TREVARTHEN)

12-20-06 10:30 AM INITIAL ARRAIGNMENT (MONROE/FREGASON/HOLMES)

12-27-06 10:30 AM INITIAL ARRAIGNMENT (TREVARTHEN)

PRINT DATE: 01/14/2011 Page 2 of 81 Minutes Date: December 13, 2006

DISTRICT COURT CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor COURT MINUTES December 20, 2006 The State of Nevada vs Robert Holmes 06C228752-4 ALL PENDING December 20, 2006 10:30 AM All Pending Motions MOTIONS (12/20/06) Court Clerk: Sharry Frascarelli Relief Clerk: Tia Everett/te Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams **COURTROOM: HEARD BY: COURT CLERK: RECORDER:** REPORTER: **PARTIES** PRESENT: DiGiacomo, Sandra Attorney Holmes, Robert Defendant Sullivan, Sean P. Attorney

JOURNAL ENTRIES

- ARRAIGNMENT (MONROE, HOLMES, FERGUSON)...BENCH WARRANT RETURN (MONROE, FERGUSON)...QUASH BENCH WARRANT & RELEASE ON OWN RECOGNIZANCE OR BAIL REDUCTION (HOLMES)

Ms. Digiacomo stated that this was a complicated case and there were issues regarding counsel for the Defendants; she requested this matter be continued for arraignment in Department XII in front of Judge Leavitt. COURT SO ORDERED. Mr. Sullivan argued motion for Defendant Holmes Own Recognizance release or bail reduction. State submitted. COURT ORDERED, bail remains at \$13,000 until the date of 1/4/07 at which time bail will increase to \$150,000 as was set at the Indictment. 1/4/07 9:30 AM ARRAIGNMENT CONTINUED (DEPT 12)

PRINT DATE: 01/14/2011 Page 3 of 81 Minutes Date: December 13, 2006

co-defendants.

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DISTRICT COURT CLARK COUNTY, NEVADA

| Felony/Gross Misdemeanor | | COURT MINUTES | December 27, 2006 |
|--------------------------|------------------|----------------------------|---|
| 06C228752-4 | The State o | of Nevada vs Robert Holme | es |
| December 27, 20 | 006 10:30 AM | Initial Arraignmen | t INITIAL ARRAIGNMENT Court Clerk: Roshonda Mayfield/rm Relief Clerk: Tia Everett Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams |
| HEARD BY: | | СО | URTROOM: |
| COURT CLERK | : | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | Keeler, Brett O. | Attorney JOURNAL ENTRIE | es |

1/4/07 9:30 AM ARRAIGNMENT CONTINUED (DEPT 12)

PRINT DATE: 01/14/2011 Page 4 of 81 Minutes Date: December 13, 2006

- Judge Leavitt signed an order for this matter to be continued in department XII and heard with the

DISTRICT COURT CLARK COUNTY, NEVADA

| Felony/Gross Misd | emeanor | COURT MINUTES | January 04, 2007 |
|-------------------|-----------|----------------------------|--|
| 06C228752-4 | The State | of Nevada vs Robert Holmes | |
| January 04, 2007 | 9:30 AM | All Pending Motions | ALL PENDING MOTIONS (1/4/07) Court Clerk: April Watkins Reporter/Recorder: Thelma Stapley Heard By: Michelle Leavitt |
| | | | |

HEARD BY: COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Di Giacomo, Marc P.

Di Giacomo, Marc P. Attorney
Holmes, Robert Defendant
Sullivan, Sean P. Attorney

JOURNAL ENTRIES

- ARRAIGNMENT CONTINUED (ALL)

Mr. DiGiacomo advised as to Deft. Holmes he was indicted with bail being set at \$150,000.00 by Judge Hardcastle. Further, Deft. originally posted \$13,000.00 at the Justice Court level prior to the Grand Jury Indictment and was ordered transferred from the initial case to this case. Hearing Master Williams gave Deft. additional time to post the remaining balance of the \$137,500.00 which is to be posted today.

Ms. Dustin advised matter originated in Justice Court 7 and then went in front of the Grand Jury. Further, Ms. Dustin stated police investigation lead to Deft. Fergason's assets to be seized and frozen. Additionally, Ms. Dustin stated she was appointed by Justice of the Peace Bennett-Heron and requested this Court do the same. Court stated once appointed at Justice Court level, counsel is appointed at District Court level and instructed counsel to file the appropriate documents. Mr. Lasso requested to withdraw as to Deft. Monroe. Court stated counsel is not permitted to

PRINT DATE: 01/14/2011 Page 5 of 81 Minutes Date: December 13, 2006

withdraw at this time until after Deft. has been arraigned and advised counsel he needs to file the appropriate motion. CONFERENCE AT BENCH.

Colloquy regarding receipt of Grand Jury Transcripts. COURT ORDERED, Grand Jury Transcripts to be produced and filed forthwith. Further Court FINDS good cause has been shown and ORDERED, counsel has 21 days from the filing of the transcript to file writs.

Mr. Sullivan advised Deft. Holmes has posted a total of \$35,000.00 bail and argued the \$13,000.00 posted on this case is sufficient as he is not a flight risk. Opposition by Mr. DiGiacomo who argued prior felony conviction was with Co-Deft. Monroe. Further, Mr. DiGiacomo advised every piece of property in home was stolen and Defts' were only charged as to each victim. Additionally, Mr. DiGiacomo advised authorities are looking for all of the proceeds from the stolen property and argued there was over \$150,000.00 in a bank account which \$145,000.00 was transferred from Deft. Monroe to Deft. Holmes who proceeded to spend approximately \$75,000.00. Also, Mr. DiGiacomo advised there is an agreement with the FBI to return the \$75,000.00. Further, Mr. DiGiacomo requested as to Deft. Holmes there be a Source Hearing held as to the posting of the bond, surrender of his passport to the Court and requested he be remanded today until Source Hearing can be held. COURT ORDERED, Deft. Holmes REMANDED TO CUSTODY and BAIL REMAINS SET at \$150,000.00. Opposition by Mr. Sullivan. Court advised prior to bond being accepted, a Source Hearing will be held to determine where the money is coming from in order for bond to be posted. AS TO DEFT. MONROE: COURT ORDERED, request to withdraw by Mr. Lasso GRANTED; Robert Langford, Esq., APPOINTED; matter CONTINUED and SET for confirmation of counsel. DEFT. TREVARTHEN ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE. COURT ORDERED, Dayvid Figler, Esq., APPOINTED as counsel and matter SET for confirmation of counsel.

DEFT. FERGASON ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. DEFT. HOLMES ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE.

Mr. DiGiacomo INVOKED THE 60-DAY RULE on behalf of the State. COURT ORDERED, matter set for trial.

CUSTODY (MONROE, FERGASON, HOLMES)...NIC (TREVARTHEN)

1/11/07 9:30 AM ARRAIGNMENT CONTINUED...CONFIRMATION OF COUNSEL

(LANGFORD)(DEFT. MONROE)

1/11/07 9:30 AM CONFIRMATION OF COUNSEL (FIGLER)(DEFT. TREVARTHEN)

3/6/07 9:30 AM CALENDAR CALL (ALL)

3/13/07 1:30 PM JURY TRIAL (ALL)

CLERK'S NOTE:

Chuck with Mr. Langford's office advised of appointment and court date.

Gabby with Mr. Figler's office advised of appointment and court date.

Clark County Detention Center advised by this Court's Judicial Executive Assistant that Deft. Holmes is not to be released on bond until this Court has a Source Hearing.

PRINT DATE: 01/14/2011 Page 6 of 81 Minutes Date: December 13, 2006

DISTRICT COURT CLARK COUNTY, NEVADA

| Felony/Gross Misdemeanor | | COURT MINUTES | January 05, 2007 |
|--------------------------|--|----------------------|--|
| 06C228752-4 | The State o | f Nevada vs Robert H | olmes |
| January 05, 200 | 07 2:00 PM | Hearing | SOURCE HEARING Court Clerk: April Watkins Reporter/Recorder: Thelma Stapley Heard By: Michelle Leavitt |
| HEARD BY: | | | COURTROOM: |
| COURT CLERK: | | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | DiGiacomo, Sand Holmes, Robert Sullivan, Sean P. | Defendant | |

JOURNAL ENTRIES

- Mr. Sullivan advised the balance of the bond is \$137,000.00 which is being posted at this time. Deft. sworn and testified. Further, Mr. Sullivan bond is arranged through Bail Bonds Unlimited who has posted an additional \$35,000.00 bond on Deft's other charges. Additionally, bond company is willing to accept and pay the bond while Deft. makes payments on the remainder balance. Colloquy. Mr. Sullivan stated \$7,500.00 is currently being posted by the bond company for the bond in the amount of \$137,000.00. Deft. advised he put up one of three homes for collateral as well and advised the money is coming from a equity line of credit. Court noted documents have been provided as to the equity line and stated it does not indicate any dates of withdrawal of the money. Mr. Sullivan argued there is plenty of equity in the home. Deft. stated he bought home five years ago and has two equity lines of credit. One from one home and one from another. Further colloquy. Ms. DiGiacomo stated Deft. accepted \$145,000.00 of settlement money on November 17, 2006, which \$70,000.00 was returned two weeks later. However, agreement with Deft. that he would pay back \$75,000.00 in three months to the Metropolitan Police Department (Metro) and the FBI. Ms. DiGiacomo advised Deft.

PRINT DATE: 01/14/2011 Page 7 of 81 Minutes Date: December 13, 2006

06C228752-4

Trevarthen was withdrawing the money from their accounts Friday before source hearing and all was traced accept for the \$145,000.00 which Deft. Trevarthen stated she gave to Deft. Holmes. Deft. Trevarthen told Metro she attempted to get money back and Deft's Holmes refused to give money back. Further, the State is concerned as to where the \$75,000.00 as counsel is not sure what happened to it at this point. Mr. Sullivan argued Deft. Holmes never admitted to taking the money. Further, equity lines where opened prior to all of this. Mr. Sullivan further argued Deft. was advised all of his homes and property would be seized and counsel advised Deft. to give what ever money had to Metro and the FBI. Additionally, Mr. Sullivan argued Deft. has provided sufficient proof as to where money is coming from. Court stated she is concerned as to where the money will be coming from as to paying payments towards the balance of the bond. Deft. advised he father is also helping to pay the bond company as well. Mr. Sullivan stated Deft. works full time at the Horseshoe and argued he has legitimate means to pay. Court further stated it appears Deft. can post the bond. Further, Deft. can come in and prove the source of the money as to the payments to the bond company. Mr. Sullivan also advised Deft. has ownership of two vehicles. Colloquy. Ms. DiGiacomo advised Deft. also owns a 27 foot cargo truck and a Suburban. COURT ORDERED, Deft. RELEASED ON BOND once posted and matter set for status check for Deft. to provide paper trail of where money is coming from. Colloquy regarding the \$13,000.00 already posted in Justice Court. BOND

2/8/07 9:30 AM STATUS CHECK: BAIL BOND

| Felony/Gross Misde | meanor | COURT MINUTES | January 11, 2007 |
|--------------------|-------------|----------------------------|---|
| 06C228752-4 | The State o | of Nevada vs Robert Holmes | |
| January 11, 2007 | 9:30 AM | All Pending Motions | ALL PENDING MOTIONS (1/11/06); DEFTS' MONROE & TREVARTHEN Court Clerk: April Watkins Reporter/Recorder: Thelma Stapley Heard By: Michelle Leavitt |
| HEARD BY: | | COURTE | ROOM: |
| COURT CLERK: | | | |

RECORDER:

REPORTER:

PARTIES

PRESENT: Di Giacomo, Marc P. Attorney

JOURNAL ENTRIES

- DEFT. MONROE:

Ms. Burke CONFIRMED as counsel on behalf of Robert Langford, Esq. DEFT. MONROE ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial.

DEFT. TREVARTHEN:

CONFERENCE AT BENCH. COURT ORDERED, matter SET for confirmation of counsel.

CUSTODY (MONROE)...NIC (TREVARTHEN)

1/18/07 9:30 AM CONFIRMATION OF COUNSEL (LORD)(TREVARTHEN)

3/6/07 9:30 AM CALENDAR CALL (MONROE)

3/13/07 1:30 PM JURY TRIAL (MONROE)

CLERK'S NOTE: Ms. Burke appeared on February 13, 2007 advising that she was the attorney

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| appearing for Deft. Monroe on this date and not Burke's appearance./kb 2-13-07 | Ms. Winckler. Minute order corrected to reflect Ms. |
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PRINT DATE: 01/14/2011 Page 10 of 81 Minutes Date: December 13, 2006

| Felony/Gross M | isdemeanor | COURT MINUTES | January 18, 2007 |
|---------------------|----------------|----------------------------|--|
| 06C228752-4 | The State o | of Nevada vs Robert Hol | mes |
| January 18, 2007 | 9:30 AM | Motion for Conf Counsel | irmation of CONFIRMATION OF COUNSEL (LORD) Relief Clerk: Teri Braegelmann Reporter/Recorder: Thelma Stapley Heard By: Michelle Leavitt |
| HEARD BY: | | C | COURTROOM: |
| COURT CLERK | : : | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | Di Giacomo, Ma | rc P. Attorney | |
| | | | |

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Lord stated deft. is indigent due to all of her assets being frozen as a result of this case. Statements by deft. regarding the reason she moved to Texas was because she has family there. Colloquy regarding deft. residing out of state. Mr. Lord advised deft. was given an O.R. in Justice Court. COURT ORDERED, Mr. Lord APPOINTED.

| Felony/Gross Misdemeanor | | COURT MINUTES | February 08, 2007 |
|--------------------------|----------------|------------------------|--|
| 06C228752-4 | The State | of Nevada vs Robert Ho | olmes |
| February 08, 20 | 07 9:30 AM | Status Check | STATUS CHECK: BAIL BONDS Court Clerk: Teri Braegelmann Relief Clerk: Tina Hurd/th Reporter/Recorder: Thelma Stapley Heard By: Michelle Leavitt |
| HEARD BY: | | | COURTROOM: |
| COURT CLERI | Κ: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | Holmes, Robert | Defendant | |

JOURNAL ENTRIES

Attorney

Krusey, Amanda K.

- No appearance by Deft's counsel Sean Sullivan. Court advised they were supposed to have a source hearing today. As Mr. Sullivan is not present, COURT ORDERED, matter OFF CALENDAR. CUSTODY

PRINT DATE: 01/14/2011 Page 12 of 81 Minutes Date: December 13, 2006

| Felony/Gross Misdemeanor | | COURT MINUTES | February 13, 2007 |
|--------------------------|-----------------|----------------------|---|
| 06C228752-4 | The State o | f Nevada vs Robert H | olmes |
| February 13, 200 | 9:30 AM | Motion | DEFT'S MTN FOR EXTENSION OF TIME TO FILEPTN FOR WRIT OF HABEAS CORPUS/30 Relief Clerk: Kristen Brown Reporter/Recorder: Thelma Stapley Heard By: Michelle Leavitt |
| HEARD BY: | | | COURTROOM: |
| COURT CLERK | C: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | DiGiacomo, Sano | dra Attorney | |

JOURNAL ENTRIES

- Ms. Burke requested to file the petition within 15 days from today or by February 28, 2007. Ms. DiGiacomo advised the Court that this case will not be ready to proceed to trial on March 6, 2007 and requested to place this matter on for status check along with the co-deft's to address this issue. Colloquy between Court and counsel regarding the trial and petition. Ms. Burke stated that she will be able to come to court on February 20, 2007 to address the trial setting and will be able to advise Ms. DiGiacomo if a petition is going to be filed. COURT ORDERED, Motion GRANTED; Petition to be filed by February 28, 2007 and matter set for argument; FURTHER ORDERED, matter set for status check on February 20, 2007 to address the trial setting and for Ms. Burke to advise if a petition is going to be filed.

CUSTODY

2/20/07 9:30 AM STATUS CHECK: PETITION/TRIAL

PRINT DATE: 01/14/2011 Page 13 of 81 Minutes Date: December 13, 2006

| 3/06/07 9:30 AM ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS | | | |
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| Felony/Gross Misdemeanor | | COURT MINUTES | February 20, 2007 |
|--------------------------|-------------|----------------------------|--|
| 06C228752-4 | The State o | of Nevada vs Robert Holmes | |
| February 20, 2007 | 9:30 AM | All Pending Motions | ALL PENDING MOTIONS 2-20-07 Relief Clerk: Kristen Brown Reporter/Recorder: Thelma Stapley Heard By: Michelle Leavitt |
| HEARD BY: | | COURTR | OOM: |
| COURT CLERK: | | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | | | |
| | | JOURNAL ENTRIES | |

- PETITION FOR WRIT OF HABEAS CORPUS (FERGASON & HOLMES)...STATUS CHECK: PETITION/TRIAL (MONROE)

Ms. Burke stated that she received a call continuing the motions but based on the last hearing, was supposed to advise the State as to whether or not a writ is going to be filed. Mr. Burke advised the Court that a writ will be filed and is due February 28, 2007 with a hearing date of March 6, 2007 along with the other writs that have been filed. Court noted Ms. Burke's representations regarding filing of the writ and ORDERED, all Writ's will be heard on March 6, 2007 at 11:00 am.

CUSTODY (MONROE)

NIC (FERGASON & HOLMES)

3/06/07 11:00 AM DEFTS PETITION'S FOR WRIT OF HABEAS CORPUS (MONROE, FERGASON & HOLMES)

PRINT DATE: 01/14/2011 Page 15 of 81 Minutes Date: December 13, 2006

| Felony/Gross Misdemeanor | | COURT MINUTES | March 06, 2007 |
|--------------------------|--|-----------------------|--|
| 06C228752-4 | The State o | of Nevada vs Robert H | [olmes |
| March 06, 2007 | ' 11:00 AM | Calendar Call | CALENDAR CALL Relief Clerk: Kristen Brown Reporter/Recorder: Thelma Stapley Heard By: Michelle Leavitt |
| HEARD BY: | | | COURTROOM: |
| COURT CLER | K: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | DiGiacomo, San Holmes, Robert Sullivan, Sean P | Defendant | |

JOURNAL ENTRIES

- State's Return to Writ of Habeas Corpus FILED IN OPEN COURT. Ms. DiGiacomo advised the Court that the State's Return has been filed in open court. Colloquy between Court and Deft. Hoyt regarding waiving speedy trial rights and the filing of the Writ. Ms. Burke stated that she had gone over all the prerequisites with the deft. regarding this issue; further, would be ineffective if proceeded to trial next week. Ms. DiGiacomo stated that Deft. Hoyt is looking at the large habitual criminal treatment. Court advised the Deft. that based on those facts, this trial can not proceed next week. Ms. Dustin advised the Court that this has been explained to her client, Deft. Fergason, and the deft. understands. Ms. Sullivan stated that based on the multiple charges, there is no possibility of this case proceeding to trial on this stack. Ms. Burke again stated that she has retained an investigator and this has been explained to her client, Deft. Hoyt, but the deft. is frustrated by being in custody. Ms. DiGiacomo advised the Court that this will be a 3-4 week trial. COURT ORDERED, Trial VACATED and RESET; FURTHER ORDERED, the Writ's filed by the deft's will be RESET by the Court.

PRINT DATE: 01/14/2011 Page 16 of 81 Minutes Date: December 13, 2006

RECALLED: Ms. DiGiacomo, Mr. Lord and Deft. Trevarthen present. Mr. Lord stated this matter is negotiated with regards to his client. Second Amended Indictment and Guilty Plea Agreement FILED IN OPEN COURT. NEGOTIATIONS: State will have no opposition to probation but have the right to argue the terms of probation. DEFT. TREVARTHEN ARRAIGNED AND PLED GUILTY to COUNT 1 - CONSPIRACY TO POSSESS STOLEN PROPERTY AND/OR TO COMMIT BURGLARY (GM) and COUNT 2 - POSSESSION OF STOLEN PROPERTY (F). Ms. DiGiacomo requested a status check regarding sentencing be set prior to referring this matter to Parole and Probation. COURT ACCEPTED plea and ORDERED, matter set for status check regarding sentencing. Court stated it will allow the deft. to travel back to Texas but deft. will have to remain trouble free. CUSTODY (MONROE)

NIC (TREVARTHEN, FERGASON & HOLMES) 10/02/07 9:30 AM CALENDAR CALL (MONROE, FERGASON & HOLMES) 10/09/07 1:30 PM JURY TRIAL (MONROE, FERGASON & HOLMES) 11/08/07 9:30 AM STATUS CHECK: SENTENCING (TREVARTHEN)

| Felony/Gross Misdemeanor | | COURT MINUTES | May 29, 2007 |
|--------------------------|----------------|-------------------------------|--|
| 06C228752-4 | The State o | of Nevada vs Robert Holmes | 3 |
| May 29, 2007 | 9:30 AM | Motion to Withdraw Counsel | SUSAN D BURKE'S MTN TO WITHDRAW AS ATTORNEY OF RECORD/43 Court Clerk: April Watkins Reporter/Recorder: Thelma Stapley Heard By: Michelle Leavitt |
| HEARD BY: | | COL | JRTROOM: |
| COURT CLER | K: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | Krusey, Amanda | a K. Attorney | |
| | | IOLIDNIAL ENTEDIEC | • |

JOURNAL ENTRIES

- Ms. Burke advised there was no opposition to her motion and stated Mr. Hart has taken over Deft's other case in Department XX and requested that he be appointed in this matter. Statement by Mr. Hart. COURT ORDERED, motion GRANTED and Marty Hart, Esq., APPOINTED. Further, Ms. Burke advised she has provided discovery to Mr. Hart. CUSTODY

PRINT DATE: 01/14/2011 Page 18 of 81 Minutes Date: December 13, 2006

| Felony/Gross Misdemeanor | | COURT MINUTES | September 25, 2007 |
|--------------------------|-----------------|---------------------------|--|
| 06C228752-4 | The State o | f Nevada vs Robert Holmes | |
| September 25, 20 | 007 9:30 AM | Motion to Continue | DEFT'S MTN TO CONTINUE TRIAL/45 Court Clerk: April Watkins Relief Clerk: Lorraine Williams/Imw Reporter/Recorder: Thelma Stapley Heard By: Leavitt, Michelle |
| HEARD BY: | | COUR | RTROOM: |
| COURT CLERK | : | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | DiGiacomo, Sano | Ira Attorney | |

JOURNAL ENTRIES

Defendant

Attorney

- Court advised the matter should be continued to have all Defts. present. Colloquy. Ms. Dustin advised Deft. Fergason will be joining in with Deft. Holmes's motion. Mr. Lord requested Deft. Trevarthen's sentencing date be set after trial date is set. COURT ORDERED, matter CONTINUED; Petition for Writ of Habeas Corpus VACATED at this time.

BOND

10/02/07 9:30 AM STATUS CHECK: TRIAL SETTING (FERGUSON & MONROE)

Holmes, Robert

Sullivan, Sean P.

PRINT DATE: 01/14/2011 Page 19 of 81 Minutes Date: December 13, 2006

| Felony/Gross Misdemeanor | | COURT MINUTES | October 02, 2007 | |
|--------------------------|---|--|--|--|
| 06C228752-4 | The State of | Nevada vs Robert Holmes | | |
| October 02, 200 | 9:30 AM | All Pending Motions | ALL PENDING MOTIONS 10/02/07 Court Clerk: April Watkins Relief Clerk: Lorraine Williams/Imw Reporter/Recorder: Thelma Stapley Heard By: Michelle Leavitt | |
| HEARD BY: | | COUR | TROOM: | |
| COURT CLER | K: | | | |
| RECORDER: | | | | |
| REPORTER: | | | | |
| PARTIES PRESENT: | DiGiacomo, Sand Holmes, Robert Luzaich, Elissa Sullivan, Sean P. | ra Attorney Defendant Attorney Attorney | | |
| | JOURNAL ENTRIES | | | |

- DEFT HOLMES' MOTION TO CONTINUE TRIAL...STATUS CHECK: TRIAL SETTING (MONROE & FERGASON)...CALENDAR CALL (MONROE, FERGASON, HOLMES)

All counsel advise they have agreed to continue trial. Ms. DiGiacomo advised counsel has selected March 18, 2008, as new trial date, but noted status check for Deft. Trevarthen will need to be moved until after trial because she is testifying. Court asked counsel if a special setting would be required for writs. Conference at the Bench. COURT ORDERED, trial date VACATED and RE-SET; status check CONTINUED; Writs of Habeas Corpus SET.

11/08/07 11:00 AM WRITS OF HABEAS CORPUS (MONROE, FERGASON, HOLMES) 03/11/08 9:30 AM CALENDAR CALL (MONROE, FERGASON, HOLMES)

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03/18/08 1:30 PM JURY TRIAL (MONROE, FERGASON, HOLMES) 04/24/08 9:30 AM STATUS CHECK: SENTENCING (TREVARTHEN)

Felony/Gross Misdemeanor COURT MINUTES November 08, 2007 The State of Nevada vs Robert Holmes 06C228752-4 Petition for Writ of Habeas November 08, 2007 11:00 AM PTN FOR WRIT OF HABEAS CORPUS Corpus Relief Clerk: Tia Everett/te Reporter/Recorder: Thelma Stapley Heard By: Michelle Leavitt **HEARD BY:** COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Di Giacomo, Marc P. Attorney Sullivan, Sean P. Attorney

JOURNAL ENTRIES

- Mr. Sullivan requested Defendant Holmes presence be waived as he has gainful employment. COURT SO ORDERED. Ms. Dustin, Mr. Hart, and Mr. Sullivan argued the only witness who can substantiate any of the claims is Tonya Trevarthen who is also a co-defendant in this case. Additionally, counsel argued there was insufficient evidence presented to the Grand Jury as there were taped phone conversations presented to the Grand Jury; however, only excerpts were played and not the entire tape; therefore counts 1 and 2, 5 through 14, 16 through 23, 25 and 27 should be dismissed as they are not properly supported. Mr. DiGiacomo opposed by arguing you can not question how a jury deliberates as they were presented the evidence and all exhibits were admitted and sent back with the jury at the time of deliberation to allow them the opportunity to relisten to any of the phone conversations they chose to. COURT FURTHER ORDERED, Petitions DENIED and Trial Date STANDS. Colloquy regarding trial date. FURTHER ORDERED, matter set for status check.

CUSTODY (MONROE)...CUSTODY (FERGASON)...BOND (HOLMES)

PRINT DATE: 01/14/2011 Page 22 of 81 Minutes Date: December 13, 2006

1/17/08 9:30 AM STATUS CHECK: STATUS OF TRIAL

| Felony/Gross Misdemeanor | | COURT MINUTES | January 23, 2008 |
|--------------------------|-------------|----------------------------|--|
| 06C228752-4 | The State o | of Nevada vs Robert Holmes | |
| January 23, 2008 | 9:00 AM | Minute Order | MINUTE ORDER RE: (RECUSAL) Court Clerk: April Watkins Heard By: Michelle Leavitt |
| HEARD BY: | | COURT | ROOM: |
| COURT CLERK: | | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | | | |
| | | IOURNAL ENTRIES | |

JOURNAL ENTRIES

- The court hereby recuses from the above-entitled case due to the appearance of impropriety. This court has been named as a victim in Justice Court case No.: 08F01002X. Per the Chief Judge, Kathy Hardcastle, this case is hereby reassigned to department 4 for further proceedings consistent with this minute order.

Any dates previously set by this court are VACATED.

| Felony/Gross Misdemeanor | | COURT MINUTES | January 24, 2008 |
|--------------------------|-------------|----------------------------|--|
| 06C228752-4 | The State o | of Nevada vs Robert Holmes | |
| January 24, 2008 | 9:00 AM | Minute Order | MINUTE ORDER RE: REASSIGNMENT TO DEPT. VII Court Clerk: Denise Trujillo Heard By: Kathy Hardcastle |
| HEARD BY: | | COURT | ГКООМ: |
| COURT CLERK: | | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | | | |
| | | IOURNAL ENTRIES | |

JOURNAL ENTRIE

- Due to previous Court's recusal, and Per Order of the Chief Judge, due to the appearance of impropriety, this case is hereby TRANSFERRED to Dept. 7 for further proceedings. CLERK'S NOTE: A copy of this minute order to be placed in the attorney folder(s) of Marty Hart, Jonathan Lord, Cynthia Dustin and Sean Sullivan.

Felony/Gross Misdemeanor COURT MINUTES January 30, 2008 The State of Nevada vs Robert Holmes 06C228752-4 January 30, 2008 8:30 AM All Pending Motions ALL PENDING **MOTIONS 1/30/08** Relief Clerk: Carole D'Aloia Reporter/Recorder: Renee Vincent Heard By: Stewart Bell

HEARD BY: COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

DiGiacomo, Sandra Attorney
Holmes, Robert Defendant
Sullivan, Sean P. Attorney

JOURNAL ENTRIES

- STATUS CHECK: VERIFY TRIAL DATES (MONROE)...STATUS CHECK: VERIFY TRIAL DATES (FERGASON)...STATUS CHECK: VERIFY TRIAL DATES (HOLMES)

Court advised this case was reassigned to this Department because another Judge recused. Court further advised Ms. Dustin informed the current trial date does not work for her. Colloquy between Court and counsel regarding possible trial dates. Mr. Sullivan requested matter be continued one (1) week to allow him time to review the State's file which may give him a better insight as to when the trial should be set. COURT ORDERED, matter CONTINUED. Mr. Sullivan requested Defendant Holmes' presence be waived on the continuance date for employment reasons and, COURT SO ORDERED.

CUSTODY (COC)(MONROE & FERGASON)

BOND (HOLMES

2/5/08 8:30 AM ALL PENDING MOTIONS

PRINT DATE: 01/14/2011 Page 26 of 81 Minutes Date: December 13, 2006

| Felony/Gross Misder | neanor | COURT MINUTES | February 05, 2008 |
|---------------------|-----------|----------------------------|---|
| 06C228752-4 | The State | of Nevada vs Robert Holmes | |
| February 05, 2008 | 8:30 AM | All Pending Motions | ALL PENDING MOTIONS 2-5-08 Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell |

HEARD BY: COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: DiGiacomo, Sandra Attorney

Sullivan, Sean P. Attorney

JOURNAL ENTRIES

- Deft. Holmes' presence WAIVED. Colloquy regarding the trial date. COURT ORDERED, trial date VACATED AND RESET to May 12.

CUSTODY (COC - MONROE & FERGASON)...BOND (HOLMES)

5-1-08 8:30 AM CALENDAR CALL

5-12-08 9:30 AM JURY TRIAL

PRINT DATE: 01/14/2011 Minutes Date: December 13, 2006 Page 28 of 81

PRESENT:

DISTRICT COURT CLARK COUNTY, NEVADA

| Felony/Gross Misde | meanor | COURT MINUTES | April 24, 2008 |
|--------------------|-----------|----------------------------|---|
| 06C228752-4 | The State | of Nevada vs Robert Holmes | |
| April 24, 2008 | 8:30 AM | Status Check | STATUS CHECK: SENTENCING Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell |
| HEARD BY: | | COU | RTROOM: |
| COURT CLERK: | | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES | | | |

JOURNAL ENTRIES

Attorney

- Conference at the bench. COURT ORDERED, matter CONTINUED for status check. NIC

7-16-08 8:30 AM STATUS CHECK: SENTENCING

Krusey, Amanda K.

PRINT DATE: 01/14/2011 Page 29 of 81 Minutes Date: December 13, 2006

| Felony/Gross N | Misdemeanor | COURT MINUTES | May 01, 2008 |
|---------------------|-----------------------------------|---------------------------|--|
| 06C228752-4 | The State o | f Nevada vs Robert Holmes | |
| May 01, 2008 | 8:30 AM | All Pending Motions | ALL PENDING MOTIONS 5-1-08 Court Clerk: Tina Hurd Relief Clerk: Sharon Coffman/scDana Cooper Reporter/Recorder: Renee Vincent Heard By: Stewart Bell |
| HEARD BY: | | COUR | TROOM: |
| COURT CLER | K: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | DiGiacomo, Sano Holmes, Robert | dra Attorney Defendant | |

JOURNAL ENTRIES

- STATE'S MOTION TO AMEND INDICTMENT (ALL)...DEFENDANT HOLMES' MOTION TO SEVER...DEFENDANT FERGASON'S MOTION TO SEVER

Attorney

COURT ORDERED, State's Motion to Amend Indictment is GRANTED. Amended Indictment FILED IN OPEN COURT.

Ms. Dustin advised her client is joining in all the motions.

Sullivan, Sean P.

COURT ORDERED, Motion to Disqualify the District Attorney is DENIED.

Owens, Christopher J. Attorney

COURT FURTHER ORDERED, Defendant Holmes' Motion to Sever is DENIED; Defendant Fergason's Motion to Sever is GRANTED.

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Conference at the Bench regarding motions to be filed. Judge noted he will be away and is unable to hear them.

Argument by Ms. Dustin as to the Amended Indictment. Court noted there are the same number of counts and the same number of charges; only property was added.

Argument by Mr. Sullivan as to the large amount of discovery and the short time he has to review it. Ms. DiaGiacomo advised it consists of multiple copies and is all financial. Court noted there should be enough time for review before trial.

Colloquy as to witnesses (80 - 100) and scheduling. COURT ORDERED, TRIAL DATE STANDS; FURTHER ORDERED, the Fergason trial shall immediately follow this one.

Further discussion as to Motions to be filed. Court noted these will be heard the morning of trial. CUSTODY (COC) (MONROE & FERGASON)

BOND (HOLMES)

5/12/08 9:30 A.M. TRIAL BY JURY (MONROE & HOLMES)

5/20/08 9:30 A.M. TRIAL BY JURY (FERGASON)

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COLUMN AUXILIANCE

| Felony/Gross N | Misdemeanor | COURT MINUTES | May 12, 2008 |
|---------------------|--|--------------------------------------|--|
| 06C228752-4 | The State of | f Nevada vs Robert Holmes | |
| May 12, 2008 | 8:30 AM | All Pending Motions | ALL PENDING MOTIONS 5-12-08 Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell |
| HEARD BY: | | COUR | TROOM: |
| COURT CLER | K: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | DiGiacomo, Sand Small, Shelly L. Sullivan, Sean P. | Ira Attorney Attorney Attorney | |
| | | JOURNAL ENTRIES | |

- 9:50 A.M.--Deft. Holmes not present. Court advised he will hear the motions and, if Deft. Holmes is not present when jury selection starts, he will issue a bench warrant.

DEFT. MONROE'S JOINDER TO MOTIONS...DEFT. HOLMES' MOTION TO JOIN CO-DEFT.

DAIMON MONROE'S MOTIONS...DEFT. HOLMES' MOTION TO JOIN CO-DEFT. BRYAN

FERGASON'S MOTIONS...Ms. Dustin joined in Mr. Hart's motions. COURT ORDERED, the joinders are GRANTED and any rulings on the motions will be as to all Defts.

DEFT. MONROE'S MOTION IN LIMINE RE: ROP DETECTIVES...Court stated he does not see there is much prejudice on this. On the other hand, he does not see any relevance to the flyers and does not see it is necessarily inferable they have prior convictions. Mr. Hart argued it is more than a slight inference of a history. Ms. Dustin argued Deft. Fergason never got out of custody so they could not have been following him. Further arguments by counsel. COURT ORDERED, motion to exclude

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reference to repeat offenders is DENIED; the evidence regarding the flyers is marginally relevant, however, the prejudicial effect outweighs the probative value and the flyers are EXCLUDED. DEFT. MONROE'S MOTION TO DISQUALIFY DISTRICT ATTORNEY'S OFFICE AND SANDRA DIGIACOMO AS PROSECUTOR...COURT ORDERED, motion DENIED as there is no impropriety. DEFT. MONROE'S MOTION TO SUPPRESS TELEPHONE RECORDINGS...Court advised he needs to see the transcripts of these phone calls and advised Bruton trumps conspiracy. They would be admissible against the person on the phone but specific content is not admissible regarding past crimes without a Petrocelli Hearing and regarding a third person that is not on the phone. As to the case in Department 5, Court advised the Jury is not going to know they were convicted there. Arguments by counsel. Court advised the arrest and the burglary are part and parcel of the conspiracy and is material and relevant and that led to the search warrant.

DEFT. MONROE'S MOTION TO SUPPRESS EVIDENCE OBTAINED PURSUANT TO SEARCH WARRANTS...Mr. Hart argued it was a very general warrant. Court advised, given the information the police had and observations they made, he believes the search warrant was reasonably specific and does NOT find it was over broad. COURT ORDERED, motion DENIED.

DEFT. MONROE'S MOTION TO SUPPRESS...DEFT. FERGASON'S MOTION TO SUPPRESS... Ms. Dustin argued unreasonable detention. COURT ORDERED, motions DENIED. Court stated he believes it is pretty clear that foul play was afoot and it started with a Terry stop and moved to probable cause.

DEFT. FERGASON'S MOTION TO STRIKE LANGUAGE IN COUNT 1 & COUNT 13 OF AMENDED INDICTMENT...Court stated he believes Ms. Dustin is not correct as to Count 1 but is correct as to Count 13. There is no way to know what items the Jury would be convinced of in Count 13. Ms. Dustin argued the Oncu Crystal Palace language added to Count 1 is substantive and was not brought in before the Grand Jury. Ms. DiGiacomo argued it is a different standard before the Grand Jury and was basic information. COURT ORDERED, as to Count 1, motion DENIED, however, that language is STRICKEN from Count 13; State to amend the Indictment to strike the new language that was added.

DEFT. FERGASON'S MOTION IN LIMINE TO BAR ADMISSION OF EXPERT TESTIMONY OR EVIDENCE OF VALUE FOR THE PROPERTY AT ISSUE...COURT ORDERED, motion GRANTED as to the expert. Court advised the people can clearly value their own property and ORDERED, motion to preclude the owners from testifying as to the value of their own property is DENIED. DEFT. FERGASON'S MOTION IN LIMINE TO BAR ADMISSION OF EVIDENCE THAT THE DEFT.

COMMITTED BURGLARY IN THE INSTANT CASE...Arguments by counsel regarding any burglaries before that time period. COURT ORDERED, motion GRANTED.

DEFT. FERGASON'S MOTION FOR PRODUCTION OF DISCOVERY (set for May 19)...Ms. Dustin advised this issue resolved yesterday. COURT ORDERED, motion WITHDRAWN and hearing date VACATED.

DEFT. FERGASON'S MOTION IN LIMINE TO EXCLUDE/PRECLUDE EVIDENCE OF CO-DEFT'S RESIDENCE (set for May 19)...COURT ORDERED, motion DENIED. Court advised, if the State convinces the Jury of a conspiracy, the act of one is the act of all.

DEFT'S FERGASON'S MOTION TO DISMISS POSSESSION OF STOLEN PROPERTY CHARGES ...DEFT. HOLMES' MOTION TO DISMISS CONSPIRACY TO COMMIT BURGLARY AND/OR POSSESSION OF STOLEN PROPERTY CHARGES...Court advised there really is not a motion to

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dismiss in this jurisdiction, it is really a Writ of Habeas Corpus and is procedurally barred. Ms. Dustin stated she believes some of the Possession of Stolen Property charges are stale by the statute of limitations. Court advised possession is the date it is recovered by the police. Arguments by counsel. Court FINDS the motions are procedurally barred and FINDS a Jury could convict or acquit. COURT ORDERED, motions DENIED.

DEFT. FERGASON'S MOTION TO BAR RECORDED PHONE CALLS (set for May 19)... DEFT. HOLMES' MOTION IN LIMINE TO BAR THE ADMISSION OF RECORDED TELEPHONE CALLS...COURT ORDERED, the calls may come in if they are in furtherance of a conspiracy. Ms. Dustin argued the conspiracy ended when Deft. Fergason was taken into custody. Court advised it may or may not have been over, however, the conspiracy could still be going on today. COURT ORDERED, Deft. Fergason's motion DENIED for both substantive and procedural reasons. COURT FURTHER ORDERED, Deft. Holmes' motion DENIED for the same reasons.

DEFT. HOLMES' MOTION IN LIMINE TO EXCLUDE ANY TESTIMONY REGARDING DEFT. HOLMES' PRIOR ARRESTS AND/OR CRIMINAL HISTORY AS WELL AS ANY CIRCUMSTANCES SURROUNDING THOSE EVENTS...COURT ORDERED, motion GRANTED, however, they may come in if Deft. Holmes testifies; non-Felonies and arrests that did not amount to a conviction may NOT come in.

DEFT. HOLMES' MOTION TO SUPPRESS...COURT ORDERED, motion DENIED. Court advised he sees no problems with these, assuming the Jury believes the officers.

10:36 A.M.--Deft. Holmes still not present. Mr. Sullivan advised Deft's wife indicated they had a fight and he took off. Court stated he believes Deft. Holmes took off but not for that reason. COURT ORDERED, BENCH WARRANT WILL ISSUE, NO BAIL, for Deft. Holmes. Court advised, if Deft. Holmes is picked up in the next week, he will be tried with Deft. Fergason. Mr. Sullivan may file a motion to withdraw. Mr. Sullivan advised he spoke with Deft. Holmes last night and advised Deft. has been compliant with his appearances up to now. Court advised Deft. Holmes has generally not been here at the prior hearings and Mr. Sullivan has represented he had good contact. Hearing concluded.

CUSTODY (COC - MONROE & FERGASON)...B.W. (BOND - HOLMES)

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| Felony/Gross Misdemeanor | | COURT MINUTES | May 12, 2008 |
|--------------------------|-------------------------------------|--------------------------|--|
| 06C228752-4 | The State o | f Nevada vs Robert Ho | olmes |
| May 12, 2008 | 9:30 AM | Jury Trial | TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. |
| HEARD BY: | | | COURTROOM: |
| COURT CLER | K: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | DiGiacomo, Sand Small, Shelly L. | dra Attorney Attorney | |

JOURNAL ENTRIES

- 11:02 A.M.--Colloquy regarding Deft's last name. Court advised he will have to mention both Monroe and Hoyt due to the publicity generated by the other case. Counsel acknowledged. 11:07 a.m.--Jury venire present. Introductions by Court and counsel. Clerk called roll of the venire; voir dire oath administered. Jury selection commenced. 12:24 p.m.--Fourteen (14) jurors selected. Jury was NOT sworn. Court thanked and excused the remaining venire. Court advised the Jury of scheduling and procedure. Court advised the Jury will be given the oath of service tomorrow morning before trail gets started. 12:33 p.m.--Jury admonished and excused for the day due to other matters that need to be resolved to make the trial run smoother, to return at 9:30 a.m. tomorrow morning. OUTSIDE THE PRESENCE OF THE JURY, colloquy regarding what needs to be done regarding exhibits as there are approximately 1000. 12:36 p.m.--Court adjourned. CUSTODY (COC)

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| Felony/Gross Misdemeanor | | COURT MINUTES | May 13, 2008 | |
|--------------------------|-------------------------------------|--------------------------|--|--|
| 06C228752-4 | The State o | f Nevada vs Robert Holme | s | |
| May 13, 2008 | 9:30 AM | Jury Trial | TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. | |
| HEARD BY: | | COI | URTROOM: | |
| COURT CLER | K: | | | |
| RECORDER: | | | | |
| REPORTER: | | | | |
| PARTIES PRESENT: | DiGiacomo, Sand Small, Shelly L. | dra Attorney Attorney | | |

JOURNAL ENTRIES

- 9:41 A.M.--OUTSIDE THE PRESENCE OF THE JURY, Second Amended Indictment FILED IN OPEN COURT. Mr. Hart advised the State has downloaded information from Deft. Monroe's computer that has schematics and such. Court advised the State cannot argue other burglaries but can put in the schematics to show intent. Court advised the Indictment is lengthy and, instead of having the Clerk read it, he will provide the jurors with copies of the Indictment. Court stated he believes that will limit confusion as to the counts as well. Ms. DiGiacomo advised witness Brent Ingle is undergoing radiation treatment for cancer and cannot come to court. As he is unavailable for trial, Ms. DiGiacomo moved to use his prior testimony. Mr. Hart stated he would prefer to have the witness live, however, he understands the circumstances. COURT ORDERED, a reader will be used to read in the prior testimony. 9:44 A.M.--Jury present. Oath of service administered to the Jury. Court read the opening charge to the Jury. Opening statements by Ms. DiGiacomo and Mr. Hart. Testimony and exhibits presented. (See worksheets.) 12:01 p.m.--Jury admonished and excused for lunch, to return at 1:10 p.m. this afternoon. OUTSIDE THE PRESENCE OF THE JURY, Mr. Hart objected to the officer identifying his client by the orange socks which indicate he is in jail. Mr. Hart

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moved for a mistrial. Court stated he does not believe any of these jurors were ever in trouble and the orange socks mean nothing to them. COURT ORDERED, mistrial DENIED. 12:03 p.m.--Court adjourned for lunch.

1:15 P.M.--Court reconvened with all present as before. Further testimony and exhibits presented. 4:30 p.m.--Court admonished the Jury and excused them for the evening, to return at 9:30 a.m. tomorrow morning. OUTSIDE THE PRESENCE OF THE JURY, Court ADMONISHED Deft. Monroe regarding his right to not be compelled to testify. Colloquy regarding obtaining toothpaste and shampoo for Deft. 4:37 p.m.--Court adjourned. CUSTODY (COC)

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| Felony/Gross N | Misdemeanor | COURT MINUTES | May 14, 2008 |
|---------------------|-------------------------------------|--------------------------|--|
| 06C228752-4 | The State o | f Nevada vs Robert Holme | es |
| May 14, 2008 | 9:45 AM | Jury Trial | TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. |
| HEARD BY: | | СО | URTROOM: |
| COURT CLER | K: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | DiGiacomo, Sand Small, Shelly L. | dra Attorney Attorney | |
| | | JOURNAL ENTRIE | S |

- 9:56 A.M.--OUTSIDE THE PRESENCE OF THE JURY, upon inquiry by Ms. DiGiacomo, COURT ORDERED, the State may explain what ROP stands for (Repeat Offenders Program). Court further advised he is going to instruct the Jury on the value issue. 9:57 a.m.--Jury present. Court instructed the Jury regarding value. Further testimony and exhibits presented. (See worksheets.) 11:50 a.m.--Jury admonished and excused for lunch, to return at 1:00 p.m. this afternoon. OUTSIDE THE PRESENCE OF THE JURY, colloquy regarding jury instructions and victim-witnesses. Court adjourned for lunch.

12:58 P.M.--OUTSIDE THE PRESENCE OF THE JURY, Mr. Hart reserved his right to argue his objection regarding the stop and related issues. Court acknowledged. Further testimony and exhibits presented. 3:58 p.m.--There being no further witnesses available, Court admonished the Jury and excused them for the evening, to return at 9:45 a.m. tomorrow morning. OUTSIDE THE PRESENCE OF THE JURY, Mr. Hart renewed his motion to suppress and argued one of the officers' testimony has morphed over time. Mr. Hart argued there was no basis for the car stop as there was no indicia of entry into Just For Kids Dentistry. Ms. DiGiacomo advised this motion has been brought before

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Judge Wall twice and been denied. Further arguments by counsel. Court advised officers can make a Terry stop if they think something is afoot. Court further advised the Terry stop turned into probable cause in about 5 minutes and officers certainly had a Terry basis for pulling the car over. COURT ORDERED, the defense motion DENIED. Colloquy regarding the jail calls. COURT ORDERED, any reference to Deft. Monroe's prior record and any conversation where Deft. is not present will not come in. Court adjourned for the evening. CUSTODY (COC)

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| Felony/Gross Misdemeanor | | COURT MINUTES | May 15, 2008 |
|--------------------------|-------------------------------------|--------------------------|--|
| 06C228752-4 | The State o | f Nevada vs Robert Hol | mes |
| May 15, 2008 | 9:15 AM | Jury Trial | TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. |
| HEARD BY: | | C | COURTROOM: |
| COURT CLER | K: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | DiGiacomo, Sand Small, Shelly L. | dra Attorney Attorney | |

JOURNAL ENTRIES

- 10:22 A.M.--Deft. not present. Jury present. Court advised Mr. Hart is ill and the trial cannot go forward without him, however, counsel have indicated they will pare down the rest of the case and keep the trial on schedule. 10:24 a.m.--Court admonished the Jury and excused them for the day, to return at 9:15 a.m. tomorrow morning. 10:25 A.M.--Deft. Monroe present. Court advised Mr. Hart is ill and they will be picking up the trial tomorrow. Court advised Juror #6-Mr. Arnold has indicated to the bailiff he recognized a witness yesterday that he worked with 15-18 years ago and has indicated it will not affect him, he just felt it was his duty to inform the Court. Ms. DiGiacomo advised no witnesses indicated they recognized a juror. 10:30 a.m.--Court adjourned for the day. CUSTODY (COC)

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| Felony/Gross N | Misdemeanor | COURT MINUTES | May 16, 2008 |
|---------------------|------------------------------------|--------------------------|---|
| 06C228752-4 | The State o | of Nevada vs Robert Ho | olmes |
| May 16, 2008 | 9:30 AM | Jury Trial | TRIAL BY JURY Court Clerk: Tina Hurd Relief Clerk: Carole D'Aloia (1:05 PM - 5:10 PM) Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. |
| HEARD BY: | | | COURTROOM: |
| COURT CLER | K: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | DiGiacomo, San Small, Shelly L. | dra Attorney Attorney | |

JOURNAL ENTRIES

- 9:11 A.M.--OUTSIDE THE PRESENCE OF THE JURY, Court stated he understands there has been an agreement regarding the jail calls. Mr. Hart concurred, however, one call he is concerned with is a call regarding 10 "G's" for someone to take a swim and not testify. Ms. Small advised that is regarding the victim Mr. Hung and it is apparent that is who they are talking about. Mr. Hart advised there is another call regarding the media. Ms. DiGiacomo advised the call was regarding what was said on the news and that they stated it was \$2 million worth of stolen property. The call also references Bobby Holmes taking care of one of the storage units. Mr. Hart objected as there is an issue of fact. COURT ORDERED, objection OVERRULED. 9:14 a.m.--Jury present. Further testimony and exhibits presented. (See worksheets.) 12:03 p.m.--Jury admonished and excused for lunch, to return at 1:05 p.m. this afternoon. OUTSIDE THE PRESENCE OF THE JURY, Mr. Hart argued they keep hearing "Repeat Offender Program" and argued further he does not know why there has to be any mention of the SWAT team coming in to serve the search warrants. Court advised

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this is how they do business and ORDERED, objection OVERRULED. Colloquy regarding witnesses and scheduling. Mr. Hart argued regarding the stuff the State intends to bring in off of the computers and argued there are no burglaries charged and this backdoors in the other bad acts. Court advised, if there is an issue of stolen property and there is not an issue that Deft. Monroe knew or should have known it was stolen, he will sustain the objection and not let it in. Mr. Hart advised he cannot stipulate to that. COURT ORDERED, objection OVERRULED. 12:07 p.m.—Court adjourned for lunch

1:05 PM Jury Trial Continues (Carole D'Aloia, Relief Clerk)
Witness testimony and exhibits admitted continue (see worksheet). At the hour of 5:10 PM, Court admonished the jury for the weekend, instructed them to return Monday at 9:30 AM and, ORDERED, matter CONTINUED.
CUSTODY (COC)

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| isdemeanor | COURT MINUTES | May 19, 2008 |
|-------------------------------------|---------------------------|--|
| The State o | f Nevada vs Robert Holmes | |
| 9:30 AM | Jury Trial | TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. |
| | COU | JRTROOM: |
| : | | |
| | | |
| | | |
| DiGiacomo, Sanc Small, Shelly L. | dra Attorney Attorney | |
| | 9:30 AM | The State of Nevada vs Robert Holmes 9:30 AM Jury Trial COL : DiGiacomo, Sandra Attorney |

JOURNAL ENTRIES

- 9:44 A.M.--Jury present. Further testimony and exhibits presented. (See worksheets.) 11:46 a.m.--Court stated he understands the State has one long witness, one short witness and two that need to be recalled that will not be here until after lunch. Jury admonished and excused for lunch, to return at 12:45 p.m. this afternoon. OUTSIDE THE PRESENCE OF THE JURY, Ms. DiGiacomo moved to amend the Indictment to correct a typo in Count 1. COURT ORDERED, GRANTED. Jury Instructions settled on the record. 12:01 p.m.--Court adjourned for lunch. 1:00 P.M.--Court reconvened with all present as before. Further testimony and exhibits presented. 2:48 p.m.-OUTSIDE THE PRESENCE OF THE JURY, Mr. Hart stated he believes the comment regarding posting bail previously brings in prior bad acts. Court advised it could be for anything or even for someone else and he believes it is innocuous. Mr. Hart stated he believes the next call is whether Deft. Monroe could do it and that it was not as much fun without Fergason. Ms. DiGiacomo advised the conspiracy is ongoing at this point and it is in furtherance of the conspiracy. COURT ORDERED, objection OVERRULED. 3:00 p.m.--Jury present. Further testimony and exhibits presented. 5:14 p.m.--Court admonished the Jury and excused them for the evening, to return at 9:30 01/14/2011 PRINT DATE: Page 43 of 81 Minutes Date: December 13, 2006

a.m. tomorrow morning. CUSTODY (COC)

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| Felony/Gross Misdemeanor | | COURT MINUTES | May 20, 2008 |
|--------------------------|-------------------------------------|--------------------------|--|
| 06C228752-4 | The State c | of Nevada vs Robert Hol | mes |
| May 20, 2008 | 9:30 AM | Jury Trial | TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell |
| HEARD BY: | | C | COURTROOM: |
| COURT CLER | K: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | DiGiacomo, Sand Small, Shelly L. | dra Attorney Attorney | |

JOURNAL ENTRIES

- 9:38 A.M.--Court reconvened with all present as before. Court advised the Jury of the day's schedule. Further testimony and exhibits presented. (See worksheets.) State and defense rested. Court instructed the Jury. Closing arguments by counsel. Bailiff sworn to take charge of the Jury. Clerk selected two alternates by random drawing: Alternate #1 - Juror #3-Natalia Salman and Alternate #2 - Juror #6-Thurman Arnold. 11:53 a.m.--Jury retired to deliberate. 1:49 P.M.--Court reconvened with all present as before. Jury returned with VERDICTS as follow: GUILTY of COUNT 1 - CONSPIRACY TO POSSESS STOLEN PROPERTY AND/OR TO COMMIT BURGLARY (GM); GUILTY of COUNTS 2-4, 7-11, 13-17, 22-24, 26 - POSSESSION OF STOLEN PROPERTY VALUE OVER \$2,500.00 (F); GUILTY of COUNTS 5-6, 12, 18-21, 25, 27 - POSSESSION OF STOLEN PROPERTY VALUE OVER \$250.00 (F). Jury polled at request of Mr. Hart; 12 affirmed. Court thanked and excused the Jury. OUTSIDE THE PRESENCE OF THE JURY, COURT ORDERED, matter set for sentencing; Deft. Monroe to REMAIN IN CUSTODY WITHOUT BAIL pending sentencing.

CUSTODY (COC)

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06C228752-4

8-26-08 8:30 AM SENTENCING

| Felony/Gross Misdemeanor | | COURT MINUTES | May 21, 2008 |
|--------------------------|-------------------------------------|--------------------------|--|
| 06C228752-4 | The State o | f Nevada vs Robert Holr | mes |
| May 21, 2008 | 9:30 AM | Jury Trial | TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. |
| HEARD BY: | | C | OURTROOM: |
| COURT CLER | K: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | DiGiacomo, Sand Small, Shelly L. | dra Attorney Attorney | |

JOURNAL ENTRIES

- 9:20 A.M.--OUTSIDE THE PRESENCE OF THE JURY VENIRE, colloquy regarding exhibits. Third Amended Indictment FILED IN OPEN COURT. Court advised a copy of the Third Amended Indictment will be provided to the jurors to avoid confusion. 9:43 a.m.--Jury venire present. Introductions by Court and counsel. Clerk called roll of the venire; voir dire oath administered. Jury selection commenced. 11:21 a.m.--Fourteen (14) jurors selected and sworn. Court thanked and excused the remaining venire. Court read the opening charge to the Jury. Opening statements by counsel. 11:50 a.m.--Jury admonished and excused for lunch, to return at 1:00 p.m. this afternoon. OUTSIDE THE PRESENCE OF THE JURY, Ms. Dustin advised she has lodged an objection to the State offering the transcript of Burt Engle's testimony. It is from a Department 20 case and she did not represent Deft. Fergason in that case. Ms. Dustin stated she believes the State has a wealth of evidence without it. Court advised, in the co-Deft's trial, the State made the Court aware Mr. Engle has cancer and is under treatment that does not allow him to come to the courthouse. Mr. Engle is unavailable and the rules state his prior testimony is admissible even when the Deft. was represented by a different attorney. COURT ORDERED, the transcript testimony of Burt Engle WILL BE

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06C228752-4

ALLOWED. Colloquy regarding procedure for reading in the testimony. 11:54 a.m.--Court adjourned for lunch.

12:57 P.M.--OUTSIDE THE PRESENCE OF THE JURY, Court ADMONISHED Deft. Fergason regarding his right to not be compelled to testify. Ms. Dustin advised the Anku Crystal Palace was originally charged in the Dept. 20 case and was subsequently dismissed and added to this case. Court inquired when jeopardy attached. Ms. Dustin stated she does not believe it is a jeopardy issue in this case. 1:05 p.m.--Jury present. Testimony and exhibits presented. (See worksheets.) 4:47 p.m.--Court admonished the Jury and excused them for the evening, to return at 9:30 a.m. tomorrow morning.

CUSTODY (COC)

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| Felony/Gross Misdemeanor | | COURT MINUTES | May 22, 2008 |
|--------------------------|-------------------------------------|--------------------------|--|
| 06C228752-4 | The State o | f Nevada vs Robert Holn | nes |
| May 22, 2008 | 9:15 AM | Jury Trial | TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. |
| HEARD BY: | | C | OURTROOM: |
| COURT CLER | K: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | DiGiacomo, Sand Small, Shelly L. | dra Attorney Attorney | |

- 9:32 A.M.--Court reconvened with all present as before. Further testimony and exhibits presented.

- 9:32 A.M.--Court reconvened with all present as before. Further testimony and exhibits presented. (See worksheets.) 11:56 a.m.--Jury admonished and excused for lunch, to return at 1:00 p.m. this afternoon.

JOURNAL ENTRIES

1:00 P.M.--Court reconvened with all present as before. Further testimony and exhibits presented. 4:52 p.m.--Court admonished the Jury and excused them for the evening, to return at 9:15 a.m. tomorrow morning.

CUSTODY (COC)

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CUSTODY (COC)

DISTRICT COURT CLARK COUNTY, NEVADA

| Felony/Gross Misdemeanor | | COURT MINUTES | May 23, 2008 |
|--------------------------|------------------------------------|--------------------------|--|
| 06C228752-4 | The State o | of Nevada vs Robert Ho | olmes |
| May 23, 2008 | 10:00 AM | Jury Trial | TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. |
| HEARD BY: | | | COURTROOM: |
| COURT CLER | K: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | DiGiacomo, San Small, Shelly L. | dra Attorney Attorney | |

- 9:15 A.M.--Court reconvened with all present as before. Further Testimony and exhibits presented. (See worksheets.) 11:51 a.m.--Jury admonished and excused for lunch, to return at 12:50 p.m. this afternoon. OUTSIDE THE PRESENCE OF THE JURY, colloquy regarding NRS 205.275. 12:53 P.M.--Court reconvened with all present as before. Further testimony and exhibits presented. 3:22 p.m.--There being no further witnesses available for the day, Court admonished the Jury and excused them for the weekend, to return on Tuesday morning at 10:00 a.m. OUTSIDE THE PRESENCE OF THE JURY, Court showed counsel two questions submitted by jurors which were not actually for witnesses. Said questions marked as Court's exhibits. 3:25 p.m.--Off the record.

JOURNAL ENTRIES

PRINT DATE: 01/14/2011 Page 50 of 81 Minutes Date: December 13, 2006

| Felony/Gross Misdemeanor | | COURT MINUTES | May 27, 2008 |
|--------------------------|-------------------------------------|---------------------------|--|
| 06C228752-4 | The State o | f Nevada vs Robert Holmes | 5 |
| May 27, 2008 | 9:30 AM | Jury Trial | TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. |
| HEARD BY: | | COL | JRTROOM: |
| COURT CLER | K: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | DiGiacomo, Sand Small, Shelly L. | dra Attorney Attorney | |

JOURNAL ENTRIES

- 10:05 A.M.--Court reconvened with all present as before. Further testimony and exhibits presented. (See worksheets.) 12:03 p.m.--Jury admonished and excused for lunch, to return at 1:00 p.m. this afternoon.

12:57 P.M.--OUTSIDE THE PRESENCE OF THE JURY, arguments regarding Touch of Vegas. Bailiff advised Juror #12-Mr. Smith knows witness Amanda Terry. Colloquy between Court and Juror Smith. Upon Court's inquiry, Mr. Smith advised his objectivity would not be affected. 1:11 p.m.--Jury present. Further testimony and exhibits presented. 3:09 p.m.--OUTSIDE THE PRESENCE OF THE JURY, Ms. Dustin advised Ms. Trevarthan testified to conversations between Defts. Monroe and Holmes. Court advised counsel must object at the time and he will rule. Colloquy. 3:15 p.m.--Jury present. Further testimony by Ms. Trevarthan. Ms. Dustin requested a cautionary instruction regarding some of the testimony by this witness regarding other uncharged acts. Court gave a cautionary instruction to the Jury regarding Deft. Fergason not being charged with Burglary and to consider the testimony only as it relates to whether Deft. knew these items were stolen. Further testimony and exhibits presented. 4:58 p.m.--Court admonished the Jury and excused them for the

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evening, to return at 9:30 a.m. tomorrow morning. OUTSIDE THE PRESENCE OF THE JURY, Juror #9-Anthony Indurante present. Court advised someone noticed Detective Churches acknowledged this juror outside and believes they took some Karate classes together. Upon Court's inquiry, Mr. Indurante advised he will not give the detective's testimony any more weight than anyone else. Juror excused for the evening. Colloquy regarding the remaining witnesses, scheduling and Jury Instructions. Colloquy regarding value and corresponding Jury Instructions. Ms. Dustin advised she objected at the bench regarding some of the testimony by Detective Nickell regarding this long process he did, going back into Anku Crystal Place and Just for Kids Dentistry and argued that, coupled with some testimony by Tonya Trevarthan, slides them into uncharged bad acts. Court stated he does not know how they could testify any other way. Ms. Dustin advised, as to the phone call between Engle and Monroe, Deft. Monroe says they had 2 or 3 pieces of Anku and "he" had to have them. He basically makes an admission including Deft. Fergason. Ms. DiGiacomo argued they will speak about it again in other calls and Deft. Monroe says "we" and "he" but nothing specific. COURT ORDERED, the third phone call STRICKEN and will admonish the jurors to disregard. Court stated he does not believe this is a big issue. Colloquy regarding the phone calls. COURT ORDERED, counsel to review the phone calls and make sure there is nothing else that is Bruton inculpatory evidence. Court adjourned. CUSTODY (COC)

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| Felony/Gross Misdemeanor | | COURT MINUTES | May 28, 2008 |
|--------------------------|-------------------------------------|--------------------------|--|
| 06C228752-4 | The State o | f Nevada vs Robert Ho | lmes |
| May 28, 2008 | 10:00 AM | Jury Trial | TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. |
| HEARD BY: | | | COURTROOM: |
| COURT CLER | K: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | DiGiacomo, Sand Small, Shelly L. | dra Attorney Attorney | |

- 9:28 A.M.--OUTSIDE THE PRESENCE OF THE JURY, State's Bench Memorandum FILED IN OPEN COURT. Ms. DiGiacomo argued the phone call was not a Bruton issue under the reading of the Bruton case. It was not a confession to a police officer, it was a statement from one co-conspirator to another. It was a statement in furtherance of this conspiracy; it was not testimonial. Court stated he believes it could have been redacted but he is not going to play it again with it out as it would just highlight it and it is a meaningless piece of the puzzle. Ms. Dustin argued that, coupled with the testimony of Tonya Trevarthan, has sufficiently rung the bell and moved for a mistrial. Ms. Dustin argued it shifts the burden too much and she does not believe it can be fixed with an instruction. Court stated he does not believe it is that serious and he believes it could be fixed. Court advised the Jury will be admonished to disregard phone call #3. 9:34 a.m.--Jury present. Court ADMONISHED the Jury to disregard call #3 and advised the DVD has been redacted. COURT FURTHER ORDERED, State's exhibits 1189 and 1189A WITHDRAWN. Further testimony and exhibits presented. (See worksheets.) Ms. DiGiacomo advised counsel have stipulated, if Detective Julie Hall was recalled, that on October 12, Bobby Holmes was arrested for Possession of Stolen Property based on items

JOURNAL ENTRIES

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removed from his home. 11:54 a.m.--Jury admonished and excused for lunch, to return at 1:15 p.m. this afternoon. OUTSIDE THE PRESENCE OF THE JURY, Jury Instructions settled on the record. 12:20 p.m.--Court adjourned for lunch.

1:15 P.M.--Court reconvened with all present as before. Further testimony and exhibits presented. 3:32 p.m.--Court admonished the Jury and excused them for the evening, to return at 10:00 a.m. tomorrow morning. OUTSIDE THE PRESENCE OF THE JURY, colloquy regarding the verdict form and Jury Instruction #10. Court stated he believes Instruction #10 is correct but the verdict form needs to be corrected. Ms. Dustin requested the defense proposed instructions be marked and put in the record so the record is complete. Court instructed counsel to provide clean copies and the Clerk will make the whole package part of the record. 3:37 p.m.--Court adjourned. CUSTODY (COC)

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| Felony/Gross Misdemeanor | | COURT MINUTES | May 29, 2008 |
|--------------------------|-------------------------------------|--------------------------|--|
| 06C228752-4 | The State c | f Nevada vs Robert Hol | mes |
| May 29, 2008 | 10:00 AM | Jury Trial | TRIAL BY JURY Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell |
| HEARD BY: | | C | COURTROOM: |
| COURT CLER | K: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | DiGiacomo, Sand Small, Shelly L. | dra Attorney Attorney | |

JOURNAL ENTRIES

- 10:05 A.M.--Court reconvened with all present as before. Closing arguments by counsel. Bailiff sworn to take charge of the Jury. Clerk selected the alternates by random drawing: Juror #2-Yvette Scurlock and Juror #3-James Buell. 11:54 a.m.--Jury retired to deliberate. OUTSIDE THE PRESENCE OF THE JURY, upon Court's inquiry, Deft. Fergason agreed he approved the way Ms. Dustin approached and handled his case. Off the record.

2:04 P.M.--Court reconvened with all present as before. Jury returned with VERDICTS as follow: GUILTY of COUNT 1 - CONSPIRACY TO POSSESS STOLEN PROPERTY AND/OR TO COMMIT BURGLARY (GM). GUILTY of COUNTS 2, 5-6, 12, 18-21, 25 & 27 - POSSESSION OF STOLEN PROPERTY, VALUE \$250.00 OR MORE (F). GUILTY of COUNTS 4, 7-11, 13-17, 22-24 & 26 - POSSESSION OF STOLEN PROPERTY, VALUE \$2,500.00 OR MORE (F). Count 3 - NOT guilty. Jury was not polled. Court thanked and excused the Jury. OUTSIDE THE PRESENCE OF THE JURY, COURT ORDERED, matter set for sentencing; Deft. Fergason to REMAIN IN CUSTODY WITHOUT BAIL pending sentencing.

CUSTODY (COC-NDC)

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06C228752-4

8-26-08 8:30 AM SENTENCING

| Felony/Gross Misdemeanor | | COURT MINUTES | June 16, 2008 |
|--------------------------|-----------------|----------------------------------|---|
| 06C228752-4 | The State | of Nevada vs Robert Holmes | |
| June 16, 2008 | 8:30 AM | Motion to Withdraw as Counsel | SULLIV AN'S MTN TO WITHDRAW AS COUNSEL Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell |
| HEARD BY: | | COURT | ROOM: |
| COURT CLERK | : | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | Kelly, Kevin M. | Attorney | |

JOURNAL ENTRIES

Attorney

- COURT ORDERED, motion GRANTED. Order signed in open court. B.W. (BOND)

Small, Shelly L.

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| Felony/Gross Misde | meanor | COURT MINUTES | July 15, 2008 |
|--------------------|-----------|----------------------------------|--|
| 06C228752-4 | The State | of Nevada vs Robert Holmes | |
| July 15, 2008 | 8:30 AM | Motion to Quash Bench Warrant | DEFT'S MTN TO QUASH BENCH WARRANT/123 Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell |
| HEARD BY: | | COURTR | OOM: |

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: DiGiacomo, Sandra

Attorney

Holmes, Robert

Defendant

Kennedy, Kirk T.

Attorney

JOURNAL ENTRIES

- Mr. Kennedy CONFIRMED as counsel. Motion argued and submitted. COURT ORDERED, motion DENIED; DEFT. HOLMES REMANDED TO CUSTODY, TO BE HELD WITHOUT BAIL pending trial. Colloquy regarding a trial date. COURT ORDERED, matter set for trial on November 17 and will be first up. Court advised, if for some reason Mr. Kennedy cannot try the case, he must make the decision whether to withdraw by the end of this month.

CUSTODY

11-13-08 8:30 AM CALENDAR CALL

11-17-08 9:30 AM JURY TRIAL

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| Felony/Gross Misdemeanor | | COURT MINUTES | July 16, 2008 |
|--------------------------|----------------|--------------------------|---|
| 06C228752-4 | The State | of Nevada vs Robert Holi | mes |
| July 16, 2008 | 8:30 AM | Status Check | STATUS CHECK: SENTENCING Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell |
| HEARD BY: | | C | COURTROOM: |
| COURT CLER | K: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | DiGiacomo, San | dra Attorney | |
| | | JOURNAL ENTR | IES |

- No appearance by Deft. Trevarthen or her counsel Jonathan Lord. Court stated he is not sure why he should not just go ahead and sentence this Deft. Colloquy. COURT ORDERED, matter CONTINUED for sentencing.

NIC

8-13-08 8:30 AM SENTENCING

| Felony/Gross Misdemeanor | | COURT MINUTES | August 07, 2008 |
|--------------------------|---|-----------------------|--|
| 06C228752-4 | The State o | f Nevada vs Robert Ho | lmes |
| August 07, 200 | 8 8:30 AM | Motion | STATE'S MTN FOR RELEASE OF EVIDENCE TO VICTIMS AND/OR AUCTION BY LVMPD Relief Clerk: Carole D'Aloia Reporter/Recorder: Cheryl Carpenter Heard By: Stewart Bell |
| HEARD BY: | | (| COURTROOM: |
| COURT CLER | K: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | DiGiacomo, Sand Holmes, Robert Kennedy, Kirk T. | Defendant Attorney | DIEC |
| | | JOURNAL ENTI | RIES |

- Following arguments by counsel, COURT ORDERED, motion GRANTED to the extent that property belonging to the named victims in the Indictment who testified as the trials of Defendants Monroe and Fergason be released to said victims. Court advised it received notice from the Division of Parole and Probation (P&P) indicating it needs additional time to complete the Presentence Investigation Reports for Defendants Monroe and Fergason and, ORDERED, sentencing dates CONTINUED.

CUSTODY (MONROE)

NIC (TREVARTHEN)

CUSTODY (COC-NDC)(FERGASON)

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06C228752-4

CUSTODY (HOLMES

| Felony/Gross Misdemeanor | | COURT MINUTES | August 13, 2008 |
|--------------------------|----------------|-----------------------|---|
| 06C228752-4 | The State o | f Nevada vs Robert Ho | olmes |
| August 13, 2008 | 8:30 AM | Sentencing | SENTENCING Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. |
| HEARD BY: | | | COURTROOM: |
| COURT CLERK: | | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | Krusey, Amanda | K. Attorney | |

- No appearance by Deft. Trevarthen or her counsel Jonathan Lord. Ms. Krusey advised counsel are requesting a continuance to September 22 as Mr. Lord cannot be here today and the other case is set for hearing that day. COURT ORDERED, matter CONTINUED to tomorrow to reset the sentencing and the Miller Hearing in case C237052. Law clerk will notify counsel in both cases.

JOURNAL ENTRIES

NIC

| Felony/Gross M | lisdemeanor | COURT MINUTES | August 14, 2008 | |
|---------------------|-----------------|------------------------|---|--|
| 06C228752-4 | The State o | of Nevada vs Robert Ho | olmes | |
| August 14, 2008 | 8:30 AM | Sentencing | SENTENCING Relief Clerk: Carole D'Aloia Reporter/Recorder: Renee Vincent Heard By: Bell, Stewart L. | |
| HEARD BY: | | | COURTROOM: | |
| COURT CLERK | (: | | | |
| RECORDER: | | | | |
| REPORTER: | | | | |
| PARTIES PRESENT: | Luzaich, Elissa | Attorney | | |

JOURNAL ENTRIES

- Court noted the absence of the Defendant and Mr. Lord and, ORDERED, Defendant's presence WAIVED this date. Based on the re-setting of the Miller Hearing in case C235232, COURT ORDERED, sentencing CONTINUED to 9/26/08. NIC

CLERK'S NOTE: A COPY OF THIS MINUTE ORDER PLACED IN THE ATTORNEY FILE OF JOHNATHAN J. LORD, ESQ. ON 8/15/08. cd

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| Felony/Gross Misde | emeanor | COURT MINUTES | August 21, 2008 |
|--------------------|-----------|----------------------------|---|
| 06C228752-4 | The State | of Nevada vs Robert Holmes | |
| August 21, 2008 | 8:30 AM | Motion | STATES MTN FOR RELEASE OF PROPERTY/128 Relief Clerk: Carole D'Aloia Reporter/Recorder: Renee Vincent Heard By: Stewart Bell |
| HEARD BY: | | COU | RTROOM: |
| COURT CLERK: | | | |
| RECORDER: | | | |
| REPORTER: | | | |

PARTIES

PRESENT: DiGiacomo, Sandra Attorney

Holmes, Robert Defendant Kennedy, Kirk T. Attorney

JOURNAL ENTRIES

- Mr. Kennedy advised he has no objection to the State's motion. Court noted the objections of Mr. Hart and Ms. Dustin and, ORDERED, motion GRANTED, Ms. DiGiacomo to prepare and submit appropriate Order.

CUSTODY (MONROE AND HOLMES) NIC (TREVARTHEN)

CUSTODY (COC-NDC)(FERGASON

PRINT DATE: 01/14/2011 Page 64 of 81 Minutes Date: December 13, 2006

| Felony/Gross M | lisdemeanor | COURT MINUTES | September 26, 2008 |
|---------------------|-----------------|-----------------------|--|
| 06C228752-4 | The State o | f Nevada vs Robert Ho | olmes |
| September 26, 2 | 008 8:30 AM | Sentencing | SENTENCING Court Clerk: Tina Hurd Relief Clerk: Susan Jovanovich/sj Reporter/Recorder: Angela Lee Heard By: David Wall |
| HEARD BY: | | | COURTROOM: |
| COURT CLERK | (: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | DiGiacomo, Sanc | lra Attorney | |

JOURNAL ENTRIES

- DEFT. TREVARTHEN ADJUDGED GUILTY of COUNT 1 CONSPIRACY TO POSSESS STOLEN PROPERTY AND/OR TO COMMIT BURGLARY (GM). Colloquy regarding recommendation of informal probation. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, Deft. SENTENCED to Clark County Detention Center (CCDC) for SIX (6) MONTHS, SUSPENDED; placed on INFORMAL PROBATION for SIX (6) MONTHS. CONDITIONS:
- 1. Deft. not be arrested for any new offenses other than traffic offenses. 2. Maintain full time employment.

Count 2 HELD IN ABEYANCE. FURTHER, matter SET for status check on compliance. Court advised Deft. he will waive her presence at next hearing if proof of employment is provided. BOND, if any, EXONERATED.

NIC

03-31-09 8:30 A.M. STATUS CHECK - COMPLIANCE

PRINT DATE: 01/14/2011 Page 65 of 81 Minutes Date: December 13, 2006

PARTIES PRESENT:

DiGiacomo, Sandra

DISTRICT COURT CLARK COUNTY, NEVADA

| Felony/Gross Misde | emeanor | COURT MINUTES | October 01, 2008 |
|--------------------|-----------|----------------------------|--|
| 06C228752-4 | The State | of Nevada vs Robert Holmes | |
| October 01, 2008 | 8:30 AM | All Pending Motions | ALL PENDING MOTIONS 10-1-08 Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell |
| HEARD BY: | | COURT | ROOM: |
| COURT CLERK: | | | |
| RECORDER: | | | |
| REPORTER: | | | |

JOURNAL ENTRIES

Attorney

- DEFT. MONROE ADJUDGED GUILTY OF COUNT 1 - CONSPIRACY TO POSSESS STOLEN PROPERTY AND/OR TO COMMIT BURGLARY (GM), COUNTS 2-4, 8-11, 13-17, 22-24 & 26 - POSSESSION OF STOLEN PROPERTY VALUE OVER \$2,500.00 (F) and COUNTS 5, 6, 12, 18-21, 25 & 27 - POSSESSION OF STOLEN PROPERTY VALUE OVER \$250.00 (F). Certified copies of three prior convictions marked and admitted. Matter argued and submitted. Court FINDS Deft. Monroe to be an HABITUAL CRIMINAL. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and \$150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED as follows: Count 1 - to TWELVE (12) MONTHS in the Clark County Detention Center; Count 2 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 3 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 5 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 5 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 6 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 7 - to LIFE WITHOUT THE

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POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 8 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 9 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 10 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 11 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 12 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 13 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 14 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC). Counts 1-14 to be served CONCURRENTLY with each other. Count 15 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 16 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 17 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 18 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 19 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 20 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 21 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 22 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 23 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 24 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 25 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 26 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC); Count 27 - to LIFE WITHOUT THE POSSIBILITY OF PAROLE in the Nevada Department of Corrections (NDC). Counts 15-27 to be served CONCURRENTLY with each other but CONSECUTIVELY to Counts 1-14. Said sentence to be served CONSECUTIVELY to case C227874 with ZERO DAYS credit for time served. BOND, if any, EXONERATED. DEFT. FERGASON ADJUDGED GUILTY OF COUNT 1 - CONSPIRACY TO POSSESS STOLEN PROPERTY AND/OR TO COMMIT BURGLARY (GM), COUNTS 2, 5, 6, 12, 18-21, 25 & 27 -POSSESSION OF STOLEN PROPERTY VALUE \$250.00 OR MORE (F) and COUNTS 4, 7, 8-11, 13-17, 22-24 & 26 - POSSESSION OF STOLEN PROPERTY VALUE \$2,500.00 OR MORE. Certified copies of five prior convictions marked and admitted. Matter argued and submitted. Court FINDS Deft. Fergason to be an HABITUAL CRIMINAL. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and \$150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED as follows: Count 1 - to TWELVE (12) MONTHS in the Clark County Detention Center; Count 2 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 4 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 5 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 6 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 7 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 8 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 9 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 10 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 11 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 12 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 13 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 14 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC). Counts 1, 2 and 4-14 to be served CONCURRENTLY with each other. Count 15 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 16 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 17 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 18 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 19 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 20 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 21 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 22 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 23 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 24 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 25 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 26 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC); Count 27 - to LIFE with a MINIMUM parole eligibility of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC). Counts 15-27 to be served CONCURRENTLY with each other but CONSECUTIVELY to Counts 1, 2 and 4-14. Said sentence to be served CONSECUTIVELY to case C227874 with ZERO DAYS credit for time served. BOND, if any, EXONERATED.

At request of counsel, COURT ORDERED, Mr. Hart and Ms. Dustin APPOINTED on appeal.

| Felony/Gross Misdemeanor | | COURT MINUTES | November 10, 2008 |
|--------------------------|----------------------------------|---------------------------|---|
| 06C228752-4 | The State o | of Nevada vs Robert Holm | es |
| November 10, 2 | 2008 8:30 AM | Entry of Plea | ENTRY OF PLEA Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass |
| HEARD BY: | | CO | URTROOM: |
| COURT CLERI | K: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | DiGiacomo, San Holmes, Robert | dra Attorney Defendant | |

JOURNAL ENTRIES

Attorney

- Judge Glass stated this is an add to the calendar and she agreed to hear the matter for Judge Bell. Counsel advised the matter has negotiated and NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. HOLMES EXAMINED and PLED GUILTY to the FIFTH AMENDED INDICTMENT FILED IN OPEN COURT CHARGING COUNT 1 - CONSPIRACY TO POSSESS STOLEN PROPERTY AND/OR COMMIT BURGLARY (GM) and COUNTS 2 and 3 - POSSESSION OF STOLEN PROPERTY (F). COURT ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing. CUSTODY (HOLMES)

12/30/08 8:30 AM SENTENCING - DEPT. VII

Kennedy, Kirk T.

PRINT DATE: 01/14/2011 Page 69 of 81 Minutes Date: December 13, 2006

PRESENT:

DISTRICT COURT CLARK COUNTY, NEVADA

| Felony/Gross Misdemeanor | | COURT MINUTES | December 01, 2008 |
|--------------------------|-----------|----------------------------|---|
| 06C228752-4 | The State | of Nevada vs Robert Holmes | |
| December 01, 2008 | 8:30 AM | Bench Warrant Return | BENCH WARRANT RETURN Relief Clerk: Nora Pena Reporter/Recorder: Cheryl Carpenter Heard By: Stewart Bell |
| HEARD BY: | | COURTE | ROOM: |
| COURT CLERK: | | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES | | | |

JOURNAL ENTRIES

Defendant

Attorney

- COURT ORDERED, Sentence date STANDS and BOND, if any, EXONERATED. CUSTODY (COC)

Holmes, Robert

Watson, Michael J.

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| Felony/Gross Misdemeanor | | OURT MINUTES | December 05, 2008 |
|--------------------------|--------------------|------------------------|--|
| 06C228752-4 | The State of N | evada vs Robert Holmes | |
| December 05, 2008 | 9:05 AM | Show Cause Hearing | SHOW CAUSE HEARING Court Clerk: Denise Trujillo/dt Relief Clerk: Janet Deaver Reporter/Recorder: Jjill Jacoby Heard By: Kathy Hardcastle |
| HEARD BY: | | COURTI | ROOM: |
| COURT CLERK: | | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: V | an De Pol, Karen L | . Attorney | |
| | | JOURNAL ENTRIES | |

PRINT DATE: 01/14/2011 Page 71 of 81 Minutes Date: December 13, 2006

- As Deft. was picked up and bond exonerated, COURT ORDERED, matter OFF CALENDAR.

| Felony/Gross Misdemeanor | | COURT MINUTES | December 18, 2008 |
|--------------------------|------------------------------------|----------------------------|---|
| 06C228752-4 | The State o | f Nevada vs Robert Holi | mes |
| December 18, 20 | 008 8:30 AM | Motion | STATES MTN FOR RELEASE OF EVIDENCE/136 Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell |
| HEARD BY: | | C | OURTROOM: |
| COURT CLERK | ζ: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | Holmes, Robert Kephart, William | Defendant a D. Attorney | |

JOURNAL ENTRIES

- Ms. Dustin advised this case is before the Supreme Court on appeal so she does not believe the Court has jurisdiction and the proper venue would be through the forfeiture case and not here where it is on appeal. Court stated he believes, as a general proposition, Ms. Dustin is right. Mr. Kephart advised he will accept those representations. COURT ORDERED, motion OFF CALENDAR. CUSTODY (COC - MONROE & HOLMES)...NIC (TREVARTHEN)...NDC (FERGUSON)

PRINT DATE: 01/14/2011 Page 72 of 81 Minutes Date: December 13, 2006

Felony/Gross Misdemeanor **COURT MINUTES** December 30, 2008 The State of Nevada vs Robert Holmes 06C228752-4 Sentencing December 30, 2008 8:30 AM SENTENCING Court Clerk: Tina Hurd Reporter/Recorder: Renee Vincent Heard By: Stewart Bell **HEARD BY: COURTROOM:**

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: DiGiacomo, Sandra Holmes, Robert

Attorney Defendant

Kennedy, Kirk T.

Attorney

JOURNAL ENTRIES

- DEFT. HOLMES ADJUDGED GUILTY OF COUNT 1 - CONSPIRACY TO POSSESS STOLEN PROPERTY AND/OR TO COMMIT BURGLARY (GM) and COUNTS 2 & 3 - POSSESSION OF STOLEN PROPERTY (F). Matter argued and submitted. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and \$150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED as follows: Count 1 - to TWELVE (12) MONTHS in the Clark County Detention Center (CCDC); Count 2 - to a MINIMUM of FORTY EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT with Count 1; Count 3 - to a MINIMUM of TWENTY FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC), CONSECUTIVE to Count 2. 169 DAYS credit for time served. Deft. to PAY \$4,892.45 RESTITUTION. BOND, if any, EXONERATED.

PRINT DATE: 01/14/2011 Page 73 of 81 Minutes Date: December 13, 2006

| Felony/Gross Misdemeanor | | COURT MINUTES | March 03, 2009 |
|--------------------------|-----------------|---------------------------|--|
| 06C228752-4 | The State o | f Nevada vs Robert Holmes | |
| March 03, 2009 | 9:00 AM | All Pending Motions | ALL PENDING MOTIONS (3-03-09) Relief Clerk: Phyllis Irby/pi Reporter/Recorder: Debra Winn Heard By: Kathy Hardcastle |
| HEARD BY: | | COURTR | OOM: |
| COURT CLERK | : | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | DiGiacomo, Sano | dra Attorney | |

JOURNAL ENTRIES

- DEFT'S PRO PER MOTION FOR RETURN OF SEIZED PROPERTY...STATE'S REQUEST STATUS CHECK: CORRECTED JUDGMENT OF CONVICTION
MATTER TRAILED. MATTER RECALLED. Deft not present. COURT NOTED, Deft is in NDC, presence WAIVED. Ms. Digiacomo advised the JOC was incorrect. There was a clerical error on the JOC. COURT ORDERED, State to prepare an Amended JOC. As to Deft's Pro Per Motion, COURT ORDERED, DENIED WITHOUT PREJUDICE.

| Felony/Gross Misde | meanor | COURT MINUTES | March 31, 2009 |
|--------------------|-----------|----------------------------|---|
| 06C228752-4 | The State | of Nevada vs Robert Holmes | |
| March 31, 2009 | 9:00 AM | All Pending Motions | ALL PENDING MOTIONS 3/31/09 Court Clerk: Denise Trujillo Reporter/Recorder: Cheryl Carpenter Heard By: Kathy Hardcastle |
| HEARD BY: | | COURTR | OOM: |
| COURT CLERK: | | | |

RECORDER:

REPORTER:

PARTIES

PRESENT:

DiGiacomo, Sandra Attorney
Holmes, Robert Defendant
Pesci, Giancarlo Attorney
Sciscento, Joseph S. Attorney

JOURNAL ENTRIES

- STATUS CHECK: COMPLIANCE (TREVARTHEN)...DEFT'S MOTION TO WITHDRAW GUILTY PLEA

Mr. Lord advised Deft. TREVARTHEN has complied with all conditions and pursuant to negotiations requested she be allowed to withdraw plea as to CT II and that it be DISMISSED, and that case be closed as to CT I. State CONCURRED. COURT ORDERED, COUNT II DISMISSED and CASE CLOSED.

Court advised it did not receive Deft's reply and ORDERED, matter CONTINUED. CUSTODY (COC - HOLMES)

4/2/09 9:00 AM DEFT'S MOTION TO WITHDRAW GUILTY PLEA (HOLMES)

PRINT DATE: 01/14/2011 Page 75 of 81 Minutes Date: December 13, 2006

| Felony/Gross Misde | meanor | COURT MINUTES | April 02, 2009 |
|--------------------|-----------|----------------------------|--|
| 06C228752-4 | The State | of Nevada vs Robert Holmes | |
| April 02, 2009 | 9:00 AM | Motion | DEFT'S MTN TO WITHDRAW GUILTY PLEA /140 Court Clerk: Denise Trujillo Reporter/Recorder: Lara Corcoran Heard By: Kathy Hardcastle |
| HEARD BY: | | COURT | ROOM: |

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

DiGiacomo, Sandra Attorney Holmes, Robert Defendant Sciscento, Joseph S. Attorney

JOURNAL ENTRIES

- Arguments by counsel. COURT stated findings and ORDERED, motion DENIED. CUSTODY (COC)

PRINT DATE: 01/14/2011 Page 76 of 81 Minutes Date: December 13, 2006

| Felony/Gross Misdemeanor | | COURT MINUTES | August 04, 2009 |
|--------------------------|------------------|----------------------------|--|
| 06C228752-4 | The State | of Nevada vs Robert Holmes | - |
| August 04, 2009 | 9:00 AM | Request of Court | AT THE REQUEST OF THE COURT:CONFIRMA TIONOF APPELANT COUNSEL Court Clerk: Denise Trujillo Reporter/Recorder: Lara Corcoran Heard By: Hardcastle, Kathy |
| HEARD BY: | | COU | JRTROOM: |
| COURT CLERI | К: | | |
| RECORDER: | | | |
| REPORTER: | | | |
| PARTIES PRESENT: | Albritton, Alici | a A. Attorney | |

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED. CUSTODY (NDC)

| lisdemeanor | COURT MINUTES | August 12, 2009 |
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| The State o | of Nevada vs Robert Hol | mes |
| 9:00 AM | Request of Cour | AT THE REQUEST OF THE COURT:CONFIRMA TIONOF APPELANT COUNSEL Court Clerk: Denise Trujillo Reporter/Recorder: Lara Corcoran Heard By: Kathy Hardcastle |
| | COURTROOM: | |
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| Ruggeroli, James | s J. Attorney | |
| | The State of 9:00 AM | The State of Nevada vs Robert Hol |

JOURNAL ENTRIES

- Mr. Ruggeroli advised he believes he can confirm, but has not received file. COURT ORDERED, Mr. Ruggeroli is CONFIRMED, and if he finds out later there is a problem, then can place matter BACK on calendar. FURTHER, once he reviews the file, he can determine if there are any appealable issues and place matter on calendar. CUSTODY (NDC)

PRINT DATE: 01/14/2011 Page 78 of 81 Minutes Date: December 13, 2006

| Felony/Gross N | Aisdemeanor | COURT MINUTES | April 08, 2010 | |
|---------------------|------------------|---------------------------|--|--|
| 06C228752-4 | The State of | f Nevada vs Robert Holmes | | |
| April 08, 2010 | 9:30 AM | Further Proceedings | FURTHER PROCEEDINGS COMPTENCY (DEPT V) Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass | |
| HEARD BY: | COURTROOM: | | | |
| COURT CLER | K: | | | |
| RECORDER: | | | | |
| REPORTER: | | | | |
| PARTIES PRESENT: | Pandukht, Taleer | n R. Attorney | | |
| JOURNAL ENTRIES | | | | |

- APPEARANCES CONTINUED: Christy Craig, Chief Deputy Public Defender, present representing defendant in Case No. C237052. Christina Greene of the Specialty Courts present. Defendant HOYT present in custody.

Competency is at issue in Case nos. C237052, C241570 and C227874, however, this case was just opened to appoint appellate counsel; therefore, COURT ORDERED, matter OFF CALENDAR. CUSTODY

PRINT DATE: 01/14/2011 Page 79 of 81 Minutes Date: December 13, 2006

Felony/Gross Misdemeanor

COURT MINUTES

November 02, 2010

06C228752-4

The State of Nevada vs Robert Holmes

November 02, 2010

9:00 AM

Motion

HEARD BY:

Hardcastle, Kathy

COURTROOM: RJC Courtroom 10D

COURT CLERK:

Roshonda Mayfield

RECORDER:

Lara Corcoran

REPORTER:

PARTIES

PRESENT:

DiGiacomo, Sandra

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Attorney Ruggeroli on behalf of Defense and Attorney Digiacomo on behalf of the State. Following arguments by counsel, COURT ORDERED, motion DENIED. Deft. is permitted to pursue this motion being addressed as a civil action.

Attorney Digiacomo is to prepare the order.

PRINT DATE: 01/14/2011 Page 80 of 81 Minutes Date: December 13, 2006

DISTRICT COURT **CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 02, 2010

06C228752-4

The State of Nevada vs Robert Holmes

December 02, 2010

9:00 AM

Petition for Writ of Habeas

Corpus

HEARD BY:

Hardcastle, Kathy

COURTROOM: RJC Courtroom 10D

COURT CLERK:

Denise Trujillo

RECORDER:

Lara Corcoran

REPORTER:

PARTIES

PRESENT:

Morton, Carrie A.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- DEFT'S PRO PER MOTION FOR WRIT OF HABEAS CORPUS

Without benefit of argument, COURT stated findings and ORDERED, Writ is DENIED, State to prepare Order.

NDC

PRINT DATE: 01/14/2011 Minutes Date: December 13, 2006 Page 81 of 81

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