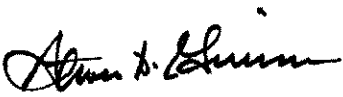


1 KEITH C. BROWER, ESQ.
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CLERK OF THE COURT

Electronically Filed
Feb 27 2012 01:52 p.m.
Tracie K. Lindeman

6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA AND
FOR THE COUNTY OF CLARK**

7 STATE OF NEVADA)
8 Plaintiff,)

Case No. : 07C232494-1
Dept. No.: XXIV


9 vs.)

10 DELARIAN WILSON,)
11 ID# 1966773)
12 Defendant)

13 **NOTICE OF APPEAL**

14 Notice is hereby given that Delarian Wilson, defendant above named, hereby appeals to the
15 Supreme Court of Nevada from the denial of Defendant's Post Conviction Petition For Writ Of
16 Habeas Corpus and The Findings Of Fact, Conclusions Of Law And Order filed on or about January
17 6, 2012 with a Notice Of Entry Of Order filed on or about January 18, 2012.

18 Dated this 21st day of February, 2012.

19
20 
21 Keith C. Brower, Esq.
22 The Law Offices Of Keith C. Brower, LLC.
23 8275 South Eastern #200
24 Las Vegas, NV 89123
25 (702) 451-4921
26 Attorney For Appellant
27
28

DEPARTMENT 24
CASE SUMMARY
CASE No. 07C232494-1

The State of Nevada vs Delarian K Wilson

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§
§
§
§
§

Location: **Department 24**
Judicial Officer: **Bixler, James**
Filed on: **04/19/2007**
Conversion Case Number: **C232494**
Defendant's Scope ID #: **1966773**
Lower Court Case Number: **07FH00317**

CASE INFORMATION

Offense	Deg	Date	Case Type: Felony/Gross Misdemeanor
1. ROBBERY	F	01/01/1900	Case Flags: Bail Set
1. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900	Appealed to Supreme Court
2. ROBBERY	F	01/01/1900	Custody Status - Nevada
2. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900	Department of Corrections
3. SEXUAL ASSAULT	F	01/01/1900	
3. SEXUAL ASSAULT	F	01/01/1900	
4. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900	
5. ASSAULT.	F	01/01/1900	
5. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900	
6. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900	
6. ROBBERY	F	01/01/1900	
7. ROBBERY	F	01/01/1900	
7. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900	
8. ASSAULT.	F	01/01/1900	
8. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900	
9. ROBBERY	F	01/01/1900	
9. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900	
10. KIDNAPPING IN FIRST DEGREE	F	01/01/1900	
10. KIDNAP WITH USE OF A DEADLY WEAPON	F	01/01/1900	
10. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900	
11. BURGLARY.	F	01/01/1900	
12. SEXUAL ASSAULT	F	01/01/1900	
12. SEXUAL ASSAULT	F	01/01/1900	
12. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900	
13. SEXUAL ASSAULT	F	01/01/1900	
13. SEXUAL ASSAULT	F	01/01/1900	

DEPARTMENT 24
CASE SUMMARY
CASE No. 07C232494-1

13.	USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900
14.	SEXUAL ASSAULT	F	01/01/1900
14.	SEXUAL ASSUALT	F	01/01/1900
14.	USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	M	01/01/1900
15.	SEXUAL ASSAULT	F	01/01/1900
15.	USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900
15.	SEXUAL ASSUALT	F	01/01/1900
16.	COERCION, UNLAWFUL FOR ANY PERSON TO FORCE ANOTHER TO DO OR ABSTAIN FROM	F	01/01/1900
16.	USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900
17.	SEXUAL ASSAULT	F	01/01/1900
17.	SEXUAL ASSUALT	F	01/01/1900
17.	USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900
18.	OPEN OR GROSS LEWDNESS	F	01/01/1900
18.	USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900

Related Cases

07C232494-2 (Multi-Defendant Case)

Statistical Closures

09/23/2008	USJR Reporting Statistical Closure
06/26/2008	USJR Reporting Statistical Closure
07/16/2008	USJR Reporting Statistical Closure

DATE		CASE ASSIGNMENT
		Current Case Assignment
		Case Number 07C232494-1
		Court Department 24
		Date Assigned 04/19/2007
		Judicial Officer Bixler, James
PARTY INFORMATION		
Defendant	Wilson, Delarian K	<i>Lead Attorneys</i> Brower, Keith <i>Retained</i> 7024514921(W)
Plaintiff	State of Nevada	Roger, David J. 702-671-2700(W)
DATE	EVENTS & ORDERS OF THE COURT	INDEX
01/01/1900	Disposition (Judicial Officer: User, Conversion) 15. SEXUAL ASSAULT Charges Amended/Dropped	

DEPARTMENT 24
CASE SUMMARY
CASE No. 07C232494-1

01/01/1900	Plea (Judicial Officer: User, Conversion) 1. ROBBERY Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 1. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 2. ROBBERY Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 2. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 3. SEXUAL ASSAULT Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 3. SEXUAL ASSUALT Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 4. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 5. ASSAULT. Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 5. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 6. ROBBERY Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 6. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 7. ROBBERY Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 7. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 8. ASSAULT. Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 8. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty







DEPARTMENT 24
CASE SUMMARY
CASE No. 07C232494-1

01/01/1900	Plea (Judicial Officer: User, Conversion) 9. ROBBERY Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 9. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 10. KIDNAPPING IN FIRST DEGREE Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 10. KIDNAP WITH USE OF A DEADLY WEAPON Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 10. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 11. BURGLARY. Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 12. SEXUAL ASSAULT Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 12. SEXUAL ASSUALT Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 12. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 13. SEXUAL ASSAULT Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 13. SEXUAL ASSUALT Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 13. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 14. SEXUAL ASSAULT Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 14. SEXUAL ASSUALT Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 14. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion)









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	15. SEXUAL ASSAULT Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 15. SEXUAL ASSUALT Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 15. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 16. COERCION. UNLAWFUL FOR ANY PERSON TO FORCE ANOTHER TO DO OR ABSTAIN FROM Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 16. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 17. SEXUAL ASSAULT Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 17. SEXUAL ASSUALT Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 17. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 18. OPEN OR GROSS LEWDNESS Not Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 18. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Not Guilty	
04/19/2007	Information <i>INFORMATION Fee \$0.00</i>	07C232494-10001.tif pages
04/20/2007	Hearing <i>INITIAL ARRAIGNMENT</i>	07C232494-10002.tif pages
04/20/2007	 Information <i>INFORMATION</i>	07C232494-10003.tif pages
04/25/2007	 Criminal Bindover <i>CRIMINAL BINDOVER</i>	07C232494-10004.tif pages
05/09/2007	Initial Arraignment (9:00 AM) (Judicial Officer: Williams, Kevin) Events: 04/20/2007 Hearing <i>INITIAL ARRAIGNMENT Court Clerk: Lore Vanderbusse/lv Relief Clerk: Lorraine Williams Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams</i>	

DEPARTMENT 24
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05/09/2007	Hearing <i>ARRAIGNMENT CONTINUED</i>	07C232494-10006.tif pages
05/16/2007	Arraignment Continued (9:00 AM) (Judicial Officer: Williams, Kevin) Events: 05/09/2007 Hearing <i>ARRAIGNMENT CONTINUED Court Clerk: Lore Vanderbusse/lv Relief Clerk: Lorraine Williams Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams</i>	
05/17/2007	 Motion <i>DEFT'S O.R. RELEASE/BAIL REDUCTION /5</i>	07C232494-10009.tif pages
05/22/2007	Motion for Own Recognizance Release/Setting Reasonable Bail (8:30 AM) (Judicial Officer: Bixler, James) Events: 05/17/2007 Motion <i>DEFT'S O.R. RELEASE/BAIL REDUCTION /5 Court Clerk: Theresa Lee Reporter/Recorder: Bill Nelson Heard By: James Bixler</i>	
05/22/2007	Hearing <i>CONFIRMATION OF COUNSEL (KOHN)</i>	07C232494-10010.tif pages
05/23/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PRELIMINARY HEARING</i>	07C232494-10011.tif pages
05/23/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PRELIMINARY HEARING</i>	07C232494-10012.tif pages
05/24/2007	Motion for Confirmation of Counsel (8:30 AM) (Judicial Officer: Bixler, James) Events: 05/22/2007 Hearing <i>CONFIRMATION OF COUNSEL (KOHN) Court Clerk: Theresa Lee Reporter/Recorder: Bill Nelson Heard By: James Bixler</i>	
05/25/2007	Hearing <i>STATUS CHECK: TRIAL DATE</i>	07C232494-10013.tif pages
05/31/2007	Status Check (8:30 AM) (Judicial Officer: Bixler, James) Events: 05/25/2007 Hearing <i>STATUS CHECK: TRIAL DATE Court Clerk: Theresa Lee Reporter/Recorder: Jackie Nelson Heard By: James Bixler</i>	
06/08/2007	 Bond <i>BOND - #AS250K-1339 - \$93,000.00</i>	07C232494-10014.tif pages
06/08/2007	 Bond <i>BOND - #AS100K-2709 - \$100,000.00</i>	07C232494-10015.tif pages
06/08/2007	 Bond <i>BOND - #AS250K-1338 - \$215,000.00</i>	07C232494-10016.tif pages
06/28/2007	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>	
07/02/2007	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>	

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08/16/2007	 Request <i>EX PARTE MOTION TO APPOINT INVESTIGATOR AND FOR FEES IN EXCESS OF STATUTORY LIMIT LIMIT- RELATED PARTYID: 07C232494_0001</i>	07C232494- 10019.tif pages
08/29/2007	 Ex Parte Order <i>EX PARTE ORDER - RELATED PARTYID: 07C232494_0001</i>	07C232494- 10020.tif pages
11/01/2007	Calendar Call (8:30 AM) (Judicial Officer: Bixler, James) <i>CALENDAR CALL Court Clerk: Theresa Lee Reporter/Recorder: Bill Nelson Heard By: James Bixler</i>	
11/05/2007	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>	
01/24/2008	Calendar Call (8:30 AM) (Judicial Officer: Bixler, James) <i>CALENDAR CALL Court Clerk: Theresa Lee/tl Relief Clerk: Rebecca Foster Reporter/Recorder: Bill Nelson Heard By: James Bixler</i>	
01/28/2008	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>	
03/06/2008	 Motion <i>DEFT'S MTN TO SEVER DEFTS/14</i>	07C232494- 10025.tif pages
03/11/2008	 Motion <i>DEFT'S MTN TO SUPPRESS /15</i>	07C232494- 10026.tif pages
03/11/2008	 Motion <i>DEFT'S JOINDER TO MTN TO SEVER DEFTS /16</i>	07C232494- 10027.tif pages
03/17/2008	 Motion <i>DEFT'S MTN TO SUPPRESS STATEMENT/17</i>	07C232494- 10028.tif pages
03/18/2008	Motion to Sever (8:30 AM) (Judicial Officer: Bixler, James) Events: 03/06/2008 Motion <i>DEFT'S MTN TO SEVER DEFTS/14 Heard By: James Bixler</i>	
03/18/2008	Joinder (8:30 AM) (Judicial Officer: Bixler, James) Events: 03/11/2008 Motion <i>DEFT'S JOINDER TO MTN TO SEVER DEFTS /16 Heard By: James Bixler</i>	
03/18/2008	All Pending Motions (8:30 AM) (Judicial Officer: Bixler, James) <i>ALL PENDING MOTIONS (3/18/08) Court Clerk: Theresa Lee Reporter/Recorder: Bill Nelson Heard By: James Bixler</i>	
03/22/2008	Motion <i>ALL PENDING MOTIONS (3/18/08)</i>	07C232494- 10029.tif pages
03/24/2008	 Opposition <i>STATES OPPOSITION TO DEFENDANT WILSONS MOTION TO SUPPRESS STATEMENT</i>	07C232494- 10030.tif pages
03/24/2008	 Opposition	07C232494- 10031.tif pages

DEPARTMENT 24
CASE SUMMARY
CASE No. 07C232494-1

*STATES OPPOSITION TO DEFENDANT WESLEYS MOTION TO SUPPRESS FRUITS OF
ILLEGAL SEARCH SEARCH*

03/25/2008	Motion to Sever (8:30 AM) (Judicial Officer: Bixler, James) <i>DEFT'S MTN TO SEVER DEFTS/14 Heard By: James Bixler</i>	
03/25/2008	Motion to Suppress (8:30 AM) (Judicial Officer: Bixler, James) Events: 03/11/2008 Motion <i>DEFT'S MTN TO SUPPRESS /15</i>	
03/25/2008	Joinder (8:30 AM) (Judicial Officer: Bixler, James) <i>DEFT'S JOINDER TO MTN TO SEVER DEFTS /16 Heard By: James Bixler</i>	
03/25/2008	All Pending Motions (8:30 AM) (Judicial Officer: Bixler, James) <i>ALL PENDING MOTIONS (3/25/08) Court Clerk: Theresa Lee Reporter/Recorder: Lee Bahr Heard By: James Bixler</i>	
03/25/2008	 Motion <i>DEFT'S MTN TO CONTINUE /1</i>	07C232494- 10032.tif pages
03/26/2008	Motion <i>ALL PENDING MOTIONS (3/25/08)</i>	07C232494- 10033.tif pages
03/27/2008	Calendar Call (8:30 AM) <i>CALENDAR CALL</i>	
03/27/2008	Motion to Sever (8:30 AM) <i>DEFT'S MTN TO SEVER DEFTS/14 Heard By: James Bixler</i>	
03/27/2008	Joinder (8:30 AM) <i>DEFT'S JOINDER TO MTN TO SEVER DEFTS /16 Heard By: James Bixler</i>	
03/27/2008	Motion to Suppress (8:30 AM) (Judicial Officer: Bixler, James) Events: 03/17/2008 Motion <i>DEFT'S MTN TO SUPPRESS STATEMENT/17 Heard By: James Bixler</i>	
03/27/2008	Motion to Continue (8:30 AM) (Judicial Officer: Bixler, James) Events: 03/25/2008 Motion <i>DEFT'S MTN TO CONTINUE /1 Heard By: James Bixler</i>	
03/27/2008	All Pending Motions (8:30 AM) (Judicial Officer: Bixler, James) <i>ALL PENDING MOTIONS (3/27/08) Court Clerk: Theresa Lee Reporter/Recorder: Lee Bahr Heard By: James Bixler</i>	
03/27/2008	Motion to Suppress (1:30 PM) (Judicial Officer: Bixler, James) <i>DEFT'S MTN TO SUPPRESS /15</i>	
03/27/2008	Hearing <i>STATUS CHECK: CHANGE OF PLEA</i>	07C232494- 10034.tif pages
03/27/2008	Hearing <i>FRANKS HEARING (DO NOT POST)</i>	07C232494- 10035.tif pages
03/27/2008	Motion <i>ALL PENDING MOTIONS (3/27/08)</i>	07C232494- 10038.tif pages


CASE SUMMARY**CASE No. 07C232494-1**

03/28/2008	Motion to Suppress (9:00 AM) (Judicial Officer: Bixler, James) <i>DEFT'S MTN TO SUPPRESS STATEMENT/17 Heard By: James Bixler</i>	
03/28/2008	Status Check (9:00 AM) Events: 03/27/2008 Hearing <i>STATUS CHECK: CHANGE OF PLEA</i>	
03/28/2008	All Pending Motions (9:00 AM) (Judicial Officer: Bixler, James) <i>ALL PENDING MOTIONS 3/28/08 Relief Clerk: Nora Pena Reporter/Recorder: Lee Bahr Heard By: James Bixler</i>	
03/28/2008	Motion <i>ALL PENDING MOTIONS 3/28/08</i>	07C232494- 10039.tif pages
03/28/2008	 Memorandum <i>GUILTY PLEA MEMORANDUM/AGREEMENT</i>	07C232494- 10040.tif pages
03/28/2008	 Information <i>AMENDED INFORMATION</i>	07C232494- 10042.tif pages
03/28/2008	 Notice of Witnesses and/or Expert Witnesses <i>NOTICE OF WITNESSES AND/OR EXPERT WITNESSES</i>	07C232494- 10045.tif pages
03/28/2008	Disposition (Judicial Officer: User, Conversion) 4. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Charges Amended/Dropped	
03/28/2008	Disposition (Judicial Officer: User, Conversion) 5. ASSAULT. Charges Amended/Dropped	
03/28/2008	Disposition (Judicial Officer: User, Conversion) 5. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Charges Amended/Dropped	
03/28/2008	Disposition (Judicial Officer: User, Conversion) 6. ROBBERY Charges Amended/Dropped	
03/28/2008	Disposition (Judicial Officer: User, Conversion) 6. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Charges Amended/Dropped	
03/28/2008	Disposition (Judicial Officer: User, Conversion) 7. ROBBERY Charges Amended/Dropped	
03/28/2008	Disposition (Judicial Officer: User, Conversion) 7. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Charges Amended/Dropped	
03/28/2008	Disposition (Judicial Officer: User, Conversion) 8. ASSAULT. Charges Amended/Dropped	
03/28/2008	Disposition (Judicial Officer: User, Conversion) 8. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	

DEPARTMENT 24
CASE SUMMARY
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	Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 9. ROBBERY Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 9. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 10. KIDNAPPING IN FIRST DEGREE Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 10. KIDNAP WITH USE OF A DEADLY WEAPON Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 10. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 11. BURGLARY. Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 12. SEXUAL ASSAULT Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 12. SEXUAL ASSUALT Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 12. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 13. SEXUAL ASSAULT Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 13. SEXUAL ASSUALT Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 13. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 14. SEXUAL ASSAULT Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 14. SEXUAL ASSUALT Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 14. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Charges Amended/Dropped

DEPARTMENT 24
CASE SUMMARY
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03/28/2008	Disposition (Judicial Officer: User, Conversion) 15. SEXUAL ASSAULT Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 15. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 16. COERCION. UNLAWFUL FOR ANY PERSON TO FORCE ANOTHER TO DO OR ABSTAIN FROM Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 16. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 17. SEXUAL ASSAULT Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 17. SEXUAL ASSAULT Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 17. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 18. OPEN OR GROSS LEWDNESS Charges Amended/Dropped
03/28/2008	Disposition (Judicial Officer: User, Conversion) 18. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Charges Amended/Dropped
03/31/2008	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
03/31/2008	Motion to Suppress (1:30 PM) <i>DEFT'S MTN TO SUPPRESS /15</i>
03/31/2008	Hearing (1:30 PM) (Judicial Officer: Bixler, James) Events: 03/27/2008 Hearing <i>FRANKS HEARING (DO NOT POST) Court Clerk: Theresa Lee Reporter/Recorder: Bill Nelson Heard By: Bixler, James</i>
04/01/2008	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
04/01/2008	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>
04/01/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT CHANGE OF PLEA AS TO DEFENDANT WILSON</i>
04/02/2008	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>

07C232494-
10046.tif pages





DEPARTMENT 24
CASE SUMMARY
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04/04/2008	Conversion Case Event Type <i>SENTENCING</i>	07C232494-10047.tif pages
04/07/2008	 Notice of Witnesses and/or Expert Witnesses <i>NOTICE OF WITNESSES AND/OR EXPERT WITNESSES - RELATED PARTYID: 07C232494_0002</i>	07C232494-10048.tif pages
04/09/2008	Hearing (10:30 AM) (Judicial Officer: Bixler, James) <i>FRANKS HEARING (DO NOT POST) Heard By: James Bixler</i>	
04/09/2008	Jury Trial (1:00 PM) (Judicial Officer: Bixler, James) <i>TRIAL BY JURY Heard By: James Bixler</i>	
04/10/2008	Jury Trial (9:00 AM) <i>TRIAL BY JURY Court Clerk: Theresa Lee Reporter/Recorder: Bill Nelson Heard By: Bixler, James</i>	
04/10/2008	 Information <i>SECOND AMENDED INFORMATION</i>	07C232494-10049.tif pages
04/10/2008	 Jury List <i>DISTRICT COURT JURY LIST</i>	07C232494-10051.tif pages
04/11/2008	Jury Trial (10:00 AM) <i>TRIAL BY JURY Heard By: James Bixler</i>	
04/11/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	07C232494-10050.tif pages
04/14/2008	Jury Trial (10:00 AM) <i>TRIAL BY JURY Relief Clerk: Roshonda Mayfield Reporter/Recorder: Bill Nelson Heard By: Bixler, James</i>	
04/14/2008	 Amended Jury List <i>AMENDED CRIMINAL JURY LIST</i>	07C232494-10054.tif pages
04/15/2008	Jury Trial (9:30 AM) <i>TRIAL BY JURY Relief Clerk: Nora Pena Reporter/Recorder: Bill Nelson Heard By: Bixler, James</i>	
04/16/2008	Jury Trial (10:00 AM) <i>TRIAL BY JURY Heard By: James Bixler</i>	
04/17/2008	Jury Trial (10:00 AM) (Judicial Officer: Bixler, James) <i>TRIAL BY JURY Heard By: James Bixler</i>	
04/18/2008	Jury Trial (10:00 AM) <i>TRIAL BY JURY Court Clerk: Theresa Lee Reporter/Recorder: Bill Nelson Heard By: James Bixler</i>	
04/18/2008	Conversion Case Event Type <i>SENTENCING</i>	07C232494-10052.tif pages

DEPARTMENT 24
CASE SUMMARY
CASE No. 07C232494-1

04/18/2008	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY</i>	07C232494-10053.tif pages
04/18/2008	 Judgment <i>VERDICT</i>	07C232494-10055.tif pages
04/21/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OPENING STATEMENT OF MR LANDIS</i>	07C232494-10056.tif pages
04/24/2008	 Order <i>ORDER FOR EXPEDITION OF TRANSCRIPT</i>	07C232494-10059.tif pages
04/28/2008	 Motion <i>DEFT WESLEY'S MTN FOR NEW TRIAL/32</i>	07C232494-10060.tif pages
04/28/2008	 Request <i>MOTION FOR WITHDRAWAL OF COUNSEL - RELATED PARTYID: 07C232494_0002</i>	07C232494-10061.tif pages
04/28/2008	 Request <i>MOTION FOR EXTENSION OF TIME - RELATED PARTYID: 07C232494_0002</i>	07C232494-10062.tif pages
04/28/2008	 Notice <i>NOTICE OF MOTION - RELATED PARTYID: 07C232494_0001</i>	07C232494-10063.tif pages
05/01/2008	 Motion <i>DEFT'S PRO PER MTN FOR BAIL PENDING/33 (VK/NO MTN EXISTS)</i>	07C232494-10064.tif pages
05/01/2008	 Request <i>MOTION FOR BAIL PENDING SENTENCING APPEAL</i>	07C232494-10065.tif pages
05/01/2008	Motion <i>DEFT WESLEY'S PRO PER MTN FOR BAIL PEND SENTENCING/APPEAL</i>	07C232494-10069.tif pages
05/08/2008	Motion (8:30 AM) (Judicial Officer: Bixler, James) Events: 04/28/2008 Motion <i>DEFT WESLEY'S MTN FOR NEW TRIAL/32 Court Clerk: Theresa Lee Reporter/Recorder: Bill Nelson Heard By: Bixler, James</i>	
05/10/2008	Hearing <i>CONFIRMATION OF COUNSEL (PRIVATE COUNSEL)</i>	07C232494-10066.tif pages
05/10/2008	Motion <i>RESET SENTENCING DATE</i>	07C232494-10067.tif pages
05/13/2008	Sentencing (8:30 AM) (Judicial Officer: McGroarty, John S.) Events: 04/04/2008 Conversion Case Event Type <i>SENTENCING Court Clerk: Theresa Lee Reporter/Recorder: Lee Bahr Heard By: JOHN MCGROARTY</i>	

DEPARTMENT 24
CASE SUMMARY
CASE No. 07C232494-1

05/17/2008	Motion <i>RESET SENTENCING DATE</i>	07C232494-10068.tif pages
05/22/2008	Motion (8:30 AM) <i>DEFT WESLEY'S MTN FOR NEW TRIAL/32 Heard By: James Bixler</i>	
05/22/2008	CANCELED Motion (8:30 AM) Events: 05/01/2008 Motion <i>Vacated</i>	
05/22/2008	Motion for Confirmation of Counsel (8:30 AM) (Judicial Officer: Bixler, James) Events: 05/10/2008 Hearing <i>CONFIRMATION OF COUNSEL (PRIVATE COUNSEL) Heard By: James Bixler</i>	
05/22/2008	Hearing (8:30 AM) (Judicial Officer: Bixler, James) Events: 05/10/2008 Motion <i>RESET SENTENCING DATE Heard By: James Bixler</i>	
05/22/2008	Hearing (8:30 AM) (Judicial Officer: Bixler, James) Events: 05/17/2008 Motion <i>RESET SENTENCING DATE Heard By: James Bixler</i>	
05/22/2008	Motion (8:30 AM) (Judicial Officer: Bixler, James) Events: 05/01/2008 Motion <i>DEFT WESLEY'S PROPER MTN FOR BAIL PEND SENTENCING/APPEAL Heard By: James Bixler</i>	
05/22/2008	All Pending Motions (8:30 AM) (Judicial Officer: Bixler, James) <i>ALL PENDING MOTIONS (5/22/08) Court Clerk: Theresa Lee Reporter/Recorder: Bill Nelson Heard By: James Bixler</i>	
05/22/2008	Motion <i>ALL PENDING MOTIONS (5/22/08)</i>	07C232494-10070.tif pages
05/22/2008	Conversion Case Event Type <i>SENTENCING</i>	07C232494-10071.tif pages
06/03/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS JUDGMENT AND SENTENCING</i>	07C232494-10072.tif pages
06/05/2008	CANCELED Sentencing (8:30 AM) Events: 04/18/2008 Conversion Case Event Type <i>Vacated</i>	
06/05/2008	 Points and Authorities <i>SUPPLEMENTAL POINTS AND AUTHORITIES TO MOTION FOR NEW TRIAL - RELATED PARTYID: 07C232494_0002</i>	07C232494-10073.tif pages
06/10/2008	 Receipt of Copy <i>RECEIPT OF COPY - RELATED PARTYID: 07C232494_0002</i>	07C232494-10074.tif pages
06/18/2008	 Opposition <i>STATES OPPOSITION TO DEFTS MTN FOR NEW TRIAL</i>	07C232494-10075.tif pages
06/19/2008		

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CASE SUMMARY
CASE No. 07C232494-1

	Motion (8:30 AM) (Judicial Officer: Bixler, James) <i>DEFT WESLEY'S MTN FOR NEW TRIAL/32 Heard By: James Bixler</i>	
06/19/2008	Motion (8:30 AM) (Judicial Officer: Bixler, James) <i>DEFT WESLEY'S PRO PER MTN FOR BAIL PEND SENTENCING/APPEAL Heard By: James Bixler</i>	
06/19/2008	All Pending Motions (8:30 AM) (Judicial Officer: Bixler, James) <i>ALL PENDING MOTIONS (6/19/08) Court Clerk: Theresa Lee Reporter/Recorder: Bill Nelson Heard By: James Bixler</i>	
06/19/2008	Motion <i>ALL PENDING MOTIONS (6/19/08)</i>	07C232494-10076.tif pages
06/26/2008	Motion (8:30 AM) <i>DEFT WESLEY'S MTN FOR NEW TRIAL/32 Heard By: James Bixler</i>	
06/26/2008	Motion (8:30 AM) <i>DEFT WESLEY'S PRO PER MTN FOR BAIL PEND SENTENCING/APPEAL Heard By: James Bixler</i>	
06/26/2008	All Pending Motions (8:30 AM) (Judicial Officer: Bixler, James) <i>ALL PENDING MOTIONS (6/26/08) Court Clerk: Theresa Lee Reporter/Recorder: Lee Bahr Heard By: James Bixler</i>	
06/26/2008	Motion <i>ALL PENDING MOTIONS (6/26/08)</i>	07C232494-10080.tif pages
07/03/2008	Sentencing (8:30 AM) (Judicial Officer: Bixler, James) Events: 05/22/2008 Conversion Case Event Type <i>SENTENCING Court Clerk: Theresa Lee Reporter/Recorder: Bill Nelson Heard By: James Bixler</i>	
07/03/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFENDANTS PRO PER MOTION FOR BAIL PENDING SENTENCING/APPEAL DEFENDANTS MOTION FOR NEW TRIAL SENTENCING/APPEAL DEFENDANTS MOTION FOR NEW TRIAL</i>	07C232494-10077.tif pages
07/03/2008	 Memorandum <i>SENTENCING MEMORANDUM - RELATED PARTYID: 07C232494_0002</i>	07C232494-10078.tif pages
07/03/2008	Disposition (Judicial Officer: User, Conversion) 1. ROBBERY Guilty	
07/03/2008	Disposition (Judicial Officer: User, Conversion)	
07/03/2008	Disposition (Judicial Officer: User, Conversion) 1. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Guilty	
07/03/2008	Disposition (Judicial Officer: User, Conversion) 2. ROBBERY Guilty	
07/03/2008	Disposition (Judicial Officer: User, Conversion)	
07/03/2008	Disposition (Judicial Officer: User, Conversion)	

CASE SUMMARY**CASE No. 07C232494-1**

	2. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Guilty
07/03/2008	Disposition (Judicial Officer: User, Conversion) 3. SEXUAL ASSAULT Guilty
07/03/2008	Disposition (Judicial Officer: User, Conversion)
07/03/2008	Disposition (Judicial Officer: User, Conversion) 3. SEXUAL ASSAULT Guilty
07/03/2008	Sentence (Judicial Officer: User, Conversion) 1. ROBBERY Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 72 Months to Maximum 180 Months Placement: NSP Converted Disposition: Sentence# 0002: Minimum 72 Months to Maximum 180 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0001 and Sentence#: 0001 Converted Disposition: Sentence# 0003: CREDIT FOR TIME SERVED Minimum 500 Days to Maximum 500 Days Converted Disposition: Sentence# 0004: RESTITUTION Amount: \$3196.00 Converted Disposition: Sentence# 0005: LIFETIME SUPERVISION Converted Disposition: Sentence# 0006: DNA FEE/GENETIC MARKERS ANALYSIS Amount: \$150.00 Converted Disposition: Sentence# 0007: ADMINISTRATION FEE Amount: \$25.00
07/03/2008	Sentence (Judicial Officer: User, Conversion) 2. ROBBERY Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 72 Months to Maximum 180 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0001 and Sentence#: 0001 Converted Disposition: Sentence# 0002: Minimum 72 Months to Maximum 180 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0003 and Sentence#: 0001
07/03/2008	Sentence (Judicial Officer: User, Conversion) 3. SEXUAL ASSAULT Adult Adjudication

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	Converted Disposition: Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE Cons/Conc: Consecutive w/Charge Item: 0003 and Sentence#: 0001	
07/16/2008	 Judgment <i>JUDGMENT OF CONVICTION/ADMIN ASSESSMENT</i>	07C232494- 10083.tif pages
07/16/2008	Judgment <i>JUDGMENT OF CONVICTION/GENETIC TESTING</i>	07C232494- 10084.tif pages
07/16/2008	Judgment <i>JUDGMENT OF CONVICTION/RESTITUTION</i>	07C232494- 10085.tif pages
07/18/2008	 Judgment <i>JUDGMENT OF CONVICTION/ADMIN ASSESSMENT</i>	07C232494- 10086.tif pages
07/18/2008	Judgment <i>JUDGMENT OF CONVICTION/GENETIC TESTING</i>	07C232494- 10087.tif pages
07/18/2008	Judgment <i>JUDGMENT OF CONVICTION/RESTITUTION</i>	07C232494- 10088.tif pages
07/18/2008	 Notice of Appeal <i>NOTICE OF APPEAL (SC 52104) - RELATED PARTYID: 07C232494_0001</i>	07C232494- 10089.tif pages
07/21/2008	 Statement <i>CASE APPEAL STATEMENT</i>	07C232494- 10090.tif pages
07/22/2008	 Notice of Appeal <i>NOTICE OF APPEAL (SC 52104) - RELATED PARTYID: 07C232494_0001</i>	07C232494- 10091.tif pages
07/24/2008	 Statement <i>CASE APPEAL STATEMENT</i>	07C232494- 10092.tif pages
07/24/2008	 Notice of Appeal <i>NOTICE OF APPEAL (SC 52127)</i>	07C232494- 10093.tif pages
07/24/2008	 Statement <i>CASE APPEAL STATEMENT</i>	07C232494- 10094.tif pages
07/24/2008	 Statement <i>CASE APPEAL STATEMENT - RELATED PARTYID: 07C232494_0001</i>	07C232494- 10095.tif pages
07/24/2008	 Notice of Appeal <i>NOTICE OF APPEAL (SC 52104) - RELATED PARTYID: 07C232494_0001</i>	07C232494- 10096.tif pages

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07/25/2008	 Notice of Appeal <i>NOTICE OF APPEAL (SC 52127)</i>	07C232494-10097.tif pages
08/05/2008	 Notice of Appeal <i>NOTICE OF APPEAL (SC 52104) - RELATED PARTYID: 07C232494_0001</i>	07C232494-10098.tif pages
08/06/2008	 Statement <i>CASE APPEAL STATEMENT</i>	07C232494-10099.tif pages
08/14/2008	 Statement <i>CASE APPEAL STATEMENT - RELATED PARTYID: 07C232494_0002</i>	07C232494-10100.tif pages
09/03/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>	07C232494-10101.tif pages
09/05/2008	 Motion <i>STATE'S MTN TO CORRECT ILLEGAL SENTENCE /42</i>	07C232494-10103.tif pages
09/10/2008	 Request <i>REQUEST FOR ROUGH DRAFT TRANSCRIPT - RELATED PARTYID: 07C232494_0001</i>	07C232494-10104.tif pages
09/13/2008	 Order <i>ORDER FOR PRODUCTION OF INMATE</i>	07C232494-10105.tif pages
09/15/2008	 Ex Parte <i>EX PARTE APPLICATION TO APPOINT ATTORNEY OF RECORD TO REPRESENT DEFT NARCUS S WESLEY DURING APPEAL PROCESS WESLEY DURING APPEAL PROCESS-RELATED PARTYID: 07C232494_0002</i>	07C232494-10106.tif pages
09/16/2008	Motion (8:30 AM) (Judicial Officer: Bixler, James) Events: 09/05/2008 Motion <i>STATE'S MTN TO CORRECT ILLEGAL SENTENCE /42 Court Clerk: Theresa Lee Reporter/Recorder: Bill Nelson Heard By: Bixler, James</i>	
09/16/2008	Motion <i>EX-PARTE MTN FOR COURT APPOINTMENT</i>	07C232494-10107.tif pages
09/17/2008	 Request <i>REQUEST FOR ROUGH DRAFT TRANSCRIPT - RELATED PARTYID: 07C232494_0001</i>	07C232494-10108.tif pages
09/23/2008	Motion (8:30 AM) (Judicial Officer: Bixler, James) <i>STATE'S MTN TO CORRECT ILLEGAL SENTENCE /42 Heard By: James Bixler</i>	
09/23/2008	Motion for Appointment (8:30 AM) (Judicial Officer: Bixler, James) Events: 09/16/2008 Motion <i>EX-PARTE MTN FOR COURT APPOINTMENT Heard By: James Bixler</i>	
09/23/2008	All Pending Motions (8:30 AM) (Judicial Officer: Bixler, James) <i>ALL PENDING MOTIONS (9/23/08) Court Clerk: Theresa Lee Reporter/Recorder: Bill Nelson Heard By: James Bixler</i>	














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09/23/2008	Motion <i>ALL PENDING MOTIONS (9/23/08)</i>	07C232494-10110.tif pages
10/07/2008	 Request <i>REQUEST FOR TRANSCRIPT OF PROCEEDINGS - RELATED PARTYID: 07C232494_0002</i>	07C232494-10112.tif pages
10/08/2008	 Judgment <i>AMENDED JUDGMENT OF CONVICTION</i>	07C232494-10111.tif pages
11/12/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL</i>	07C232494-10113.tif pages
11/12/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL</i>	07C232494-10114.tif pages
11/12/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL</i>	07C232494-10115.tif pages
11/12/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - REGARDING SENTENCING</i>	07C232494-10116.tif pages
11/12/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL</i>	07C232494-10117.tif pages
11/12/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - SENTENCING</i>	07C232494-10118.tif pages
11/12/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL</i>	07C232494-10119.tif pages
11/12/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - SENTENCING</i>	07C232494-10120.tif pages
12/05/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL</i>	07C232494-10121.tif pages
12/05/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL</i>	07C232494-10122.tif pages
12/05/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - JURY TRIAL</i>	07C232494-10123.tif pages
12/05/2008	 Certificate <i>CERTIFICATE OF DELIVERY TO THE SUPREME COURT COURTHOUSE</i>	07C232494-10126.tif pages
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12/09/2008	 Certificate <i>CERTIFICATE OF DELIVERY TO THE SUPREME COURT COURTHOUSE</i>	10124.tif pages
12/09/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - CHANGE OF PLEA AS TO DEFENDANT WILSON</i>	07C232494-10125.tif pages
08/07/2009	 Judgment <i>CLERK'S CERTIFICATE JUDGMENT AFFIRMED</i>	07C232494-10128.tif pages
04/12/2010	 Judgment <i>CLERK'S CERTIFICATE/JUDGMENT AFFIRMED</i>	07C232494-10132.tif pages
06/28/2010	 Conversion Case Event Type <i>ATTORNEY TIME AND COSTS - RELATED PARTYID: 07C232494_0002</i>	07C232494-10133.tif pages
08/05/2010	 Motion for Order Filed By: Defendant Wilson, Delarian K <i>Motion for An Order Instructing the Attorney of Record to Provide Petitioner with a Complete and Copy of the Case File in the Above Entitled Cases Number</i>	
08/17/2010	 Motion for Order (8:30 AM) (Judicial Officer: Bixler, James) Events: 08/05/2010 Motion for Order <i>Motion for An Order Instructing the Attorney of Record to Provide Petitioner with a Complete and Copy of the Case File in the Above Entitled Cases Number</i>	
08/20/2010	 Certificate of Mailing Filed By: Defendant Wilson, Delarian K	
10/01/2010	 Request Filed by: Defendant Wilson, Delarian K <i>Defendant's Pro Per Request for Transcripts/Court Proceedings</i>	
10/13/2010	 Opposition to Motion <i>Opposition to Defendant's Request for Transcripts/Court Proceedings</i>	
10/19/2010	 Request (8:30 AM) (Judicial Officer: Bixler, James) Events: 10/01/2010 Request <i>Defendant's Pro Per Request for Transcripts / Court Proceedings</i>	
10/27/2010	 Motion Filed By: Defendant Wilson, Delarian K <i>Defendant's Motion to Appoint Post Conviction Relief Counsel</i>	
11/01/2010	 Order Denying Filed By: Plaintiff State of Nevada <i>Order Denying Defendants Request for Transcripts/Court Proceedings</i>	
11/23/2010	 Opposition to Motion <i>Opposition to Defendant's Motion to Appoint Post-Conviction Relief Counsel</i>	
11/30/2010	 Motion (8:30 AM) (Judicial Officer: Bixler, James)	

DEPARTMENT 24
CASE SUMMARY
CASE No. 07C232494-1

11/30/2010, 12/14/2010	Events: 10/27/2010 Motion <i>Defendant's Motion to Appoint Post Conviction Relief Counsel</i>
12/14/2010	Confirmation of Counsel (8:30 AM) (Judicial Officer: Bixler, James) <i>Confirmation of Counsel (Court Appointment)</i>
12/14/2010	 All Pending Motions (8:30 AM) (Judicial Officer: Bixler, James)
12/17/2010	 Receipt <i>Receipt of File</i>
01/13/2011	 Status Check (8:30 AM) (Judicial Officer: Bixler, James) <i>BRIEFING SCHEDULE</i>
06/15/2011	 Notice of Change of Hearing
10/04/2011	 Decision (8:30 AM) (Judicial Officer: Bixler, James) <i>Argument/Decision</i>
10/10/2011	 Petition for Writ of Habeas Corpus Filed by: Defendant Wilson, Delarian K
10/13/2011	 Order Filed By: Plaintiff State of Nevada <i>Application and Order for Transcripts</i>
10/13/2011	 Order Filed By: Plaintiff State of Nevada <i>Application and Order for Transcripts</i>
11/01/2011	 Response <i>Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction) and Motion to Dismiss</i>
11/17/2011	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Status Check - Heard 01/13/2011</i>
11/29/2011	 Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Bixler, James) 11/29/2011, 12/13/2011 Events: 10/10/2011 Petition for Writ of Habeas Corpus
12/05/2011	 Reply Filed by: Defendant Wilson, Delarian K <i>Reply To State's Response To Defendant's Petition For Writ Of Habeas Corpus (Post-Conviction) And Motion To Dismiss</i>
12/13/2011	CANCELED Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Bixler, James) <i>Vacated - per Clerk dual setting</i>
01/06/2012	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff State of Nevada

DEPARTMENT 24
CASE SUMMARY
CASE No. 07C232494-1

01/18/2012	 Notice of Entry of Decision and Order
01/30/2012	 Motion to Reconsider Filed By: Defendant Wilson, Delarian K <i>Motion For Clarification And/Or Reconsideration Of Denial Of Defendant's Petition For Writ Of Habeas Corpus (Post-Conviction)</i>
02/14/2012	 Motion (8:30 AM) (Judicial Officer: Bixler, James) 02/14/2012, 03/13/2012 <i>Motion For Clarification And/Or Reconsideration Of Denial Of Defendant's Petition For Writ Of Habeas Corpus (Post-Conviction)</i>
02/21/2012	 Notice of Appeal (criminal) Party: Defendant Wilson, Delarian K <i>Notice Of Appeal</i>
02/21/2012	 Order Filed By: Defendant Wilson, Delarian K <i>Order Staying The Findings of Fact, Conclusions of Law, and Order</i>

DATE

FINANCIAL INFORMATION

Defendant Wilson, Delarian K	
Total Charges	175.00
Total Payments and Credits	0.00
Balance Due as of 2/23/2012	175.00

ORIGINAL

FILED

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Ann L. L. L.
CLERK OF THE COURT

ORDR

DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
LISA LUZAICH
Chief Deputy District Attorney
Nevada Bar #005056
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DELARIAN WILSON,
#1966773

Defendant.

CASE NO: 07C232494-1

DEPT NO: XXIV

FINDINGS OF FACT, CONCLUSIONS OF

LAW AND ORDER

DATE OF HEARING: DECEMBER 13, 2011
TIME OF HEARING: 8:30 A.M.

THIS CAUSE having come on for hearing before the Honorable Judge JAMES BIXLER, District Judge, on the 13th day of December, 2011, the Petitioner not being present, represented By KEITH BROWER, ESQ., the Respondent being represented by DAVID ROGER, District Attorney, by and through LISA LUZAICH, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law:

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07C232494-1
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Findings of Fact, Conclusions of Law and C
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CLERK OF THE COURT

JAN 06 2012

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FINDINGS OF FACT

1. On April 17, 2007, the State of Nevada (hereinafter "State") filed an Amended Criminal Complaint charging Delarian K. Wilson (hereinafter "Defendant") with the following: Conspiracy to Commit Burglary (Gross Misdemeanor – NRS 199.480, 205.060); Conspiracy to Commit Robbery (Felony – NRS 199.480, 200.380); Burglary while in Possession of a Deadly Weapon (Felony – NRS 205.060); Robbery with Use of a Deadly Weapon (Felony – NRS 200.380, 193.165); Assault with Use of a Deadly Weapon (Felony – NRS 200.471, 193.165); First Degree Kidnapping with Use of a Deadly Weapon (Felony – NRS 200.310, 200.320, 193.165); Sexual Assault with Use of a Deadly Weapon (Felony – NRS 200.364, 200.366, 193.165); Coercion with Use of a Deadly Weapon (Felony – NRS 207.190, 193.165); and Open or Gross Lewdness with Use of a Deadly Weapon (Gross Misdemeanor – NRS 201.210, 193.165).
2. Thereafter, Defendant entered into negotiations with the State, and on August 20, 2007, the State filed an Information charging Defendant with the crimes alleged in the Amended Criminal Complaint.
3. On March 28, 2008, the State filed an Amended Information charging Defendant with the following: Counts 1 and 2 - Robbery with Use of a Deadly Weapon (Felony – NRS 200.380, 193.165); and Count 3 - Sexual Assault (Felony – NRS 200.364, NRS 200.366) and Defendant entered into a Guilty Plea Agreement with the State whereby he pled guilty to the crimes alleged in his Amended Information. On April 1, 2008, the court conducted its guilty plea canvass of Defendant and accepted his guilty plea.
4. On July 3, 2008, Defendant was sentenced as follows: Count 1 – Robbery with Use of a Deadly Weapon – a maximum of 180 months with a minimum parole eligibility of 72 months, with an equal and consecutive term, for the use of a deadly weapon, of a maximum of 180 months and a minimum of 72 months; Count 2 – Robbery with Use of a Deadly Weapon – a maximum of 180 months

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2 term, for the use of a deadly weapon, of a maximum of 180 months and a
3 minimum of 72 months; and Count 3 – Sexual Assault – life with the possibility
4 of parole after 10 years. The court ruled that all sentences were to run
5 consecutive to one another. The court also granted Defendant five hundred
6 (500) days credit for time served.

- 7 5. Defendant's Judgment of Conviction was filed on July 16, 2008.
- 8 6. On August 5, 2008 Defendant filed his Notice of Appeal.
- 9 7. On July 7, 2009, the Nevada Supreme Court affirmed Defendant's Judgment of
10 Conviction (Case No 52104). Remittitur issued on August 4, 2009.
- 11 8. On October 10, 2011, Defendant filed a Petition for Writ of Habeas Corpus. On
12 November 1, 2011, the State filed its Response and Motion to Dismiss
13 Defendant's Petition.
- 14 9. Defendant's petition, filed October 10, 2011, was filed outside the one-year
15 limitation as strictly mandated by NRS 34.726; as such, the petition is time
16 barred.
- 17 10. A petition subject to procedural bars may be considered on its merits if good
18 cause is shown.
- 19 11. Defendant failed to plead facts sufficient to demonstrate to the satisfaction of
20 the court that good cause for delay exists sufficient to overcome the one-year
21 time bar.
- 22 12. Defendant received effective assistance of trial counsel.
- 23 13. Defendant received effective assistance of appellate counsel.
- 24 14. Defendant's petition is denied procedurally and on the merits.
- 25 15. Defendant's petition was time barred prior to Mr. Brower being appointed.

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CONCLUSIONS OF LAW

1. The mandatory provisions of NRS 34.726 read:

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).

2. NRS 34.726 has been strictly applied. In Gonzales v. State, 118 Nev. 590, 593, 590 P.3d 901, 902 (2002), the Nevada Supreme Court rejected a habeas petition that was filed two days late, pursuant to the "clear and unambiguous" mandatory provisions of NRS 34.726(1). Gonzales reiterated the importance of filing the petition with the district court within the one year mandate, absent a showing of "good cause" for the delay in filing. Id. at 593, 590 P.3d at 902. The one-year time bar is therefore strictly construed.

3. "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. 30, 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, 769 P.2d 72 (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).

5. 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, 71 P.3d at 506; quoting Murray v. Carrier, 477 U.S. 478, 488, 106 S.Ct. 2639, 2645 (1986); see also Gonzales, 118 Nev. at 595, 53 P.3d at 904; citing Harris v. Warden, 114 Nev. 956, 959-60 n. 4, 964 P.2d 785 n. 4 (1998).

1 6. In addition, to find good cause there must be a "substantial reason; one that
2 affords a legal excuse." Hathaway, 71 P.3d at 506; quoting Colley v. State, 105 Nev. 235,
3 236, 773 P.2d 1229, 1230 (1989), quoting State v. Estencion, 625 P.2d 1040, 1042 (Haw.
4 1981).

5 7. The Nevada Supreme Court has specifically held that the district court has a
6 duty to consider whether the procedural bars apply to a post-conviction petition and not
7 arbitrarily disregard them. In State v. Eighth Judicial District Court, 121 Nev. 225, 112 P.3d
8 1070 (2005), the Nevada Supreme Court held as follows:

9 Given the untimely and successive nature of [defendant's]
10 petition, the district court ***had a duty imposed by law*** to consider
11 whether any or all of [defendant's] claims were barred under
12 NRS 34.726, NRS 34.810, NRS 34.800, or by the law of the case
... [and] the court's failure to make this determination here
constituted an arbitrary and unreasonable exercise of discretion.

13 [Emphasis added.] 121 Nev. at 234. (See also State v. Haberstroh, 119 Nev. 173,
14 180-81, 69 P.3d 676, 681-82 (2003) wherein the Nevada Supreme Court held that parties
15 cannot stipulate to waive, ignore or disregard the mandatory procedural default rules nor can
16 they empower a court to disregard them.) A defendant's petition will not be considered on
17 the merits if it is subject to the procedural bars and no good cause is shown. Id.

18 8. In order to assert a claim for ineffective assistance of counsel, a defendant
19 must prove that he was denied "reasonably effective assistance" of counsel by satisfying the
20 two-prong test set forth in Strickland v. Washington, 466 U.S. 668, 686-87, 104 S.Ct. 2052,
21 2063-64 (1984). Under this test, the defendant must show: first, that his counsel's
22 representation fell below an objective standard of reasonableness, and second, that but for
23 counsel's errors, there is a reasonable probability that the result of the proceedings would
24 have been different. See Strickland, 466 U.S. at 687-688, 694, 104 S.Ct. at 2065, 2068.
25 "Effective counsel does not mean errorless counsel, but rather counsel whose assistance is
26 '[w]ithin the range of competence demanded of attorneys in criminal cases.'" Jackson v.
27 Warden, Nevada State Prison, 91 Nev. 430, 432, 537 P.2d 473, 474 (1975) (quoting
28 McMann v. Richardson, 397 U.S. 759, 771, 90 S.Ct. 1441, 1449 (1970)).

1 9. The court begins with the presumption of effectiveness and then must
2 determine whether the defendant has demonstrated by a preponderance of the evidence that
3 counsel was ineffective. Means v. State, 120 Nev. 1001, 103 P.3d 35 (2004). This analysis
4 does not indicate that the court should "second guess reasoned choices between trial tactics,
5 nor does it mean that defense counsel, to protect himself against allegations of inadequacy,
6 must make every conceivable motion no matter how remote the possibilities are of success."
7 Donovan, 94 Nev. at 675, 584 P.2d at 711; citing Cooper, 551 F.2d at 1166 (9th Cir. 1977).
8 In essence, the court must "judge the reasonableness of counsel's challenged conduct on the
9 facts of the particular case, viewed as of the time of counsel's conduct." Strickland, 466 U.S.
10 at 690, 104 S.Ct. at 2066.

11 10. Even if a defendant can demonstrate that his counsel's representation fell
12 below an objective standard of reasonableness, he must still demonstrate prejudice and show
13 a reasonable probability that, but for counsel's errors, the result of the trial would have been
14 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing
15 Strickland, 466 U.S. at 687.) "A reasonable probability is a probability sufficient to
16 undermine confidence in the outcome." Id. (citing Strickland, 466 U.S. at 687-89, 694).

17 11. To succeed on a claim of ineffective assistance of appellate counsel, the
18 defendant must satisfy the two-prong test set forth by Strickland; that 1) appellate counsel's
19 conduct fell below an objective reasonable standard, and 2) the omitted issue had a
20 reasonable probability of success. 466 U.S. at 687-688, 694, 104 S. Ct. at 2065, 2068.
21 There is a strong presumption that appellate counsel's performance fell within "the wide
22 range of reasonable professional assistance." See United States v. Aguirre, 912 F.2d 555,
23 560 (2nd Cir. 1990).

24 12. The Nevada Supreme Court has held that all appeals must be "pursued in a
25 manner meeting high standards of diligence, professionalism and competence." Burke v.
26 State, 110 Nev. 1366, 1368, 887 P.2d 267, 268 (1994). In Jones v. Barnes, 463 U.S. 745,
27 751-52, 103 S. Ct. 3308, 3313 (1983), the Supreme Court recognized that part of
28 professional diligence and competence involves "winnowing out weaker arguments on

1 appeal and focusing on one central issue if possible, or at most on a few key issues." In
2 particular, a "brief that raises every colorable issue runs the risk of burying good arguments .
3 . . in a verbal mound made up of strong and weak contentions." Id. at 753, at 3313. The
4 Court also held that, "for judges to second-guess reasonable professional judgments and
5 impose on appointed counsel a duty to raise every 'colorable' claim suggested by a client
6 would disserve the very goal of vigorous and effective advocacy." Id. at 754, at 3314.

7 **ORDER**

8 THEREFORE, **IT IS HEREBY ORDERED** that the Petition for Post-Conviction
9 Relief shall be, and is, denied.

10 DATED this 12 day of December, 2012.

11 
12 DISTRICT JUDGE


13
14 DAVID ROGER
15 DISTRICT ATTORNEY
16 Nevada Bar #002781

17 BY

18 
19 LISA LUZAICH
20 Chief Deputy District Attorney
21 Nevada Bar #005056
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CERTIFICATE OF SERVICE

I, HOWARD CONRAD, certify that on the 19th day of December, 2011, I mailed a copy of the foregoing proposed Findings of Fact, Conclusions of Law, and Order to KEITH BROWER, ESQ., AT 8275 SOUTH EASTERN AVE., LAS VEGAS, NEVADA 89123, for his review.

A handwritten signature in black ink, appearing to read 'Howard Conrad', is written over a horizontal line.

FILED

JAN 18 2012

1 NOED

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

Heather Ungermann
CLERK OF COURT

4
5 DELARIAN K. WILSON,

6 Petitioner,

7 vs.

8 THE STATE OF NEVADA,

9 Respondent,

07C232494-1
NOED
Notice of Entry of Decision and Order
1744181



Case No: 07C232494-1
Dept No: XXIV

NOTICE OF ENTRY OF
DECISION AND ORDER

11 PLEASE TAKE NOTICE that on January 6, 2012, the court entered a decision or order in this matter, a
12 true and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
14 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is
15 mailed to you. This notice was mailed on January 18, 2012.

16 STEVEN D. GRIERSON, CLERK OF THE COURT

17 By: *Heather Ungermann*

18 Heather Ungermann, Deputy Clerk

19 CERTIFICATE OF MAILING

20 I hereby certify that on this 18 day of January 2012, I placed a copy of this Notice of Entry of Decision and
21 Order in:

22 The bin(s) located in the Office of the District Court Clerk of:
23 Clark County District Attorney's Office
Attorney General's Office – Appellate Division

24 ☒ The United States mail addressed as follows:

25 Delarian Wilson # 1022177
26 P.O. Box 208
Indian Springs, NV 89070

Keith C. Brower, Esq.
8275 S. Eastern, Suite 200
Las Vegas, NV 89123

27 *Heather Ungermann*
28 Heather Ungermann, Deputy Clerk

ORIGINAL

FILED

JAN 6 11 00 AM '12

John L. ...
CLERK OF THE COURT

1 **ORDR**

2 **DAVID ROGER**
3 **Clark County District Attorney**
4 **Nevada Bar #002781**
5 **LISA LUZAICH**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #005056**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

10 **THE STATE OF NEVADA,**
11 **Plaintiff,**

12 **-vs-**

13 **DELARIAN WILSON,**
14 **#1966773**

15 **Defendant.**

CASE NO: 07C232494-1

DEPT NO: XXIV

16 **FINDINGS OF FACT, CONCLUSIONS OF**

17 **LAW AND ORDER**

18 **DATE OF HEARING: DECEMBER 13, 2011**
19 **TIME OF HEARING: 8:30 A.M.**

20 **THIS CAUSE** having come on for hearing before the Honorable Judge JAMES
21 **BIXLER**, District Judge, on the 13th day of December, 2011, the Petitioner not being
22 present, represented By **KEITH BROWER, ESQ.**, the Respondent being represented by
23 **DAVID ROGER**, District Attorney, by and through **LISA LUZAICH**, Chief Deputy District
24 Attorney, and the Court having considered the matter, including briefs, transcripts,
25 arguments of counsel, and documents on file herein, now therefore, the Court makes the
26 following findings of fact and conclusions of law:

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07C232494 - 1
FFCO
Findings of Fact, Conclusions of Law and C
1739541

FINDINGS OF FACT

1. On April 17, 2007, the State of Nevada (hereinafter "State") filed an Amended Criminal Complaint charging Delarian K. Wilson (hereinafter "Defendant") with the following: Conspiracy to Commit Burglary (Gross Misdemeanor – NRS 199.480, 205.060); Conspiracy to Commit Robbery (Felony – NRS 199.480, 200.380); Burglary while in Possession of a Deadly Weapon (Felony – NRS 205.060); Robbery with Use of a Deadly Weapon (Felony – NRS 200.380, 193.165); Assault with Use of a Deadly Weapon (Felony – NRS 200.471, 193.165); First Degree Kidnapping with Use of a Deadly Weapon (Felony – NRS 200.310, 200.320, 193.165); Sexual Assault with Use of a Deadly Weapon (Felony – NRS 200.364, 200.366, 193.165); Coercion with Use of a Deadly Weapon (Felony – NRS 207.190, 193.165); and Open or Gross Lewdness with Use of a Deadly Weapon (Gross Misdemeanor – NRS 201.210, 193.165).
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5 consecutive to one another. The court also granted Defendant five hundred
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- 9 7. On July 7, 2009, the Nevada Supreme Court affirmed Defendant's Judgment of
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18 cause is shown.
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15 [Emphasis added.] 121 Nev. at 234. (See also State v. Haberstroh, 119 Nev. 173,
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19 the merits if it is subject to the procedural bars and no good cause is shown. Id.

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25 counsel's errors, there is a reasonable probability that the result of the proceedings would
26 have been different. See Strickland, 466 U.S. at 687-688, 694, 104 S.Ct. at 2065, 2068.
27 "Effective counsel does not mean errorless counsel, but rather counsel whose assistance is
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Warden, Nevada State Prison, 91 Nev. 430, 432, 537 P.2d 473, 474 (1975) (quoting
McMann v. Richardson, 397 U.S. 759, 771, 90 S.Ct. 1441, 1449 (1970)).

1 9. The court begins with the presumption of effectiveness and then must
2 determine whether the defendant has demonstrated by a preponderance of the evidence that
3 counsel was ineffective. Means v. State, 120 Nev. 1001, 103 P.3d 35 (2004). This analysis
4 does not indicate that the court should "second guess reasoned choices between trial tactics,
5 nor does it mean that defense counsel, to protect himself against allegations of inadequacy,
6 must make every conceivable motion no matter how remote the possibilities are of success."
7 Donovan, 94 Nev. at 675, 584 P.2d at 711; citing Cooper, 551 F.2d at 1166 (9th Cir. 1977).
8 In essence, the court must "judge the reasonableness of counsel's challenged conduct on the
9 facts of the particular case, viewed as of the time of counsel's conduct." Strickland, 466 U.S.
10 at 690, 104 S.Ct. at 2066.

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12 below an objective standard of reasonableness, he must still demonstrate prejudice and show
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15 Strickland, 466 U.S. at 687.) "A reasonable probability is a probability sufficient to
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17 11. To succeed on a claim of ineffective assistance of appellate counsel, the
18 defendant must satisfy the two-prong test set forth by Strickland; that 1) appellate counsel's
19 conduct fell below an objective reasonable standard, and 2) the omitted issue had a
20 reasonable probability of success. 466 U.S. at 687-688, 694, 104 S. Ct. at 2065, 2068.
21 There is a strong presumption that appellate counsel's performance fell within "the wide
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24 12. The Nevada Supreme Court has held that all appeals must be "pursued in a
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26 State, 110 Nev. 1366, 1368, 887 P.2d 267, 268 (1994). In Jones v. Barnes, 463 U.S. 745,
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3 . . in a verbal mound made up of strong and weak contentions." Id. at 753, at 3313. The
4 Court also held that, "for judges to second-guess reasonable professional judgments and
5 impose on appointed counsel a duty to raise every 'colorable' claim suggested by a client
6 would disserve the very goal of vigorous and effective advocacy." Id. at 754, at 3314.

7 **ORDER**

8 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction
9 Relief shall be, and is, denied.

10 DATED this 12th day of December, 2011.

11 
12 DISTRICT JUDGE
13

14 DAVID ROGER
15 DISTRICT ATTORNEY
16 Nevada Bar #002781

17 BY

18 
19 LISA LUZAICH
20 Chief Deputy District Attorney
21 Nevada Bar #005056
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CERTIFICATE OF SERVICE

I, HOWARD CONRAD, certify that on the 19th day of December, 2011, I mailed a copy of the foregoing proposed Findings of Fact, Conclusions of Law, and Order to KEITH BROWER, ESQ., AT 8275 SOUTH EASTERN AVE., LAS VEGAS, NEVADA 89123, for his review.

A handwritten signature in black ink, appearing to read 'Howard Conrad', is written over a horizontal line.

THE SEALED PORTION
OF THESE MINUTES
WILL FOLLOW VIA
U.S. MAIL.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 17, 2010

07C232494-1

The State of Nevada vs Delarian K Wilson

August 17, 2010

8:30 AM

Motion for Order

HEARD BY: Bixler, James

COURTROOM: RJC Courtroom 10C

COURT CLERK: Melissa Benson

RECORDER:

REPORTER: Bill Nelson

PARTIES

PRESENT:

JOURNAL ENTRIES

- Mr. Nones present on behalf of Deft. Mr. Fattig present on behalf of State.

COURT ORDERED, motion GRANTED. Counsel to provide files to Deft. directly as he is pro per.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 19, 2010

07C232494-1

The State of Nevada vs Delarian K Wilson

October 19, 2010

8:30 AM

Request

HEARD BY: Bixler, James

COURTROOM: RJC Courtroom 10C

COURT CLERK: Theresa Lee

RECORDER:

REPORTER: Bill Nelson

PARTIES

PRESENT: Fattig, John T Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Deft not present, incarcerated NDC. Record Reflect, Mr. Oronoz is off the case and sent deft his file. Deft is now in proper person and has filed a motion for transcripts. He is serving a 20 year sentence in NDC. Court stated, deft needs to identify what possible writ issues he is pursuing and needs to explain in his motion why these transcripts will benefit him in pursuing his issues in support of the Writ. COURT ORDERED, motion DENIED WITHOUT PREJUDICE. Clerk to send deft a copy of the court minutes from today.

NDC

CLERK'S NOTE: A copy of this minute order is placed in the U.S. Mail to Deft at Delarian Wilson; ID Number 1022177; Ely State Prison; P.O.Box 1989; Ely, Nevada 89301

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 30, 2010**

07C232494-1

The State of Nevada vs Delarian K Wilson

November 30, 2010 8:30 AM Motion**HEARD BY:** Bixler, James**COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Theresa Lee**RECORDER:****REPORTER:** Bill Nelson**PARTIES**

PRESENT:	Kramer, Kristen B.	Attorney
	Oronoz, James A	Attorney
	State of Nevada	Plaintiff
	Wilson, Delarian K	Defendant

JOURNAL ENTRIES

- Deft not present, incarcerated NDC. Mr. Oronoz requested permission to approach the Bench, COURT SO ORDERED. Court noted, no direct appeal was taken on this case, and the time has expired. Court stated, independent counsel may want to review this case and ORDERED, matter CONTINUED two weeks, Clerk to contact Drew Christensen's office to appoint counsel to review the file and determine if a Lozada hearing is necessary.

NDC

12/14/10 8:30 A.M. CONFIRMATION OF COUNSEL (COURT APPOINTED APPELLATE COUNSEL),...DEFT'S MOTION TO APPOINT POST CONVICTION RELIEF COUNSEL

CLERK'S NOTE: Clerk notified Drew Christensen's office via e-mail. (tl)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 14, 2010

07C232494-1

The State of Nevada vs Delarian K Wilson

December 14, 2010 8:30 AM

All Pending Motions

HEARD BY: Bixler, James

COURTROOM: RJC Courtroom 10C

COURT CLERK: Phyllis Irby

RECORDER:

REPORTER: Bill Nelson

PARTIES

PRESENT:	Fattig, John T	Attorney
	Oronoz, James A	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO APPOINT POST CONVICTION RELIEF
COUNSEL...CONFIRMATION OF COUNSEL (COURT APPOINTMENT)

Deft not present. Court noted, Deft doesn't need to be present, Mr. Brower is going to be here to take a look at this matter; he will be appointed at that time. Mr. Oronoz is WITHDRAWN AS COUNSEL. Mr. Brower doesn't have any conflicts and can accept APPOINTMENT. Therefore, Mr. Brower is hereby APPOINTED AS COUNSEL. Mr. Brower to obtain file and look over. COURT ORDERED, MATTER CONTINUED for status check on briefing schedule.

NDC

1-13-11 8:30 AM STATUS CHECK: BRIEFING SCHEDULE (DEPT. XXIV)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 13, 2011

07C232494-1

The State of Nevada vs Delarian K Wilson

January 13, 2011

8:30 AM

Status Check

HEARD BY: Bixler, James

COURTROOM: RJC Courtroom 10C

COURT CLERK: Tia Everett

RECORDER:

REPORTER:

PARTIES

PRESENT:	Brower, Keith	Attorney
	Schifalacqua, Barbara	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Bob Cangemi, Court Report, present.

Colloquy regarding scheduling. COURT ORDERED, Briefing Schedule set as follows; Defendant's Opening Brief shall be due on or before 4/25/2011; State's Response shall be due on or before 7/25/2011; Defendant's Reply shall be due on or before 9/26/2011 and matter Set for Argument.

NDC

10/04/2011 8:30 AM ARGUMENT/DECISION

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 04, 2011**

07C232494-1

The State of Nevada vs Delarian K Wilson

October 04, 2011**8:30 AM****Decision****HEARD BY:** Bixler, James**COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Theresa Lee**RECORDER:****REPORTER:** Bill Nelson**PARTIES**

PRESENT:	Brower, Keith	Attorney
	Fattig, John T	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft not present, incarcerated NDC. CONFERENCE AT THE BENCH at the request of Mr. Brower. Court stated in Ms. Luzaich's absence, the Court will set an abbreviated briefing schedule. Mr. Brower stated he has one issue to brief on Deft's motion to withdraw his guilty plea. COURT ORDERED, Mr. Brower to file Deft's Post Conviction Writ of Habeas Corpus to be filed by 10/10/11, State will have 45 days to file their response by 11/28/11, one week for Mr. Brower to file a reply by 12/5/11 and the matter is set for argument on 12/13/11.

Ms. Luzaich now present and was given the dates of the briefing schedule.

NDC

12/13/11 AT 8:30 A.M. DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 29, 2011

07C232494-1

The State of Nevada vs Delarian K Wilson

November 29, 2011 8:30 AM

**Petition for Writ of Habeas
Corpus**

HEARD BY: Bixler, James

COURTROOM: RJC Courtroom 10C

COURT CLERK: Theresa Lee

RECORDER:

REPORTER: Robert Cangemi

PARTIES

PRESENT: Schwartz, Michael J. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Deft neither present nor represented by counsel. COURT ORDERED, matter TRAILED for Mr. Brower's presence.

LATER, Court recalled matter and due to the hour and Court's calendar, COURT ORDERED, matter CONTINUED. Court Staff to notify counsel.

NDC

12/13/11 AT 8:30 A.M. SAME

CLERK'S NOTE: Court's Law Clerk notified Mr. Brower this date and spoke to him personally regarding the continuance date. (tl)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 13, 2011**

07C232494-1

The State of Nevada vs Delarian K Wilson

December 13, 2011 8:30 AM**Petition for Writ of Habeas
Corpus****HEARD BY:** Bixler, James**COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Theresa Lee**RECORDER:****REPORTER:** Robert Cangemi**PARTIES**

PRESENT:	Brower, Keith	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft not present. Arguments by counsel. COURT ORDERED, the Court FINDS the writ is time barred, and on the merits deft does not prevail, therefore, the Writ is DENIED. Mr. Brower requested the record reflect the Writ was already time barred before he ever was appointed on the case. Further comment by the Court regarding the facts of the case. Upon Inquiry by Mr. Brower, COURT ORDERED, Mr. Brower is to continue is APPOINTMENT on this case for the appeal.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 14, 2012

07C232494-1

The State of Nevada vs Delarian K Wilson

February 14, 2012

8:30 AM

Motion

HEARD BY: Bixler, James

COURTROOM: RJC Courtroom 10C

COURT CLERK: Theresa Lee

RECORDER:

REPORTER: Bill Nelson

PARTIES

PRESENT:	Brower, Keith	Attorney
	Fattig, John T	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft neither present nor represented. Court noted, an Order to Transport deft was signed, however, deft was not brought to court. Court queried the State if they could have him present on Thursday. Mr. Fattig stated Mr. Brower did not serve him with the motion, therefore, State is asking for three weeks to file a written response, and is not sure deft needs to be present. COURT ORDERED, State will have until 3/6/12 to file a response, and the motion is CONTINUED. Clerk to notify Mr. Brower. FURTHER ORDERED, State to prepare an Order to Transport deft.

LATER, Court recalled matter, Keith Brower now present, and informed the Court he has to file his Appeal by next Tuesday, and not sure if a motion to reconsider stays the running of the appeal time. He will research the matter. COURT ORDERED, motion CONTINUED 30 days, State will file their response by 3/6/12. Court advised Mr. Brower if he has any issues with regard to time frames and has to calendar the matter, he may do so with one days notice.

NDC

3/13/12 AT 8:30 A.M. SAME

Exhibit List

Case Nbr: 07C232494-1 Party: Sort Order: Status Defendant Name: Wilson, Delarian K DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P22	Plaintiff			PHOTO		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 185567								
DA	Defendant			SEARCH WARRANT		Wilson, Delarian K	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 185589								
DF	Defendant			CD WILSON'S INTERVIEW		Wilson, Delarian K	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 185594								
PCT1	Plaintiff			TRANSCRIPT OF CD DEFT INTERVIEW #43		State of Nevada	District Court Criminal/Civil 04/15/2009	Evidence Vault
Comment: ExhibitID : 185597								
PCT2	Plaintiff			JURY NOTE #11		State of Nevada	District Court Criminal/Civil 04/16/2009	Evidence Vault
Comment: ExhibitID : 185598								
PCT3	Plaintiff			JURY NOTE JUROR #10		State of Nevada	District Court Criminal/Civil 04/17/2009	Evidence Vault
Comment: ExhibitID : 185599								
PCT4	Plaintiff			JURY NOTE DURING DELIBERATION		State of Nevada	District Court Criminal/Civil 04/17/2009	Evidence Vault
Comment: ExhibitID : 185600								
P1-20	Plaintiff	Admitted 01/11/2009		PHOTO		State of Nevada	District Court Criminal/Civil 01/11/2009	Evidence Vault
Comment: ExhibitID : 185565 NO OBJECTION								

Exhibit List

Case Nbr: 07C232494-1 Party: Sort Order: Status Defendant Name: Wilson, Delarian K DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P21	Plaintiff	Admitted 04/14/2009		CD- 911 CALL		State of Nevada	District Court Criminal/Civil 04/14/2009	Evidence Vault
Comment: ExhibitID : 185566 NO OBJECTION								
P23-25	Plaintiff	Admitted 04/14/2009		PHOTO		State of Nevada	District Court Criminal/Civil 04/14/2009	Evidence Vault
Comment: ExhibitID : 185568 NO OBJECTION								
P26	Plaintiff	Admitted 04/14/2009		ENVELOPE: SEXUAL ASSAULT KIT		State of Nevada	District Court Criminal/Civil 04/14/2009	Evidence Vault
Comment: ExhibitID : 185569 NO OBJECTION								
P27	Plaintiff	Admitted 04/14/2009		ENVELOPE: FINGERPRINT LIFTS FROM BOTTLE		State of Nevada	District Court Criminal/Civil 04/14/2009	Evidence Vault
Comment: ExhibitID : 185570 NO OBJECTION								
P28	Plaintiff	Admitted 04/14/2009		BAG: LOTION BOTTLE		State of Nevada	District Court Criminal/Civil 04/14/2009	Evidence Vault
Comment: ExhibitID : 185571 NO OBJECTION								
P29	Plaintiff	Admitted 04/15/2009		PHOTO ATM DRIVE THROUGH		State of Nevada	District Court Criminal/Civil 04/15/2009	Evidence Vault
Comment: ExhibitID : 185572 NO OBJECTION								

Exhibit List

Case Nbr: 07C232494-1 Party: Sort Order: Status Defendant Name: Wilson, Delarian K DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P30	Plaintiff	Admitted 04/15/2009		PHOTO W/NUMBER 8744		State of Nevada	District Court Criminal/Civil 04/15/2009	Evidence Vault
Comment: ExhibitID : 185573 NO OBJECTION								
P31	Plaintiff	Admitted 04/15/2009		PHOTO W/IROING BOARD AND IRON		State of Nevada	District Court Criminal/Civil 04/15/2009	Evidence Vault
Comment: ExhibitID : 185574 NO OBJECTION								
P32	Plaintiff	Admitted 04/15/2009		PHOTO W/SUITCASE AND COAT		State of Nevada	District Court Criminal/Civil 04/15/2009	Evidence Vault
Comment: ExhibitID : 185575 NO OBJECTION								
P33	Plaintiff	Admitted 04/15/2009		PHOTO W/HATS		State of Nevada	District Court Criminal/Civil 04/15/2009	Evidence Vault
Comment: ExhibitID : 185576 NO OBJECTION								
P34	Plaintiff	Admitted 04/15/2009		PHOTO W/ARM & HAMMER & CONDOM		State of Nevada	District Court Criminal/Civil 04/15/2009	Evidence Vault
Comment: ExhibitID : 185577 NO OBJECTION								
P35	Plaintiff	Admitted 04/15/2009		PHOTO W/TROJAN CONDOM		State of Nevada	District Court Criminal/Civil 04/15/2009	Evidence Vault
Comment: ExhibitID : 185578 NO OBJECTION								

Exhibit List

Case Nbr: 07C232494-1 Party: Sort Order: Status Defendant Name: Wilson, Delarian K DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P36	Plaintiff	Admitted 04/15/2009		PHOTO OF EXPEDIA.COM INTINERARY		State of Nevada	District Court Criminal/Civil 04/15/2009	Evidence Vault
Comment: ExhibitID : 185579 NO OBJECTION								
P37	Plaintiff	Admitted 04/15/2009		PHOTO OF CASH VOUCHER 55066096		State of Nevada	District Court Criminal/Civil 04/15/2009	Evidence Vault
Comment: ExhibitID : 185580 NO OBJECTION								
P38	Plaintiff	Admitted 04/15/2009		PHOTO OF CASE VOCHER 55066097		State of Nevada	District Court Criminal/Civil 04/15/2009	Evidence Vault
Comment: ExhibitID : 185581 NO OBJECTION								
P39	Plaintiff	Admitted 04/15/2009		PHOTO OF BLACK T SHIRT		State of Nevada	District Court Criminal/Civil 04/15/2009	Evidence Vault
Comment: ExhibitID : 185582 NO OBJECTION								
P40	Plaintiff	Admitted 04/15/2009		CIRCUS-CIRCUS ROOM PAPERWORK		State of Nevada	District Court Criminal/Civil 04/15/2009	Evidence Vault
Comment: ExhibitID : 185583 NO OBJECTION								
P41	Plaintiff	Admitted 04/15/2009		LATENT PRINT- LEFT MIDDLE & RING FINGER		State of Nevada	District Court Criminal/Civil 04/15/2009	Evidence Vault
Comment: ExhibitID : 185584 NO OBJECTION								

Exhibit List

Case Nbr: 07C232494-1 Party: Sort Order: Status Defendant Name: Wilson, Delarian K DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P42	Plaintiff	Admitted 04/15/2009		EVIDENCE BAG AND CONTENTS		State of Nevada	District Court Criminal/Civil 04/15/2009	Evidence Vault
Comment: ExhibitID : 185585 NO OBJECTION								
P43	Plaintiff	Admitted 04/15/2009		CD-DEFT INTERVIEW		State of Nevada	District Court Criminal/Civil 04/15/2009	Evidence Vault
Comment: ExhibitID : 185586 NO OBJECTION								
P44	Plaintiff	Admitted 04/15/2009		PHOTO OF DELARIAN WILSON		State of Nevada	District Court Criminal/Civil 04/15/2009	Evidence Vault
Comment: ExhibitID : 185587 NO OBJECTION								
P45	Plaintiff	Admitted 04/16/2009		CD LAST TRACK OF DEFT INTERVIEW		State of Nevada	District Court Criminal/Civil 04/16/2009	Evidence Vault
Comment: ExhibitID : 185588 NO OBJECTION								
DB	Defendant	Admitted 04/09/2009		SUBPOENA		Wilson, Delarian K	District Court Criminal/Civil 04/09/2009	Evidence Vault
Comment: ExhibitID : 185590 NO OBJECTION								
DC	Defendant	Admitted 04/09/2009		NEVADA POWER INFO CARDS (COPIES)		Wilson, Delarian K	District Court Criminal/Civil 04/09/2009	Evidence Vault
Comment: ExhibitID : 185591 NO OBJECTION								

Exhibit List

Case Nbr: 07C232494-1 Party: Sort Order: Status Defendant Name: Wilson, Delarian K DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
DD	Defendant	Admitted 04/15/2009		GLOBAL CASH RECEIPT		Wilson, Delarian K	District Court Criminal/Civil 04/15/2009	Evidence Vault
Comment: ExhibitID : 185592 NO OBJECTION								
DE	Defendant	Admitted 04/15/2009		GREYHOUND TICKET		Wilson, Delarian K	District Court Criminal/Civil 04/15/2009	Evidence Vault
Comment: ExhibitID : 185593 NO OBJECTION								
DF1	Defendant	Admitted 04/16/2009		CD REDATED WILSON'S INTERVIEW		Wilson, Delarian K	District Court Criminal/Civil 04/16/2009	Evidence Vault
Comment: ExhibitID : 185595 NO OBJECTION								
DG	Defendant	Admitted 04/16/2009		GPA DELARIAN WILSON		Wilson, Delarian K	District Court Criminal/Civil 04/16/2009	Evidence Vault
Comment: ExhibitID : 185596 NO OBJECTION								
P-1	Plaintiff	Admitted 04/09/2008		HENDERSON POLICE DEPT ADMIN REQUEST		State of Nevada	District Court Criminal/Civil 04/09/2008	Evidence Vault
Comment: ExhibitID : 185636 NO OBJECTION								
P-2 &3	Plaintiff	Admitted 04/09/2009		NEVADA POWER INFORMATION SHEET		State of Nevada	District Court Criminal/Civil 04/09/2009	Evidence Vault
Comment: ExhibitID : 185637 NO OBJECTION								

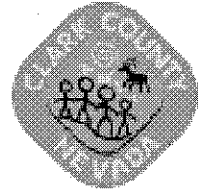
Exhibit List

Case Nbr: 07C232494-1 Party: Sort Order: Status Defendant Name: Wilson, Delarian K DOB:

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P-4	Plaintiff	Admitted 04/09/2009		TELEPHONE INFO (HOME AND CELLULAR)		State of Nevada	District Court Criminal/Civil 04/09/2009	Evidence Vault
Comment: ExhibitID : 185638 NO OBJECTION								



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT



KEITH C. BROWER, ESQ.
8275 S. EASTERN, #200
LAS VEGAS, NV 89123

DATE: February 23, 2012
CASE: C232494-1

RE CASE: STATE OF NEVADA vs. DELARIAN K. WILSON

NOTICE OF APPEAL FILED: February 21, 2012

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:



Case Appeal Statement

- NRAP 3 (a)(1), Form 2



Order



Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

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; DISTRICT COURT DOCKET ENTRIES; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF ENTRY OF DECISION AND ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

DELARIAN K. WILSON,

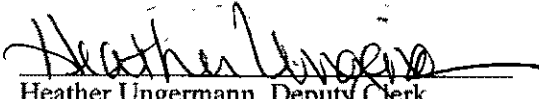
Defendant(s).

Case No: C232494-1
Dept No: XXIV

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 23 day of February 2012.

Steven D. Grierson, Clerk of the Court


Heather Ungermann, Deputy Clerk