



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Electronically Filed
Jan 22 2013 02:43 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

Steven D. Grierson
Clerk of the Court

January 22, 2013

Tracie Lindeman
Clerk of the Supreme Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: LAS VEGAS METROPOLITAN POLICE DEPARTMENT vs. U.S. CURRENCY \$281,656.73

S.C. CASE: 61616

D.C. CASE: A537416

Dear Ms. Lindeman:

Pursuant to your Notice to Transmit Required Document, dated January 15, 2013, enclosed is a certified copy of the Findings of Fact, Conclusions of Law and Order filed November 28, 2012 and the Notice of Entry of Order filed November 29, 2012 in the above referenced case. If you have any questions regarding this matter, please do not hesitate to contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in cursive script, reading "Heather Ungermann", is written over a horizontal line.

Heather Ungermann, Deputy Clerk


CLERK OF THE COURT

1 FCL
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 THOMAS J. MOREO
6 Chief Deputy District Attorney
7 Nevada Bar #002415
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 LAS VEGAS METROPOLITAN POLICE
11 DEPARTMENT,

12 Plaintiff,

CASE NO: 07A537416
DEPT NO: VIII

13 -VS-

14 U.S. CURRENCY \$281,656.73,

15 Defendant.

16 **FINDINGS OF FACT, CONCLUSIONS OF**
17 **LAW AND ORDER**

18 DATE OF HEARING: November 13, 2012
19 TIME OF HEARING: 8:00 A.M.

20 THIS CAUSE having come on for hearing before the Honorable Douglas Smith,
21 District Judge, on the 13th day of November, 2012, the Plaintiff being represented by
22 STEVEN B. WOLFSON, Clark County District Attorney, by and through THOMAS J.
23 MOREO, Chief Deputy District Attorney, and the Claimants DAIMON MONROE, aka
24 Daimon Devi Hoyt, (hereinafter referred to as "DAIMON MONROE"), BRYAN M.
25 FERGASON, aka Bryan Michael Fergason, aka J.B., (hereinafter referred to as "BRYAN M.
26 FERGASON"), TONYA M. TREVARTHEN, aka Tonya Michelle Trevarthen, (hereinafter
27 referred to as "TONYA M. TREVARTHEN"), and ROBERT HOLMES, III, aka Bobby
28 Holmes, aka Robert Holmes, (hereinafter referred to as "ROBERT HOLMES, III"), and the
Court having considered the matter, including briefs, transcripts, arguments of counsel, and

1 documents on file herein, now therefore, the Court makes the following findings of fact and
2 conclusions of law:

3 **FINDINGS OF FACT**

4 1. A Complaint for Forfeiture was filed on March 9, 2007, wherein U.S.
5 CURRENCY \$281,656.73 represents proceeds attributable to the commission or attempted
6 commission of a felony, to wit: BURGLARY (NRS 205.060) and/or GRAND LARCENY
7 (NRS 205.220) and/or POSSESSION OF STOLEN PROPERTY (NRS 205.275).

8 2. An Answer to the Complaint for Forfeiture was filed by DAIMON MONROE
9 on April 5, 2007.

10 3. Cynthia L. Dustin, Esq., filed an Answer to the Complaint for Forfeiture on
11 behalf of BRYAN M. FERGASON on April 10, 2007.

12 4. Sean P. Sullivan, Esq., filed an Amended Answer to the Complaint for
13 Forfeiture on behalf of ROBERT HOLMES, III. on April 12, 2007.

14 5. In April of 2007, DAIMON MONROE filed a Motion to Stay Proceedings in
15 this forfeiture matter pending the outcome in Case Nos. C228752 and 06F18594. In respect
16 to DAIMON MONROE's Motion for Stay pending the outcome in the criminal case, Case
17 No. C228752, all Defendants have been adjudicated guilty. As to Claimant TONYA M.
18 TREVARTHEN, a Judgment of Conviction was filed in this matter on October 3, 2008,
19 wherein she pled guilty to one (1) count Conspiracy to Possess Stolen Property and/or to
20 Commit Burglary and one (1) count Possession of Stolen Property. On January 5, 2009, a
21 Judgment of Conviction was filed as to Claimant ROBERT HOLMES, III, wherein he
22 entered a plea of guilty to one (1) count of Conspiracy to Possess Stolen Property and/or
23 Commit Burglary and two (2) counts of Possession of Stolen Property. Claimants DAIMON

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1 MONROE and BRYAN M. FERGASON were brought to trial in the Eighth Judicial District
2 Court under Case No. C228752. A jury found DAIMON MONROE guilty of one (1) count
3 of Conspiracy to Possess Stolen Property and/or to Commit Burglary and 26 counts of
4 Possession of Stolen Property. An Amended Judgment of Conviction was filed in this
5 matter September 17, 2010. Further, a jury found BRYAN M. FERGASON guilty of one
6 (1) count of Conspiracy to Possess Stolen Property and/or to Commit Burglary and 25 counts
7 of Possession of Stolen Property.

8 6. Further, as to Claimant DAIMON MONROE'S Motion for Stay, he also
9 referenced the outcome in the pending criminal case, Case No. 06F18594X. This case was
10 bound over to District Court as Case No. C227874 where DAIMON MONROE and BRYAN
11 M. FERGASON were brought to trial and a jury found them guilty of two (2) counts of
12 Burglary, one (1) count of Grand Larceny, and one (1) count of Possession of Burglary
13 Tools. An Amended Judgment of Conviction was filed in Case No. C227874 on August 4,
14 2008, as to Claimant DAIMON MONROE. A Second Amended Judgment of Conviction
15 was filed in Case No. C227874 on March 3, 2010, as to Claimant BRYAN M. FERGASON.

16 7. On April 23, 2007, BRYAN M. FERGASON, through his attorney Cynthia L.
17 Dustin, filed a Motion to Stay Proceedings in this forfeiture matter pending the outcome in
18 Case No. C208321. In respect to BRYAN M. FERGASON's Motion for Stay he referenced
19 the pending outcome in the criminal case, Case No. C208321. On June 29, 2011, a Second
20 Amended Judgment of Conviction was filed wherein BRYAN M. FERGASON entered a
21 plea of guilty to Attempt Burglary.

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8. On March 5, 2012, Plaintiff filed a Motion to Lift the Stay of this forfeiture matter as the Defendants had been adjudicated in all of the criminal cases, Case Nos. C228752, 06F18594 (which was bound over to District Court as Case No. C227874), and C208321. The Order Granting Motion to Lift Stay was filed with the Court on April 27, 2012. Plaintiff thereafter filed a Motion for Summary Judgment in the instant matter on June 5, 2012.

CONCLUSIONS OF LAW

On November 13, 2012, after the Honorable Douglas Smith in Department VIII, reviewing all documents, and hearing oral arguments, the Court granted Plaintiff's Motion for Summary Judgment, pursuant to NRS 179.1171(1), 179.1171(5) and 179.1156 to 179.121.

The Judgments of Conviction in the criminal cases have become final. The proof of the facts necessary to sustain the conviction are, therefore, conclusive evidence in this forfeiture action against DAIMON MONROE, BRYAN M. FERGASON, TONYA M. TREVARTHEN, and ROBERT HOLMES, III, and satisfy all elements of the forfeiture complaint.

As to Claimants MONROE and HOLMES, the money turned over pursuant to search warrants was in the possession of their attorneys at the time of the seizure therefore they have no possessory claim to the money.

As to Claimant FERGASON, the money was seized from his bank account as proceeds from illegal activities.

As to Claimant TREVARTHEN, she agreed to forfeiture of any and all money seized pursuant to negotiations in criminal case C228752 by way of a Guilty Plea Agreement filed March 6, 2007.

In respect Claimant MONROE's allegations that they never received copies of the search warrants at the time of the seizure of the proceeds by Las Vegas Metropolitan Police Department. It has been confirmed by the Court that all Claimants were served with the original search warrants, as well as being provided with filed copies of the search warrants at

1 a later date. Therefore, Claimant MONROE'S allegation that they never received copies of
2 the search warrants is inaccurate pursuant to the facts of the case.

3 **ORDER**

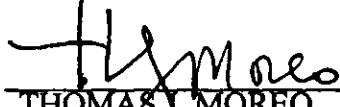
4 THEREFORE, IT IS HEREBY ORDERED that the Motion for Summary Judgment
5 against Claimants DAIMON MONROE, aka Daimon Devi Hoyt, BRYAN M. FERGASON,
6 aka Bryan Michael Fergason, aka J.B., TONYA M. TREVARTHEN, aka Tonya Michelle
7 Trevarthen, , and ROBERT HOLMES, III, aka Bobby Holmes, aka Robert Holmes, shall be,
8 and it is, hereby granted.

9 DATED this 27th day of November, 2012.

10
11 
DISTRICT JUDGE TG

12 STEVEN B. WOLFSON
13 Clark County District Attorney
14 Nevada Bar #001565

15 BY

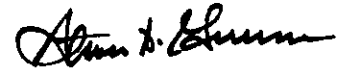

16 THOMAS J. MOREO
17 Chief Deputy District Attorney
18 Nevada Bar #002415

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CLERK OF THE COURT

JAN 22 2013


CLERK OF THE COURT

1 NEOJ
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 THOMAS J. MOREO
6 Chief Deputy District Attorney
7 Nevada Bar #002415
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

12 LAS VEGAS METROPOLITAN POLICE
13 DEPARTMENT,

Plaintiff,

14 -vs-

15 U.S. CURRENCY \$281,656.73,

16 Defendant.

CASE NO: 07A537416

DEPT NO: VIII

NOTICE OF ENTRY OF ORDER

17 TO: BRYAN M. FERGASON
18 Claimant In Proper Person

19 TO: ROBERT HOLMES, III
20 Claimant In Proper Person

21 TO: DAIMON MONROE
22 Claimant In Proper Person

23 TO: TONYA TREVARTHEN
24 Claimant In Proper Person

25 YOU WILL PLEASE TAKE NOTICE that a Findings of Fact, Conclusion of Law
26 and Order was entered on the 28th day of November, 2012, in the above-entitled action, a
27 copy of which is attached hereto.

28 DATED this 29th day of November, 2012.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY



THOMAS J. MOREO
Chief Deputy District Attorney
Nevada Bar #002415

1 CERTIFICATE OF MAILING

2 I hereby certify that service of the NOTICE OF ENTRY OF ORDER was made the
3 29th day of November, 2012, by depositing a copy in the U.S. Mail, postage prepaid,
4 addressed to:

5 BRYAN M. FERGASON, (BAC #96803)
6 High Desert State Prison
7 P.O. Box 650
8 Indian Springs, NV 89070-0650

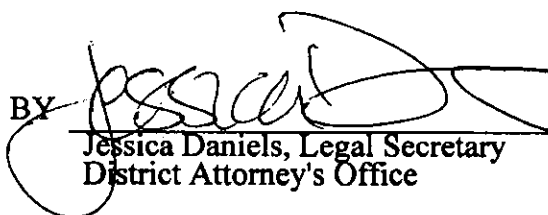
9 ROBERT HOLMES, III (BAC #1034184)
10 Southern Desert Correctional Center
11 P.O. Box 208
12 Indian Springs, NV 89070-0208

13 DAIMON MONROE (BAC #38299)
14 High Desert State Prison
15 P.O. Box 650
16 Indian Springs, NV 89070-0650

17 TONYA TREVARTHEN
18 aka Tonya Issa
19 1409 Hermitage Drive
20 Round Rock, Texas 78681-1924
21 (via certified mail, return receipt)

22 TONYA TREVARTHEN
23 aka Tonya Issa
24 807 David Curry Drive
25 Round Rock, Texas 78664
26 (via certified mail, return receipt)

27 BY

28 
Jessica Daniels, Legal Secretary
District Attorney's Office

LVMPD EV#060924-0418; EV#061106-0453; EV#061122-1205; EV#061129-1719;
EV#061207-1290; EV#061207-1538; EV#061214-1544; EV#070226-0684/jd


CLERK OF THE COURT

1 FCL
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
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7 Nevada Bar #002415
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

10 LAS VEGAS METROPOLITAN POLICE
11 DEPARTMENT,

12 Plaintiff,

CASE NO: 07A537416
DEPT NO: VIII

13 -vs-

14 U.S. CURRENCY \$281,656.73,

15 Defendant.

16 **FINDINGS OF FACT, CONCLUSIONS OF**
17 **LAW AND ORDER**

18 DATE OF HEARING: November 13, 2012
19 TIME OF HEARING: 8:00 A.M.

20 THIS CAUSE having come on for hearing before the Honorable Douglas Smith,
21 District Judge, on the 13th day of November, 2012, the Plaintiff being represented by
22 STEVEN B. WOLFSON, Clark County District Attorney, by and through THOMAS J.
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24 Daimon Devi Hoyt, (hereinafter referred to as "DAIMON MONROE"), BRYAN M.
25 FERGASON, aka Bryan Michael Fergason, aka J.B., (hereinafter referred to as "BRYAN M.
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Court having considered the matter, including briefs, transcripts, arguments of counsel, and

1 documents on file herein, now therefore, the Court makes the following findings of fact and
2 conclusions of law:

3 **FINDINGS OF FACT**

4 1. A Complaint for Forfeiture was filed on March 9, 2007, wherein U.S.
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13 Forfeiture on behalf of ROBERT HOLMES, III. on April 12, 2007.

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4 Possession of Stolen Property. An Amended Judgment of Conviction was filed in this
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9 referenced the outcome in the pending criminal case, Case No. 06F18594X. This case was
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11 M. FERGASON were brought to trial and a jury found them guilty of two (2) counts of
12 Burglary, one (1) count of Grand Larceny, and one (1) count of Possession of Burglary
13 Tools. An Amended Judgment of Conviction was filed in Case No. C227874 on August 4,
14 2008, as to Claimant DAIMON MONROE. A Second Amended Judgment of Conviction
15 was filed in Case No. C227874 on March 3, 2010, as to Claimant BRYAN M. FERGASON.

16 7. On April 23, 2007, BRYAN M. FERGASON, through his attorney Cynthia L.
17 Dustin, filed a Motion to Stay Proceedings in this forfeiture matter pending the outcome in
18 Case No. C208321. In respect to BRYAN M. FERGASON's Motion for Stay he referenced
19 the pending outcome in the criminal case, Case No. C208321. On June 29, 2011, a Second
20 Amended Judgment of Conviction was filed wherein BRYAN M. FERGASON entered a
21 plea of guilty to Attempt Burglary.

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1 8. On March 5, 2012, Plaintiff filed a Motion to Lift the Stay of this forfeiture
2 matter as the Defendants had been adjudicated in all of the criminal cases, Case Nos.
3 C228752, 06F18594 (which was bound over to District Court as Case No. C227874), and
4 C208321. The Order Granting Motion to Lift Stay was filed with the Court on April 27,
5 2012. Plaintiff thereafter filed a Motion for Summary Judgment in the instant matter on June
6 5, 2012.

7 **CONCLUSIONS OF LAW**

8 On November 13, 2012, after the Honorable Douglas Smith in Department VIII,
9 reviewing all documents, and hearing oral arguments, the Court granted Plaintiff's Motion
10 for Summary Judgment, pursuant to NRS 179.1171(1), 179.1171(5) and 179.1156 to
11 179.121.

12 The Judgments of Conviction in the criminal cases have become final. The proof of
13 the facts necessary to sustain the conviction are, therefore, conclusive evidence in this
14 forfeiture action against DAIMON MONROE, BRYAN M. FERGASON, TONYA M.
15 TREVARTHEN, and ROBERT HOLMES, III, and satisfy all elements of the forfeiture
16 complaint.

17 As to Claimants MONROE and HOLMES, the money turned over pursuant to search
18 warrants was in the possession of their attorneys at the time of the seizure therefore they
19 have no possessory claim to the money.

20 As to Claimant FERGASON, the money was seized from his bank account as
21 proceeds from illegal activities.

22 As to Claimant TREVARTHEN, she agreed to forfeiture of any and all money seized
23 pursuant to negotiations in criminal case C228752 by way of a Guilty Plea Agreement filed
24 March 6, 2007.

25 In respect Claimant MONROE's allegations that they never received copies of the
26 search warrants at the time of the seizure of the proceeds by Las Vegas Metropolitan Police
27 Department. It has been confirmed by the Court that all Claimants were served with the
28 original search warrants, as well as being provided with filed copies of the search warrants at

1 a later date. Therefore, Claimant MONROE'S allegation that they never received copies of
2 the search warrants is inaccurate pursuant to the facts of the case.

3 **ORDER**

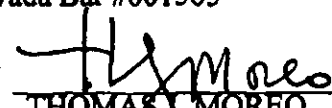
4 THEREFORE, IT IS HEREBY ORDERED that the Motion for Summary Judgment
5 against Claimants DAIMON MONROE, aka Daimon Devi Hoyt, BRYAN M. FERGASON,
6 aka Bryan Michael Fergason, aka J.B., TONYA M. TREVARTHEN, aka Tonya Michelle
7 Trevarthen, , and ROBERT HOLMES, III, aka Bobby Holmes, aka Robert Holmes, shall be,
8 and it is, hereby granted.

9 DATED this 22nd day of November, 2012.

10
11 
DISTRICT JUDGE 16

12 STEVEN B. WOLFSON
13 Clark County District Attorney
14 Nevada Bar #001565


15 BY


16 THOMAS J. MOREO
17 Chief Deputy District Attorney
18 Nevada Bar #002415

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28 LVMPD EV#060924-0418; 061106-0453; 061122-1205; 061129-1719; 061207-1290;
061207-1538; 061214-1544; 070226-0684 /jd

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DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


CLERK OF THE COURT

JAN 22 2013