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S.C. CASE NO. 58101

Electronically Filed  
Jun 16 2014 02:55 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

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**CERTIFICATE OF SERVICE**

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on June 16, 2014. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

CATHERINE CORTEZ-MASTO  
Nevada Attorney General

STEVE OWENS  
Chief Deputy District Attorney

CHRISTOPHER R. ORAM, ESQ.

BY:

/s/ Jessie Vargas  
An Employee of Christopher R. Oram, Esq.

# 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

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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
Charges	CONSPIRACY TO COMMIT KIDNAPPING (Malone & McCarty) FIRST DEGREE KIDNAPPING - 3 Counts (Malone & McCarty) BATTERY WITH SUBSTANTIAL BODILY HARM (Malone & McCarty) PANDERING - 3 Counts (Malone) CONSPIRACY TO COMMIT MURDER (Malone & McCarty) CONSPIRACY TO COMMIT BURGLARY (Malone & McCarty) BURGLARY (Malone & McCarty) MURDER WITH USE OF A DEADLY WEAPON 2 Counts (Malone & McCarty) ROBBERY WITH USE OF A DEADLY WEAPON 2 Counts (Malone & McCarty) ACCESSORY TO MURDER (Herb)

**DATE, JUDGE, OFFICERS  
OF COURT PRESENT**

**PROCEEDINGS  
APPEARANCES - HEARING**

**CONTINUED TO:**

<p>JULY 24, 2006  S.L. GEORGE, JP  C. OWENS, DDA  C. CANO, SDPD &amp; R.  PIKE, SDPD (MALONE)  A. SCRO &amp; C. DENNIE,  ESQ (MCCARTY)  B. STEBLE, CLK  S. GRAHAM, CR</p>	<p>PRELIMINARY HEARING CONTINUES:  <b>BOTH</b> Defendants PRESENT IN CUSTODY  CORRENA PHILLIPS Recalled as witness by State. Sworn 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 &amp; A ID, Prop #D &amp; A Offered. Voir Dire. Objection by State. Cross by Mr. Cano. Re-Direct. Re-Cross by Mr. Sgro. Re-Cross by Mr. Cano. Witness Excused.  LYNN NAGBL Called as witness by State. Sworn in by clerk. Direct. Witness ID Both defendants. Cross by Mr. Sgro. Defense Prop #I &amp; 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.  Preliminary Hearing Date Continued  RETURN TO METRO</p>	<p>JULY 26, 2006  10:30 A.M.  DEPT #2</p> <p style="text-align: right;">cud</p>
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**JUSTICE COURT, HENDERSON TOWNSHIP**  
**CLARK COUNTY, NEVADA**  
**DOCKET SHEET . . . CRIMINAL**

<b>CASE #</b>	<b>06FH0742A-C</b>
<b>State</b>	<b>- vs- DOMONIC RONALDO MALONE #1670891</b> <b>JASON DUVAL MCCARTY #0932255</b> <b>DONALD JAY HERB #1217129</b>
<b>Charge</b>	<b>CONSPIRACY TO COMMIT KIDNAPPING (Malone &amp; McCarty)</b> <b>FIRST DEGREE KIDNAPPING - 3 Counts (Malone &amp; McCarty)</b> <b>BATTERY WITH SUBSTANTIAL BODILY HARM (Malone &amp; McCarty)</b> <b>PANDERING - 3 Counts (Malone)</b> <b>CONSPIRACY TO COMMIT MURDER (Malone &amp; McCarty)</b> <b>CONSPIRACY TO COMMIT BURGLARY (Malone &amp; McCarty)</b> <b>BURGLARY (Malone &amp; McCarty)</b> <b>MURDER WITH USE OF A DEADLY WEAPON 2 Counts (Malone &amp; McCarty)</b> <b>ROBBERY WITH USE OF A DEADLY WEAPON 2 Counts (Malone &amp; McCarty)</b> <b>ACCESSORY TO MURDER (Herb)</b>

**DATE, JUDGE, OFFICERS  
OF COURT PRESENT**

**PROCEEDINGS  
APPEARANCES - HEARING**

**CONTINUED TO:**

<b>JULY 19, 2006</b> <b>S.L. GEORGE, JP</b>	<b>CONTINUED:</b> Re-direct by Mr. Digiacomo. Re-cross by Mr. Sgro, Witness Excused. Preliminary Hearing continued. <b>RETURN TO METRO (Both)</b>	<b>JULY 20, 2006</b> <b>10:00 AM</b> <b>DEPT #2</b> <div style="text-align: right;">bs</div>
<b>JULY 20, 2006</b> <b>S.L. GEORGE, JP</b> <b>C. OWENS, DDA</b> <b>C. CANO, SDFD</b> <b>(MALONE)</b> <b>A. SGRO &amp; C. DENNIE,</b> <b>ESQ (MCCARTY)</b> <b>B. STEELE, CLK</b> <b>S. GRAHAM, CR</b>	<b>PRELIMINARY HEARING: Malone &amp; McCarty</b> <b>BOTH defendants PRESENT IN CUSTODY</b> CORRENA PHILLIPS Called as witness by State, Sworn in by clerk. Direct. Witness ID Both Defendants. Cross by Mr. Sgro. Matter continued. <b>RETURN TO METRO</b>	<b>JULY 24, 2006</b> <b>10:30 AM</b> <b>DEPT #2</b> <div style="text-align: right;">bs</div>

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

<b>CASE #</b>	<b>06FH0742A-C</b>
<b>State</b>	<b>- vs- DOMONIC RONALDO MALONE #1670891</b> <b>JASON DUVAL MCCARTY #0932255</b> <b>DONALD JAY HERB #1217129</b>
<b>Charge</b>	<b>CONSPIRACY TO COMMIT KIDNAPPING (Malone &amp; McCarty)</b> <b>FIRST DEGREE KIDNAPPING - 3 Counts (Malone &amp; McCarty)</b> <b>BATTERY WITH SUBSTANTIAL BODILY HARM (Malone &amp; McCarty)</b> <b>PANDERING - 3 Counts (Malone)</b> <b>CONSPIRACY TO COMMIT MURDER (Malone &amp; McCarty)</b> <b>CONSPIRACY TO COMMIT BURGLARY (Malone &amp; McCarty)</b> <b>BURGLARY (Malone &amp; McCarty)</b> <b>MURDER WITH USE OF A DEADLY WEAPON 2 Counts (Malone &amp; McCarty)</b> <b>ROBBERY WITH USE OF A DEADLY WEAPON 2 Counts (Malone &amp; McCarty)</b> <b>ACCESSORY TO MURDER (Herb)</b>

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS 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, SDFD (MALONE) A. SGRO & C. DENNIE, ESQ (MCCARTY) B. DURHAM, ESQ (HERB) B. STEELE, CLK S. GRAHAM, CR	PRELIMINARY HEARING: (ALL) All defendants PRESENT IN CUSTODY As to defendant Herb: Per Negotiations: Defendant UNCONDITIONALLY WAIVED Preliminary Hearing. Bound Over to District Court. Stipulated defendant released to House Arrest. RETURN TO METRO  As to defendants Malone & McCarty: Motion by Mr. Sgro to vacate & reset preliminary hearing. Mr. Cano joins in this motion. Objection by Mr. Digiacomo. Further arguments by Mr. Sgro & Mr. Pike. Hearing to go forward today. State Ready. Defense Ready with noted objections. Exclusionary rule Invoked. MELISSA ESTORES called as witness by State. Sworn in by clerk. Direct by Mr. Digiacomo. Witness ID BOTH defendants. Cross by Mr. Sgro. Cross by Mr. Cano.	AUGUST 2, 2006 9:00 AM LOWER LEVEL Track to Dept #5 (Herb)



## 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 & McCarty) FIRST DEGREE KIDNAPPING - 3 Counts (Malone & McCarty) BATTERY WITH SUBSTANTIAL BODILY HARM (Malone & McCarty) PANDERING - 3 Counts (Malone) CONSPIRACY TO COMMIT MURDER (Malone & McCarty) CONSPIRACY TO COMMIT BURGLARY (Malone & McCarty) BURGLARY (Malone & McCarty) MURDER WITH USE OF A DEADLY WEAPON 2 Counts (Malone & McCarty) ROBBERY WITH USE OF A DEADLY WEAPON 2 Counts (Malone & McCarty) ACCESSORY TO MURDER (Herb)

CONTINUED TO:

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

**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 & McCarty)**  
**FIRST DEGREE KIDNAPPING - 3 Counts (Malone & McCarty)**  
**BATTERY WITH SUBSTANTIAL BODILY HARM (Malone & McCarty)**  
**PANDERING - 3 Counts (Malone)**  
**CONSPIRACY TO COMMIT MURDER (Malone & McCarty)**  
**CONSPIRACY TO COMMIT BURGLARY (Malone & McCarty)**  
**BURGLARY (Malone & McCarty)**  
**MURDER WITH USE OF A DEADLY WEAPON 2 Counts (Malone & McCarty)**  
**ROBBERY WITH USE OF A DEADLY WEAPON 2 Counts (Malone & McCarty)**  
**ACCESSORY TO MURDER (Herb)**

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	CONTINUED TO:
JUNE 7, 2006 S.L. GEORGE, JP B. SMITH, DDA M. CLEVELAND, DPD (MCCARTY) B. DURHAM, ESQ (HERB) B. STEELE, CLK L. BRENSKE, CR	<p><b>INITIAL ARRAIGNMENT: ALL</b></p> <p><b>As to: Malone</b>  Defendant PRESENT IN CUSTODY  Defendant ADVISED, WAIVED reading of the Complaint.  Matter continued for confirmation of Counsel  <b>RETURN TO METRO</b></p> <p><b>As to: McCarty</b>  Defendant PRESENT IN CUSTODY  Advised. Requests Public Defender. Defense Counsel  <b>APPOINTED &amp; ACKNOWLEDGES</b>, WAIVED reading of  the Complaint.  Matter continued for Public Defender to check for Conflict  <b>REMAND TO METRO</b></p> <p><b>As to: Herb</b>  Defendant PRESENT IN CUSTODY  Defense Counsel <b>ACKNOWLEDGES</b>, WAIVED reading of  the Complaint.  Matter continued for Defense to received Discovery  <b>RETURN TO METRO</b></p>	<p>JUNE 12, 2006 9:00 A.M. DEPT #2 (Malone &amp; McCarty)</p> <p>JUNE 14, 2006 9:00 A.M. DEPT #2 (Herb)</p> <p style="text-align: right;">cud</p>

**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 & McCarty)**  
**FIRST DEGREE KIDNAPPING - 3 Counts (Malone & McCarty)**  
**BATTERY WITH SUBSTANTIAL BODILY HARM (Malone & McCarty)**  
**PANDERING - 3 Counts (Malone)**  
**CONSPIRACY TO COMMIT MURDER (Malone & McCarty)**  
**CONSPIRACY TO COMMIT BURGLARY (Malone & McCarty)**  
**BURGLARY (Malone & McCarty)**  
**MURDER WITH USE OF A DEADLY WEAPON 2 Counts (Malone & McCarty)**  
**ROBBERY WITH USE OF A DEADLY WEAPON 2 Counts (Malone & McCarty)**  
**ACCESSORY TO MURDER (Herb)**

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	CONTINUED TO:
MAY 25, 2006 R.T. BURR, JP	Original Case # 06FH0731 X 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 (Malone) BAIL SET: NO BAIL and \$2,000,000 TOTAL CASH OR SURETY BOND ON ALL OTHER CHARGES FIRST APPEARANCE BEFORE MAGISTRATE (McCarty) 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	