

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * *

DOMONIC MALONE,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

CASE NO. 61006

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APPELLANT'S APPENDIX

VOLUME 18

Direct Appeal From A Judgment of Conviction
Eighth Judicial District Court
The Honorable Michael Villani, District Court Judge
District Court No. C224572

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BY, _____
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DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

THE STATE OF NEVADA,	.	CASE NO. C-224572
	.	
Plaintiff,	.	DEPT. NO. XVII
	.	
vs.	.	
	.	TRANSCRIPT OF
DOMONIC RONALDO MALONE,	.	PROCEEDINGS
	.	
Defendant.	.	
.	

BEFORE THE HONORABLE MICHAEL VILLANI, DISTRICT COURT JUDGE

JURY TRIAL - DAY 16

WEDNESDAY, FEBRUARY 1, 2012

APPEARANCES:

FOR THE PLAINTIFF: MARC DiGIACOMO, ESQ.
 CHRISTOPHER LALLI, ESQ.
 Chief Deputy District Attorneys

FOR THE DEFENDANT: RANDALL H. PIKE, ESQ.
 CHARLES A. CANO, ESQ.
 Assistant Special Public
 Defenders

COURT RECORDER:

MICHELLE RAMSEY
District Court

TRANSCRIPTION BY:

VERBATIM DIGITAL REPORTING, LLC
Englewood, CO 80110

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

1 MR. LALLI: Thank you.

2 MR. PIKE: Okay. Thanks. And just so the record's
3 clear, the proceedings, as they're at now, the jury is
4 deliberating on the guilt portion of it, and this would only
5 become relevant upon a conviction of first degree. And would
6 only act as other evidence in the event the State continues to
7 seek the death penalty. And I think --

8 MR. LALLI: Procedurally --

9 MR. PIKE: -- procedurally, that's correct.

10 MR. LALLI: -- that's accurate.

11 MR. PIKE: Okay.

12 THE COURT: Right. You know, the jury's still
13 deliberating as we speak, for the trial -- we'll call it the
14 trial portion, or guilt portion.

15 MR. PIKE: All right. Thank you very much, Your
16 Honor.

17 THE COURT: All right. Thank you.

18 (Pause in the proceedings)

19 THE COURT: Oh, Mr. Pike, prepare the Order, please.

20 MR. PIKE: Thank you.

21 (Court recessed at 11:14 a.m. until 1:19 p.m.)

22 (Outside the presence of the jury)

23 THE COURT: All right. We're outside the presence
24 of the jury panel. I understand we have a verdict.
25 Obviously, if the verdict's not guilty, Mr. Malone will be

1 released today on these charges. If it's not first degree,
2 then we'll just set a sentencing date. If it is first degree,
3 we'll need to have a penalty hearing.

4 I understand from talking to counsel, I believe,
5 either earlier today or yesterday, as far as scheduling
6 witnesses, I think there was an agreement that we would start
7 Friday; is that correct?

8 MR. DiGIACOMO: Judge, based upon this morning -- I
9 don't know if Mr. Lalli wants to address this.

10 Mr. Pike, I understand, has drafted a written Order
11 from the Court's Ruling. We're going to request Monday. We
12 have an out-of-state witness for the victims' family. I
13 believe they don't have their witnesses scheduled until
14 Monday.

15 MR. LALLI: We actually have two out-of-state
16 witnesses.

17 MR. DiGIACOMO: We have two out-of-state witnesses.

18 MR. PIKE: We have ours flying in on Sunday, but we
19 can move their --

20 MR. CANO: We can move their flights, yeah.

21 MR. PIKE: -- flights to Monday, or Tuesday, so.

22 MR. DiGIACOMO: We're going to request a Monday
23 start to review the Order and make some decisions as to
24 whether or not we're going to seek interlocutory intervention,
25 Judge.

1 THE COURT: Okay.

2 MR. PIKE: And I drafted, for the Court's -- just
3 for the Court's information, I drafted two proposed Orders and
4 sent them over to the State if they -- so that they can add or
5 make a determination which Order they want, because I don't
6 have a preference one way or the other.

7 THE COURT: So we could start at 9:30 Monday?

8 MR. PIKE: That would be fine.

9 MR. DiGIACOMO: Yes.

10 MR. CANO: That's fine, Your Honor.

11 THE COURT: Okay. Good. All right. Let's call the
12 jury in.

13 (Pause in the proceedings)

14 THE MARSHAL: Officers and members of the Court,
15 Department 17 jurors.

16 (Jury reconvened at 1:23 p.m.)

17 THE MARSHAL: You may be seated, ladies and
18 gentlemen. Let's make sure all cell phones are turned off,
19 please.

20 THE COURT: All right. We're back on the record
21 here. I understand that we do have a verdict.

22 And who is our foreperson?

23 Sir, if you could please hand the verdict form to
24 the Marshal.

25 All right. The Clerk will now read the verdict.

1 The Defendant could please stand, and counsel.

2 VERDICT

3 THE CLERK: District Court, Clark County, Nevada.

4 The State of Nevada, plaintiff vs. Domonic Ronaldo Malone,
5 defendant. Case No. C-224572, Department No. 17.

6 Verdict. We, the jury in the above-entitled case,
7 find the defendant, Domonic Ronaldo Malone, as follows:

8 Count 1. Battery with Substantial Bodily Harm;
9 Guilty of Battery with Substantial Bodily Harm.

10 Count 2. Conspiracy to Commit Kidnapping; Guilty of
11 Conspiracy to Commit Kidnapping.

12 Count 3. First Degree Kidnapping; Guilty of First
13 Degree Kidnapping.

14 Count 4. Battery with Substantial Bodily Harm;
15 Guilty of Battery without Substantial Bodily Harm.

16 Count 5. Robbery; Not guilty.

17 Count 6. Pandering; Not guilty.

18 Count 7. Conspiracy to Commit Burglary; Guilty of
19 Conspiracy to Commit Burglary.

20 Count 8. Conspiracy to Commit Kidnapping; Guilty of
21 Conspiracy to Commit Kidnapping.

22 Count 9. Conspiracy to Commit Murder; Guilty of
23 Conspiracy to Commit Murder.

24 Burglary; Not guilty.

25 Count 11. First Degree Kidnapping; Guilty of First

1 Degree Kidnapping.

2 Count 12. First Degree Kidnapping; Guilty of First
3 Degree Kidnapping.

4 Count 13. Murder with Use of a Deadly Weapon,
5 Charlotte Combado; Guilty of First Degree Murder with Use of a
6 Deadly Weapon.

7 Special Verdict. If you find the Defendant guilty
8 of First Degree Murder with Use of a Deadly Weapon, or First
9 Degree Murder without Use of a Deadly Weapon, answer the
10 following by checking the appropriate box, or boxes.

11 The jury unanimously finds the murder wilful,
12 deliberate and premeditated.

13 The jury unanimously finds the murder was committed
14 during the perpetration or attempted perpetration, kidnapping.

15 The jury unanimously finds the murder was committed
16 during the perpetration or attempted perpetration of robbery.

17 Count 14. Murder with Use of a Deadly Weapon,
18 Victoria Magee; Guilty of First Degree Murder with Use of a
19 Deadly Weapon.

20 Special Verdict. If you find the Defendant guilty
21 of First Degree Murder with Use of a Deadly Weapon, or First
22 Degree Murder without Use of a Deadly Weapon, answer the
23 following questions by checking the appropriate box, or boxes.

24 The jury unanimously finds the murder wilful,
25 deliberate and premeditated.

1 The jury unanimously finds the murder was committed
2 during the perpetration or attempted perpetration, kidnapping.

3 The jury unanimously finds the murder was committed
4 during the perpetration or attempted perpetration of robbery.

5 Count 15. Robbery with Use of a Deadly Weapon;
6 Guilty of Robbery With Use of a Deadly Weapon.

7 Count 16. Robbery with Use of a Deadly Weapon;
8 Guilty of Robbery with Use of a Deadly Weapon.

9 Signed this 15th [sic] day of February by the Jury
10 Foreperson.

11 Ladies and gentlemen of the jury, is this your
12 verdict, so say you one, so say you all?

13 THE JURY: Yes.

14 THE COURT: Do either side wish to have the jury
15 polled? State?

16 MR. LALLI: No.

17 MR. DiGIACOMO: No, Your Honor.

18 THE COURT: Defense?

19 MR. PIKE: Yes.

20 THE COURT: Yes?

21 MR. PIKE: Yes, Your Honor.

22 THE COURT: All right. Go ahead, Carol.

23 THE CLERK: Juror No. 2, is this your verdict, as
24 read?

25 JUROR NO. 2: Yes.

1 THE CLERK: Juror No. 3, is this your verdict, as
2 read?

3 JUROR NO. 3: Yes.

4 THE CLERK: Juror No. 4, is this your verdict, as
5 read?

6 JUROR NO. 4: Yes.

7 THE CLERK: Juror No. 5, is this your verdict, as
8 read?

9 JUROR NO. 5: Yes.

10 THE CLERK: Juror No. 6, is this your verdict, as
11 read?

12 JUROR NO. 6: Yes.

13 THE CLERK: Juror No. 7, is this your verdict, as
14 read?

15 JUROR NO. 7: Yes.

16 THE CLERK: Juror No. 9, is this your verdict, as
17 read?

18 JUROR NO. 9: Yes.

19 THE CLERK: Juror No. 10, is this your verdict, as
20 read?

21 JUROR NO. 10: Yes.

22 THE CLERK: Juror No. 12, is this your verdict, as
23 read?

24 JUROR NO. 12: Yes.

25 THE CLERK: Juror No. 14, is this your verdict, as

1 read?

2 JUROR NO. 14: Yes.

3 THE CLERK: Juror No. 15, is this your verdict, as
4 read?

5 JUROR NO. 15: Yes.

6 THE CLERK: Juror No. 16, is this your verdict, as
7 read?

8 JUROR NO. 16: Yes.

9 THE COURT: All right. The Clerk will record the
10 verdict in the Court Minutes.

11 Ladies and gentlemen, since you have found the
12 defendant guilty of the two counts of First Degree Murder, we
13 will, as we discussed before, have a penalty hearing on this
14 matter.

15 Due to scheduling issues with certain witnesses
16 coming into town, we're going to commence the penalty hearing
17 on Monday at 9:30. So we need all of you to come back at that
18 time and we'll start the penalty hearing.

19 Even though we're taking tomorrow off, as you know,
20 we are way ahead of schedule. We expected the trial to take
21 six weeks. This is our -- I think this is our third week, or
22 fourth week, isn't it?

23 MR. LALLI: Fourth week.

24 THE COURT: Fourth week. So, you know, we will have
25 this case completed, you know, on time, if not ahead of time.

1 And so we will have you come back Monday, 9:30.

2 And during this weekend recess, it is your duty not
3 to converse amongst yourselves or with anyone else on any
4 subject connected with this case, or to read, watch, or listen
5 to any report of or commentary on the trial, by any person
6 connected with the trial, or by any medium of information,
7 including without limitation, newspapers, television, radio or
8 the Internet. You're not to form or express an opinion on any
9 subject connected with this case until this matter is
10 submitted to you.

11 We'll see you back Monday at 9:30.

12 (Jury recessed at 1:30 p.m.)

13 THE COURT: We're outside the presence of the jury
14 panel. I know we have to wait until the verdict was read,
15 which we've just had.

16 Does the State have any proposed Jury Instructions
17 that the parties can look at, as well as the Court?

18 MR. LALLI: We will prepare those and distribute
19 those before --

20 THE COURT: One second, Mr. Lalli.

21 (Pause in the proceedings)

22 THE COURT: He's inquiring whether or not I gave
23 them the admonishment, which I did.

24 MR. LALLI: You did.

25 And so we'll circulate those to the Court and to

1 defense before the end of the week. What we'll need is the
2 list of their --

3 THE COURT: Mitigating --

4 MR. LALLI: -- mitigating circumstances. I know
5 that in the report that we received from Dr. Paglini, he
6 recommends mitigating circumstances. And are those the ones
7 that the defense is going with, or?

8 MR. PIKE: Those are pretty much, yeah.

9 MR. CANO: That and whatever else comes out during
10 the trial.

11 MR. LALLI: All right.

12 THE COURT: And, you know, so I'm not going to order
13 that the defense, you know, purely tip their hand as far as
14 their presentation at the penalty phase, but if you know of
15 certain ones that you're going to present --

16 MR. PIKE: But it's --

17 THE COURT: -- you don't feel it would adversely
18 affect your presentation, if you could provide the State with
19 those, and then we can start getting the paperwork in order.

20 MR. PIKE: The report as Dr. Paglini prepared and
21 has been given to the State, pretty much outlines those items
22 that he felt were mitigators. And he was hired specifically
23 as a mitigator, or to do the mitigation work. So he even has
24 a list, in particular, of them.

25 The documents that he used to reference to have also

1 been provided pursuant to the discovery requirements.

2 MR. LALLI: That's correct, Your Honor. I asked Mr.
3 Pike for some of the underlying data, and I was actually
4 provided with that information this morning at the conclusion
5 of our argument on some other issues.

6 THE COURT: All right. And then, defense, if you
7 have any proposed Jury Instructions, please provide those to
8 the Court, as well as to the prosecution so this way, perhaps
9 on Monday, at one of the breaks, we can discuss the jury
10 instructions.

11 MR. PIKE: That would be fine, Your Honor. And I
12 assume that we're probably going to be going off of the basic
13 instructions from Mr. McCarty's trial, so we should have that
14 ready and be able to settle instructions well within the time.

15 We anticipate that our presentation will run 2 to 3
16 days at the outside. I think the State ran about 2 days last
17 time, so.

18 THE COURT: So you think we should, by Thursday --

19 MR. CANO: Yeah.

20 THE COURT: -- give it to the jury?

21 MR. LALLI: Well, you know, it depends on several
22 factors how long our presentation was going to be.

23 THE COURT: I'm not going to -- no, I just want a
24 general ballpark, that's all.

25 MR. LALLI: Yeah, I don't think our presentation

1 will be longer than -- I think at most a day-and-a-half, at
2 most.

3 MR. CANO: It will probably be about, at most, a
4 couple days.

5 THE COURT: Okay. If you can just keep the defense
6 apprised as far as your schedule so they can have their
7 first --

8 MR. LALLI: We will do that, Your Honor.

9 THE COURT: -- first witness or so, for Tuesday
10 afternoon.

11 MR. LALLI: We will do that.

12 MR. PIKE: Okay.

13 THE COURT: All right. Great, we'll see everybody
14 Monday at 9:30.

15 MR. LALLI: Thank you, Your Honor.

16 MR. PIKE: Thank you, Your Honor.

17 MR. DiGIACOMO: Thank you, Judge.

18 MR. CANO: Thank you, Judge.

19 (Court recessed at 1:33 p.m. until the following day,
20 Monday, February 6, 2012, at 9:30 a.m.)

21 * * * * *

22

23

24

25

INDEX

VERDICT OF THE JURY 49

CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

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JULIE LORD, TRANSCRIBER

02.02.12
DATE

ORIGINAL

1 VER

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

FEB 01 2012 at 1:22 p.m.

BY,

Carol Donahoo
CAROL DONAHOO, DEPUTY

DISTRICT COURT

CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 -vs-

10 DOMONIC RONALDO MALONE,

11 Defendant.

CASE NO: C-06-224572-2

DEPT NO: XVII

12
13 VERDICT

14 We, the jury in the above entitled case, find the Defendant DOMONIC RONALDO
15 MALONE, as follows:

16 COUNT 1: BATTERY WITH SUBSTANTIAL BODILY HARM

17 *(please check the appropriate box, select only one)*

18 ☒ Guilty of Battery *with* Substantial Bodily Harm

19 ☐ Guilty of Battery *without* Substantial Bodily Harm

20 ☐ Not Guilty

21 COUNT 2: CONSPIRACY TO COMMIT KIDNAPPING

22 *(please check the appropriate box, select only one)*

23 ☒ Guilty of Conspiracy to Commit Kidnapping

24 ☐ Not Guilty

25 ///

26 ///

27 ///

28

06C224572-2

VER

Verdict

1762872



- 1 **COUNT 3: FIRST DEGREE KIDNAPPING**
2 *(please check the appropriate box, select only one)*
3 ☒ Guilty of First Degree Kidnapping
4 ☐ Guilty of False Imprisonment
5 ☐ Not Guilty
- 6 **COUNT 4: BATTERY WITH SUBSTANTIAL BODILY HARM**
7 *(please check the appropriate box, select only one)*
8 ☐ Guilty of Battery *with* Substantial Bodily Harm
9 ☒ Guilty of Battery *without* Substantial Bodily Harm
10 ☐ Not Guilty
- 11 **COUNT 5: ROBBERY**
12 *(please check the appropriate box, select only one)*
13 ☐ Guilty of Robbery
14 ☒ Not Guilty
- 15 **COUNT 6: PANDERING**
16 *(please check the appropriate box, select only one)*
17 ☐ Guilty of Pandering
18 ☒ Not Guilty
- 19 **COUNT 7: CONSPIRACY TO COMMIT BURGLARY**
20 *(please check the appropriate box, select only one)*
21 ☒ Guilty of Conspiracy to Commit Burglary
22 ☐ Not Guilty
- 23 **COUNT 8: CONSPIRACY TO COMMIT KIDNAPPING**
24 *(please check the appropriate box, select only one)*
25 ☒ Guilty of Conspiracy to Commit Kidnapping
26 ☐ Not Guilty
- 27 ///
- 28 ///

1 **COUNT 9: CONSPIRACY TO COMMIT MURDER**

2 *(please check the appropriate box, select only one)*

3 ☒ Guilty of Conspiracy to Commit Murder

4 ☐ Not Guilty

5 **COUNT 10: BURGLARY**

6 *(please check the appropriate box, select only one)*

7 ☐ Guilty of Burglary

8 ☒ Not Guilty

9 **COUNT 11: FIRST DEGREE KIDNAPPING**

10 *(please check the appropriate box, select only one)*

11 ☒ Guilty of First Degree Kidnapping

12 ☐ Guilty of False Imprisonment

13 ☐ Not Guilty

14 **COUNT 12: FIRST DEGREE KIDNAPPING**

15 *(please check the appropriate box, select only one)*

16 ☒ Guilty of First Degree Kidnapping

17 ☐ Guilty of False Imprisonment

18 ☐ Not Guilty

19 ///

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1 **COUNT 13: MURDER WITH USE OF A DEADLY WEAPON (CHARLOTTE**
2 **COMBADO)**

3 *(please check the appropriate box, select only one)*

- 4 ☒ Guilty of First Degree Murder *with* Use of a Deadly Weapon
5 ☐ Guilty of First Degree Murder *without* Use of a Deadly Weapon
6 ☐ Guilty of Second Degree Murder *with* Use of a Deadly Weapon
7 ☐ Guilty of Second Degree Murder *without* Use of a Deadly Weapon
8 ☐ Not Guilty

9 **Special Verdict:** If you find the Defendant guilty of First Degree Murder with Use
10 of a Deadly Weapon or First Degree Murder without Use of a Deadly Weapon,
11 answer the following by checking the appropriate box or boxes:

12 ☒ The jury *unanimously* finds the murder willful,
13 deliberate and premeditated.

14 ☐ The jury *unanimously* finds the murder was
15 committed during the perpetration or attempted perpetration of
16 burglary.

17 ☒ The jury *unanimously* finds the murder was
18 committed during the perpetration or attempted perpetration
19 kidnapping.

20 ☒ The jury *unanimously* finds the murder was
21 committed during the perpetration or attempted perpetration of
22 robbery.

23 ///

24 ///

25 ///

1
2
3 **COUNT 14: MURDER WITH USE OF A DEADLY WEAPON (VICTORIA MAGEE)**

4 *(please check the appropriate box, select only one)*

- 5 ☒ Guilty of First Degree Murder *with* Use of a Deadly Weapon
6 ☐ Guilty of First Degree Murder *without* Use of a Deadly Weapon
7 ☐ Guilty of Second Degree Murder *with* Use of a Deadly Weapon
8 ☐ Guilty of Second Degree Murder *without* Use of a Deadly Weapon
9 ☐ Not Guilty

10 **Special Verdict:** If you find the Defendant guilty of First Degree Murder with Use
11 of a Deadly Weapon or First Degree Murder without Use of a Deadly Weapon,
12 answer the following by checking the appropriate box or boxes:

13 ☒ The jury *unanimously* finds the murder willful,
14 deliberate and premeditated.

15 ☐ The jury *unanimously* finds the murder was
16 committed during the perpetration or attempted perpetration of
17 burglary.

18 ☒ The jury *unanimously* finds the murder was
19 committed during the perpetration or attempted perpetration
20 kidnapping.

21 ☒ The jury *unanimously* finds the murder was
22 committed during the perpetration or attempted perpetration of
23 robbery.

24 **COUNT 15: ROBBERY WITH USE OF A DEADLY WEAPON**

25 *(please check the appropriate box, select only one)*

- 26 ☒ Guilty of Robbery *with* Use of a Deadly Weapon
27 ☐ Guilty of Robbery *without* Use of a Deadly Weapon
28 ☐ Not Guilty

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COUNT 16: ROBBERY WITH USE OF A DEADLY WEAPON

(please check the appropriate box, select only one)

- ☒ Guilty of Robbery *with* Use of a Deadly Weapon
☐ Guilty of Robbery *without* Use of a Deadly Weapon
☐ Not Guilty

DATED this 15th day of FEBRUARY 2012 UPS

J R [Signature] #12
FOREPERSON

COURT'S EXHIBITS

CASE NO. _____

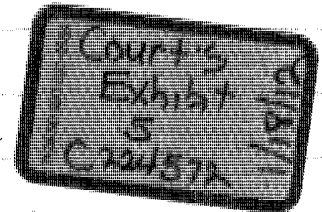
C224572-2

	DATE	OFFERED	OBJ	DATE	ADMITTED
1. Jury Questionnaire					1/13
2. Jury Questionnaire					1/13
3. Photograph					1/17
4. Defense PowerPoint Presentation					1/18
5. Question from Juror #8					1/18
6. Question from Juror #14					1/18
7. Question from Juror #8					1/18
8. Question from Juror #10					1/19
9. Question from Juror #3					1/19
10. Question from Juror #14					1/19
11. Question from Juror #7					1/19
12. Question from Juror #7					1/19
13. Question from Juror #6					1/20
14. Question from Juror #2					1/20
15. Question from Juror #14					1/20
16. Question from Juror #1					1/20
17. Question from Juror #8					1/20
18. Question from Juror #11					1/20
19. Question from Juror #7					1/20
20. Question from Juror #6					1/23
21. Question from Juror #10					1/23
22. Question from Juror #14					1/23
23. Question from Juror #9					1/24
24. Question from Juror #2					1/24
25. Question from Juror #14					1/24
26. Question from Juror #12					1/24
27. Question from Juror #14					1/26
28. Question from Juror #12					1/27

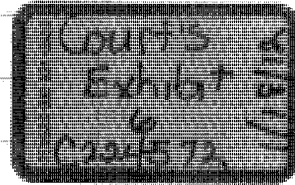
Did MR MALONE
KNOW CHRISTINA had
WORK ?

~~118~~

(not asked)



0



14

Did you ever see DRC use physical force or yell @ Victoria or Christina? or threaten them?

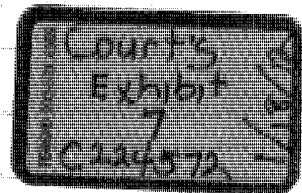
~~Was DRC ever physical or did he ever yell at Christina or Victoria that Red saw or knew of?~~

On the way to the Model
Home ~~did~~ did D-Roc And
Romeo have ~~any~~ a
CONVERSATION?

~~REDACTED~~

S

~~REDACTED~~



Tutor #10

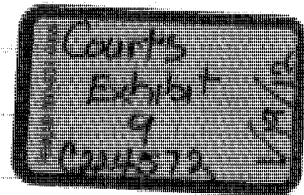
Do you know how Christina's
phone came to be in the apartment?

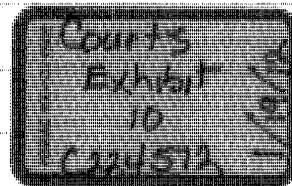


JUROR #3

- what were the girls wearing
when you saw them walking
with Romeo & D Rose?

do you remember if they had on
shoes?





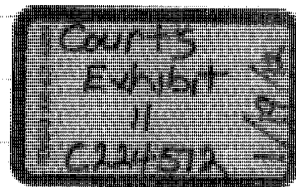
14

Were the girls wearing
clothing when they were
leaving the apt?

#7

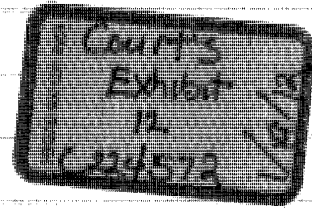
Does the witness
Remember what the
Victims were wearing
when they were taken
to the car by the
defendant.

Dad Victoria Christian
Have any shoes on?



#1

In your opinion could
any of the ~~blunt~~^{testimony}
force trauma be
caused by a
rock?

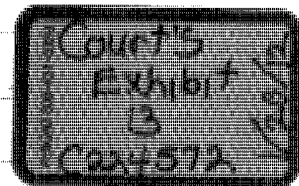


#6

was the condom able
to be processed?

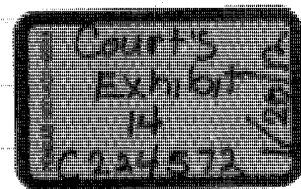
IF so...

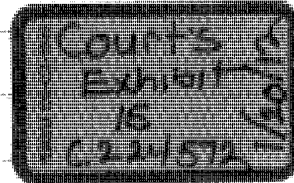
was there any DNA
recovered from the
condom that was found.



Was there any DNA found
on Condom?

2 025





(is there evidence
to suggest
that?)

Question for
CSA Agnes

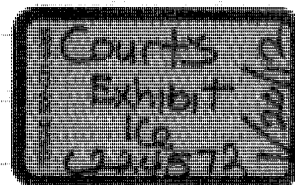
14

In your expert opinion, do
~~you~~ believe Victoria and Charlotte
were killed in the desert ~~or~~ ^{where they} found
or elsewhere?

(Not asked)

①

Was blood found
on the Golf
Club shaft?



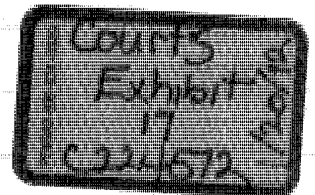
(Not asked)

Q: ① WAS ANY EVIDENCE collected that would show who used the condom found by the shoe at the Dawson scene?

⑧

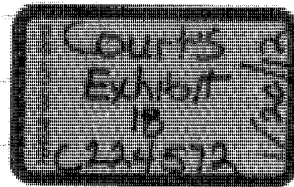
Q: ② WAS it EVER CONCLUDED ~~it~~ who's FINGERPRINTS were ON the WINDOW of ROOM #222?

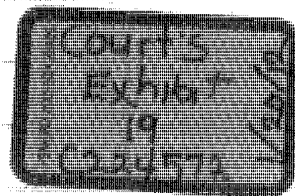
Q: ③ ~~What~~ 1



DID YOU FIND ANY
BLOOD FROM THE TIRE
TRACKS TO THE PLACE
WHERE THE BODIES
WERE LOCATED?

11





#7

~~Donnie Driving the~~

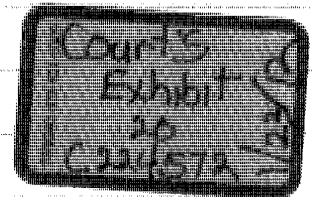
1) On May 17th, ²⁰⁰⁶ Do you Remember or Observe Donnie Driving the Green or White Car?

~~Donnie Driving the~~
at home on May 17th, 2006

2) Did you see the green/white Car, ^{for both} at home on May 17th, 2006?

#6

On your way home
with Mr. Malone
in the car did
he express any
emotions about
what had happened
with the girls in
the desert?

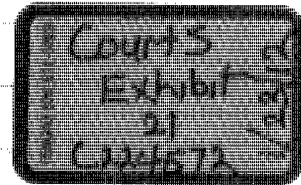


Juror # 10

To your knowledge was the
intent always to murder the
two girls? (In relation to teaching them a
lesson.)

Where did you get your drugs
that you would sell?

~~My father was a drug dealer and I was
helping him out.~~



14



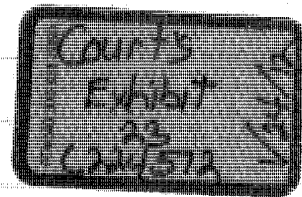
~~800-800-8000~~
Why, after knowing the girls were
3 dead, did you still follow them
and help get rid of evidence?

What did McLarty say his
1 reason was for leaving your
car in Arizona?

2 Why did you ^{drive} go out to get
your green car alone? ^{without}
~~anyone else~~ ^{a second driver}

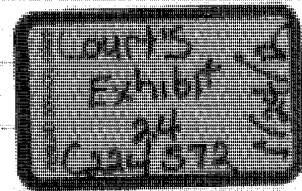
IT'S HARD TO SEE THE
INDIVIDUALS ON THE TAPES
IS THERE ANYWAY TO
ENHANCE THE VIDEO?

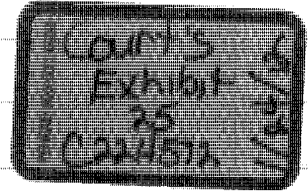
#9



Where there any hair strands
left in car? (back seat)?

#2





14

You said there was a ~~reddish Brown~~ stain in the ~~white~~ Honda, did you determine ~~whether~~ that was Blood?

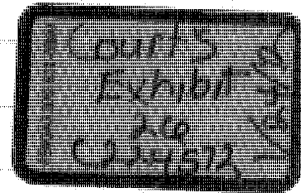
Did you check into the drops next to the cell phone? in Apartment 217 of the South Cove? Did you determine if that was Blood?

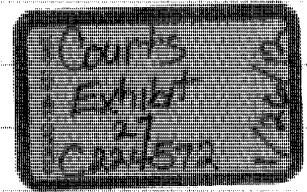
#12

WAS THE BLOOD FURTHER

TESTED TO DETERMINE IF IT

WAS HUMAN OR ANIMAL.





14

Just trying to get the timeline straight, was the trip to Walmart on Tuesday or Wednesday or more like Thurs or Fri? What was the exact day you recall doing that?

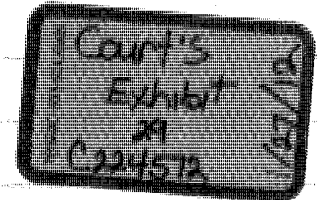
#12

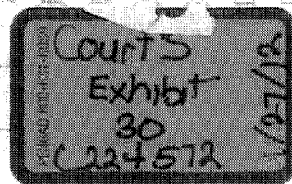
IS HIS CRIME LAB ACCREDITED?



#6

was ramaah
hall ever
questioned?





What is the next phone call or direct connect made by Dominic Malone's cell phone after the one at 12:39AM that was off the S. Bruce Temp tower by the South Cove apartments?

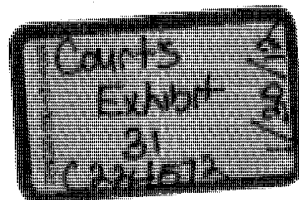
14

~~Other than the fact that they were together before, were there any phone calls or direct connects to ^{prove} suggest that Dominic Malone left the South Cove with Jason McCarthy? Are there more phone calls or direct connects from Malone's cell →~~

11/21/12 call off tower after 12:39 AM (in the early morning hours of the 18th after 12:39 AM)

INSTRUCTION NO. 46

It is a constitutional right of a defendant in a criminal trial that he may not be compelled to testify. Thus, the decision as to whether he should testify is left to the defendant on the advice and counsel of his attorney. You must not draw any inference of guilt from the fact that he does not testify, nor should this fact be discussed by you or enter into your deliberations in any way.



INSTRUCTION NO. 47

You are here to determine whether the Defendant is guilty or not guilty from the evidence in the case. You are not called upon to return a verdict as to whether any other person is guilty or not guilty. So, if the evidence in the case convinces you beyond a reasonable doubt of the guilt of the Defendant, you should so find, even though you may believe one or more persons are also guilty.

INSTRUCTION NO. 48

The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence; direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge of the commission of the crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof of a chain of facts and circumstances which tend to show whether the Defendant is guilty or not guilty. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court. Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

1
2 An accomplice is one who is subject to prosecution for the identical offense charged
3 against the defendant on trial.

4 To be an accomplice, the person must have aided, promoted, encouraged, or
5 instigated by act or advice the commission of such offense with knowledge of the unlawful
6 purpose of the person who committed the offense.

7 A defendant cannot be found guilty based upon the testimony of an accomplice unless
8 such testimony is corroborated by other evidence which tends to connect such defendant
9 with the commission of the offense.

10 It is not necessary that the evidence of the corroboration be sufficient in itself to
11 establish every element of the offense charged, or that it corroborate every fact to which the
12 accomplice testifies. The necessary corroboration of an accomplice's testimony need not be
13 found in a single fact or circumstance; rather, several circumstances in combination may
14 satisfy the law. If evidence from sources other than the testimony of the accomplice tends
15 on the whole to connect the accused with the crime charged, the accomplice's testimony is
16 lawfully corroborated.

INSTRUCTION NO. 50

The credibility or believability of a witness should be determined by his manner upon the stand, his relationship to the parties, his fears, motives, interests or feelings, his opportunity to have observed the matter to which he testified, the reasonableness of his statements and the strength or weakness of his recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his testimony which is not proved by other evidence.

INSTRUCTION NO. 51

The fact that a witness was given an inducement in exchange for his or her cooperation may be considered by you only for the purpose of determining the credibility of that witness. The existence of such an inducement does not necessarily destroy or impair the credibility of the witness. It is a circumstance that you may take into consideration in weighing the testimony of such a witness.

INSTRUCTION NO. 52

A witness who has special knowledge, skill, experience, training or education in a particular science, profession or occupation is an expert witness. An expert witness may give his opinion as to any matter in which he is skilled.

You should consider such expert opinion and weigh the reasons, if any, given for it. You are not bound, however, by such an opinion. Give it the weight to which you deem it entitled, whether that be great or slight, and you may reject it, if, in your judgment, the reasons given for it are unsound.

INSTRUCTION NO. 53

Although you are to consider only the evidence in the case in reaching a verdict, you must bring to the consideration of the evidence your everyday common sense and judgment as reasonable men and women. Thus, you are not limited solely to what you see and hear as the witnesses testify. You may draw reasonable inferences from the evidence which you feel are justified in the light of common experience, keeping in mind that such inferences should not be based on speculation or guess.

A verdict may never be influenced by sympathy, prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

INSTRUCTION NO. 54

In arriving at a verdict in this case as to whether the defendant is guilty or not guilty, the subject of penalty or punishment is not to be discussed or considered by you and should in no way influence your verdict.

If your verdict is murder in the first degree, you will, at a later hearing, consider the subject of penalty or punishment.

INSTRUCTION NO. 55

When you retire to consider your verdict, you must select one of your number to act as foreperson who will preside over your deliberation and will be your spokesperson here in court.

During your deliberation, you will have all the exhibits which were admitted into evidence, these written instructions and forms of verdict which have been prepared for your convenience.

Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it signed and dated by your foreperson and then return with it to this room.

INSTRUCTION NO. 56

If, during your deliberation, you should desire to be further informed on any point of law or hear again portions of the testimony, you must reduce your request to writing signed by the foreperson. The marshal will then return you to court where the information sought will be given you in the presence of, and after notice to, the district attorney and the Defendant and his/her counsel.

Playbacks of testimony are time-consuming and are not encouraged unless you deem it a necessity. Should you require a playback, you must carefully describe the testimony to be played back so that the court reporter can arrange his/her notes. Remember, the court is not at liberty to supplement the evidence.

INSTRUCTION NO. 57

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN:

DISTRICT JUDGE

Could we get a dry Erase Board and a dry Erase Marker?

Could we also get post-its?

Answer:

The requested items will be provided.

Could we
get a dry
Erase Board
and a dry
Erase Marker?

Could we also
get post-its?

JR Jones #12
2-1-12



Burglary

Clarification of instruction #24,

- 1 Where does an entry point lie?
- 2 What is considered an entry?
- 3 Does it make a difference if a person who leased the apartment? can legally enter the building

Answer:

The Court is not at liberty to supplement the jury instructions.

Questions:

Burglary

Clarification of instruction
24,

1) Where does an entry
point lie?

2) What is considered an
entry?

3) Does it make a difference
if a person who leased
the apartment? Can
legally enter the building?

→ 4 (over) #12
2-1-12



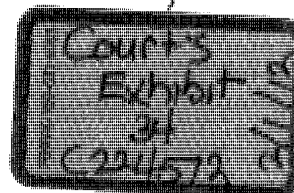
Instruction #3 page 3, count 7 lines 4 & 5 contradict Instruction #8, can we get further instruction because we can not agree which one to follow?

Answer:

The jury is instructed to look at all instructions as a whole.

Instruction #3 page 3,
count 7 lines 4 & 5 contradict
Instruction #8, can we get
further instruction because
we can not agree which
one to follow?

[Signature] #12
2-1-12



Should the Date on this official copy be January
Could we change the date to February?

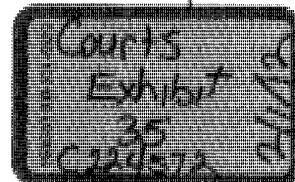
Answer:

Feel free to make the correction to the date.

Question

Should the Date on this
official copy Be January
Could we change the
date ~~thru~~ to February?

L R Jones #12
2-1-12



ORIGINAL

FILED

FEB 3 3 54 PM '12

Alvin D. Williams
CLERK OF THE COURT

ORDR

DAVID M. SCHIECK
SPECIAL PUBLIC DEFENDER
Nevada Bar No. 824
RANDALL H. PIKE
Assistant Special Public Defender
Nevada Bar No. 1940
CHARLES A CANO
Deputy Special Public Defender
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rpike@clarkcountynv.gov
canoca@clarkcountynv.gov
Attorneys for MALONE

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

DOMONIC MALONE #1670891,

Defendants.

CASE NO. C 224572
DEPT. NO. 17

**ORDER GRANTING DEFENDANT'S MOTION TO PRECLUDE EVIDENCE OF
OTHER BAD ACTS EVIDENCE ENTITLED MOTION *IN LIMINE* TO BAR
IMPROPER PROSECUTORIAL ARGUMENT**

THIS MATTER, having coming before this Court on the 1st day of February,
and the Defendant DOMONIC MALONE being present and represented by his
attorneys, DAVID M. SCHIECK, Special Public Defender, RANDALL H. PIKE,
Assistant Special Public Defender and CHARLES CANO, Deputy Special Public
Defender, and the State being represented by Chief Deputy District Attorney
Christopher Lalli and Chief Deputy District Attorney Mac DiGiacomo, and the Court
being fully advised as to the facts and law attendant thereto, and after arguments by

CLERK OF THE COURT

FEB 03 2012

06C224572-2
OGM
Order Granting Motion
1782014



1 Counsel,

2 IT IS HEREBY ORDERED ADJUDGED AND DECREED that the State is
3 precluded ///
4 from presenting any evidence of the Murder allegations from the 2000 arrest and
5 dismissed prosecution

6 Dated this 3 day of February, 2012

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CP

ORIGINAL

0001

DAVID M. SCHIECK
SPECIAL PUBLIC DEFENDER
Nevada Bar No. 0824
Randall H. Pike
Assistant Special Public Defender
Nevada Bar No. 1940
Charles A. Cano
Deputy Special Public Defender
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rpik@clarkcountynv.gov
canoca@clarkcountynv.gov

Attorneys for Malone

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

DOMONIC MALONE,

Defendants.

CASE NO. C 224572
DEPT. NO. 17

06C224572-2
MOT
Motion
1766421



**MOTION TO RECUSE THE CLARK
COUNTY DISTRICT ATTORNEY'S OFFICE**

Date: _____
Time: _____

Comes Now, Defendant, Domonic Malone, by and through his attorney of record, David M. Schieck, Special Public Defender, Randall H. Pike, Assistant Special Public Defender, and Charles A. Cano, Deputy Special Public Defender, and pursuant to the Sixth, Eighth and Fourteenth Amendments to the United States Constitution, and the Nevada Constitution and moves this court to recuse the Clark County District Attorney's office based upon the Court's granting the State's Motion to reconsider.

This Motion is based upon the attached points and authorities, arguments of counsel at the time of the hearing on this matter as well as the points and authorities contained within both

SPECIAL PUBLIC
DEFENDER

CLARK COUNTY
NEVADA

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

FEB 06 2012

BY: Carol Donahoo
CAROL DONAHOO, DEPUTY

1 of the defendants Writs of Habeas Corpus heretofore filed in this matter.

2 **NOTICE OF MOTION**

3 TO: STATE OF NEVADA, Plaintiff; and

4 TO: DAVID ROGER, District Attorney, Attorney for Plaintiff

5 YOU WILL PLEASE TAKE NOTICE that the undersigned will bring on the above and
6 foregoing **MOTION** on the _____ day of February, 2012, at the hour of _____ a.m.

7
8 **STATEMENT OF FACTS**

9 Defendant Malone, by this reference, adopts the statements of facts contained within both
10 the Motion in Limine heretofore filed and the Opposition of the Motion to Reconsider previously
11 filed with the Court.

12 Specifically, Malone also adopts the oral arguments, and more particularly the statements
13 of counsel for the State regarding the involvement of the District Attorney's office in both
14 making a decision to pursue the matter in 2000, the unusual procedures applicable thereto as well
15 as the decision to not pursue this cold case at this time.

16
17 **PROCEDURAL STATEMENT POINTS AND AUTHORITIES**

18 Since this has been designated as a capital prosecution, exacting standards must be met
19 to assure that it is fair. The death penalty "is unique in its irrevocability." Furman vs. Georgia, 408
20 U.S. 238, 306, 92 S. Ct. 2726, 33 L. Ed. 2d. 346 (1972) (Stewart, J. concurring). As the United
21 States Supreme Court has held, "[t]he fundamental respect for humanity underlying the Eighth
22 Amendment's prohibition against cruel and unusual punishment gives rise to a special "need for
23 reliability in the determination that death is the appropriate punishment" in any capital case."
24 Johnson vs. Mississippi, 486 U.S. 578, 584, 108 S. Ct. 1981, 100 L. Ed. 2d 575 (1988) (quoting
25 Gardner vs. Florida, 430 U.S. 349, 363-64, 97 S. Ct. 1197, 51 L. Ed. 2d 393 (1977) (quoting
26 Woodson vs. North Carolina, 428 U.S. 280, 305, 96 S. Ct. 2978, 49 L. Ed. 2d 944 (1976) (White,
27 J., concurring).

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1 not allow an attorney who is an advocate in the litigation to be a witness in the litigation
2 DiGiacomo has placed himself in an untenable situation requiring recusal of further participation
3 in this case. See NRPC 3.7. Additionally, because Mr. Di Giacomo has brought to light his
4 office's policy and practice in the strategy of not pursuing what he represented to be a valid
5 murder case, his office must also recuse itself from further participation. The defense request
6 that a mistrial be granted, a special prosecutor be assigned to the penalty phase of the current
7 case and sufficient time to investigate the Clark County District Attorney's Office policy in not
8 pursuing what is purported to be a valid murder case.

9 Cross examination of the detective regarding hearsay statements made to him by
10 representatives of the District Attorney's office is inadequate to properly flesh out the very
11 technical issue.

12 CONCLUSION

13 The reasons for the position and limiting the testimony as requested go to the heart of
14 Defendant Malone to obtain a fair trial in this case. The prosecutor is cloaked with the authority
15 of the State of Nevada, he stands before the jury as the community's representative. His remarks
16 are those, not simply of an advocate, but rather of a County official duty-bound to see that justice
17 is done. The jury knows that he has prepared and presented the present case and would obviously
18 believe that he has complete access to the facts uncovered in the government's investigation in
19 the prior case. This has been proven to not be true at the time of the hearing. The State cannot
20 truly explain the reasons for the prior dismissal without calling former Chief Deputy District
21 Attorney O'Neale. Examining Det. Hardy will merely consist of his reciting the hearsay
22 statements of the current prosecutor, Mr. DiGiacomo. Thus, when the prosecutor conveys to the
23 jurors his personal view directly or even impliedly via an agreement to use this case solely for
24 purposes of obtaining the death penalty, it may be difficult for them to ignore his views, however
25 biased and baseless they may in fact be.

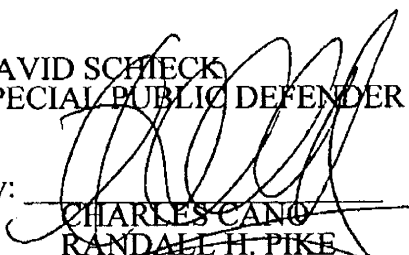
26 Wherefore Mr. Malone prays that this Honorable Court either recuse the District
27
28 ...

1 Attorney's office in this case, and that the Attorney General's office be appointed for the
2 prosecution of the penalty portion of this trial.

3 DATED this 6 day of February, 2012.

4 DAVID SCHIECK
5 SPECIAL PUBLIC DEFENDER

6 By:

7 
8 ~~CHARLES CANO~~
9 RANDALL H. PIKE
10 330 South Third Street, Suite 800
11 Las Vegas, Nevada 89155
12 (702) 455-6265

13 Attorneys for Malone
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COPY

FILED

FEB 15 2012

Alvin L. Johnson
CLERK OF COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

THE STATE OF NEVADA,	.	CASE NO. C-224572
	.	
Plaintiff,	.	DEPT. NO. XVII
	.	
vs.	.	
	.	
DOMONIC RONALDO MALONE,	.	TRANSCRIPT OF
	.	PROCEEDINGS
	.	
Defendant.	.	
.....	.	

BEFORE THE HONORABLE MICHAEL VILLANI, DISTRICT COURT JUDGE

JURY TRIAL - DAY 21
(PENALTY PHASE)

FRIDAY, FEBRUARY 10, 2012

APPEARANCES:

FOR THE PLAINTIFF:	MARC DIGIACOMO, ESQ.
	CHRISTOPHER LALLI, ESQ.
	<i>Chief Deputy District Attorneys</i>

FOR THE DEFENDANT:	RANDALL H. PIKE, ESQ.
	CHARLES A. CANO, ESQ.
	<i>Assistant Special Public</i>
	<i>Defenders</i>

COURT RECORDER:

MICHELLE RAMSEY
District Court

TRANSCRIPTION BY:

VERBATIM DIGITAL REPORTING, LLC
Englewood, CO 80110

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

1 LAS VEGAS, NEVADA, FRIDAY, FEBRUARY 10, 2012, 11:18 A.M.

2 (Court was called to order)

3 (In the presence of the jury)

4 THE COURT: Good morning, ladies and gentlemen. I
5 understand we do have a verdict. Will the foreperson please
6 hand the verdict form to the Marshal?

7 (Pause in the proceedings)

8 THE COURT: The Clerk will now read the verdict,
9 Special Verdict form.

10 Defendant, please stand.

11 VERDICT

12 THE CLERK: District Court, Clark County, Nevada.
13 The State of Nevada, plaintiff, vs. Domonic Ronaldo Malone,
14 defendant. Case number C-224572, Department No. 17.

15 Special Verdict. Count 13. Murder with Use of a
16 Deadly Weapon, Charlotte Combado.

17 We, the jury in the above entitled case, having
18 found the defendant, Domonic Ronaldo Malone, guilty of Count
19 13, Murder of the First Degree with use of a Deadly Weapon,
20 find:

21 Section 1. Aggravating Circumstances.

22 The murder was committed by a person who, at any
23 time before a Penalty Hearing is conducted for the murder is,
24 or has been convicted of a felony involving the use or threat
25 of violence to the person of another, to wit: Battery with

1 Intent to Commit a Crime, in Case No. C-168678, in the Eighth
2 Judicial District Court, Clark County, Nevada; Yes.

3 Two. The murder was committed by a person who, at
4 any time before a Penalty Hearing is conducted for the murder,
5 is or has been convicted of a felony involving the use or
6 threat of violence to the person of another, to wit: Battery
7 with Substantial Bodily Harm, as alleged in Count 1 of the
8 Amended Information; yes.

9 Three. The murder was committed by a person who, at
10 any time before a Penalty Hearing is conducted for the murder,
11 is or has been convicted of a felony involving the use or
12 threat of violence to the person of another, to wit: First
13 Degree Kidnapping as alleged in Count 3 of the Amended
14 Information; yes.

15 Four. The murder is committed while the person was
16 engaged, alone or with another, as in the commission of any
17 kidnapping in the first degree, and the person charged,
18 killed, or attempted to kill the person murdered, or knew or
19 had a reason to know that life would be taken, or lethal force
20 used, to wit: First Degree Kidnapping as alleged in Count 11
21 of the Amended Information; yes.

22 Five. The murder was committed while the person was
23 engaged, alone or with others, in the commission of any
24 kidnapping in the first degree, and the person charged,
25 killed, or attempted to kill the person murdered, or knew or

1 had a reason to know that life would be taken or lethal force
2 used, to wit: First Degree Kidnapping, as alleged in Count 12
3 of the Amended Information; yes.

4 Six. The murder was committed while the person was
5 engaged, alone or with others, in the commission of any
6 robbery, and the person charged, killed, or attempted to kill
7 the person murdered, or knew or had a reason to know that life
8 would be taken, or lethal force used, to wit: Robbery with
9 Use of a Deadly Weapon as alleged in Count 15 of the Amended
10 Information; yes.

11 Seven. The murder was committed while the person
12 was engaged, alone or with others, in the commission of any
13 robbery, and the person charged, killed, or attempted to kill
14 the person murdered, or knew or had a reason to know that life
15 would be taken or lethal force used, to wit: Robbery with Use
16 of a Deadly Weapon as alleged in Count 16 of the Amended
17 Information; yes.

18 Eight. The murder was committed by a person for
19 himself, or another, to receive money or any other thing of
20 monetary value; no.

21 Nine. The defendant has, in the immediate
22 proceeding, been convicted of more than one offense of murder
23 in the first degree -- in the second degree; yes.

24 Section 2. Mitigating Circumstances.

25 1. Parental criminality; yes.

- 1 2. Child abuse; mother, stepfather; yes.
- 2 3. Poor family management practices; yes.
- 3 4. Low levels of parental involvement; yes.
- 4 5. Residential instability; yes.
- 5 6. Parent attitudes favorable to substance abuse,
- 6 mother, stepfather, with severe crack cocaine problems; yes.
- 7 7. Neglect; yes.
- 8 8. Emotional abuse; yes.
- 9 9. Adolescent depression, CHLV; yes.
- 10 10. Several parent-child separations; yes.
- 11 11. Abandonment; yes.
- 12 Low bonding to school; yes.
- 13 13. Dropped out of school; yes.
- 14 14. Frequent school transitions; yes.
- 15 High -- 15. High delinquency rate schools; yes.
- 16 16. Poverty; yes.
- 17 17. Community disorganization, crime, drug selling,
- 18 gangs, poor housing; yes.
- 19 18. Exposure to violence; yes.
- 20 19. Residing in extremely low income areas; yes.
- 21 20. Domonic Malone reached out for help in the
- 22 fifth grade to a principal regarding his parents' drug usage;
- 23 yes.
- 24 21. Suicide attempt due to severe family problems,
- 25 hospitalized at Charter Hospital, Las Vegas, CHLV, August

1 1996; yes.

2 22. Domonic Malone contacted Child Protective
3 Services to help his family in October, 1996. He reported
4 their drug use and abuse; yes.

5 23. Numerous collateral sources identify Domonic
6 Malone as being a nice child who was stable, with no
7 behavioral problems, prior to the ninth grade; yes.

8 24. Siblings identified Domonic Malone as being the
9 caretaker of the family, secondary to his parents'
10 dysfunction; yes.

11 25. Domonic Malone exhibited signs of depression as
12 an adolescent, secondary to extreme family instability; yes.

13 26. His mother signed him out against medical
14 advice from CHLV, and she did not follow up with psychotherapy
15 for Domonic Malone; yes.

16 27. Domonic Malone was abandoned by his mother at
17 the age of 16, 11 months; yes.

18 28. Domonic Malone had no consistent role models.
19 His father was in prison for murder, his mother and stepfather
20 had crack cocaine problems; yes.

21 29. Domonic Malone had no positive mentoring
22 through his life -- throughout his life; yes.

23 30. At the age of 16, Domonic Malone was on his own
24 with no money, no education, no skills, and no support; yes.

25 31. Parentification. As a child, Domonic Malone

1 cared for his siblings due to his mother, stepfather's neglect
2 of the family; yes.

3 32. List on the lines below any additional
4 mitigating circumstances at least one juror has found to
5 exist.

6 One. Was known -- was a known wimp, "Urkel",
7 follows others.

8 Two. The people he associated with.

9 Section 3. Balancing.

10 We, the jury in the above entitled case, having
11 considered any aggravating circumstance or circumstances,
12 unanimously proven beyond a reasonable doubt by the State, and
13 any mitigating circumstance or circumstances, find the
14 following: There are no mitigating circumstances sufficient
15 to outweigh the aggravating circumstance or circumstances
16 found.

17 Section 4. Final sentencing decision. We, the jury
18 in the above entitled case, have found that Domonic Ronaldo
19 Malone, guilty of Count 13, Murder of the First Degree with
20 Use of a Deadly Weapon, and having found that the aggravating
21 circumstance or circumstances outweigh any mitigating
22 circumstance or circumstances, impose a sentence of life
23 without the possibility of parole.

24 Section 1. Aggravating Circumstances. The murder
25 was committed by a person who, at any time before a Penalty

1 Hearing is conducted for the murder, is or has been convicted
2 of a felony involving the use or threat of violence to the
3 person of another, to wit: Battery with Intent to Commit a
4 Crime in Case No. C-168678, in the Eighth Judicial District
5 Court, Clark County, Nevada; yes.

6 Two. The murder was committed by a person who, at
7 any time before a Penalty Hearing is conducted for the murder
8 is, or has been convicted of a felony involving the use or
9 threat of violence to the person of another, to wit: Battery
10 with Substantial Bodily Harm, as alleged in Count 1 of the
11 Amended Information; yes.

12 Three. The murder was committed by a person who, at
13 any time before a Penalty Hearing is conducted for the murder
14 is, or has been convicted of a felony involving the use or
15 threat of violence to the person of another, to wit: First
16 Degree Kidnapping as alleged in Count 3 of the Amended
17 Information; yes.

18 Four. The murder was committed while the person was
19 engaged, alone or with others, in the commission of any
20 kidnapping in the first degree, and the person charged,
21 killed, or attempted to kill the person murdered, or knew or
22 had a reason to know that life would be taken or lethal force
23 used, to wit: First Degree Kidnapping as alleged in Count 11
24 of the Amended Information; yes.

25 Five. The murder was committed while the person was

1 engaged, alone or with others, in the commission of any
2 kidnapping in the first degree, and the person charged,
3 killed, or attempted to kill the person murdered, or knew or
4 had reason to know that life would be taken or lethal force
5 used, to wit: First Degree Kidnapping as alleged in Count 12
6 of the Amended Information; yes.

7 Six. The murder was committed while the person was
8 engaged, alone or with others, in the commission of any
9 robbery, and the person charged, killed, or attempted to kill
10 the person murdered, or knew or had reason to know that life
11 would be taken or lethal force used, to wit: Robbery with Use
12 of a Deadly Weapon, as alleged in Count 15 of the Amended
13 Information; yes.

14 Seven. The murder was committed while the person
15 was engaged, alone or with others, in the commission of any
16 robbery, and the person charged, killed or attempted to kill
17 the person murdered, or knew or had reason to know that life
18 would be taken or lethal force used, to wit: Robbery with Use
19 of a Deadly Weapon, as alleged in Count 16 of the Amended
20 Information; yes.

21 The murder was committed by a person for himself or
22 another, to receive money, or any other thing of monetary
23 value; no.

24 Nine. The defendant has in the immediate proceeding
25 been convicted of more than one offense of Murder in the First

1 or Second degree; yes.

2 Section 2. Mitigating circumstances.

3 1. Parental criminality; yes.

4 2. Child abuse, mother, stepfather; yes.

5 3. Poor family management practices; yes.

6 4. Low levels of parental involvement; yes.

7 5. Residential instability; yes.

8 6. Parent attitudes favorable to substance abuse,

9 mother, stepfather, with severe crack cocaine problems; yes.

10 7. Neglect; yes.

11 8. Emotional abuse; yes.

12 9. Adolescent depression, CHLV; yes.

13 10. Several parent-child separations; yes.

14 11. Abandonment; yes.

15 12. Low bonding to school; yes.

16 13. dropped out of school; yes.

17 Frequent school transitions; yes.

18 High delinquency rate schools; yes.

19 16. Poverty; yes.

20 17. Community disorganization, crime, drug selling,
21 gangs, poor housing; yes.

22 18. Exposure to violence; yes.

23 19. Residing in extremely low income areas; yes.

24 20. Domonic Malone reached out for help in the

25 fifth grade to a principal regarding his parents' drug usage;

1 yes.

2 21. Suicide attempt due to severe family problems,
3 hospitalized at Charter Hospital Las Vegas, August 1996; yes.

4 22. Domonic Malone contacted Child Protective
5 Services to help his family in October, 1996. He reported
6 their drug use and abuse; yes.

7 23. Numerous collateral source identify Domonic
8 Malone as being a nice child who was stable, with no
9 behavioral problems prior to the ninth grade; yes.

10 24. Siblings identified Domonic Malone as being the
11 caretaker of his family, secondary to his parents'
12 dysfunction; yes.

13 25. Domonic Malone exhibited signs of depression as
14 an adolescent, secondary to extreme family instability; yes.

15 26. His mother signed him out against medical
16 advice from CHLV, and she did not follow up with psychotherapy
17 for Domonic Malone; yes.

18 27. Domonic Malone was abandoned by his mother at
19 the age of 16 years, 11 months; yes.

20 28. Domonic Malone had no consistent role models.
21 His father was in prison for murder, his mother and stepfather
22 had crack cocaine problems; yes.

23 Domonic Malone had no positive mentoring through his
24 life; yes.

25 30. At the age of 16, Domonic Malone was on his own

1 with no money, no education, no skills, and no support; yes.

2 31. Parentification. As a child, Domonic Malone
3 cared for his siblings due to his mother, stepfather's neglect
4 of the family; yes.

5 32. List on lines below any additional mitigating
6 circumstance at least one juror has found to exist.

7 One. Was a known wimp, "Urkel", follows others.

8 Two. The people he associated with.

9 Section 3. Balancing. We, the jury in the above
10 entitled case, having considered any aggravating circumstance
11 or circumstances unanimously proven beyond a reasonable doubt
12 by the State, and any mitigating circumstance or
13 circumstances, find the following: There are no mitigating
14 circumstances sufficient to outweigh the aggravating
15 circumstance or circumstances found.

16 Section 4. The Sentencing Decision. We, the jury
17 in the above entitled case, having found the defendant,
18 Domonic Ronaldo Malone, guilty of Count 14, Murder of the
19 First Degree with Use of a Deadly Weapon, and having found
20 that the aggravating circumstance or circumstances outweigh
21 any mitigating circumstance or circumstances, impose a
22 sentence of, life without the possibility of parole.

23 Signed by the Jury Foreperson this 10th day of
24 February.

25 Ladies and gentlemen of the jury, is this your

1 verdict, as read, so say you one, so say you all?

2 THE JURY: Yes.

3 THE COURT: Do either side wish to have the jury
4 polled?

5 MR. DiGIACOMO: No, Your Honor.

6 MR. PIKE: The defense does not, Your Honor.

7 MR. CANO: No, Your Honor.

8 THE COURT: All right. Thank you, ladies and
9 gentlemen. Thank you very much for your service. We'll set a
10 sentencing date on the following day.

11 THE CLERK: April 12th, 8:15.

12 THE COURT: Okay. The defendant is remanded to
13 custody -- that time.

14 Ladies and gentlemen, I'd like to thank you for your
15 service. I'm sure the attorneys do, as well. The Marshal's
16 going to escort you back to the back room, so I can just
17 personally thank you from your service.

18 You are released from the admonishment, so at this
19 time, you can speak to anyone you want about this -- about
20 your experience in the trial here. You're not required to
21 talk to anybody, but you are free to speak with anyone
22 regarding your experiences here. And I hope they were
23 pleasurable for you and interesting.

24 And we all do appreciate your willingness to perform
25 your civic duties. So, thank you very much, and the marshal

1 will escort you out.

2 THE MARSHAL: Leave your badges in the seats.

3 (Pause in the proceedings)

4 (Jury dismissed at 11:41 a.m.)

5 THE COURT: Anything by the State?

6 MR. LALLI: No, Your Honor.

7 THE COURT: Anything by the defense?

8 MR. PIKE: No, Your Honor.

9 THE COURT: I always talk to the jurors for about
10 three minutes here. Counsel are free to speak with them
11 after. I always admonish counsel -- I don't know that I need
12 to admonish the four of you, but I always do, that I tell the
13 jurors that sometimes you want to talk to them, just as far as
14 critiquing your job, what could you have done better, what did
15 they like and dislike about your presentation. That's the
16 extent of the conversation you should have with them. I'm
17 sure all of you know that.

18 So, if you want to stick around, I will ask them in
19 about three minutes here if they're willing to speak with you.
20 And if not -- you know, it's strictly up to you.

21 MR. PIKE: Thank you.

22 THE COURT: Okay?

23 MR. PIKE: Thank you very much, Your Honor.

24 THE COURT: All right, thank you.

25 MR. DiGIACOMO: It was a pleasure.

26 (Court recessed at 11:42 a.m.)

CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

Verbatim Digital Reporting, LLC
Englewood, CO 80110
(303) 798-0890

Julie Lord

JULIE LORD, TRANSCRIBER

2/14/12
DATE

ORIGINAL

1 VER

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

FEB 10 2012 at 11:19 a.m.

DISTRICT COURT
CLARK COUNTY, NEVADA BY Carol Donahoo
CAROL DONAHOO, DEPUTY

8 THE STATE OF NEVADA,
9 Plaintiff,

Case No. C-06-224572-2

Dept No. XVII

10 -vs-

11 DOMONIC RONALDO MALONE,
12 Defendant.

13 SPECIAL VERDICT

14 Count 13: Murder with Use of a Deadly Weapon (Charlotte Combado)

15 We, the Jury in the above-entitled case, having found the Defendant, DOMONIC
16 RONALDO MALONE, guilty of Count 13 – Murder of the First Degree with Use of a
17 Deadly Weapon, find:

18 Section I: Aggravating Circumstances

19 Instructions: Answer by checking "Yes" or "No" as to whether the Jury unanimously
20 finds that the State has proven any aggravating circumstances beyond a reasonable doubt.

- 21
- 22 1. The murder was committed by a person who, at any time before a penalty
23 hearing is conducted for the murder, is or has been convicted of a felony
24 involving the use or threat of violence to the person of another, to-wit: Battery
25 with Intent to Commit a Crime in Case Number C168678 in the Eighth
26 Judicial District Court, Clark County, Nevada.

27 ☒ Yes.

28 ☐ No.

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1 2. The murder was committed by a person who, at any time before a penalty
2 hearing is conducted for the murder, is or has been convicted of a felony
3 involving the use or threat of violence to the person of another, to-wit: Battery
4 with Substantial Bodily Harm as alleged in Count 1 of the Amended
5 Information.

6 ☒ Yes.

7 ☐ No.

8
9 3. The murder was committed by a person who, at any time before a penalty
10 hearing is conducted for the murder, is or has been convicted of a felony
11 involving the use or threat of violence to the person of another, to-wit: First
12 Degree Kidnapping as alleged in Count 3 of the Amended Information.

13 ☒ Yes.

14 ☐ No.

15
16 4. The murder was committed while the person was engaged, alone or with
17 others, in the commission of any kidnapping in the first degree, and the person
18 charged killed or attempted to kill the person murdered or knew or had reason
19 to know that life would be taken or lethal force used, to-wit: First Degree
20 Kidnapping as alleged in Count 11 of the Amended Information.

21 ☒ Yes.

22 ☐ No.

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1 5. The murder was committed while the person was engaged, alone or with
2 others, in the commission of any kidnapping in the first degree, and the person
3 charged killed or attempted to kill the person murdered or knew or had reason
4 to know that life would be taken or lethal force used, to-wit: First Degree
5 Kidnapping as alleged in Count 12 of the Amended Information.

6 ☒ Yes.

7 ☐ No.

8
9 6. The murder was committed while the person was engaged, alone or with
10 others, in the commission of any robbery, and the person charged killed or
11 attempted to kill the person murdered or knew or had reason to know that life
12 would be taken or lethal force used, to-wit: Robbery with Use of a Deadly
13 Weapon as alleged in Count 15 of the Amended Information.

14 ☒ Yes.

15 ☐ No.

16
17 7. The murder was committed while the person was engaged, alone or with
18 others, in the commission of any robbery, and the person charged killed or
19 attempted to kill the person murdered or knew or had reason to know that life
20 would be taken or lethal force used, to-wit: Robbery with Use of a Deadly
21 Weapon as alleged in Count 16 of the Amended Information.

22 ☒ Yes.

23 ☐ No.

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1 8. The murder was committed by a person, for himself or another, to receive
2 money or any other thing of monetary value.

3 ☐ Yes.

4 ☒ No.

5
6 9. The defendant has, in the immediate proceeding, been convicted of more than
7 one offense of murder in the first or second degree.

8 ☒ Yes.

9 ☐ No.

10
11 *Instructions: If you answered "No" to all of the above aggravating circumstances,*
12 *that ends your consideration of the death penalty for Count 13. Go direction to Section V to*
13 *record your final sentencing decision as to Count 13. If you answered "Yes" to any of the*
14 *above aggravating circumstances, to go Section II.*

15 **Section II: Mitigating Circumstances**

16 *Instructions: Answer by checking "Yes" if any Juror finds that the defense has*
17 *established the existence of the following mitigating circumstances. Answer by checking*
18 *"No" if no Juror finds that the defense has established the existence of any of the following*
19 *mitigating circumstances.*

20 1. Paternal criminality.

21 ☒ Yes.

22 ☐ No.

23
24 2. Child abuse (mother/stepfather).

25 ☒ Yes.

26 ☐ No.

27 ///

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- 1 3. Poor family management practices.
2 ☒ Yes.
3 ☐ No.
4
5 4. Low levels of parental involvement (i.e., mother not involved in Domonic
6 Malone's therapy at CHLV, father in prison, low parental involvement due to
7 parental drug usage).
8 ☒ Yes.
9 ☐ No.
10
11 5. Residential instability.
12 ☒ Yes.
13 ☐ No.
14
15 6. Parent attitudes favorable to substance abuse. Mother/stepfather with severe
16 crack cocaine problems.
17 ☒ Yes.
18 ☐ No.
19
20 7. Neglect.
21 ☒ Yes.
22 ☐ No.
23
24 8. Emotional abuse.
25 ☒ Yes.
26 ☐ No.
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1 9. Adolescence depression CHLV.

2 ☒ Yes.

3 ☐ No.

4

5 10. Several parent/child separations.

6 ☒ Yes.

7 ☐ No.

8

9 11. Abandonment.

10 ☒ Yes.

11 ☐ No.

12

13 12. Low bonding to school.

14 ☒ Yes.

15 ☐ No.

16 13. Dropped out of school.

17 ☒ Yes.

18 ☐ No.

19

20 14. Frequent school transitions.

21 ☒ Yes.

22 ☐ No.

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24 15. High delinquency rate schools.

25 ☒ Yes.

26 ☐ No.

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16. Poverty.

☒ Yes.

☐ No.

17. Community disorganization (crime., drug selling, gangs, poor housing).

☒ Yes.

☐ No.

18. Exposure to violence.

☒ Yes.

☐ No.

19. Residing in extremely low income areas.

☒ Yes.

☐ No.

20. Domonic Malone reached out for help in the fifth grade to a principal regarding his parents' drug usage.

☒ Yes.

☐ No.

21. Suicide attempt due to severe family problems. Hospitalized. at Charter Hospital, Las Vegas (CHLV) (August ¹⁹⁹⁶~~2006~~). *LAS*

☒ Yes.

☐ No.

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22. Domonic Malone contacted Child Protective Services to help his family in
October ¹⁹⁹⁶ ~~2006~~. He reported their drug use and abuse.

☒ Yes.
☐ No.

23. Numerous collateral sources identify Domonic Malone as being a nice child
who was stable, with no behavioral problems, prior to the ninth grade.

☒ Yes.
☐ No.

24. Siblings identified Domonic Malone as being the care taker of the family,
secondary to his parents' dysfunction.

☒ Yes.
☐ No.

25. Domonic Malone exhibited signs of depression. as an adolescent, secondary to
extreme family instability.

☒ Yes.
☐ No.

26. His mother signed him out "against medical advice" from CHLV and she did
not follow up with psychotherapy for Domonic Malone.

☒ Yes.
☐ No.

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27. Domonic Malone was abandoned by his mother, at the age of 16 years, 11 months.

☒ Yes.

☐ No.

28. Domonic Malone had no consistent role models. His father was in prison for murder, his mother and stepfather had crack cocaine problems.

☒ Yes.

☐ No.

29. Domonic Malone had no positive mentoring throughout his life.

☒ Yes.

☐ No.

30. At the age of 16, Domonic Malone was on his own, with no money, no education, no skills, and no support.

☒ Yes.

☐ No.

31. Parentification. As a child, Domonic Malone cared for his siblings due to his mother/stepfather's neglect of the family.

☒ Yes.

☐ No.

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32. List on the lines below any additional mitigating circumstances at least one Juror has found to exist.

1) WAS A KNOWN WIMP, ERREL, FOLLOWS OTHERS.

2) THE PEOPLE HE ASSOCIATED WITH.

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If you need additional space, ask the Marshall for more paper.

1 **Section III: Balancing**

2 Instructions: Check only one of the following.

3 We, the Jury in the above-entitled case, having considered any aggravating
4 circumstance or circumstances unanimously proven beyond a reasonable doubt by the State
5 and any mitigating circumstance or circumstances, find the following:

- 6 ☒ There **are no** mitigating circumstances sufficient to outweigh the aggravating
7 circumstances or circumstance found.

8 Instructions: Proceed to Section IV to record your final sentencing decision
9 as to Count 13.

- 10 ☐ There **are** mitigating circumstances sufficient to outweigh the aggravating
11 circumstances or circumstance found.

12 Instructions: Proceed to Section V to record your final sentencing decision as
13 to Count 13.

14 **Section IV: Final Sentencing Decision (Aggravators Outweigh)**

15 We, the Jury in the above entitled case, having found the Defendant, DOMONIC
16 RONALDO MALONE, Guilty of Count 13 – Murder of the First Degree with use of a
17 Deadly Weapon, and having found that the aggravating circumstance or circumstances
18 outweigh any mitigating circumstance or circumstances impose a sentence of:

- 19 ☐ A definite term of 100 years imprisonment, with eligibility for parole beginning
20 when a minimum of 40 years has served
21 ☐ Life with the possibility of parole, with eligibility for parole beginning when a
22 minimum of 40 years has been served
23 ☒ Life without the possibility of parole
24 ☐ Death

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1 **Section V: Final Sentencing Decision (Aggravators Do Not Outweigh)**

2 Instructions: *If you have determined a sentence under Section IV, do not fill out this*
3 *section.*

4 We, the Jury in the above entitled case, having found the Defendant, DOMONIC
5 RONALDO MALONE, Guilty of Count 13 – Murder of the First Degree with use of a
6 Deadly Weapon, and having found that the mitigating circumstance or circumstances
7 outweigh any aggravating circumstance or circumstances impose a sentence of:

- 8 ☐ A definite term of 100 years imprisonment, with eligibility for parole beginning
9 when a minimum of 40 years has served
10 ☐ Life with the possibility of parole, with eligibility for parole beginning when a
11 minimum of 40 years has been served
12 ☐ Life without the possibility of parole

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1 **Count 14: Murder with Use of a Deadly Weapon (Victoria Magee)**

2 We, the Jury in the above-entitled case, having found the Defendant, DOMONIC
3 RONALDO MALONE, guilty of Count 14 – Murder of the First Degree with Use of a
4 Deadly Weapon, find:

5 **Section I: Aggravating Circumstances**

6 *Instructions: Answer by checking "Yes" or "No" as to whether the Jury unanimously*
7 *finds that the State has proven any aggravating circumstances beyond a reasonable doubt.*

- 8
- 9 1. The murder was committed by a person who, at any time before a penalty
10 hearing is conducted for the murder, is or has been convicted of a felony
11 involving the use or threat of violence to the person of another, to-wit: Battery
12 with Intent to Commit a Crime in Case Number C168678 in the Eighth
13 Judicial District Court, Clark County, Nevada.

14 ☒ Yes.

15 ☐ No.

- 16
- 17 2. The murder was committed by a person who, at any time before a penalty
18 hearing is conducted for the murder, is or has been convicted of a felony
19 involving the use or threat of violence to the person of another, to-wit: Battery
20 with Substantial Bodily Harm as alleged in Count 1 of the Amended
21 Information.

22 ☒ Yes.

23 ☐ No.

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3. The murder was committed by a person who, at any time before a penalty hearing is conducted for the murder, is or has been convicted of a felony involving the use or threat of violence to the person of another, to-wit: First Degree Kidnapping as alleged in Count 3 of the Amended Information.

- ☒ Yes.
- ☐ No.

4. The murder was committed while the person was engaged, alone or with others, in the commission of any kidnapping in the first degree, and the person charged killed or attempted to kill the person murdered or knew or had reason to know that life would be taken or lethal force used, to-wit: First Degree Kidnapping as alleged in Count 11 of the Amended Information.

- ☒ Yes.
- ☐ No.

5. The murder was committed while the person was engaged, alone or with others, in the commission of any kidnapping in the first degree, and the person charged killed or attempted to kill the person murdered or knew or had reason to know that life would be taken or lethal force used, to-wit: First Degree Kidnapping as alleged in Count 12 of the Amended Information.

- ☒ Yes.
- ☐ No.

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6. The murder was committed while the person was engaged, alone or with others, in the commission of any robbery, and the person charged killed or attempted to kill the person murdered or knew or had reason to know that life would be taken or lethal force used, to-wit: Robbery with Use of a Deadly Weapon as alleged in Count 15 of the Amended Information.

☒ Yes.

☐ No.

7. The murder was committed while the person was engaged, alone or with others, in the commission of any robbery, and the person charged killed or attempted to kill the person murdered or knew or had reason to know that life would be taken or lethal force used, to-wit: Robbery with Use of a Deadly Weapon as alleged in Count 16 of the Amended Information.

☒ Yes.

☐ No.

8. The murder was committed by a person, for himself or another, to receive money or any other thing of monetary value.

☐ Yes.

☒ No.

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1 9. The defendant has, in the immediate proceeding, been convicted of more than
2 one offense of murder in the first or second degree.

3 ☒ Yes.

4 ☐ No.

5
6 Instructions: *If you answered "No" to all of the above aggravating circumstances,*
7 *that ends your consideration of the death penalty for Count 14. Go direction to Section V to*
8 *record your final sentencing decision as to Count 14. If you answered "Yes" to any of the*
9 *above aggravating circumstances, to go Section II.*

10
11 **Section II: Mitigating Circumstances**

12 Instructions: *Answer by checking "Yes" if any Juror finds that the defense has*
13 *established the existence of the following mitigating circumstances. Answer by checking*
14 *"No" if no Juror finds that the defense has established the existence of any of the following*
15 *mitigating circumstances.*

16 1. Paternal criminality.

17 ☒ Yes.

18 ☐ No.

19
20 2. Child abuse (mother/stepfather).

21 ☒ Yes.

22 ☐ No.

23
24 3. Poor family management practices.

25 ☒ Yes.

26 ☐ No.

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4. Low levels of parental involvement (i.e., mother not involved in Domonic Malone's therapy at CHLV, father in prison, low parental involvement due to parental drug usage).

☒ Yes.

☐ No.

5. Residential instability.

☒ Yes.

☐ No.

6. Parent attitudes favorable to substance abuse. Mother/stepfather with severe crack cocaine problems.

☒ Yes.

☐ No.

7. Neglect.

☒ Yes.

☐ No.

8. Emotional abuse.

☒ Yes.

☐ No.

9. Adolescence depression CHLV.

☒ Yes.

☐ No.

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1 10. Several parent/child separations.

2 ☒ Yes.

3 ☐ No.

4

5 11. Abandonment.

6 ☒ Yes.

7 ☐ No.

8

9 12. Low bonding to school.

10 ☒ Yes.

11 ☐ No.

12 13. Dropped out of school.

13 ☒ Yes.

14 ☐ No.

15

16 14. Frequent school transitions.

17 ☒ Yes.

18 ☐ No.

19

20 15. High delinquency rate schools.

21 ☒ Yes.

22 ☐ No.

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24 16. Poverty.

25 ☒ Yes.

26 ☐ No.

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17. Community disorganization (crime., drug selling, gangs, poor housing).

☒ Yes.

☐ No.

18. Exposure to violence.

☒ Yes.

☐ No.

19. Residing in extremely low income areas.

☒ Yes.

☐ No.

20. Domonic Malone reached out for help in the fifth grade to a principal regarding his parents' drug usage.

☒ Yes.

☐ No.

21. Suicide attempt due to severe family problems. Hospitalized. at Charter Hospital, Las Vegas (CHLV) (August ¹⁹⁹⁶~~2006~~). *WJ*

☒ Yes.

☐ No.

22. Domonic Malone contacted Child Protective Services to help his family in October ¹⁹⁹⁶~~2006~~. He reported their drug use and abuse. *WJ*

☒ Yes.

☐ No.

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- 1 23. Numerous collateral sources identify Domonic Malone as being a nice child
2 who was stable, with no behavioral problems, prior to the ninth grade.
3 ☒ Yes.
4 ☐ No.
5
6 24. Siblings identified Domonic Malone as being the care taker of the family,
7 secondary to his parents' dysfunction.
8 ☒ Yes.
9 ☐ No.
10
11 25. Domonic Malone exhibited signs of depression. as an adolescent, secondary to
12 extreme family instability.
13 ☒ Yes.
14 ☐ No.
15
16 26. His mother signed him out "against medical advice" from CHLV and she did
17 not follow up with psychotherapy for Domonic Malone.
18 ☒ Yes.
19 ☐ No.
20
21 27. Domonic Malone was abandoned by his mother, at the age of 16 years, 11
22 months.
23 ☒ Yes.
24 ☐ No.

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1 28. Domonic Malone had no consistent role models. His father was in prison for
2 murder, his mother and stepfather had crack cocaine problems.

3 ☒ Yes.

4 ☐ No.

5
6 29. Domonic Malone had no positive mentoring throughout his life.

7 ☒ Yes.

8 ☐ No.

9
10 30. At the age of 16, Domonic Malone was on his own, with no money, no
11 education, no skills, and no support.

12 ☒ Yes.

13 ☐ No.

14
15 31. Parentification. As a child, Domonic Malone cared for his siblings due to his
16 mother/stepfather's neglect of the family.

17 ☒ Yes.

18 ☐ No.

19
20 32. List on the lines below any additional mitigating circumstances at least one
21 Juror has found to exist.

22 1) WAS A KNOWN WIMP, ERREL, FOLLOWS OTHERS.

23 2) THE PEOPLE HE ASSOCIATED WITH.

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If you need additional space, ask the Marshall for more paper.

1 **Section III: Balancing**

2 Instructions: *Check only one of the following.*

3 We, the Jury in the above-entitled case, having considered any aggravating
4 circumstance or circumstances unanimously proven beyond a reasonable doubt by the State
5 and any mitigating circumstance or circumstances, find the following:

6 ☒ There ***are no*** mitigating circumstances sufficient to outweigh the aggravating
7 circumstances or circumstance found.

8 Instructions: *Proceed to Section IV to record your final sentencing decision*
9 *as to Count 14.*

10 ☐ There ***are*** mitigating circumstances sufficient to outweigh the aggravating
11 circumstances or circumstance found.

12 Instructions: *Proceed to Section V to record your final sentencing decision as*
13 *to Count 14.*

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FILED

MAY 24 2012

Alma L. Johnson
CLERK OF COURT

COPY

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

DOMONIC RONALDO MALONE,

Defendant.

CASE NO. C224572-2

DEPT. XVII

BEFORE THE HONORABLE MICHAEL P. VILLANI, DISTRICT COURT JUDGE

TUESDAY, APRIL 10, 2012

RECORDER'S TRANSCRIPT OF HEARING RE:

DEFENDANT'S PRO PER MOTION FOR NEW TRIAL

APPEARANCES:

For the State:

CHRISTOPHER LALLI, ESQ.,
Deputy District Attorney

For the Defendant:

CHARLES A. CANO, ESQ.,
Deputy Special Public Defender

RECORDED BY: MICHELLE L. RAMSEY, COURT RECORDER

1 LAS VEGAS, NEVADA; TUESDAY, APRIL 10, 2012

2 [Proceeding commenced at 8:33 a.m.]

3
4 THE COURT: Domonic Malone.

5 THE DEFENDANT: How you doing, sir?

6 THE COURT: Good morning, sir. Mr. Malone is here. Mr. Lalli
7 is here. Mr. Cano is here.

8 MR. LALLI: Good morning, Your Honor.

9 MR. CANO: Good morning, Your Honor.

10 THE COURT: Mr. Cano, your client filed a motion for new
11 trial. Were you aware of that --

12 MR. CANO: Yes.

13 THE COURT: -- or seen it?

14 MR. CANO: Yes, we're aware.

15 THE COURT: Okay.

16 MR. CANO: I think it was a pro per motion that he filed.

17 THE COURT: Yeah. Because he has an attorney of record and
18 these types of motions need to go through your office to see if
19 they even have merit.

20 MR. CANO: Okay.

21 THE COURT: Okay.

22 MR. CANO: I think he was just trying to preserve issues in
23 case there was like some time issues. I know you have to file
24 within a short time after the trial --

25 THE COURT: Okay.

1 MR. CANO: -- to begin with.

2 THE COURT: Well --

3 MR. CANO: And I think he's actually claiming innocent in his
4 pro per motion if I'm not mistaken.

5 MR. LALLI: That's one of the grounds. Because it's a pro per
6 motion and he's represented by counsel, we would move to strike it.
7 It's our position it should not have been filed.

8 THE COURT: Mr. Cano, your response?

9 MR. CANO: I understand the State's position. I thought we
10 put a cover sheet on it, but I'm not sure if we had not or not.

11 THE COURT: No, I do not have that.

12 MR. CANO: Okay.

13 MR. LALLI: Mine does not have a cover sheet on it either,
14 Your Honor.

15 THE COURT: Mr. Malone, since you have -- you have an
16 attorney, any filings have to go through them, okay. And so, I am
17 going to strike your motion. Not consider it since it's not proper
18 under the rules. If Mr. Cano, and I think it was Mr. Pike, feel
19 that there's grounds for a new trial, I'm sure that they will file
20 the appropriate motion.

21 MR. CANO: Okay, Your Honor, if I could approach on a --
22 related to Mr. Malone, but not related to this motion at all?

23 THE COURT: All right.

24 MR. CANO: It's for a transcript -- order for transcripts.

25 [Bench Conference]

1 MR. LALLI: We are on for sentencing on Thursday.

2 THE COURT: All right. Does everyone have the PSI?

3 MR. LALLI: We do, Your Honor.

4 MR. CANO: We do, Your Honor.

5 THE COURT: All right. Mr. Cano, have you had an opportunity
6 to give a copy to Mr. Malone?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: All right.

9 MR. CANO: Court's indulgence so I could speak to my client.

10 [Defense counsel conferring with Defendant]

11 THE COURT: Mr. Cano, do you want me to trail your case?

12 MR. CANO: No, Your Honor. No, Your Honor. We're fine.

13 THE DEFENDANT: We're just --

14 MR. CANO: We [indecipherable] matters to deal with.

15 THE DEFENDANT: Yeah [indecipherable].

16 THE COURT: You're good?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. We'll see you what on Thursday?

19 THE DEFENDANT: Yeah, Thursday.

20 MR. CANO: Thursday. Thank you, Your Honor.

21 THE COURT: All right. Thank you.

22 MR. LALLI: Thank you.

23 [Proceeding concluded at 8:37 a.m.]

24 * * * * *

1 ATTEST: I hereby certify that I have truly and correctly
2 transcribed the audio/video proceedings in the above-entitled case
3 to the best of my ability.

4 

Michelle Ramsey
Court Recorder/Transcriber

1 TRAN

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FILED

MAY 24 2012

John P. Sullivan
CLERK OF COURT

5 DISTRICT COURT

6 CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,)

9 Plaintiff,)

10 vs.)

11 DOMONIC RONALDO MALONE,)

12 Defendant.)

CASE NO. C224572-2

DEPT. XVII

14 BEFORE THE HONORABLE MICHAEL P. VILLANI, DISTRICT COURT JUDGE

15 THURSDAY, APRIL 12, 2012

16 **RECORDER'S TRANSCRIPT OF HEARING RE:**

17 **SENTENCING**

18
19 APPEARANCES:

20 For the State:

CHRISTOPHER LALLI, ESQ.,
Deputy District Attorney

22 For the Defendant:

RANDALL H. PIKE, ESQ.,
Deputy Special Public Defender

24
25 RECORDED BY: MICHELLE L. RAMSEY, COURT RECORDER

1 LAS VEGAS, NEVADA; THURSDAY, APRIL 12, 2012

2 [Proceeding commenced at 8:24 a.m.]

3
4 THE COURT: All right, Mr. Pike and Mr. Lalli, can you come
5 up? You're here on the Malone matter.

6 MR. LALLI: Yes, Your Honor.

7 THE COURT: Actually, I needed to have reviewed the McCarty
8 matter. I know there was some different charges.

9 MR. LALLI: You want us to approach?

10 THE COURT: No. This is fine right here. And I could not
11 tell from the evidence presented during both trials as to -- if
12 there was a particular ring leader who was the brains behind the
13 conduct. And I just wanted to look at my sentencing scheme for Mr.
14 McCarty just to be somewhat consistent whether or not Mr. Malone's
15 entitled to harsher treatment or more for a lenient treatment. I
16 want to have the opportunity to review that and I didn't. So I
17 apologize for you guys ready here.

18 Carol, next available date.

19 THE CLERK: April 24th --

20 THE COURT: Is that good for both sides?

21 THE CLERK: -- or 26th.

22 MR. PIKE: The -- that'll be fine, Your Honor.

23 THE CLERK: 26th.

24 THE COURT: Just give them one date.

25 THE CLERK: April 24th.

1 MR. PIKE: Okay. We'll be prepared to argue it then. Thank
2 you.

3 THE COURT: And I apologize, counsel.

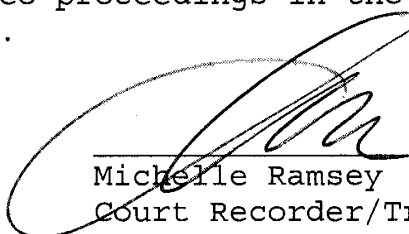
4 MR. PIKE: No problem. Thank you very much.

5 MR. LALLI: Thank you, Your Honor.

6 [Proceeding concluded at 8:25 a.m.]
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20 ATTEST: I hereby certify that I have truly and correctly
21 transcribed the audio/video proceedings in the above-entitled case
22 to the best of my ability.

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24 Michelle Ramsey
25 Court Recorder/Transcriber

FILED

MAY 24 2012

Alvin L. Williams
CLERK OF COURT

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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

DOMONIC RONALDO MALONE,

Defendant.

CASE NO. C224572-2

DEPT. XVII

BEFORE THE HONORABLE MICHAEL P. VILLANI, DISTRICT COURT JUDGE

TUESDAY, APRIL 24, 2012

RECORDER'S TRANSCRIPT OF HEARING RE:

SENTENCING

APPEARANCES:

For the State:

CHRISTOPHER LALLI, ESQ.,
Deputy District Attorney

For the Defendant:

CHARLES A. CANO, ESQ.,
Deputy Special Public Defender

RECORDED BY: MICHELLE L. RAMSEY, COURT RECORDER

1 LAS VEGAS, NEVADA; TUESDAY, APRIL 24, 2012

2 [Proceeding commenced at 8:57 a.m.]

3
4 THE COURT: Domonic Malone. Mr. Malone is present in custody
5 with Mr. Cano. That's right this was not a -- it started at 250,
6 but it's not 250 now, so we don't need Mr. Pike; is that correct,
7 Mr. Cano?

8 MR. CANO: Yes, Your Honor.

9 THE COURT: All right.

10 Any reason we can't go forward, Mr. Cano?

11 MR. CANO: No, Your Honor. We're prepared to go forward this
12 morning.

13 THE COURT: Okay, based upon the verdict of the jury,
14 Defendant is hereby adjudged guilty of Count 1, battery with
15 substantial bodily harm, Count 2, conspiracy to commit kidnapping,
16 Count 3, first degree kidnapping, Count 4, misdemeanor battery,
17 Count 7, guilty of conspiracy to commit burglary, Count 8, guilty
18 of conspiracy to commit kidnapping, Count 9, conspiracy to commit
19 murder. So he's adjudged guilty of all these offenses.

20 First degree kidnapping, another count.

21 MR. LALLI: That's Count 11, Your Honor.

22 THE COURT: Count 11. Count 12, first degree kidnapping.
23 Count 13 is murder in the first degree. Count 14 --

24 MR. LALLI: That's with use of a deadly weapon.

25 THE COURT: That's correct, use of a deadly weapon.

1 Count 14, murder with use of a deadly weapon. Count 15,
2 robbery with use of a deadly weapon. Count 16, robbery with use of
3 a deadly weapon. He's adjudged guilty of all of those offenses;
4 any argument by the State?

5 MR. LALLI: Your Honor, not -- not much. The Court now has
6 sat through two trials. I'm sure you've got a good handle on the
7 facts here. Two penalty hearings and certainly you have the
8 benefit of -- of knowing this case quite well.

9 When we were in Court last time prior to this matter
10 being continued to today, the Court asked the question or had the
11 question in your mind whose the more culpable? How -- how does
12 that sort out here? And I'm not sure that you can say that either
13 Mr. Malone or Mr. McCarty is more culpable in this case. Certainly
14 they played two different roles.

15 Something that struck me in this case was something that
16 occurred during Mr. McCarty's sentencing hearing when he took the
17 stand in allocution. And I don't know that the Court remembers
18 this.

19 MR. CANO: Your Honor, I'm going to object to anything having
20 to do with Mr. McCarty as it relates to Mr. Malone.

21 MR. LALLI: Well, these were facts, Your Honor, that -- that
22 were presented during the McCarty or the Malone trial.

23 MR. CANO: You said McCarty.

24 MR. LALLI: True, but -- but --

25 MR. CANO: Regarding McCarty's allocution, I don't think it

1 applies to Mr. Malone.

2 MR. LALLI: Not anything that he said, but we all --

3 THE COURT: Let me hear what he's going to say, Mr. Cano.
4 I'll see if I'm going to consider it.

5 MR. LALLI: The evidence adduced at Mr. Malone's trial was
6 that Mr. McCarty suffered a physical handicap. He suffered from
7 cerebral palsy and numerous witnesses described that and the Court
8 had the opportunity to see that as Mr. McCarty during his trial
9 walked from counsel table, from this table right here, up to the
10 witness stand.

11 And certainly the testimony in both cases was that he was
12 not entirely disabled. He was certainly capable of using his arm,
13 but there was a significant physical impairment there. And I think
14 what the -- what the evidence in Mr. Malone's case demonstrated was
15 that Mr. McCarty was the talker. Perhaps he was more of the
16 planner, more of the organizer, but to do the things that were done
17 to these victims you certainly needed somebody with muscle. You
18 certainly needed somebody with physical prowess. You certainly
19 needed someone who was ready, willing and able to inflict
20 significant physical pain and injury to victims, and Mr. Malone was
21 that person.

22 Certainly these crimes, none of them could have been
23 committed without Mr. Malone. And so he was more culpable, I can't
24 tell you that, but certainly they both had their respective rolls
25 and Mr. Malone's was that of the physical enforcer.

1 So, how else are these two individuals different? And I
2 would suggest to the Court another way is by virtue of their
3 criminal pasts. There's a lot of argument at the last trial
4 whether the jury would hear about the murder of Trayvian [phonetic]
5 Hampton; that was the other murder that the Defendant was
6 originally charged with and ultimately those charges were not
7 pursued by our office. And there was quite a bit of argument as to
8 whether the jury would even hear about that, and ultimately the
9 Court made the decision that yes the jury should hear about that
10 and it wasn't a card that we played very forcefully during the
11 penalty hearing because we believe that the -- the facts of this
12 case kind of spoke for themselves.

13 But certainly that is something -- the fact of that
14 murder is something that distinguishes this Defendant for many
15 other Defendants in the criminal justice system. He hasn't
16 committed one murder, but he's responsible for two. And I'm sure
17 the Court remembers the facts of that case where you have the
18 deceased laid out, the Defendant's toothbrush for some reason is
19 lying right there. You have his sun -- his reading glasses, those
20 very -- I'm sorry, his eyeglasses, those very distinct eyeglasses
21 right underneath where the altercation occurred. Court may
22 remember one of the -- one of the bands on that pair of glasses was
23 different and the receipt indicating that they had been repaired.
24 So certainly there's no question that the Defendant was involved in
25 that murder.

1 We have the Defendant committing a sexual assault against
2 Dawana Jones and maybe the Court recalls that case from the penalty
3 hearing. The forcible sexual assault that he inflicted upon the
4 mother of his child. And then, of course, there was the battery by
5 a prisoner upon Melvin Charone [phonetic]. The elderly gentleman
6 who was in custody at the Clark County Detention Center, and this
7 wasn't just a, you know, punch or two. This was a savage beating
8 that required this individual to be transported to the University
9 Medical Center and treated there. And I don't need to tell the
10 Court that prisons are filled with many potential victims like Mr.
11 Charone [phonetic].

12 So when you look at Mr. Malone and when you look at Mr.
13 McCarty, and I think the Court has to do that to some extent,
14 they're not similarly situated especially with respect to -- to
15 their criminal records. Mr. Malone did receive a substantial
16 benefit by the jury and not being sentenced to death. And so
17 somehow the Court I think needs to grapple with that because that
18 is an inequity that innards to this Defendant's benefit.

19 So when you look at -- at the sentencing here, there's a
20 couple of errors in the pre-sentence report and what I'd like to do
21 is just go from Count 1 on down and kind of talk about those.

22 Count 1, of course, was related to Melissa Estores, Red,
23 being beaten at the Sportsman's. We'll submit it on that
24 recommendation.

25 Counts 2, 3 and 4 are related to Melissa Estores being

1 kidnapped, driven out to the desert location by the trailer and
2 then beaten by this Defendant who physically laid hands on her
3 while Mr. McCarty encouraged and assisted in that regard.

4 I will submit it on the recommendation with two caveats.
5 Number one, the Department of Parole and Probation did not
6 recommend a sentence on Count 4, the misdemeanor battery. I think
7 by law as futile as it might be, the Court needs to impose a
8 sentence for that count, so I would recommend a sentence of six
9 months in the Clark County Detention Center with credit for
10 whatever time the Defendant has and certainly his credit would --
11 would consume that sentence.

12 But I would ask that Counts 2 and 3 run consecutive to
13 Count 1. They're two separate distinct crimes and the Defendant
14 should not receive the benefit of concurrent sentences for those
15 separate crimes. And when I look at Mr. McCarty's sentencing
16 structure, that was kind of the philosophy that the Court had
17 adopted in -- in keeping a -- the group of sentences running
18 consecutive to each other with the exception of the -- of the final
19 counts and I'll talk about those in a moment.

20 With respect to Counts 7, 8 and 9, we will submit it on
21 the recommendation.

22 With respect to Count 11 and I'd like to talk about Count
23 11 and 12. These are the counts of first degree kidnapping related
24 to the abduction of our victims from the South Cove Apartments. I
25 would just note that the Court imposed a sentence of life without

1 the possibility of parole on Mr. McCarty. And certainly this
2 Defendant is similarly situated with respect to the conduct, if not
3 more so. The testimony at both trials was that this Defendant
4 actually was holding a golf club when he was seen by witnesses in
5 that apartment complex. And so again playing that enforcer role,
6 he certainly isn't entitled to any lesser sentence than Mr. McCarty
7 receives, so I would ask the Court on Counts 11 and 12 to impose
8 sentences of life without the possibility of parole.

9 The Department is recommending a sentence of consecutive
10 to Count 3 on Count 11 and on Count 12 the pre-sentence
11 investigation report actually says consecutive to Count 12, so
12 they're recommending that it run consecutive to itself. I think
13 that's a typographical error and they meant to run consecutive to
14 Count 11 although I can't be certain about that.

15 What I would ask the Court to do is to run those counts
16 consecutive to each other, but also have Count 11 run consecutive
17 to Count 9, so that it is not consumed -- the conspiracy to murder
18 so that is not consumed by the abduction counts.

19 With respect to Counts 13 through 16, the Department is
20 recommending consecutive sentences on those which I believe is
21 appropriate, so we'll submit it on that.

22 THE COURT: All right, thank you. Mr. Malone, do you have
23 anything to say before I impose your sentence?

24 THE DEFENDANT: Yes, sir, I do now. Yeah.

25 THE COURT: Okay.

1 THE DEFENDANT: Your Honor, allocution statement to my
2 understanding is for a person who begged for mercy for a crime that
3 he committed. The reason why I didn't do it 'cause I didn't commit
4 the crime, Your Honor. What I did was sell drugs and there's no
5 excuse for me selling drugs and be around the people who obviously
6 I was around, but as far as me having any issue that I had with
7 Melissa Estores that was only between me and Melissa Estores and
8 never involved anyone else in this situation.

9 Now I've never bothered nobody in my personal situation.
10 I'm not a group person. I had nothing to do -- I'm not here to
11 testify, Your Honor. I'm just here to just clear something up
12 about the allegation that Mr. Lalli just said something about
13 allocution.

14 Me, personally these young women shouldn't have never
15 even been harmed in the first place, but unfortunately they was.
16 My silence that I took, you know, had every opportunity to talk.
17 I'm talking now, but this only a sentencing situation.

18 With life without which I believe I got two life without
19 in this case any way is a conviction that can be corrected because,
20 you know, I'm alive to correct it. On the death penalty which
21 Lalli had pointed out, on the death penalty, once you dead you
22 can't correct it the conviction, you know, regardless of the
23 evidence that it turns out later. In the trial, once you dead, you
24 dead, but unfortunate -- fortunately, yes I did got life without.
25 I don't know how somebody could consider that what do you call a I

1 guess a blessing of what not, but I'm blessed to be alive today or
2 any other day of my life, but life in prison to me is still death
3 'cause I'm taken away from my family, from my children and the ones
4 who I love the most.

5 But it still don't bring the two victims back. They
6 don't bring my Victoria back at all and so I'm not asking you to
7 sympathize with me because like I said, I sold drugs and that's
8 what I do, that's what I did. So, you know, I committed crimes
9 selling drugs, so you commit a crime it doesn't matter it surrounds
10 this type of environment in the first place, so I guess that's what
11 I have to deal with at this point in time.

12 The only thing I can do is be grateful for the family
13 that stood by me through this times and hopefully that I can come
14 back and be in front of you in a better light than what I am now.
15 Right now the jury has spoken. There's nothing that we can do
16 about that right now, but go through the process and I thank you
17 for allowing me to go through the process even though I was really
18 tunnel vision and not looking at it as a bigger aspect of it.

19 Now I have an understanding of it. I thank you for
20 giving me an opportunity to sit here and speak today and
21 everything. It's just that I cannot say I'm sorry for something
22 that I didn't do.

23 Now with Melissa, I'm not even -- the second incident is
24 the only incident that I have always contested to say no I did not
25 do that, but yes we did got into an altercation with each other and

1 weren't always said that we did. I ain't never said that we do
2 not, Your Honor.

3 And like I said everything is between me and her, not
4 them and whatever they would got going on. I did not tell Melissa
5 to get with that boy and conspired to kidnap them girls. I had
6 nothing to do with that, but that's not what had happened here;
7 that wasn't brought out on anyone else on trial, so I had to deal
8 with it, sir.

9 And I'm not trying to waste no more of your time. I'm
10 going to do everything so I say that when I come back in front of
11 you I hope I can be in a better light, sir.

12 THE COURT: Sir, you're not wasting my time. It's -- I want
13 to hear from you and that's a part of my job, okay.

14 THE DEFENDANT: I really appreciate it.

15 THE COURT: So don't worry about it. Okay, Mr. Cano.

16 MR. CANO: Thank you, Your Honor.

17 First of all I like to acknowledge Mr. Malone's family.
18 They have been supportive of him throughout this whole entire
19 process and Malone's entire process and they're here in Court
20 today, Your Honor.

21 Now this is sentencing here. I can understand why the
22 Court would want to know who was more responsible and who's not.
23 You know, who has more culpability or responsibility in this case.
24 Because as you heard this case and you heard it twice, I think one
25 thing is glaring. Glaring that kind of sticks out in your head.

1 How could the State do what they do with Mr. Herb? Because if
2 anybody is responsible as deep as Mr. McCarty in this case, it's
3 Mr. Herb, but they let him walk away with probation.

4 You know, that -- that kind of flies in the face of what
5 these two beautiful young women suffered and passed away. So I can
6 understand that and our contention is that Mr. Malone has not been
7 involved with these other two gentlemen [indecipherable] who was
8 there, but the jury has spoke onto that.

9 By I do find it curious that Mr. Lalli is trying to
10 distinguish Mr. McCarty from Mr. Malone emphasizing his disability
11 when during that trial they tried to do everything to de-emphasize
12 it and to make it seem like Mr. McCarty was malingering that
13 disability, but he was much heavier player when they were going
14 through that trial. And I don't think you can necessarily have it
15 both ways to try and put more culpability and blame on Mr. Malone.

16 Now they did bring in the Trayvian [phonetic] Hampton
17 issue and the Court was I think hesitant, reluctant, ruled in our
18 favor to not allow it in at first, but then reversed its decision
19 on that, but when you actually heard the evidence on that, you
20 understand why they couldn't proceed with that; that was a weak
21 case. And what were they trying to do, throw mud on Mr. Malone
22 just like they're trying to do today.

23 But obviously there's nothing that could tie him -- tie
24 him to that case. Otherwise, the State would have pursued that
25 case. They haven't and they haven't since.

1 Now as far as the situation that happened with Dawana
2 Jones. He pled guilty to battery with intent to commit a crime.
3 He did time for that. He served his time and his penalty for that,
4 Your Honor.

5 And since that time he was able to reconcile with Dawana.
6 He was able to reestablish a relationship with his daughter. So I
7 mean that goes I think towards the credit for Mr. Malone in his
8 character.

9 Now the battery with a prisoner; that case was mutual
10 combat that someone, you know, got into a fight with Mr. Malone.
11 He was abetting himself and they got the worse of it. It was
12 mutual combat, Your Honor.

13 So, I know you've heard all this throughout the
14 sentencing, but I think there's something that kind of just -- that
15 kind of resonates in this case is well the jury spoken as to what
16 they thought and they heard all those things too and they made the
17 decision as to, you know, what the proper sentence in this case and
18 that was life without.

19 Now we look as to what should the sentencing structure be
20 in this. And I always find it kind of redundant that the fact that
21 the State or -- or the P and P always wants to have a second
22 sentence when there's already two counts of life without. And what
23 is life without? I think Mr. Malone said it best, that's, you
24 know, it's not the death penalty. It's not exactly the same thing
25 that Mr. McCarty got, but life without is like a life in the State

1 of Nevada and he will never leave prison if that conviction, you
2 know, is affirmed.

3 So, basically it's death by prison is what that is and to
4 add consecutive sentences on top of that sentence which is
5 probably, you know, is one of the most severe sentences he can
6 receive other than death is the most severe other than death.

7 I think it's trying to add salt or injury to the wound
8 and I don't think it serves any purpose whatsoever -- whatsoever
9 because I think the jury spoke and acknowledged that lives of both
10 Charlotte and Victoria with that sentence itself.

11 And I think this Court should -- should recognize that as
12 well and I don't think it should just willy-nilly just get
13 consecutive sentence just because they can and they have that
14 authority to do so.

15 So our recommendation as far as the time frame concerning
16 each count, we're not objecting to that, but we would ask that the
17 Court run all the counts concurrently to each other, Your Honor.

18 THE COURT: All right.

19 MR. CANO: With that, we'll submit to the Court.

20 THE COURT: Okay.

21 MR. LALLI: Your Honor, can I just correct one -- one point
22 and I apologize for this.

23 THE COURT: Correcting, not rearguing.

24 MR. LALLI: Correct.

25 THE COURT: Okay.

1 MR. LALLI: Mr. Cano indicated that Mr. Herb received
2 probation.

3 THE COURT: He hasn't been sentenced yet has he?

4 MR. LALLI: Correct. And I don't want to leave any
5 misconception with the Court. We're going to be recommending a
6 favorable sentence for him, but technically he's not yet been
7 sentenced and I also based upon Mr. Malone's comments, I -- my
8 reference to Mr. McCarty's allocution was in no way to cast
9 dispersions on Mr. Malone's exercising of his Fifth Amendment Right
10 during the course of these proceedings. He has that absolute
11 right; that right is his and the Court should in no way construe my
12 comments to draw any negative inference on Mr. Malone for invoking
13 that right that he has, so with that, we'll submit it.

14 THE COURT: Anything further, Mr. Cano, on those points?

15 MR. CANO: Yes. My apologies. It was a probationable case
16 and I meant to say probationable; that he hasn't received the
17 sentencing yet.

18 THE COURT: Okay. Thank you.

19 Didn't these offenses occur five, six years ago?

20 MR. CANO: Yes, Your Honor.

21 THE DEFENDANT: It was six years, sir.

22 MR. CANO: Six years.

23 MR. LALLI: Back in May of 2006.

24 THE DEFENDANT: Yes.

25 THE COURT: Mr. Malone, I'm glad you reconsidered the original

1 position of representing yourself. I think that there was a great
2 likelihood of you getting the death penalty on both the murders if
3 you didn't have Mr. Cano, Mr. Pike representing you here. And also
4 it should be clear to you and it's clear to me and apparently it
5 was clear to the jury that the mitigation case they put on for you
6 meant a lot because they did not seek the death penalty or the jury
7 did not think that was warranted in your case. No reflection on
8 Mr. McCarty's attorneys. Different day. Different jury. You
9 never know what's going to happen, but you were well served by
10 having Mr. Cano and Mr. Pike on this case.

11 And I really think, but for that the mitigation case they
12 put on you would have had the death penalty 'cause the way the jury
13 looked at these particular matters.

14 I am not considering whatsoever Mr. McCarty's -- any
15 statements, any statements of allocution he made on his case for
16 your sentencing. I understand you're stating that you're not
17 guilty of all these charges, the majority of them, but we're here.
18 The jury's found you guilty and that's where we're at today.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And, sir, one thing I did notice and I don't know
21 if your attorney noticed this because of Mr. Lalli because when a
22 witness is on a stand, their eyes rightfully so are directed to the
23 witness stand and they're taking notes or in their laptops 'cause
24 they want to watch the witness testify. And you were sitting next
25 to Mr. Cano and Mr. Pike. I think you were sitting in the center

1 or maybe off to the side. When the Bishop testified, your Bishop
2 from your church, okay.

3 THE DEFENDANT: That's my uncle, sir.

4 THE COURT: Okay. Your uncle, I'm sorry. And he was talking
5 about your background and it was a little surprising to me, maybe I
6 shouldn't say that 'cause I really don't know you, but his
7 testimony had a major impact on you. I think you broke down and
8 started crying. I don't know if you remember that, but I saw it.
9 I mean, you were not loud, but I saw it. What he had to say had a
10 big impact on you and he seems like he was someone behind you.
11 Unfortunately, your life took a different path.

12 I can't imagine your background. I can't imagine Ms.
13 Combado's and Ms. McGhee's background either, but I also can't
14 imagine how they felt going out to the desert, how they felt
15 getting beat and they were degraded by being stripped and dumped in
16 the desert.

17 And I can hope -- only hope they were dead prior to most
18 of that occurring. And it's just a really unfortunate case and
19 there was a decision all of you guys make for your life style and
20 here we have the bad result.

21 So, as to Count 1 which is battery with substantial
22 bodily harm counts, the Court sentences you to Nevada Department of
23 Corrections for a maximum of 48 months, minimum term of 19 months.

24 Count 2, conspiracy to commit kidnapping counts, the
25 Court sentences you to a maximum term of 60 months, minimum term of

1 24 months. Count 2 --

2 MR. LALLI: Twenty-four, Your Honor? I'm sorry.

3 THE COURT: Twenty-four.

4 MR. LALLI: Thank you.

5 THE COURT: Count 2 is to run consecutive to Count 1.

6 On Count 3, first degree kidnapping, the Court sentences
7 you to life with the possibility of parole after 5 years. Count 3
8 to run concurrent to Count 2.

9 Count 4 is the misdemeanor battery, the Court sentences
10 you to confinement in the Nevada -- excuse me -- Clark County
11 Detention Center for a period of 12 months.

12 MR. LALLI: It's 6 months maximum, Your Honor.

13 MR. CANO: 6 months, Your Honor.

14 THE COURT: I'm sorry, 6 months; that's right, misdemeanor.
15 Six months. And Count 4 to run concurrent to Count 3.

16 Counts 5 and 6 are not guilty.

17 Count 7, conspiracy to commit burglary, the Court
18 sentences you to 12 months in the Clark County Detention Center
19 'cause it's a gross misdemeanor. Count 7 to run consecutive to
20 Count 3.

21 Count 8 which is conspiracy to commit kidnapping, Court
22 sentences you to maximum term of 60 months, minimum term of 24
23 months. Count 8 to run concurrent to Count 7.

24 Count 9, conspiracy to commit murder, the Court sentences
25 you to maximum of 120 months, minimum term of 48 months. Count 9

1 to run consecutive to Count 8.

2 Count 10 was not guilty.

3 Count 11 which is kidnapping, the Court sentences you to
4 life without the possibility of parole. Count 11 to run
5 consecutive to Count 9.

6 Count 12 is the kidnapping -- first degree kidnapping,
7 Court sentences you to life without. Count 12 to run consecutive
8 to Count 11.

9 Count 13, murder with use, the jury determined that the
10 appropriate sentence was life without the possibility of parole and
11 a consecutive term a life without the possibility of parole for the
12 weapon's enhancement.

13 You know, with the murder charges, do I even get into the
14 consecutive, concurrent --

15 MR. LALLI: Yes.

16 THE COURT: -- because it's life?

17 MR. LALLI: Yes.

18 THE COURT: Count 13 to run consecutive to Count 12.

19 Count 14 is the other murder charge; the jury determined
20 life without the possibility of parole was appropriate. You have
21 the weapon's enhancement is also life without the possibility of
22 parole on that case. Count 14 to run consecutive to Count 13.

23 Count 15 is the robbery -- it's robbery with use of a
24 deadly weapon, excuse me. The Court sentences you to a maximum
25 term of 180 months, minimum term of 48 months and a consecutive

1 term for the weapon's enhancement that was utilized in this case;
2 180 months, minimum term of 48 months which must run consecutive to
3 the underlying offense. Count 15 to run concurrent to Count 14.

4 Count 16, robbery with use for the other victim, maximum
5 term of 180 months, minimum term of 48 months, consecutive term for
6 the weapon's enhancement, 180 months, minimum term of 48 months.
7 Count 16 to run consecutive to Count 15.

8 You're ordered to pay a \$25 administrative assessment
9 fee. I believe the --

10 MR. CANO: He's got the DNA from the previous --

11 THE COURT: I'm sorry.

12 MR. CANO: I think there was a DNA in the previous --

13 THE COURT: Right. I was just about to say that I'm going to
14 waive the DNA fee, sir, that would have been ordered in the
15 previous case.

16 No reflection on the representation, Mr. Cano, but as a
17 matter of course and under the rules I'm going to order that he pay
18 \$250 to the indigent defense fund. Clearly, your services were
19 worth well over in excess of that. More than likely it'll never be
20 paid.

21 Also, you are entitled to through today because we
22 continued this 2,148 days credit for time served.

23 MR. LALLI: Can you give me that number again? I'm sorry,
24 Your Honor.

25 THE COURT: Two thousand one hundred forty-eight days.

1 They originally listed it as 2136, but it's been bumped
2 two weeks or so, so that's why we got the 2148. I think that
3 covers everything.

4 MR. LALLI: Your Honor, with respect to Count 14, the
5 Department is recommending \$2,554.41 joint and several liable and I
6 believe that is for funeral expenses.


7 THE COURT: I did note that and I neglected to state that
8 restitution of \$2,554.41. I think that's it. Thank you everybody.

9 MR. LALLI: Thank you, Your Honor.

10 [Proceeding concluded at 9:30 a.m.]

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15 * * * * *

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20
21 ATTEST: I hereby certify that I have truly and correctly
22 transcribed the audio/video proceedings in the above-entitled case
to the best of my ability.

23 
24 Michelle Ramsey
25 Court Recorder/Transcriber

ORIGINAL

FILED

MAY 08 2012

John D. Williams
CLERK OF COURT

JOC

DISTRICT COURT

CLARK COUNTY, NEVADA

08C224572-2

JOC

Judgment of Conviction

1848239



THE STATE OF NEVADA,

Plaintiff,

-VS-

DOMONIC RONALDO MALONE
#1670891

Defendant.

CASE NO. C224572-2

DEPT. NO. XVII

JUDGMENT OF CONVICTION

(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 – BATTERY WITH SUBSTANTIAL BODILY HARM (Category C Felony), in violation of NRS 200.481; COUNT 2 – CONSPIRACY TO COMMIT KIDNAPPING (Category B Felony), in violation of NRS 200.310, 200.320, 199.480; COUNT 3 – FIRST DEGREE KIDNAPPING (Category A Felony), in violation of NRS 200.310, 200.320; COUNT 4 – BATTERY WITH SUBSTANTIAL BODILY HARM (Category C Felony), in violation of NRS 200.481; COUNT 5 – ROBBERY (Category B Felony), in violation of NRS 200.380; COUNT 6 - PANDERING (Category C Felony), in violation of NRS 201.300; COUNT 7 - CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor), in violation of NRS 205.060, 199.480; COUNT 8 - CONSPIRACY TO COMMIT KIDNAPPING (Category B Felony), in violation of NRS 200.310, 200.320, 199.480; COUNT 9 -

1 CONSPIRACY TO COMMIT MURDER (Category B Felony), in violation of NRS
2 200.010, 200.030, 199.480; COUNT 10 - BURGLARY (Category B Felony), in violation
3 of NRS 205.060; COUNT 11 - FIRST DEGREE KIDNAPPING (Category A Felony), in
4 violation of NRS 200.310, 200.320; COUNT 12 - FIRST DEGREE KIDNAPPING
5 (Category A Felony), in violation of NRS 200.310, 200.320; COUNT 13 - MURDER
6 WITH USE OF A DEADLY WEAPON (Category A Felony), in violation of NRS 200.010,
7 200.030, 193.165; COUNT 14 - MURDER WITH USE OF A DEADLY WEAPON
8 (Category A Felony), in violation of NRS 200.010, 200.030, 193.165; COUNT 15 -
9 ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony), in violation of
10 NRS 200.380, 193.165; and COUNT 16 - ROBBERY WITH USE OF A DEADLY
11 WEAPON (Category B Felony), in violation of NRS 200.380, 193.165; and the matter
12 having been tried before a jury and the Defendant having been found guilty of the
13 crimes of COUNT 1 - BATTERY WITH SUBSTANTIAL BODILY HARM (Category C
14 Felony), in violation of NRS 200.481; COUNT 2 - CONSPIRACY TO COMMIT
15 KIDNAPPING (Category B Felony), in violation of NRS 200.310, 200.320, 199.480;
16 COUNT 3 - FIRST DEGREE KIDNAPPING (Category A Felony), in violation of NRS
17 200.310, 200.320; COUNT 4 - BATTERY (Misdemeanor), in violation of NRS 200.481;
18 COUNT 7 - CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor), in violation
19 of NRS 205.060, 199.480; COUNT 8 - CONSPIRACY TO COMMIT KIDNAPPING
20 (Category B Felony), in violation of NRS 200.310, 200.320, 199.480; COUNT 9 -
21 CONSPIRACY TO COMMIT MURDER (Category B Felony), in violation of NRS
22 200.010, 200.030, 199.480; COUNT 11 - FIRST DEGREE KIDNAPPING (Category A
23 Felony), in violation of NRS 200.310, 200.320; COUNT 12 - FIRST DEGREE

1 KIDNAPPING (Category A Felony), in violation of NRS 200.310, 200.320; COUNT 13 -
2 FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (Category A Felony),
3 in violation of NRS 200.010, 200.030, 193.165; COUNT 14 - FIRST DEGREE MURDER
4 WITH USE OF A DEADLY WEAPON (Category A Felony), in violation of NRS 200.010,
5 200.030, 193.165; COUNT 15 - ROBBERY WITH USE OF A DEADLY WEAPON
6 (Category B Felony), in violation of NRS 200.380, 193.165; and COUNT 16 -
7 ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony), in violation of
8 NRS 200.380, 193.165; thereafter, on the 24th day of April, 2012, the Defendant was
9 present in court for sentencing with his counsel, CHARLES CANO, Special Deputy
10 Public Defender, and good cause appearing,
11

12
13 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in
14 addition to the \$25.00 Administrative Assessment Fee, Indigent Defense Civil
15 Assessment Fee of \$250.00, and to PAY \$2,554.41 RESTITUTION jointly and
16 severally, the Defendant is SENTENCED as follows: AS TO COUNT 1 - TO A
17 MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of
18 NINETEEN (19) MONTHS in the Nevada Department of Corrections (NDC); AS TO
19 COUNT 2 - TO A MAXIMUM of SIXTY (60) MONTHS with a MINIMUM Parole Eligibility
20 of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC),
21 COUNT 2 to run CONSECUTIVE to COUNT 1; AS TO COUNT 3 - LIFE with a
22 MINIMUM Parole Eligibility after FIVE (5) YEARS in the Nevada Department of
23 Corrections (NDC), COUNT 3 to run CONCURRENT with COUNT 2; AS TO COUNT 4
24 - SIX (6) MONTHS in the Clark County Detention Center, COUNT 4 to run
25 CONCURRENT with COUNT 3; AS TO COUNT 7 - TWELVE (12) MONTHS in the
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Clark County Detention Center, COUNT 7 to run CONSECUTIVE to COUNT 3; AS TO
COUNT 8 - TO A MAXIMUM of SIXTY (60) MONTHS with a MINIMUM Parole Eligibility
of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC),
COUNT 8 to run CONCURRENT with COUNT 7; AS TO COUNT 9 - TO A MAXIMUM
of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of
FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC),
COUNT 9 to run CONSECUTIVE to COUNT 8; AS TO COUNT 11 - LIFE in the Nevada
Department of Corrections (NDC) without the possibility of Parole, COUNT 11 to run
CONSECUTIVE to COUNT 9; AS TO COUNT 12 - LIFE in the Nevada Department of
Corrections (NDC) without the possibility of Parole, COUNT 12 to run CONSECUTIVE
to COUNT 11; AS TO COUNT 13 - LIFE in the Nevada Department of Corrections
(NDC) without the possibility of Parole plus a CONSECUTIVE term of LIFE in the
Nevada Department of Corrections (NDC) without the possibility of Parole for Use of a
Deadly Weapon, COUNT 13 to run CONSECUTIVE to COUNT 12; AS TO COUNT 14 -
LIFE in the Nevada Department of Corrections (NDC) without the possibility of Parole
plus a CONSECUTIVE term of LIFE in the Nevada Department of Corrections (NDC)
without the possibility of Parole for Use of a Deadly Weapon, COUNT 14 to run
CONSECUTIVE to COUNT 13; AS TO COUNT 15 - TO A MAXIMUM of ONE
HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of FORTY-
EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC) plus a
CONSECUTIVE term of ONE HUNDRED EIGHTY (180) MONTHS MAXIMUM and
FORTY-EIGHT (48) MONTHS MINIMUM for Use of a Deadly Weapon, COUNT 15 to
run CONCURRENT with COUNT 14; AS TO COUNT 16 - TO A MAXIMUM of ONE

1 HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of FORTY-
2 EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC) plus a
3 CONSECUTIVE term of ONE HUNDRED EIGHTY (180) MONTHS MAXIMUM and
4 FORTY-EIGHT (48) MONTHS MINIMUM for Use of a Deadly Weapon, COUNT 16 to
5 run CONSECUTIVE to COUNT 15; with TWO THOUSAND ONE HUNDRED FORTY-
6 EIGHT (2,148) DAYS Credit for Time Served. As the Fee and Genetic Testing have
7 been previously imposed, the Fee and Testing in the current case are WAIVED.
8
9

10
11 DATED this 4 day of May, 2012

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14 MICHAEL VILLANI
15 DISTRICT JUDGE
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ORIGINAL

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1 NOAS
2 DAVID M. SCHIECK
3 SPECIAL PUBLIC DEFENDER
4 Nevada Bar #0824
5 JONELL THOMAS
6 DEPUTY SPECIAL PUBLIC DEFENDER
7 Nevada Bar #4771
8 330 South Third Street, Ste. 800
9 Las Vegas, Nevada 89155-2316
10 (702) 455-6265
11 Fax: 455-6273
12 thomasjn@co.clark.nv.us
13 Attorneys for Defendant

FILED
2012 JUN -5 A 10:30
Lawrence M. ...
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

12 STATE OF NEVADA,
13
14 Plaintiff,
15
16 vs.
17 DOMONIC RONALDO MALONE,
18 Defendant.

CASE NO. C224572-2
DEPT. NO. 17

06C224572-2
NOASC
Notice of Appeal (criminal)
1866408



NOTICE OF APPEAL

DATE: N/A
TIME: N/A

20 TO: THE STATE OF NEVADA, Plaintiff;
21 TO: Clark County District Attorney, Plaintiff's attorney; and
22 TO: DEPARTMENT 17 OF THE EIGHTH JUDICIAL DISTRICT COURT
23 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK:

24 NOTICE is hereby given that DOMONIC MALONE appeals to the Nevada Supreme
25 Court from the Judgement of Conviction filed on May 8, 2012 and the sentence entered against
26 Defendant as follows: Count 1 - maximum of 48 months with a minimum parole eligibility of
27 19 months in the Nevada Department of Corrections (NDC); Count 2 - maximum of 60 months
28 with a minimum parole eligibility of 24 months in the NDC, Count 2 to run consecutive to Count

CLERK OF THE COURT

JUN 05 2012

RECEIVED


SPECIAL PUBLIC
DEFENDER

CLARK COUNTY
NEVADA

1; Count 3 - Life with a minimum parole eligibility after 5 years in the NDC, Count 3 to run concurrent with Count 2; Count 4 - 6 months in Clark County Detention Center, Count 4 to run concurrent with Count 3; (Count 5 and Count 6-Not Guilty); Count 7 - 12 months in the Clark County Detention Center, Count 7 to run consecutive to Count 3; Count 8 - maximum of 60 months with a minimum of parole eligibility of 24 months in the NDC, Count 8 to run concurrent with Count 7; Count 9 - maximum of 120 months with a minimum of parole eligibility of 48 months in the NDC, Count 9 to run consecutive to Count 8; Count 10 - Not Guilty); Count 11 -Life without the possibility of parole, Count 11 to run consecutive to Count 9; Count 12 - Life without the possibility of parole, Count 12 to run connective to Count 11; Count 13 - Life without the possibility of parole plus a consecutive term of Life without the possibility of parole for the use of a deadly weapon, Count 13 to run consecutive to Count 12; Count 14 - Life without the possibility of parole plus a consecutive Life without the possibility of parole for the use of a deadly weapon, Count 14 to run consecutive to Count 13; Count 15 - 180 months with a minimum parole eligibility of 48 months in the NDC plus a consecutive term of 180 months maximum and 48 months minimum for use of a deadly weapon, Count 15 to run concurrent with Count 14; Count 16 - maximum of 180 months with a minimum parole eligibility of 48 months in the NDC plus a consecutive term of 180 months maximum and 48 months minimum for use of a deadly weapon, Count 16 to run consecutive to Count 15. 2,148 days credit for time served.

DATED this 4th day of June, 2012.

DAVID M. SCHIECK
SPECIAL PUBLIC DEFENDER


BY
JONELL THOMAS
330 S. THIRD ST., STE. 800
LAS VEGAS, NEVADA 89155-2316
(702) 455-6265

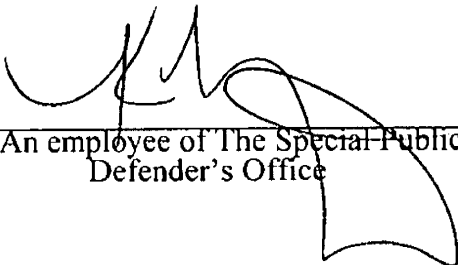
1
2 **CERTIFICATE OF MAILING**

3 The undersigned does hereby certify that on the 4 day of June, 2012, I deposited in the
4 United States Post Office at Las Vegas, Nevada, a copy of the Notice of Appeal, postage
5 prepaid, addressed to the following:

6 District Attorney's Office
7 200 Lewis Ave., Ste. 800
8 Las Vegas NV 89155

9 Nevada Attorney General
10 100 N. Carson
11 Carson City, NV 89701-4717

12 Domonic Malone, #69418
13 High Desert State Prison
14 P.O. Box 650
15 Indian Springs, Nevada 89018

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An employee of The Special Public
Defender's Office