# 520 SOUTH 4TH STREET | SECOND FLOOR LAS VEGAS, NEVADA 89101 Tel. 702.384-5563 | FAX. 702.974-0623 CHRISTOPHER R. ORAM, LTD.

#### IN THE SUPREME COURT OF THE STATE OF NEVADA

\* \* \* \*

JASON MCCARTY,

Appellant,

VS.

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THE STATE OF NEVADA,

Respondent.

S.C. CASE NO. 58101 Electronically Filed Jun 16 2014 02:55 p.m. Tracie K. Lindeman Clerk of Supreme Court

#### RESPONSE TO JUNE 5, 2014 ORDER TO REQUEST TRANSCRIPTS

JASON MCCARTY, appellant named above, hereby provides notice pursuant to this Court's June 5, 2014 Order directing appellant to request transcripts that the transcripts of May 27, 2006, May 30, 2006, and June 7, 2006 cannot be produced as the notes and/or tapes from the hearings are no longer available.

An email from Ms. Brenske, Court reporter for Henderson Justice Court, explaining she cannot produce the transcripts has been attached as Exhibit A. As the transcripts cannot be produced, the minutes from the Henderson Justice Court have also been provided as Exhibit B.

DATED this 16th day of June, 2014.

Respectfully submitted by:

CHRISTOPHER R. ORAM, ESO.

Nevada Bar #004349

520 S. Fourth Street, 2nd Floor

Las Vegas, Nevada, 89101

(702) 384-5563

Attorney for Appellant JASON MCCÁRTY

1	<u>CERTIFICATE OF SERVICE</u>
2	I hereby certify and affirm that this document was filed electronically with the Nevada
3	Supreme Court on June 16, 2014. Electronic Service of the foregoing document shall be made in
4	accordance with the Master Service List as follows:
5	CATHERINE CORTEZ-MASTO
6	Nevada Attorney General
7	STEVE OWENS Chief Deputy District Attorney
8	CHRISTOPHER R. ORAM, ESQ.
9	
10	BY:
11	
12	/s/ Jessie Vargas An Employee of Christopher R. Oram, Esq.
13	Fin Employee of Christopher 16. Craus, 224.
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CHRISTOPHER R. ORAM, LTD. 520 SOUTH 4<sup>TH</sup> STREET | SECOND FLOOR LAS VEGAS, NEVADA 89101 TEL. 702.384-5563 | FAX. 702.974-0623

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#### **EXHIBIT A**

From: Lisa Brenske < lisabrenske@gmail.com>

To: crorambusiness <crorambusiness@aol.com>

Subject: From Court Reporter Lisa Brenske

Date: Wed, Jun 11, 2014 5:27 pm

My Name is Lisa Brenske and I am the Court Reporter for Henderson Justice Court. I reported the case of State v. Jason McCarty, Case Number 58101.

I no longer have the notes or transcript for any of the dates regarding this case.

Lisa Brenske

### **EXHIBIT B**

# JUSTICE COURT, HENDERSON TOWNSHIP CLARK COUNTY, NEVADA DOCKET SHEET... CRIMINAL

CASE#	06FH0742A-C	
State - vs-	DOMONIC RONALDO MALONE #1670891 JASON DUVAL MCCARTY #0932255 DONALD JAY HERB #1217129	
Charge	CONSPIRACY TO COMMIT KIDNAPPING (Malone & I	AcCarty)
	FIRST DEGREE KIDNAPPING - 3 Counts (Malone & Mo	Carty)
	BATTERY WITH SUBSTANTIAL BODILY HARM (Mal	one & McCarty)
	PANDERING - 3 Counts (Malone)	
	CONSPIRACY TO COMMIT MURDER (Malone & McC	arty)
	CONSPIRACY TO COMMIT BURGLARY (Malone & M	
	BURGLARY (Malone & McCarty)	(a. a. a
	MURDER WITH USB OF A DEADLY WEAPON 2 Coun-	s (Malone & McCarty)
	ROBBERY WITH USE OF A DEADLY WEAPON 2 Cour	nis (Malone & McCarty)
	ACCESSORY TO MURDER (Herb)	
		•
DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS  APPEARANCES - HEARING	CONTINUED TO:
JULY 24, 2006 S.L. GEORGE, JP C. OWENS, DDA C. CANO, SDPD & R. PIKE, SDPD (MALONE) A. SCRO & C. DENNIE, ESQ (MCCARTY) B. STEBLE, CLK S. GRAHAM, CR	PRELIMINARY HEARING CONTINUES: BOTH Defendants PRESENT IN CUSTODY CORRENA PHILLIPS Recalled as witness by State, Swom in by clerk. Cross continues by Mr. Sgro. Defense (Sgro) Prop A -H Marked. Defense Prop H ID, Offered. ADMITTED. Prop #E, G, ID Voir Dire ADMITTED, Prop #F, D, C & A ID, Prop #D & A Offered. Voir Dire. Objection by State. Cross by Mr. Cano. Re-Direct. Re-Cross by Mr. Sgro. Re-Cross by Mr. Cano. Witness Bxcused. LYNN NAGEL. Called as witness by State. Sworn in by clerk. Direct. Witness ID Hoth defendants. Cross by Mr. Sgro. Defense Prop #1 & J Marked, Prop B, C, D ID, Offered. ADMITTED, Cross by Mr. Cano. Re-Direct. Re-Cross by Mr. Sgro. Re-Cross by Mr. Cano. Witness Excused. GERARD COLLINS, Called as witness by State. Sworn in by clerk. Direct, Witness ID defendant Malone.	JULY 26, 2006 {0:30 A,M. DEPT #2
	Preliminary Hearing Date Continued RETURN TO METRO	end .

## JUSTICE COURT, HENDERSON TOWNSHIP <u>CLARK COUNTY, NEVADA</u> DOCKET SHEET... CRIMINAL

CASE#

06FH0742A-C

State

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- vs- DOMONIC RONALDO MALONE #1670891

JASON DUVAL MCCARTY #0932255

DONALD JAY HERB #1217129

Charge

CONSPIRACY TO COMMIT KIDNAPPING (Maloue & McCarty)

FIRST DEGREE KIDNAPPING - 3 Counts (Malone & McCarty)

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CONSPIRACY TO COMMIT BURGLARY (Malone & McCarty)

BURGLARY (Malone & McCarty)

MURDER WITH USE OF A DEADLY WEAPON 2 Counts (Malone & McCarly)

ROBBERY WITH USE OF A DEADLY WEAPON 2 Counts (Malone & McCarty)

ACCESSORY TO MURDER (Herb)

DATE, JUDGE, OFFICERS
OF COURT PRESENT

PROCEEDINGS

OF COURT PRESENT	APPEAKANCES - HEARING	CONTINUED TO:	
JULY 19, 2006 S.L. GEORGE, JP	CONTINUED: Re-direct by Mr. Digiacomo. Re-cross by Mr. Sgro, Witness Excused. Preliminary Hearing continued. RETURN TO METRO (Both)	JULY 20, 2006 10:00 AM DBPT #2	bs
JULY 20, 2006 S.L. GEORGE, JP C. OWENS, DDA C. CANO, SDPD (MALONE) A. SGRO & C. DENNIE, ESQ (MCCARTY) B. STEELE, CLK S. GRAHAM, CR	PRELIMINARY HEARING: Malone & McCarty BOTH defendants PRESENT IN CUSTODY CORRENA PHILLIPS Called as witness by State, Sworn in by clerk. Direct. Witness ID Both Defendants. Cross by Mr. Sgro. Matter continued. RETURN TO METRO	JULY 24, 2006 10:30 AM DBPT #2	bs

#### JUSTICE COURT, HENDERSON TOWNSHIP CLARK COUNTY, NEVADA DOCKET SHEET ... CRIMINAL

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06FH0742A-C

State

DOMONIC RONALDO MALONE #1670891 JASON DUVAL MCCARTY #0932255

DONALD JAY HERB #1217129

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DATE, JUDGE, OFFICERS

**PROCEEDINGS** 

OF COURT PRESENT	APPEARANCES - HEARING	CONTINUED TO:
JUNE 27, 2006	Ex-Parte Application to Appoint Investigator and for Fees In Excess of Statutory Maximum and for Contact Visits AND Order Approving Ex-Parte Application to Appoint Mark Henry of Nordeen Investigations as Investigator FILED by Anthony F Sgro, Esq.	dds
JULY 6, 2006	Order - Signed and FILED (Herb)	dds
JULY 19, 2006 S.L. GEORGE, JP M. DIGIACOMO & C. OWENS, DDA C. CANO & R. PIKE, SDPD (MALONE) A. SGRO & C. DENNIE, ESQ (MCCARTY) B. DURHAM, ESQ (HERB) B. STEELB, CLK S. GRAHAM, CR	PRELIMINARY HEARING: (ALL) All defendants PRESENT IN CUSTODY As to defendant Herb: Per Negollations: Defendant UNCONDITIONALLY WAIVED Preliminary Hearing, Bound Over to District Court. Stipulated defendant released to House Arrest, RETURN TO METRO  As to defendants Malone & Mecarty: Motion by Mr. Sgro to vacate & reset preliminary hearing. Mr. Cano joins in this motion. Objection by Mr. Digiscomo. Further arguments by Mr. Sgro & Mr. Pike, Hearing to go forward today. State Ready. Defense Ready with noted objections. Exclusionary rule invoked. MBLISSA ESTORES called as witness by State. Sworn in by clerk, Direct by Mr. Digiscomo. Wilness ID BOTH defendants. Cross by Mr. Sgro. Cross by Mr. Cano.	AUGUST 2, 2006 9:00 AM LOWER LEVEL Track to Dept #5 (Herb)

## JUSTICE COURT, HENDERSON TOWNSHIP <u>CLARK COUNTY, NEVADA</u> DOCKET SHEET ... CRIMINAL

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06FH0742A-C

State

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ACCESSORY TO MURDER (Herb)

DATE, JUDGE, OFFICERS	
OF COURT PRESENT	

PROCEEDINGS
APPEARANCES - HEARING .

CONTINUED TO:

JUNE 12, 2006 M. TOBIASSON, PROTEM M. DIGIACOMO, DDA R. PIKE, SDPD and C. CONO, SDPD (MALONE)	STATUS CHECK: (Malone & McCarty) Defendants PRESENT IN CUSTODY  As tot Malone Defense Counsel ACKNOWLEDGES Matter continued for Preliminary Hearing Date to be set RETURN TO METRO	JUNE 14, 2006 9:00 A.M. DEPT #2 (BOTH)	,
	As to: McCarty Public Defender C. Brown states Can not represent Due to conflict. Matter continued for confirmation of Court appointed counsel. Notified by Clerk. RETURN TO METRO		cad .
D.E. MARTIN, PROTEM B. SMITH, DDA C, CANO, SDPD (MALONE) A. SGRO, ESQ (MCCARTY)	STATUS CHECK: ALL Defendant PRESENT IN CUSTODY Court Counsel APPOINTED & ACKNOWLEDGED, Order of Appointment SIGNED & FILED In Open Court (McCarty) WAIVED 15 day rule as to ALL Preliminary Hearing Date Set RETURN TO METRO	TULY 19, 2006 9:30 A.M. DEPT #2 (ALL)	cad

## JUSTICE COURT, HENDERSON TOWNSHIP <u>CLARK COUNTY, NEVADA</u> DOCKET SHEET ... CRIMINAL

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V. .

06FH0742A-C

State

DOMONIC RONALDO MALONE #1670891

JASON DUVAL MCCARTY #0932255

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ACCESSORY TO MURDER (Herb)

DATE, JUDGE, OFFICERS

OF COURT PRESENT

PROCEEDINGS APPEARANCES - HEARING

CONTINUED TO:

(Malone & McCarty)

JUNE 12, 2006

9:00 A.M.

DBPT#2

JUNE 7, 2006
S.L. GEORGE, JP
B. SMITH, DDA
M. CLEVELAND, DPD
(MCCARTY)
B. DURHAM, ESQ
(HERB)
B. STEELE, CLK
L. BRENSKE, CR

INITIAL ARRAIGNMENT: ALL

As to: Malone

Defendant PRESENT IN CUSTODY

Defendant ADVISED, WAIVED rending of the Complaint.

Matter continued for confirmation of Counsel

RETURN TO METRO

As to: McCarty

Defendant PRESENT IN CUSTODY

Advised. Requests Public Defender, Defense Counsel APPOINTED & ACKNOWLEDGES, WAIVED reading of

the Complaint.

Matter continued for Public Defender to check for Conflict

REMAND TO METRO

As to: Herb

Defendant PRESENT IN CUSTODY

Defense Coursel ACKNOWLEDGES, WAIVED reading of

the Complaint.

Matter continued for Defense to received Discovery

RETURN TO METRO

JUNE 14, 2006

9:00 A.M.

DEPT #2

(Herb)

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## JUSTICE COURT, HENDERSON TOWNSHIP <u>CLARK COUNTY, NEVADA</u> DOCKET SHEET... CRIMINAL

CASE#

06FH0742A-C

State

DOMONIC RONALDO MALONE #1670891

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ACCESSORY TO MURDER (Herb)

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS <u>APPBARANCES - HEARING</u>	CONTINUED TO:
MAY 25, 2006 R.T. BURR, JP	Original Case # 06FH0731X Consolidated (Malone) FIRST APPEARANCE BEFORE MAGISTRATE BAIL SET: \$250,000 CASH OR SURETY BOND	JUNE 1, 2006 9:00 A.M. DEPT #2
MAY 30, 2006 R.T. BURR, JP	FIRST APPEARANCE BEFORE MAGISTRATE (Molone) BAIL, SET: NO BAIL and \$2,000,000 TOTAL CASH OR SURETY BOND ON ALL OTHER CHARGES FIRST APPEARANCE BEFORE MAGISTRATE (McCerty) BAIL SET: NO BAIL and \$2,000,000 TOTAL CASH OR SURETY BOND ON ALL OTHER CHARGES FIRST APPEARANCE BEFORE MAGISTRATE (Herb) BAIL SET: NO BAIL and \$2,000,000 TOTAL CASH OR SURETY BOND ON ALL OTHER CHARGES	JUNE 7, 2006 9:00 A.M. DEPT #2
JUNE 1, 2006	Notification of Media Request FILED	
JUNE 5, 2006	Media Request and Order Allowing Cameras in the Courtroom and Order FILED	