

1 NOAS  
 2 PHILIP J. KOHN, PUBLIC DEFENDER  
 3 NEVADA BAR No. 0556  
 4 309 South Third Street, Suite 226  
 5 Las Vegas, Nevada 89155  
 6 (702) 455-4685  
 7 Attorney for Defendant

FILED

Nov 15 9 46 AM '11

Electronically Filed  
 Nov 21 2011 10:22 a.m.  
 Trade K. Lindeman  
 Clerk of Supreme Court

DISTRICT COURT

CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA, )  
 10 )  
 11 Plaintiff, ) CASE NO. C-11-272483-1  
 12 )  
 13 v. ) DEPT. NO. XVIII  
 14 FRANKIE ALAN WATTERS, )  
 15 )  
 16 Defendant. )

C-11-272483-1  
 NOASC  
 Notice of Appeal (criminal)  
 1693828



NOTICE OF APPEAL

15 TO: THE STATE OF NEVADA

16 DAVID ROGER, DISTRICT ATTORNEY, CLARK COUNTY, NEVADA and  
 17 DEPARTMENT NO. XVIII OF THE EIGHTH JUDICIAL DISTRICT  
 18 COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF  
 19 CLARK.

20 NOTICE is hereby given that Defendant, Frankie Alan  
 21 Watters, presently incarcerated in the Nevada State Prison,  
 22 appeals to the Supreme Court of the State of Nevada from the  
 23 judgment entered against said Defendant on the 21st day of  
 24 October, 2011, whereby he was convicted of Ct. 1 - Possession of a  
 25 Stolen Vehicle value \$2,500 or more; Ct. 2 - Grand Larceny Auto  
 26 value \$2,500 or more; Ct. 3 - Stop Required on Signal of Police  
 27 Officer and sentenced to \$25 Admin. fee; \$250 Indigent Defense  
 28 Civil Assessment Fee; restitution in the amount of \$4,870; Ct. 1 -  
 24-120 months in prison; Ct. 2 - 24-120 months in prison; Ct. 2 to  
 run consecutive to Ct. 1- Ct. 3 - 13-60 months in prison; Ct. 3 -

CLERK OF THE COURT

NOV 15 2011

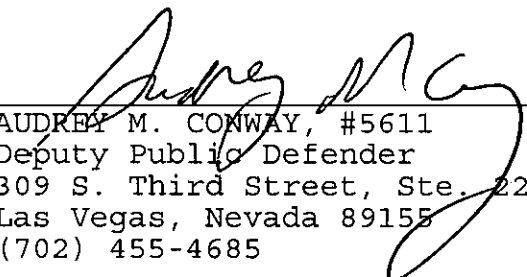
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to run consecutive to Ct. 2; this sentence to run consecutive to  
Case C273350; 0 days CTS; genetic fee and testing waived.

DATED this 14<sup>th</sup> day of November, 2011.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

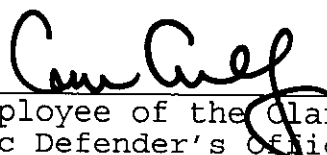
By:   
AUDREY M. CONWAY, #5611  
Deputy Public Defender  
309 S. Third Street, Ste. 226  
Las Vegas, Nevada 89155  
(702) 455-4685

1 DECLARATION OF MAILING

2 Carrie Connolly, an employee with the Clark County  
3 Public Defender's Office, hereby declares that she is, and was  
4 when the herein described mailing took place, a citizen of the  
5 United States, over 21 years of age, and not a party to, nor  
6 interested in, the within action; that on the 15<sup>th</sup> day of  
7 November, 2011, declarant deposited in the United States mail at  
8 Las Vegas, Nevada, a copy of the Notice of Appeal in the case of  
9 the State of Nevada v. Frankie Alan Watters, Case No. C-11-272483-  
10 1, enclosed in a sealed envelope upon which first class postage  
11 was fully prepaid, addressed to Frankie Alan Watters, c/o High  
12 Desert State Prison, P.O. Box 650, Indian Springs, NV 89018.  
13 That there is a regular communication by mail between the place of  
14 mailing and the place so addressed.

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

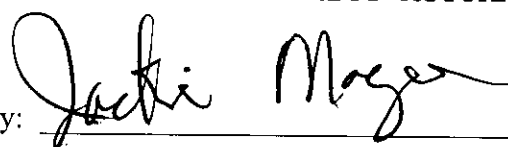
17 EXECUTED on the 15<sup>th</sup> day of November, 2011.

18  
19 

20 An employee of the Clark County  
21 Public Defender's Office

22 RECEIPT OF COPY of the foregoing Notice of Appeal is  
23 hereby acknowledged this 15 day of November, 2011.

24  
25 DAVID ROGER  
26 CLARK COUNTY DISTRICT ATTORNEY

27 By:   
28

FILED

Nov 15 9 43 AM '11

*Ann B. Quinn*  
CLERK OF THE COURT

1 CAS  
2 PHILIP J. KOHN, PUBLIC DEFENDER  
3 NEVADA BAR No. 0556  
4 309 South Third Street, Suite 226  
5 Las Vegas, Nevada 89155  
6 (702) 455-4685  
7 Attorney for Defendant

DISTRICT COURT  
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA, )  
9 )  
10 Plaintiff, ) CASE NO. C-11-272483-1  
11 v. ) DEPT. NO. XVIII  
12 FRANKIE ALAN WATTERS, )  
13 Defendant. )

CASE APPEAL STATEMENT

- 14 1. Appellant filing this case appeal statement:
- 15 Frankie Alan Watters.
- 16 2. Judge issuing the decision, judgment, or order
- 17 appealed from: David Barker.
- 18 3. All parties to the proceedings in the district
- 19 court (the use of et al. To denote parties is prohibited): The
- 20 State of Nevada, Plaintiff; Frankie Alan Watters, Defendant.
- 21 4. All parties involved in this appeal (the use of
- 22 et. al. to denote parties is prohibited): Frankie Alan Watters,
- 23 Appellant; The State of Nevada, Respondent.
- 24

25 / / /  
/ / /  
/ / /  
/ / /

C-11-272483-1  
ASTA  
Case Appeal Statement  
1693824



NOV 15 2011  
RECEIVED  
CLERK OF THE COURT

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

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

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

6 Attorney for Appellant

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

9 Counsel for Respondent

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

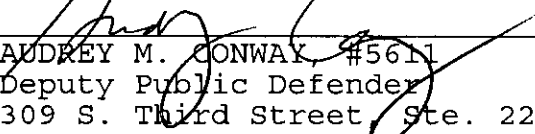
12                   7. Whether appellant is represented by appointed or  
13 retained counsel on appeal: Appointed.

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

17                   9. Date proceedings commenced in the district court  
18 (e.g., date complaint, indictment, information, or petition was  
19 filed): Information filed 04/26/11.

20                   DATED this 14<sup>th</sup> day of November, 2011.

21                   PHILIP J. KOHN  
22                   CLARK COUNTY PUBLIC DEFENDER

23  
24 By:   
25                   AUDREY M. CONWAY, #5611  
26                   Deputy Public Defender  
27                   309 S. Third Street, Ste. 226  
28                   Las Vegas, Nevada 89155  
                  (702) 455-4685

1 RECEIPT OF COPY of the foregoing Case Appeal Statement  
2 is hereby acknowledged this 15 day of November, 2011.

3 DAVID ROGER  
4 CLARK COUNTY DISTRICT ATTORNEY

5  
6 By: Jackie Magar  
7

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1 REQT  
 2 PHILIP J. KOHN, PUBLIC DEFENDER  
 3 NEVADA BAR No. 0556  
 4 309 South Third Street, Suite 226  
 5 Las Vegas, Nevada 89155  
 6 (702) 455-4685  
 7 Attorney for Defendant

FILED

Nov 15 9 42 AM '11

*Alan L. Johnson*  
 CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA, )  
 8 )  
 9 Plaintiff, ) CASE NO. C-11-272483-1  
 10 v. ) DEPT. NO. XVIII  
 11 FRANKIE ALAN WATTERS, )  
 12 Defendant. )

APPELLANT'S REQUEST FOR ROUGH DRAFT TRANSCRIPT

13 TO: Kiara Schmidt, Court Recorder  
 14 District Court, Department No. AA  
 15  
 16 Jill Jacoby, Court Recorder  
 17 District Court, Department No. VIII  
 18  
 19 Michelle Ramsey, Court Recorder  
 20 District Court, Department No. XVII  
 21  
 22 Richard Kangas, Court Recorder  
 23 District Court, Department No. XVIII

C-11-272483-1  
 REQT  
 Request  
 1693837



24 FRANKIE ALAN WATTERS, Defendant named above, requests a  
 25 preparation of a rough draft transcript of certain portions of the  
 26 proceedings before the District Court, as follows:

27 Dates or dates of proceedings: 05/16/11, 05/25/11,  
 06/13/11, 07/27/11, 07/29/11, 08/05/11, 08/08/11, 08/09/11, and  
 10/10/11.

Portion of the transcript requested: 05/16/11, 05/25/11  
 (Kiara Schmidt) - Any and all proceedings, all transcripts to

NOV 15 2011  
 RECEIVED  
 CLERK OF THE COURT

4

1 include word index; 06/13/11, 07/27/11 (Jill Jacoby) - Any and all  
2 proceedings, all transcripts to include word index; 07/29/11,  
3 08/05/11 (Michelle Ramsey) - Any and all proceedings, all  
4 transcripts to include word index; 08/08/11, 08/09/11 (Richard  
5 Kangas) - Trial transcripts - All transcripts, include word index  
6 - Any and all proceedings, *jury voir dire*, *jury selection*, opening  
7 statements, testimony, matters heard outside the presence of the  
8 jury, settling of instructions, closing arguments and verdict, any  
9 and all bench conferences; 10/10/11 (Richard Kangas) - Any and all  
10 proceedings, all transcripts to include word index.  
11

12           This Notice requests a transcript of only those portions  
13 of the District Court proceedings which counsel reasonably and in  
14 good faith believes are necessary to determine whether appellate  
15 issues are present. Voir dire examination of jurors, opening  
16 statements and closing arguments of trial counsel and the reading  
17 of jury instructions shall not be transcribed unless specifically  
18 requested above.  
19

20           I recognize that I must personally serve a copy of this  
21 form on the above-named court reporter and opposing counsel.  
22

23           That the above-named court reporter shall have twenty  
24 (20) days from the date of service of this document to prepare an  
25 original plus one copy at State expense and file with the  
26 District Court Clerk the original rough draft transcript(s)  
27 requested herein.  
28

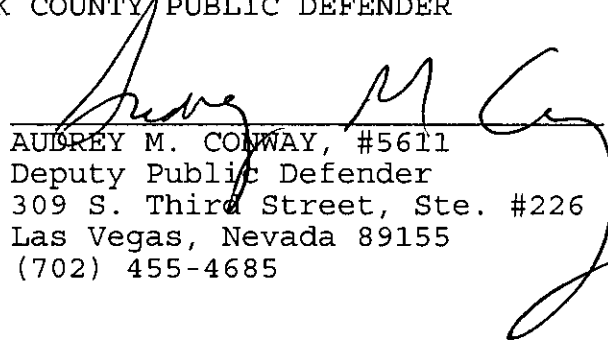


1 Further, pursuant to NRAP 3C(d)(3)(iii), the court  
2 reporter shall also deliver copies of the rough draft transcript  
3 to appellant's counsel no more than twenty (20) days after the  
4 date of the appellant's request.

5 DATED this 14<sup>th</sup> day of November, 2011.

6 PHILIP J. KOHN  
7 CLARK COUNTY PUBLIC DEFENDER

8 By:

9   
10 AUDREY M. CONWAY, #5611  
11 Deputy Public Defender  
12 309 S. Third Street, Ste. #226  
13 Las Vegas, Nevada 89155  
14 (702) 455-4685

1 CERTIFICATE OF SERVICE

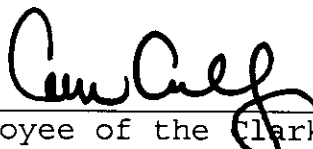
2 I hereby certify that on the 15<sup>th</sup> day of November, 2011,  
3 I served a true and correct copy of the foregoing Request for  
4 Rough Draft Transcripts on:

5 Kiara Schmidt, Court Recorder  
6 District Court, Department No. AA  
7 200 Lewis Avenue  
8 Las Vegas, NV 89101

9 Jill Jacoby, Court Recorder  
10 District Court, Department No. VIII  
11 200 Lewis Avenue  
12 Las Vegas, NV 89101

13 Michelle Ramsey, Court Recorder  
14 District Court, Department No. XVII  
15 200 Lewis Avenue  
16 Las Vegas, NV 89101

17 Richard Kangas, Court Recorder  
18 District Court, Department No. XVIII  
19 200 Lewis Avenue  
20 Las Vegas, NV 89101

21   
22 \_\_\_\_\_  
23 An employee of the Clark County  
24 Public Defender's Office

25 RECEIPT OF COPY of the foregoing Request for Rough Draft  
26 Transcript is hereby acknowledged this 15 day of November,  
27 2011.

28 DAVID ROGER  
CLARK COUNTY DISTRICT ATTORNEY

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

DEPARTMENT 18  
**CASE SUMMARY**  
**CASE NO. C-11-272483-1**

**State of Nevada**  
**vs**  
**Frankie Watters**

§ Location: **Department 18**  
§ Judicial Officer: **Barker, David**  
§ Filed on: **04/08/2011**  
§ Case Number History:  
§ Conversion Case Number: **C272483**  
§ Defendant's Scope ID #: **1962765**  
§ Lower Court Case Number: **11F05090**

**CASE INFORMATION**

|                                  |            |             |  |
|----------------------------------|------------|-------------|--|
| <b>Offense</b>                   | <b>Deg</b> | <b>Date</b> | Case Type: <b>Felony/Gross Misdemeanor</b> |
| 1. POSSESSION OF STOLEN VEHICLE  | F          | 03/18/2011  | Case Flags: <b>Bail Set</b>                |
| 2. GRAND LARCENY-AUTO            | F          | 03/18/2011  | <b>Appealed to Supreme Court</b>           |
| 3. EVADE POLICE OFFICER (FELONY) | F          | 03/18/2011  | <b>Custody Status - Nevada</b>             |
|                                  |            |             | <b>Department of Corrections</b>           |

**Statistical Closures**  
08/22/2011 Jury Trial - Conviction - Criminal

|             |                        |
|-------------|------------------------|
| <b>DATE</b> | <b>CASE ASSIGNMENT</b> |
|-------------|------------------------|

**Current Case Assignment**

|                  |               |
|------------------|---------------|
| Case Number      | C-11-272483-1 |
| Court            | Department 18 |
| Date Assigned    | 08/10/2011    |
| Judicial Officer | Barker, David |

**PARTY INFORMATION**

|                  |                              |  |
|------------------|------------------------------|--|
| <b>Defendant</b> | <b>Watters, Frankie Alan</b> | <i>Lead Attorneys</i>                            |
|                  |                              | <b>Public Defender</b><br><i>Public Defender</i> |
| <b>Plaintiff</b> | <b>State of Nevada</b>       | <b>Roger, David J.</b><br>702-671-2700(W)        |

|             |   |              |
|-------------|---|--------------|
| <b>DATE</b> | <b>EVENTS &amp; ORDERS OF THE COURT</b> | <b>INDEX</b> |
|-------------|---|--------------|

|            |  |  |
|------------|--|--|
| 04/06/2011 | Bail Set<br>\$9,000.00   |  |
| 04/08/2011 | Criminal Bindover  |  |
| 04/26/2011 | Information<br><i>Information</i>  |  |
| 05/04/2011 | <b>Initial Arraignment</b> (10:30 AM) (Judicial Officer: Leavitt, Michelle)<br>Events: 04/08/2011 Criminal Bindover  |  |
| 05/11/2011 | <b>Arraignment Continued</b> (10:30 AM) (Judicial Officer: De La Garza, Melisa)<br>05/11/2011, 05/25/2011            |  |
| 05/16/2011 | <b>Request</b> (9:00 AM) (Judicial Officer: De La Garza, Melisa)<br><i>DA's Request: Status Check Set Trial Date</i> |  |

DEPARTMENT 18  
**CASE SUMMARY**  
**CASE NO. C-11-272483-1**

05/23/2011  Reporters Transcript  
Filed By: Plaintiff State of Nevada  
*Reporter's Transcript of Waiver of Preliminary Hearing - Heard 04/06/2011*

05/31/2011  Motion to Continue  
*Motion to Continue Trial Date*

06/13/2011  **Motion to Continue Trial** (8:00 AM) (Judicial Officer: Smith, Douglas E.)  
*Deft's Motion to Continue Trial Date*

06/15/2011 **CANCELED Calendar Call** (8:00 AM) (Judicial Officer: Smith, Douglas E.)  
*Vacated  
and RESET*

06/20/2011 **CANCELED Jury Trial** (9:30 AM) (Judicial Officer: Smith, Douglas E.)  
*Vacated  
and RESET*

07/12/2011  Notice of Witnesses and/or Expert Witnesses  
*Notice of Witnesses*

07/13/2011  Motion for Discovery  
Filed By: Defendant Watters, Frankie Alan

07/25/2011  Notice of Witnesses and/or Expert Witnesses  
*Supplemental Notice of Witnesses*

07/25/2011  Notice of Witnesses and/or Expert Witnesses  
*Notice of Expert Witnesses*

07/27/2011 **Calendar Call** (8:00 AM) (Judicial Officer: Smith, Douglas E.)

07/27/2011 **Motion** (8:00 AM) (Judicial Officer: Smith, Douglas E.)  
Events: 07/13/2011 Motion for Discovery  
*Motion for Discovery*

07/27/2011  **All Pending Motions** (8:00 AM) (Judicial Officer: Smith, Douglas E.)  
*CALENDAR CALL; DEFT'S MOTION FOR DISCOVERY*

07/29/2011  **Overflow** (8:45 AM) (Judicial Officer: Villani, Michael)  
**07/29/2011, 08/05/2011**  
*OVERFLOW (8): D. RINETTUM.GARDNER/3-4 DAYS/10-12 WITNESSES/2 OUT OF  
STATE/WEDNESDAY START REQUEST*


08/01/2011 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer: Smith, Douglas E.)  
*Vacated  
REFERRED TO OVERFLOW*


08/08/2011  **Jury Trial** (10:00 AM) (Judicial Officer: Barker, David)


08/08/2011  Motion in Limine  
Filed By: Defendant Watters, Frankie Alan


08/08/2011  Jury List

DEPARTMENT 18  
**CASE SUMMARY**  
**CASE NO. C-11-272483-1**


08/09/2011  **Jury Trial** (9:00 AM) (Judicial Officer: Barker, David)


08/09/2011  Verdict  
Party: Plaintiff State of Nevada


08/09/2011  Instructions to the Jury


08/22/2011  Criminal Order to Statistically Close Case  
*Criminal Order to Statistically Close Case*


10/10/2011 **CANCELED Sentencing** (8:00 AM) (Judicial Officer: Smith, Douglas E.)  
*Vacated - Case Reassigned*


10/10/2011  **Sentencing** (8:15 AM) (Judicial Officer: Barker, David)

10/21/2011  Judgment of Conviction

10/24/2011  Criminal Order to Statistically Close Case  
*Criminal Order to Statistically Close Case*

11/15/2011  Case Appeal Statement  
Filed By: Defendant Watters, Frankie Alan

11/15/2011  Notice of Appeal (criminal)  
Party: Defendant Watters, Frankie Alan

11/15/2011  Request  
Filed by: Defendant Watters, Frankie Alan  
*Appellant's Request for Rough Draft Transcript*

ORIGINAL

FILED

OCT 21 2011

*Allen T. Johnson*  
CLERK OF COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

C-11-272483-1  
JOC  
Judgment of Conviction  
1666378



THE STATE OF NEVADA,

Plaintiff,

-vs-

FRANKIE ALAN WATTERS  
#1962765

Defendant.

CASE NO. C272483-1

DEPT. NO. XVIII

JUDGMENT OF CONVICTION  
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 - POSSESSION OF STOLEN VEHICLE (Felony), in violation of NRS 205.273, COUNT 2 - GRAND LARCENY AUTO (Felony), in violation of NRS 205.228, and COUNT 3 - STOP REQUIRED ON SIGNAL OF POLICE OFFICER (Felony), in violation of NRS 484B.550; and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNT 1 - POSSESSION OF STOLEN VEHICLE - VALUE \$2,500.00 OR MORE (Felony), in violation of NRS 205.273, COUNT 2 - GRAND LARCENY AUTO - VALUE \$2,500.00 OR MORE (Felony), in violation of NRS 205.228, and COUNT 3 - STOP REQUIRED ON SIGNAL OF POLICE OFFICER (Felony), in violation of NRS 484B.550; thereafter, on the 10<sup>TH</sup> day of October, 2011,

2

1 the Defendant was present in court for sentencing with his counsel, ROBERT O'BRIEN,  
2 Deputy Public Defender, and good cause appearing,

3  
4 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in  
5 addition to the \$25.00 Administrative Assessment Fee, Indigent Defense Civil  
6 Assessment Fee of \$250.00, and to PAY \$4,870.00 RESTITUTION, the Defendant is  
7 SENTENCED to the Nevada Department of Corrections (NDC) as follows: AS TO  
8 COUNT 1 - TO A MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a  
9 MINIMUM parole eligibility of TWENTY-FOUR (24) MONTHS; AS TO COUNT 2 - TO A  
10 MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole  
11 eligibility of TWENTY-FOUR (24) MONTHS, COUNT 2 to run CONSECUTIVE to  
12 COUNT 1; and AS TO COUNT 3 - TO A MAXIMUM of SIXTY (60) MONTHS with a  
13 MINIMUM parole eligibility of THIRTEEN (13) MONTHS, COUNT 3 to run  
14 CONSECUTIVE to COUNT 2 and this Sentence to run CONSECUTIVE to Case  
15 C273350; with ZERO (0) DAYS Credit for Time Served. As the Fee and Genetic Testing  
16 have been previously imposed, the Fee and Testing in the current case are WAIVED.  
17  
18  
19

20 DATED this 20<sup>th</sup> day of October, 2011

21  
22  
23  
24 DAVID BARKER  
DISTRICT JUDGE

AW





**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 11, 2011**

---

C-11-272483-1

State of Nevada  
vs  
Frankie Watters

---

**May 11, 2011**

**10:30 AM**

**Arraignment Continued**

**HEARD BY:** De La Garza, Melisa

**COURTROOM:** RJC Lower Level  
Arraignment

**COURT CLERK:** Phyllis Irby

**RECORDER:** Kiara Schmidt

**REPORTER:**

**PARTIES**

**PRESENT:** Jorgenson, Craig F. Attorney  
Rutledge, Brian S Attorney  
State of Nevada Plaintiff  
Watters, Frankie Alan Defendant

**JOURNAL ENTRIES**

- Mr. Jorgenson requested a continuance; advised this is Ms. Raye's case and she is trying to get the transcripts for possible global negotiations. COURT ORDERED, MATTER CONTINUED.

CUSTODY (COC)

5-25-11 10:30 AM ARRAIGNMENT CONTINUED (LLA)

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

May 16, 2011

---

C-11-272483-1

State of Nevada  
vs  
Frankie Watters

---

May 16, 2011

9:00 AM

Request

HEARD BY: De La Garza, Melisa

COURTROOM: RJC Lower Level  
Arraignment

COURT CLERK: Melissa Benson; Anntoinette Naumec-Miller

RECORDER: Kiara Schmidt

REPORTER:

**PARTIES**

|                 |                       |           |
|-----------------|-----------------------|-----------|
| <b>PRESENT:</b> | Mitchell, Scott       | Attorney  |
|                 | Steven                |           |
|                 | Raye, Julie           | Attorney  |
|                 | State of Nevada       | Plaintiff |
|                 | Watters, Frankie Alan | Defendant |

**JOURNAL ENTRIES**

- Counsel requested a continuance to obtain the preliminary transcripts as to verify the type of waiver. State advised they have a note saying there was never any conditional/non-conditional waiver. COURT ORDERED, matter CONTINUED to pending 5/25/11 date.

CUSTODY (COC)

CONTINUED TO: 5/25/11 9:00 AM

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

May 25, 2011

---

C-11-272483-1      State of Nevada  
vs  
Frankie Watters

---

May 25, 2011      10:30 AM      Arraignment Continued

HEARD BY: De La Garza, Melisa      COURTROOM: RJC Lower Level  
Arraignment

COURT CLERK: Phyllis Irby

RECORDER: Kiara Schmidt

REPORTER:

**PARTIES**

PRESENT: Raye, Julie      Attorney  
Robinson, Lynn M.      Attorney  
State of Nevada      Plaintiff  
Watters, Frankie Alan      Defendant

**JOURNAL ENTRIES**

- Ms. Raye advised Deft is considering State's offer. State is INVOKING its right to speedy trial. DEFT. WATTERS ARRAIGNED, PLED NOT GUILTY and INVOKING THE 60-DAY RULE. COURT ORDERED, matter set for trial.

CUSTODY (COC)

6-15-11 8:00 AM CALENDAR CALL (DEPT. VIII)

6-20-11 10:30 AM JURY TRIAL (DEPT. VIII)

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

June 13, 2011

C-11-272483-1

State of Nevada  
vs  
Frankie Watters

June 13, 2011

8:00 AM

Motion to Continue Trial

Deft's Motion to  
Continue Trial Date

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

**PARTIES**

|                 |                       |           |
|-----------------|-----------------------|-----------|
| <b>PRESENT:</b> | Hopper, Cesely        | Attorney  |
|                 | State of Nevada       | Plaintiff |
|                 | Watters, Frankie Alan | Defendant |
|                 | Wong, Hetty O.        | Attorney  |

**JOURNAL ENTRIES**

- Based upon representations of counsel, COURT ORDERED, motion GRANTED. Trial date VACATED and RESET.

CUSTODY

07-27-11 8:00 AM CALENDAR CALL

08-01-11 10:30 AM TRIAL BY JURY

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

July 27, 2011

C-11-272483-1

State of Nevada  
vs  
Frankie Watters

July 27, 2011

8:00 AM

All Pending Motions

CALENDAR CALL;  
DEFT'S MOTION  
FOR DISCOVERY

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

**PARTIES**

|                 |                       |           |
|-----------------|-----------------------|-----------|
| <b>PRESENT:</b> | Gardner, Robert       | Attorney  |
|                 | Michael               |           |
|                 | Rinetti, Dena I.      | Attorney  |
|                 | State of Nevada       | Plaintiff |
|                 | Watters, Frankie Alan | Defendant |

**JOURNAL ENTRIES**

- Parties advised ready for trial. Due to the absence of this Court, COURT ORDERED, matter REFERRED to Overflow.

After Court Proceedings: Clerk telephoned Mr. Gardner regarding Deft's Motion for Discovery as it was not addressed by this Court. Counsel advised he had received discovery from the State, however, would mention said motion to the Overflow Judge.

CUSTODY (COC)

07-29-11 8:45 AM OVERFLOW (8) - D. RINETTI/M. GARDNER/3-4 DAYS/10-12 WITNESSES/2 OUT OF STATE WITNESSES/REQUEST FOR WEDNESDAY START

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

July 29, 2011

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C-11-272483-1      State of Nevada  
vs  
Frankie Watters

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July 29, 2011      8:45 AM      Overflow

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES  
PRESENT:

JOURNAL ENTRIES

- Hetty Wong, Dep DA, and Jennifer Herbert, Dep DA, present on behalf of the State; Robert Gardner, Dep PD, and Robert O'Brien, Dep PD, present on behalf of Deft. Watters, who is also present.

Ms. Wong advised Deft. has another trial which is to begin on Tuesday, August 2, 2011, in Department XII (C273350). Colloquy regarding scheduling issues. Court noted that Judge Smith's Court is dark all next week. Mr. Gardner advised Deft. INVOKED his speedy trial right and the trial is expected to last three (3) to four (4) days. COURT ORDERED, matter CONTINUED on the OVERFLOW calendar.

Mr. Gardner advised there is an issue as to whether or not Deft. conditionally or unconditionally WAIVED the Preliminary Hearing; colloquy. This matter will need to be discussed with the assigned Overflow Judge.

CUSTODY (COC)

CONTINUED TO: 08/05/11 8:45 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 05, 2011**

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C-11-272483-1      State of Nevada  
                                 vs  
                                 Frankie Watters

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**August 05, 2011      8:45 AM      Overflow**

**HEARD BY:** Villani, Michael      **COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Carol Donahoo

**RECORDER:** Michelle Ramsey

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Hetty Wong, Dep DA, and Jennifer Herbert, Dep DA, present on behalf of the State; Robert Gardner, Dep PD, and Robert O'Brien, Dep PD, present on behalf of Deft. Watters, who is also present.

State and Defense announced ready. COURT ORDERED, matter REFERRED to Department XVIII for Jury Trial. Court instructed both counsel to provide their Jury Instructions to Chambers on the first day of trial.

**CUSTODY**

08/08/11 10:00 AM JURY TRIAL

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

August 08, 2011

C-11-272483-1      State of Nevada  
vs  
Frankie Watters

August 08, 2011      10:00 AM      Jury Trial

HEARD BY:    Barker, David      COURTROOM:    RJC Courtroom 11B

COURT CLERK:    Roshonda Mayfield

RECORDER:    Richard Kangas

REPORTER:

**PARTIES**

|                 |                       |           |
|-----------------|-----------------------|-----------|
| <b>PRESENT:</b> | Gardner, Robert       | Attorney  |
|                 | Michael               |           |
|                 | State of Nevada       | Plaintiff |
|                 | Watters, Frankie Alan | Defendant |
|                 | Wong, Hetty O.        | Attorney  |

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY - Defendants Motion in Limine FILED IN OPEN COURT. Court advised, the written motion for discovery filed by defense was never ruled upon. Therefore, COURT ORDERED, the Defendant's previous Motion for Discovery GRANTED; the Defendant's Motion in Limine filed today in court is GRANTED with there being no opposition. Colloquy between parties regarding defense objecting to the State using a booking photo during their power point presentation, defense Oral Motion to Remand for Preliminary Hearing. Following representations by counsel, COURT ORDERED, the State's PowerPoint will be allowed in it's entirety. In review of the transcript of waiver provided by defense, COURT FURTHER ORDERED, the motion regarding the document is DENIED based upon the state of the record.

INSIDE THE PRESENCE OF THE JURY - The court clerk conducted a role call of the prospective panel members prior to placing them under oath. The Court welcomed the jurors and introduced them to counsel and court staff prior to proceeding with the voir dire process of jury selection. At the hour of 12:05 P.M., the Court read the admonition to the prospective panel members prior to releasing them for lunch; jury selection will commence at 1:15 P.M. All prospective panel members



returned from lunch and the court proceeded with the canvassing of the prospective members. Counsel moved into the challenge for cause/peremptory challenge phase of trial. The jury panel has been selected and sworn under oath. The court clerk read the information to the jury panel prior to counsel proceeding with their opening statements. Testimony and exhibits presented (See Worksheets). At the hour of 11:42 A.M. the State rests it's case. COURT ORDERED, the jury panel is released for lunch with a return of 1:00 P.M. Testimony and exhibits presented (See Worksheets). COURT ORDERED, jury panel is released for the day trial will proceed with it's natural progression tomorrow at 9:00 A.M.

8/9/11 9:00 A.M. JURY TRIAL NATURAL PROGRESSION

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

August 09, 2011

C-11-272483-1      State of Nevada  
vs  
Frankie Watters

August 09, 2011      9:00 AM      Jury Trial

HEARD BY: Barker, David      COURTROOM: RJC Courtroom 11B

COURT CLERK: Roshonda Mayfield

RECORDER: Richard Kangas

REPORTER:

**PARTIES**

|                 |                       |           |
|-----------------|-----------------------|-----------|
| <b>PRESENT:</b> | Gardner, Robert       | Attorney  |
|                 | Michael               |           |
|                 | Herbert, Jennifer M.  | Attorney  |
|                 | State of Nevada       | Plaintiff |
|                 | Watters, Frankie Alan | Defendant |
|                 | Wong, Hetty O.        | Attorney  |

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY - Court advised the Defendant that his counsel voiced an objection to his booking photo being shown to the jury panel as part of the States power point. However, the State has a right to use the photo within their presentation. Further, the Defendant has been canvassed as to his Carter Instruction rights.

INSIDE THE PRESENCE OF THE JURY - Parties stipulate to the presence of the entire panel.

OUTSIDE THE PRESENCE OF THE JURY - Court notes the lack of the Defendant at the present time. Parties stipulate to jury instructions 1-23. Further, neither party has any objection to the instructions and/or the verdict form that has been presented to the Court. Colloquy between parties regarding state law, theory and the settled jury instructions. COURT ORDERED, Hernandez does not apply as to the theory of defense.

INSIDE THE PRESENCE OF THE JURY - At the hour of 1:18 P.M. defense rests it's case. Therefore,

Court proceeded with the instructions phase of trial being presented to the jury panel. The court clerk placed the Marshal and JEA under oath prior to the jury proceeding with the deliberation process. At the hour of 3:35 P.M. the jury returned with a verdict of the following:

"We the jury in the above entitled case, find the Defendant as follows:

COUNT - 1 GUILTY

COUNT - 2 GUILTY

COUNT - 3 GUILTY

Dated this 9th day of August, 2011.

The jury panel was polled at the request of defense counsel. Therefore, Court excused and released the jury panel from their duties. COURT ORDERED, matter set for sentencing.

CUSTODY

10/10/11 8:15 A.M. SENTENCING

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 10, 2011

C-11-272483-1      State of Nevada  
   vs  
   Frankie Watters

October 10, 2011      8:15 AM      Sentencing

HEARD BY:    Barker, David

COURTROOM:    RJC Courtroom 11B

COURT CLERK:    April Watkins

RECORDER:    Richard Kangas

REPORTER:

**PARTIES**

|                 |                       |           |
|-----------------|-----------------------|-----------|
| <b>PRESENT:</b> | O'Brien, Robert       | Attorney  |
|                 | State of Nevada       | Plaintiff |
|                 | Watters, Frankie Alan | Defendant |
|                 | Wong, Hetty O.        | Attorney  |

**JOURNAL ENTRIES**

- DEFT. WATTERS ADJUDGED GUILTY as to COUNT 1 POSSESSION OF STOLEN VEHICLE - VALUE \$2,500.00 OR MORE (F), as to COUNT 2 GRAND LARCENY AUTO - VALUE \$2,500.00 OR MORE (F) and as to COUNT 3 STOP REQUIRED ON SIGNAL OF POLICE OFFICER (F). Arguments by counsel. Statement by Deft. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$250.00 Indigent Defense Civil Assessment fee and \$4,870.00 RESTITUTION, Deft. SENTENCED as to COUNT 1 to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC), as to COUNT 2 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 1 and as to COUNT 3 to a MINIMUM of THIRTEEN (13) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC), CONSECUTIVE to COUNT 2 and CONSECUTIVE to C273350 with ZERO (0) DAYS credit for time served. FURTHER ORDERED, DNA fee and testing WAIVED, having been previously submitted.

BOND, if any, EXONERATED.

C 272483

EXHIBIT LIST

CASE NO. Courts Exhibit

TRIAL OR HEARING DATE 8/8/11

| Exhibit No. | Description                    | Date Offered | Obj. | Adm. | Date Admitted |
|-------------|--------------------------------|--------------|------|------|---------------|
| 1.          | States Powerpoint Presentation | 8/8/11       | YES  | ✓    | 8/8/11        |
| 2.          | Juror Question Juror # 92      | 8/8/11       | NO   | ✓    | 8/8/11        |
| 3.          | Jury Panel Seating Chart       |              |      |      |               |
| 4.          | Peremptory Challenge Form      |              |      |      |               |
| 5.          | Juror Question                 | 8-9-11       | NO   |      | 8-9-11        |
| 6.          | Jury Instruction D1            |              |      |      |               |
| 7.          | Jury Instruction D2            |              |      |      |               |
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# State of Nevada -vs- Frankie Waters

PLAINTIFF'S EXHIBITS

CASE NO. C272493

|                                       | OFFERED                             | ADMITTED                            |              |
|---------------------------------------|-------------------------------------|-------------------------------------|--------------|
| 1. Aerial map (unmarked)              | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | NOobj 8-8-11 |
| 2. 2006 Chrysler Sebring (back view)  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | NOobj 8-8-11 |
| 3. " " (side view)                    | <input type="checkbox"/>            | <input type="checkbox"/>            |              |
| 4. " " (front right tire)             | <input type="checkbox"/>            | <input type="checkbox"/>            |              |
| 5. " " (license plate)                | <input type="checkbox"/>            | <input type="checkbox"/>            |              |
| 6. Sweatshirt (close-up)              | <input type="checkbox"/>            | <input type="checkbox"/>            |              |
| 7. " " (wide shot)                    | <input type="checkbox"/>            | <input type="checkbox"/>            |              |
| 8. " " (bunched up)                   | <input type="checkbox"/>            | <input type="checkbox"/>            | 8-8-11       |
| 9. NAPA Truck (side view)             | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | NOobj 8-8-11 |
| 10. " " (front right tire)            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | NOobj 8-9-11 |
| 11. " " (close up of front tire)      | <input type="checkbox"/>            | <input type="checkbox"/>            |              |
| 12. " " (front view)                  | <input type="checkbox"/>            | <input type="checkbox"/>            |              |
| 13. 2000 Honda Civic (back view)      | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | NOobj 8-9-11 |
| 14. " " (side view)                   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | NOobj 8-9-11 |
| 15. " " (air bag)                     | <input type="checkbox"/>            | <input type="checkbox"/>            |              |
| 16. " " (ignition)                    | <input type="checkbox"/>            | <input type="checkbox"/>            |              |
| 17. " " (close-up ignition)           | <input type="checkbox"/>            | <input type="checkbox"/>            |              |
| 18. Debris on road                    | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | NOobj 8-9-11 |
| 19. Debris on road (wide shot)        | <input type="checkbox"/>            | <input type="checkbox"/>            |              |
| 20. Light pole                        | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | NOobj 8-9-11 |
| 21. Honda Civic pinned to curb        | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | NOobj 8-9-11 |
| 22. Rocco                             | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | NOobj 8-9-11 |
| 23. Aerial Map Eastside/Carry/wadmont | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | NOobj 8-8-11 |



# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; APPELLANT'S  
REQUEST FOR ROUGH DRAFT TRANSCRIPT; DISTRICT COURT DOCKET ENTRIES;  
JUDGMENT OF CONVICTION (JURY TRIAL); DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

FRANKIE ALAN WATTERS,

Defendant(s).

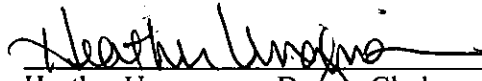
Case No: C272483

Dept No: XVIII

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 18 day of November 2011.

Steven.D. Grierson, Clerk of the Court

  
Heather Ungermann, Deputy Clerk