

1 mentally retarded child that misread cues of a person that
2 he's in love with, that he's had intercourse with. You know,
3 he was kissing her on her neck; she didn't yell for help.
4 There were people in the bedroom. Her brother's asleep. She
5 didn't ask them for help. She didn't yell for her mom down
6 the hallway. She didn't push him away. This is just a child,
7 a mild mentally retarded child who doesn't understand
8 communication and social skills.

9 There was no violence. There was no weapons. The
10 State says he's a predator. But he's not, you know, hanging
11 around on playgrounds trying to get children to do something
12 with him. This is just a kid who fell in love with an older
13 woman who is starting to say no to him. There was no serious
14 bodily harm.

15 You know, Your Honor if this was -- if this was
16 filed when he was -- if this occurred when he was fourteen or
17 let's say sixteen, I doubt The State would be seeking
18 certification right now because these are cases that can be
19 handled and have been handled in the juvenile court. And just
20 because -- and doesn't see it as that seriousness that it
21 would be sought for certification if he was younger.

22 One of the things that The State said is that he was
23 stalking the victim. Well, he's not charged with stalking.
24 He's charged with trespass. Big difference. And that's a

1 huge leap for The State to go from trespass to stalking. His
2 past adjudications he has a total of eight. When one looks at
3 the number it seems like a great many adjudications. But
4 however when you look at the quality of the adjudications,
5 they're very minor. It's petit larcenies, violations of
6 probations.

7 His most serious one he has is a gross misdemeanor,
8 taking vehicle without consent of owner. Well, that was a
9 scooter. That was a young kid taking a scooter. This isn't a
10 kid who is a hardcore offender. He's not -- shouldn't be
11 treated from any other juveniles. His past adjudications do
12 not show that he needs to be transferred to the adult system.

13 As for the subjective factors. He was diagnosed
14 with an Axis 1 diagnosis of ADHD and conduct disorder. He's
15 had this ADHD diagnosis since the second grade. He has been
16 on medicine. He was compliant with the medicine up in -- you
17 know, when he went to Spring Mountain Youth Camp they gave him
18 the ADHD medicine. And he also had it in elementary and he
19 did well while he was on his medicine. He did take himself
20 off and he states that he basically regrets taking himself off
21 because he understands he's more focused. He can see a
22 difference in himself.

23 Just recently he has -- was put into the Spring
24 Mountain Treatment Center. He had some suicidal thoughts. He

1 actually wrote a suicide letter to his detention -- to his
2 detention teacher. There was an incident where his gray shirt
3 was taken away. I believe there was a verbal argument between
4 him and another kid, and his gray shirt was taken away. And
5 it just shows that when his gray shirt was taken away, he
6 wanted to kill himself. It shows how immature we're working
7 with -- the level of cognitive functioning that we're working
8 with when a kid wants to hurt himself because his gray shirt
9 was taken away.

10 His Axis 2 diagnosis is a mild mental retardation.
11 He's had that diagnosis, I believe, since 2003 through school
12 with the IEP's and MDT's. His full IQ is 59. He has deficits
13 in adaptive functioning. He's unable to communicate. He's
14 socially inept. He has deficits in his daily living skills.
15 You know, his mother lays his clothes out for him to get
16 dressed.

17 He also has cognitive difficulties. Talking to him
18 I've always expressed to This Court how I'm having troubles
19 getting him to understand. Well he -- and I -- you know, we
20 went through the competency evaluations and he's coming back
21 competent. And I was just getting so frustrated with it.
22 Well with this mild mental retardation that explains the
23 problems I've been having.

24 He has the -- he can't tell time. He doesn't know

1 the difference between two hours or two days. He's really
2 difficult in providing a chronological history because he
3 can't distinguish between dates. He doesn't understand time.
4 If you listen to the police -- his interview, he tells the
5 police that he doesn't even know his address. He asks the
6 police, what's my address. This is the level of functioning
7 that we are dealing with.

8 His mother states that he's unable to play a board
9 or a card game that requires any kind of decision making. You
10 know, and he masks -- he masks his cognitive functioning very,
11 very well. He masks it because he -- he's a yes sir, no sir.
12 I mean, you know, he knows by reading -- he knows when to say
13 yes and he says yes a lot. But if he doesn't know what the
14 answer should be, he is good at changing the subject. I've
15 noticed that. He'll say yes until he realizes yes is no
16 longer the correct answer. And then he'll start changing the
17 subject to a subject that he can understand and he knows
18 what's going on and be able to talk to you about.

19 Again, as I stated, his school records reflect his
20 low cognitive skills. He's not currently enrolled in school,
21 but he's still eligible for an IEP for mild mental
22 retardation. In detention he's been receiving individual
23 instruction by the special education teachers.

24 As for family relationship and controls, he's from a

1 stable home. His parents have been married for thirty years.
2 His dad is on disability. His mom is currently a housekeeper,
3 but they've been very supportive of Darnell. I mean, I'm
4 sure The Court remembers when a picture was taken of Darnell
5 when they asked you for permission to take a picture of
6 Darnell. He follows the household rules. And Mom states
7 that since he was released from Spring Mountain Youth Camp,
8 she's seen an improvement in his behavior. So we have a very
9 good stable home.

10 He denies any substance abuse, but he did test
11 positive for amphetamines. For his character, he's not a gang
12 member. He's a likeable, talkative kid. He always has a
13 smile, and he always has something positive to say. Yes, he
14 is seventeen years old. But he acts well below his
15 chronological age. He's not living an adult lifestyle. He's
16 not paying any bills. He's not going to school. He's an
17 immature nineteen (sic) year old. Talking to his mother his
18 mom believes he acts more like a nine year old and functions
19 at a nine year old, not a seventeen year old.

20 We do -- even though he is seventeen, we still do
21 have enough time to provide him with JSO counseling and
22 services. We have over three years. That's more than enough
23 time for him to complete treatment and get him trans back --
24 transitioned back into the community.

1 Dr. Yao's professional opinion is that Darnell
2 needs some long-term residential treatment with sex offender
3 treatment component. He also suggests that as an aftercare he
4 gets set up with the DRC due to his diagnosis of mild mental
5 retardation. This (sic) are services that the juvenile
6 justice system can provide him with the treatment, the
7 treatment to reduce any risk, the treatment to make sure that
8 the safety of the community is provided for.

9 Because we can't just look in -- look at today. We
10 have to look at tomorrow for the safety of the community. And
11 that's what the juvenile justice system can do. Because if he
12 goes to the adult system he's not looking at any kind of
13 treatment. He's not looking at anything to reduce his risk
14 factors. He's looking at prison. And then what we will have
15 once he gets released because he will, he won't be in prison
16 forever, but what we have is a untreated, mild mentally
17 retarded adult on the streets.

18 The long-term safety of the community demands that
19 he stays in the juvenile system so he can get treatment and
20 lower his risk. And with that we will pass to the DA.

21 MS. ROWE: Your Honor, a couple of points to address.
22 Again, with regard to the battery with intent to commit sexual
23 assault, the merger doctrine doesn't apply. The State can
24 charge in the alternative. Merger doctrine will come up if he

1 were convicted of both. Then it would be an issue with regard
2 to appeal because the -- you know, there can be the argument
3 that they require each other. In this case, Your Honor, The
4 State can charge in the alternative which we have.

5 With regard to the burglary, Subject Minor has one
6 version of events. Victim has another. Victim never mentions
7 him asking for the cell phone or wanting the cell phone.
8 Basically he comes in, pokes her, starts kissing on her, wants
9 to have sex. She says she doesn't want to; he does anyway.
10 There's no mention of the cell phone. So of course The
11 State's position is he went in there with that intention.
12 Again, up to a jury to decide. There is slight or marginal
13 evidence based on the victim's statements that that is -- that
14 charges should be certified.

15 With regard to the kidnaping, Victim specifically
16 says I tried to get away and I couldn't, he had a hold of my
17 arm. You could see from the bruising he had a hold of her.
18 He wasn't just escorting her. That doesn't leave the bruising
19 that you see on this girl's arm. He grabbed hold of her and
20 would not let her go, moved her. We have a kidnaping.

21 Your Honor, with regard to this not being as serious
22 as some other cases, it's one-thirty in the morning. This is
23 his ex-girlfriend who he has no further relationship with that
24 he crawls into the second story window and has sex with her

1 against her will. He acknowledges what she says and that it
2 is against her will. With regard to -- also they talk about
3 why didn't she cry out. Well, she said his hand was over her
4 mouth. That would be part of that.

5 With regard to testing positive for amphetamine,
6 that is a final report. It does not say methamphetamine. It
7 just says amphetamine. Final reports that do confirm positive
8 for methamphetamine will say so.

9 Let's see. Basically, Your Honor, I reiterate my
10 previous arguments. He said he was going for his cell phone.
11 There are other means in which to get the cell phone. He's
12 trespassing, the police come. Why doesn't he tell them, I'm
13 only here because I want my cell phone. He never says that to
14 them not during the trespasses or any of the previous
15 contacts. He says it during the interview with police after
16 he's been found in her home having sexual relations with her
17 when he wasn't supposed to be there.

18 Your Honor, again, these behaviors that's described
19 by Dr. Yao and the public defender reiterated, The State sees
20 that as dangerous behaviors. I mean, if you look at all the
21 sit -- the totality of everything here, who's next? And based
22 on that, Your Honor, we ask that you certify this case.

23 MS. MAXEY: If I may just say two things, just two
24 things.

1 THE COURT: Okay.

2 MS. MAXEY: The bruising on the arm. The State has
3 brought that up a couple of times about the bruising on the
4 arm. However, there is no medical evidence to determine -- no
5 doctor has looked at it to determine where the bruises came,
6 the timing of the bruises, if they're fresh, if they're old.
7 We don't have any medical evidence on that. Just want to let
8 The Court be aware of that.

9 And second of all we believe that the subjective
10 factors outweigh anything else and that transfer should be
11 denied.

12 (PAUSE.)

13 Your Honor, his father would like to address The
14 Court if that's okay.

15 THE COURT: All right.

16 MR. TOWNSEL: Excuse me, Your Honor. But I need to know
17 if it's -- trying to be a parent in This Court as they talk.
18 But it's just getting to me. All I ask is just -- just only
19 one -- just only one word I can say is just like may --
20 forgive me what I'm saying, Judge. But please in the name of
21 Jesus I ask you if you could release my son home. That's all
22 I can say, Your Honor.

23 THE COURT: Okay.

24 (BRIEF PAUSE.)

1 The Court's reviewed the record in this matter.
2 Based upon that review The Court finds slight or marginal
3 evidence to support prosecutorial merit. The counsel's merger
4 argument is noted. But, however, this is not the time and
5 place for that -- this merger happens following findings and
6 not at this stage of the proceedings. The burglary charge
7 intent can be presumed. And there's two versions of the
8 story. At this point The Court finds prosecutorial merit on
9 all counts.

10 Pursuant to Seven Minors, The Court is to look at
11 the serious nature of the offense before looking at anything
12 else -- or in this case offenses. Obviously, Count 4 by
13 itself is obviously not the most serious of offenses even
14 though it's plead as kidnaping. Obviously, Counts -- Count 1
15 obviously and the counts associated with that obviously it
16 speaks something serious. The allegations are -- and when I
17 look at severity of the crime or the words, heinous and
18 egregious, I would just caution Counsel that the Supreme Court
19 previously ruled that heinous and egregious as home invasion.
20 So -- or residential burglary.

21 In this case we have the allegations are Darnell
22 got to the second floor window, went in through the window. I
23 don't think you could characterize this as a crime of sheer
24 opportunity and -- or just sheer impulsivity. That's not the

1 facts. Most cases in this area, juvenile sex offender cases,
2 they tend to be crimes of opportunity and very impulsive in
3 nature. This obviously has different characteristics to it
4 that I have not seen too often.

5 The -- obviously the subject minor is the primary
6 actor as alleged. There is a history of prior adjudications
7 in the juvenile system that have been noted in the record.
8 I'll just -- they are present. The subjective factors in this
9 case are the subject minor's age, the time of the offense, his
10 current age, the mental health history, IQ has been noted, the
11 functioning levels processing issues that Subject Minor has
12 that have been noted for the record set forth in the
13 psychological and Defense's opposition and the subjective
14 factors that are delineated in Probation's report and
15 investigation.

16 The decision is whether or not The State has met its
17 burden, proved by clear and convincing evidence that warrant
18 -- transfer is warranted based upon public safety, not what's
19 in the subject minor's best interest. The Court reluctantly
20 finds that The State has met its burden and orders the subject
21 minor to answer these charges before the Eighth Judicial
22 District Court for the state of Nevada and Clark County.

23 Arraignment in Las Vegas Justice Court will be on
24 October 11th, 7:30 a.m. This Court will set initial bail

1 subject to being reset by the Justice of the Peace during the
2 further proceedings that will occur. Count 1 is fifty
3 thousand cash or surety. Count 2 is twenty-five thousand.
4 Count 3 is ten thousand. Count 4 is one hundred thousand.
5 And Count 5 is one hundred dollars.

6 And that will be the order.

7 MS. ROWE: Your Honor, was it Las Vegas Justice Court did
8 you say?

9 THE COURT: Yeah.

10 UNIDENTIFIED SPEAKER: Yes.

11 MS. ROWE: And I had done two other petitions pending.

12 MS. MAXEY: Keep those open to see what happens in the
13 adult system.

14 MS. ROWE: But I need to set them somewhere.

15

16 (THE PROCEEDING ENDED AT 18:37:21.)

17 * * * * *

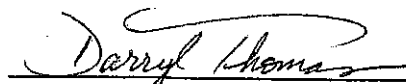
18 ATTEST: I do hereby certify that I have truly and correctly
19 transcribed the digital proceedings in the above-entitled case
20 to the best of my ability.

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DARRYL THOMAS,
Transcriber II

1 TRANS

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LAS VEGAS, NEVADA

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CLARK COUNTY, NEVADA

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In re: DARNELL TOWNSEL.

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Case No.

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J-12-306934-D9

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TRANSCRIPT OF RECORDED INTERVIEW

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OF

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DARNELL TOWNSEL

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Saturday, December 22, 2012

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Las Vegas, Nevada

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Proceedings recorded by electronic sound recording;
transcript produced by transcription service.

1 APPEARANCES:
2 DETECTIVE SHANE
3 DETECTIVE BARTENANT (phonetic)
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1 (Recorded interview commenced at approximately 7:57 p.m.)

2 DETECTIVE SHANE: Operator, this is
3 Detective Shane, P No. 6727 conducting one taped interview
4 under Event No. 12-6220318.

5 Today's date is 12/22/12. The time is currently 1957. We
6 are at the ISD Building (phonetic) in the interview room
7 No. 1.

8 The person being interviewed last name Townsel, first
9 name, Darrnell with two R's. His current address is going to
10 be 2635 Karen Court, 89109. His cell phone is 689-4376 (sic).

11 THE WITNESS: 479.

12 DETECTIVE SHANE: I'm sorry?

13 THE WITNESS: 479.

14 DETECTIVE SHANE: 479?

15 THE WITNESS: Uh-huh.

16 DETECTIVE SHANE: Okay. 479.

17 (Colloquy not on the record.)

18 THE WITNESS: Oh, okay. Never mind. That's right.

19 DETECTIVE SHANE: All right.

20 THE WITNESS: That's right.

21 DETECTIVE SHANE: Cool. All right. Also present is
22 Detective Bartenant (phonetic), P No. 6763. Okay.

23 THE WITNESS: (Indiscernible). From the top, it's
24 689-4379.

25 DETECTIVE SHANE: Oh, 4279 (sic)?

1 THE WITNESS: Uh-huh. 689-4379.

2 DETECTIVE SHANE: 4379.

3 THE WITNESS: Um-h'm.

4 DETECTIVE SHANE: Okay. Gotcha. All right. Cool.

5 Do you know why you're here today, Darnell?

6 THE WITNESS: (Indiscernible).

7 DETECTIVE SHANE: No? Okay. All right. Let me ask
8 you this.

9 THE WITNESS: I (indiscernible) --

10 DETECTIVE SHANE: Well, let me do this first.

11 THE WITNESS: -- (indiscernible).

12 DETECTIVE SHANE: Let me do this first before we
13 start talking to you. Okay? I'm going to ready you your
14 rights --

15 THE WITNESS: Oh, yeah.

16 DETECTIVE SHANE: -- so you understand your rights.

17 THE WITNESS: Uh-huh.

18 DETECTIVE SHANE: Okay? All right. You have the
19 right to remain -- oh, let's do this. Let's do the juvenile.
20 You're 17, right?

21 THE WITNESS: Yes.

22 DETECTIVE SHANE: Okay. You have the right to remain
23 silent. Anything you say can be used against you in a court of
24 law. You have the right to the presence of an attorney during
25 questioning or any time during this whole interview.

1 THE WITNESS: Um-h'm.

2 DETECTIVE SHANE: Okay? If you can't afford an
3 attorney, one will be appointed before questioning. Do you
4 understand your rights?

5 THE WITNESS: Yes.

6 DETECTIVE SHANE: Do you still want to talk to us?

7 THE WITNESS: Yeah.

8 DETECTIVE SHANE: Okay. All right. The reason why
9 we're here --

10 THE WITNESS: I can have an attorney here, right?

11 DETECTIVE SHANE: Yeah. You absolutely can have an
12 attorney here.

13 THE WITNESS: While I'm still talking to you guys?

14 DETECTIVE SHANE: If -- if you want an attorney, we
15 will stop talking right now, okay, until we can get an attorney
16 for you.

17 THE WITNESS: I mean, is the other person that called
18 this in is going to be in here, too?

19 DETECTIVE SHANE: Is the --

20 THE WITNESS: The person that called. That you
21 guys --

22 DETECTIVE SHANE: No.

23 THE WITNESS: The detective?

24 DETECTIVE SHANE: No. This is just us.

25 THE WITNESS: Oh, just you guys.

1 DETECTIVE BARTENANT: Are you talking about in with
2 you in here?

3 THE WITNESS: No, no, no. I mean the person that
4 called the detectives on me like to, you know, bring me in for
5 questioning. The person that called.

6 DETECTIVE SHANE: Do you know who called?

7 THE WITNESS: Tiffany. Her name is Tiffany Breaux.

8 DETECTIVE SHANE: Okay.

9 THE WITNESS: And I seen a DA with a white shirt with
10 black pants and a gun. I seen him. I just didn't want to come
11 out because if I came out then I would come here, so I seen
12 him. I was in the laundromat the whole time.

13 DETECTIVE SHANE: Okay. Let's -- well, let's do this
14 because I don't want you to say anything until we're sure that
15 you want to talk.

16 THE WITNESS: Uh-huh.

17 DETECTIVE SHANE: Okay? You can -- you can either
18 talk to us or you can not talk to us. It's -- it's completely
19 up to you. Whatever you want to do.

20 THE WITNESS: I got nothing to hide so pretty much
21 I'll talk to you guys.

22 DETECTIVE SHANE: Okay.

23 THE WITNESS: I'm -- I'm not going to be scared. I
24 mean, this is my first time, so I don't know (indiscernible) or
25 nothing, so --

1 DETECTIVE SHANE: Okay.

2 THE WITNESS: I'll give it a shot.

3 DETECTIVE SHANE: All right. Okay. So you say you
4 think you're here because of who now?

5 THE WITNESS: For Tiffany and --

6 DETECTIVE SHANE: Tiffany.

7 THE WITNESS: -- and Sylvia.

8 DETECTIVE SHANE: Okay. Why don't you tell me who
9 they are.

10 THE WITNESS: Sylvia was a girlfriend of mine --

11 DETECTIVE SHANE: Uh-huh.

12 THE WITNESS: -- and I guess her mom does not want me
13 with her no more because of, you know, the arguments, the
14 hitting, and all that fighting and stuff like that.

15 DETECTIVE SHANE: Well, what's that about? Go ahead
16 and tell me because I don't know anything about that.

17 THE WITNESS: Okay. When like, let's say like we get
18 into a argument or whatever --

19 DETECTIVE SHANE: Yeah.

20 THE WITNESS: -- about her not doing this or me not
21 doing this or complication --

22 DETECTIVE SHANE: Okay.

23 THE WITNESS: -- over little pity things --

24 DETECTIVE SHANE: Uh-huh.

25 THE WITNESS: -- she'd start tripping out or

1 whatever, and then I'd be like why are you tripping for?

2 DETECTIVE SHANE: Um-h'm.

3 THE WITNESS: And then like the other day we was at
4 Circus Circus, you know, and then I asked her what's the
5 matter, like what's going on.

6 DETECTIVE SHANE: Um-h'm.

7 THE WITNESS: She's like nothing. I was like there's
8 something going on. So she was like, no, there's nothing, so I
9 was like, okay, whatever. There's something going on. So then
10 after that we went to McDonald's to get something to drink, and
11 we stand by the McDonald's sign.

12 DETECTIVE SHANE: Um-h'm.

13 THE WITNESS: So she was like right there and then
14 after that she started crying. I was like what are you crying
15 for? She was like nothing, nothing. I was like there's
16 something on your mind. Just let me know. While we're here,
17 just let me know.

18 DETECTIVE SHANE: Um-h'm.

19 THE WITNESS: So then after that she hauls off and
20 take a chunk of my -- of my forearm right here --

21 DETECTIVE SHANE: Um-h'm.

22 THE WITNESS: -- on my shoulder, and I was like what
23 the hell you biting me for, so, you know, I kind of lost it,
24 you know, and I was like this was on accident, you know,
25 because I told her I never bite her.

1 DETECTIVE SHANE: Um-h'm.

2 THE WITNESS: So then after she (indiscernible) me, I
3 was like, oh. I was like --

4 DETECTIVE SHANE: (Indiscernible).

5 THE WITNESS: No. I like nibble, you know. Like --

6 DETECTIVE SHANE: Oh.

7 THE WITNESS: -- right there.

8 DETECTIVE BARTENANT: When was that?

9 THE WITNESS: This was at Circus Circus.

10 DETECTIVE BARTENANT: When?

11 THE WITNESS: When?

12 DETECTIVE BARTENANT: Um-h'm.

13 THE WITNESS: I forgot when it was. I think it was
14 like a Wednesday or like a Friday.

15 DETECTIVE BARTENANT: How long ago?

16 THE WITNESS: It was like -- like two days ago. Like
17 a couple days ago.

18 DETECTIVE BARTENANT: Do you still have injury.

19 THE WITNESS: Oh, no. It -- it's --

20 DETECTIVE BARTENANT: It's gone now?

21 THE WITNESS: It's gone.

22 DETECTIVE BARTENANT: Okay.

23 THE WITNESS: It was just like an imprint of her
24 teeth mark.

25 DETECTIVE BARTENANT: Okay.

1 THE WITNESS: That's it. And then I was like what
2 the hell did you do that for? She was like, oh, I'm sorry. I
3 didn't mean to. I was just -- I was mad.

4 DETECTIVE SHANE: Um-h'm.

5 THE WITNESS: I'm like, okay. If I'm mad, I'm not
6 going to fucking just haul off and bite you for no reason
7 (indiscernible) asking a question, so she was like, oh,
8 whatever, whatever.

9 So then we go back to my house. I was like did you have a
10 good time because I did. She was like, no, that was a bullshit
11 ass time.

12 DETECTIVE SHANE: Um-h'm.

13 THE WITNESS: We didn't even stay there the whole
14 time. I was like I don't have no more money.

15 DETECTIVE SHANE: Um-h'm.

16 THE WITNESS: It was two bucks. We played the
17 arcades, showed you a good time. For now, let's go back home.

18 DETECTIVE SHANE: Um-h'm.

19 THE WITNESS: So we went back to my house. And then
20 from there we was sleeping, watching movies, or whatever, and
21 then her mom all of a sudden calls. Every time.

22 DETECTIVE SHANE: Um-h'm.

23 THE WITNESS: Uh, is Sylvia there? Of course,
24 Sylvia's here.

25 DETECTIVE SHANE: Um-h'm.

1 THE WITNESS: And then I was like, Sylvia, your mom
2 wants you. So then she goes to the phone. She was like, mom,
3 what do you want? She yells at her.

4 DETECTIVE SHANE: Um-h'm.

5 THE WITNESS: Like all moms. From there and then she
6 was like, oh, are you guys coming home or she was like are you
7 coming home? Sylvia is like, yeah, I'm coming home today or
8 tomorrow, and then she asked me do you want to walk? And I was
9 like it's hot. Let's wait 'til it cools down a little bit, and
10 then I'll decide if I want to walk.

11 DETECTIVE SHANE: Um-h'm.

12 THE WITNESS: And then she was like -- and then I
13 waited until it cools off, but I forgot to go walk her, so
14 then --

15 DETECTIVE SHANE: Um-h'm.

16 THE WITNESS: -- it was dark. I was tired. I wanted
17 to go to sleep.

18 DETECTIVE SHANE: Um-h'm.

19 THE WITNESS: So I was like, well, let's try
20 tomorrow, so we didn't go so, you know, her mom was getting --

21 DETECTIVE SHANE: Um-h'm.

22 THE WITNESS: -- irritated and she kept calling us,
23 so I was like, Sylvia, one of (indiscernible) is going to take
24 you home and then from there I'll have my brother or whatever
25 to take her, but he didn't want to.

1 DETECTIVE SHANE: Um-h'm.

2 THE WITNESS: So then from there, she started calling
3 the cops or whatever, so then we started having a conflict --

4 DETECTIVE SHANE: Okay.

5 THE WITNESS: -- an argument, me, my own brother,
6 everybody else had an argument.

7 DETECTIVE SHANE: Um-h'm.

8 THE WITNESS: From there, the cops was called. They
9 took her home, and I was like, wow.

10 DETECTIVE SHANE: Okay. And this was all at your
11 house?

12 THE WITNESS: This was all at my house.

13 DETECTIVE SHANE: Okay.

14 THE WITNESS: So then after that, she was like, oh,
15 Darrnell, she ended up -- I -- and then my mom was like I'm
16 tired of her calling this phone saying that all these bullshit
17 texts.

18 DETECTIVE SHANE: Um-h'm.

19 THE WITNESS: I was like -- sorry for the cussing.

20 DETECTIVE SHANE: That's fine.

21 THE WITNESS: And she was like I just want to be
22 friends. I don't want to go out with you no more. I was like,
23 come on now, Sylvia. I was just with you like an hour ago.
24 You could have told me then.

25 DETECTIVE SHANE: Right.

1 THE WITNESS: So she was like, no. I was scared that
2 you might hit me or you might do this. I was like, Sylvia, no.
3 If I'm around you (indiscernible) at the Taco Bell.

4 DETECTIVE SHANE: Um-h'm.

5 THE WITNESS: I was like you could have told me
6 around your mom --

7 DETECTIVE SHANE: Right.

8 THE WITNESS: -- if you want to be with me. I would
9 just leave your ass alone.

10 DETECTIVE SHANE: Um-h'm.

11 THE WITNESS: So she never told me. She tells me on
12 the text, and then I have to run all the way down from the
13 Strip -- from --

14 DETECTIVE SHANE: Um-h'm.

15 THE WITNESS: What was my address?

16 DETECTIVE SHANE: Karen.

17 THE WITNESS: Karen from all the way over there to --

18 DETECTIVE BARTENANT: You don't know your address?

19 THE WITNESS: No. Because we moved there, and I
20 don't -- the cops been asking me, so I just never knew. That's
21 all. So, I mean, I ran from all the way from Karen --

22 DETECTIVE SHANE: Um-h'm.

23 THE WITNESS: -- all the way to freaking McLeod and
24 Sahara, all the way to Bonanza and Pecos. All the way there
25 just to get my things.

1 DETECTIVE SHANE: Right, right.

2 THE WITNESS: And then from there he goes like, dude,
3 you must have been on crack from -- from doing that. I was
4 like, no, I was just like running, you know --

5 DETECTIVE SHANE: Um-h'm.

6 THE WITNESS: -- to get stress off my mind, so then
7 pretty much then I go there. She's like, no, don't come. Turn
8 back around and go back home. I was like, well, I'm halfway
9 here anyway.

10 DETECTIVE SHANE: Um-h'm.

11 THE WITNESS: So then they all of a sudden start
12 playing games. I was like where is my things? So they had all
13 my things in a (indiscernible).

14 DETECTIVE SHANE: Now, when was this? When was this?

15 THE WITNESS: This was like a couple of days ago.

16 DETECTIVE SHANE: (Indiscernible).

17 THE WITNESS: Like -- like a few days ago.

18 DETECTIVE SHANE: Okay. Let me ask you this. Let me
19 ask you this, Darrnell. What happened last night?

20 THE WITNESS: Last night?

21 DETECTIVE SHANE: Yeah.

22 THE WITNESS: Yesterday?

23 DETECTIVE SHANE: Yeah. What happened yesterday?

24 THE WITNESS: I was at the apartment at
25 (indiscernible) Point, and, you know, I have like I told the

1 detective, I mean, the cops. I had a friend at BMX
2 (phonetic) --

3 DETECTIVE SHANE: Um-h'm.

4 THE WITNESS: And -- and I'm BMX myself.

5 DETECTIVE SHANE: Okay.

6 THE WITNESS: So then from there I called him up. I
7 was like I'm coming over. He was like fine, sure, so come
8 over.

9 DETECTIVE SHANE: Um-h'm.

10 THE WITNESS: So then from there we hopped over the
11 wall to go to Summer -- to Summerhills.

12 DETECTIVE SHANE: Um-h'm.

13 THE WITNESS: So I was like, okay, I'm not supposed
14 to be over here. But if there's no cops around now, I'm just
15 going to take a chance, so I went over, you know --

16 DETECTIVE SHANE: Now, why aren't you supposed to be
17 there?

18 THE WITNESS: Because her mom I guess trespassed me.
19 She said --

20 DETECTIVE SHANE: (Indiscernible) --

21 THE WITNESS: -- I was (indiscernible).

22 DETECTIVE SHANE: -- she lives then?

23 THE WITNESS: Yeah. And then pretty much --

24 DETECTIVE SHANE: Okay.

25 THE WITNESS: -- I have cousins and friends that live

1 there that's like my relative --

2 DETECTIVE SHANE: Yeah, yeah.

3 THE WITNESS: -- that lives there, and I was like,
4 well, I have family, so I'm going to pretty much go here.

5 DETECTIVE SHANE: Um-h'm.

6 THE WITNESS: So she was like, no, I don't want you
7 here. Just leave. I was like but if I'm not bothering you, if
8 I'm not here for you, then there's no need for you to come to
9 me and start talking to me, you know.

10 DETECTIVE SHANE: Um-h'm.

11 THE WITNESS: So she has her boyfriend spy on me.
12 And then from there, I was walking around the apartment after
13 he went home.

14 DETECTIVE SHANE: Um-h'm.

15 THE WITNESS: So I was like, you know, you know what,
16 I'm just going to stay around here, so I went to Darla's
17 (phonetic) house to ask her for two bucks. So she's like,
18 well, I don't have money right now. I'm flat broke. I was
19 like, okay, yeah, sure. Thank you.

20 From there, I went inside of a house, like an abandoned
21 house, you know, and just --

22 DETECTIVE SHANE: Um-h'm.

23 THE WITNESS: -- kicked it out there until someone
24 came with a phone, so I could call my mom, so I just stayed at
25 there and from there I just got tired and went to sleep --

1 DETECTIVE SHANE: Um-h'm.

2 THE WITNESS: -- in there, and I knew I wasn't
3 supposed to because --

4 DETECTIVE SHANE: Okay.

5 THE WITNESS: -- that's like breaking and entering.

6 DETECTIVE SHANE: Okay.

7 THE WITNESS: So then from there I went and I seen
8 Sylvia's window open.

9 DETECTIVE SHANE: Um-h'm.

10 THE WITNESS: So I climbed up there, and I went
11 inside.

12 DETECTIVE SHANE: Okay. What floor does she live on?

13 THE WITNESS: She lives on the third floor.

14 DETECTIVE SHANE: (Indiscernible) --

15 THE WITNESS: No, no.

16 DETECTIVE SHANE: -- (indiscernible).

17 THE WITNESS: I think -- no. It's the second. My
18 bad. It's the second because (indiscernible).

19 DETECTIVE SHANE: You climbed all the way from the
20 ground to the second floor?

21 THE WITNESS: Yeah.

22 DETECTIVE SHANE: Okay.

23 THE WITNESS: And I climbed in. And I was like,
24 Sylvia, and I -- and as she's saying that, I gagged her
25 mouth --

1 DETECTIVE SHANE: Now, was the window open or --

2 THE WITNESS: The window was open. Her brother's
3 window was open.

4 DETECTIVE SHANE: Okay.

5 THE WITNESS: And what her mom was trying to say that
6 I broke in even though that's kind of breaking in --

7 DETECTIVE SHANE: Okay.

8 THE WITNESS: -- but the way she put it like I
9 kidnapped her daughter, broke down her window just to get in.

10 DETECTIVE SHANE: But you just slipped through the
11 window.

12 THE WITNESS: Yeah. The window was open, so I opened
13 the window, and I --

14 DETECTIVE SHANE: Okay.

15 THE WITNESS: -- went in. And then after that, she
16 said I gagged her mouth --

17 DETECTIVE SHANE: Um-h'm.

18 THE WITNESS: -- and so she wouldn't say nothing. I
19 didn't do that. I poked her. I said, Sylvia.

20 DETECTIVE SHANE: Okay.

21 THE WITNESS: And then she looked up and she seen me
22 in there, and then I was like, Sylvia --

23 DETECTIVE SHANE: Okay.

24 THE WITNESS: -- where's my phone? She's like I
25 don't have it or I don't know (indiscernible).

1 DETECTIVE BARTENANT: What time was this at?

2 THE WITNESS: This was yesterday. I don't know what
3 time it was. My phone died. It was like around like 9:00
4 something --

5 DETECTIVE SHANE: Okay.

6 THE WITNESS: -- at night.

7 DETECTIVE BARTENANT: In the night or in the morning?

8 THE WITNESS: At night.

9 DETECTIVE BARTENANT: Okay.

10 THE WITNESS: And then I was like, well, fuck it. So
11 then I was like, Sylvia, can I please get my phone. She's
12 like, no, I don't have it. So then I was like, well, I need my
13 phone. I'm not going to leave until I get my phone.

14 DETECTIVE SHANE: Um-h'm.

15 THE WITNESS: So then from there, I was like, well,
16 I'm just going to spend the night here. I'm just going to stay
17 here.

18 DETECTIVE SHANE: Um-h'm.

19 THE WITNESS: So then she goes, no, you're not. I
20 was like, well, okay. Just give me my phone. So then there
21 she is like, oh, I had sex with her while she was sleeping and
22 stuff like that. We was woke the whole time.

23 DETECTIVE SHANE: Um-h'm.

24 THE WITNESS: And then her brothers were asleep. We
25 was woke the whole time.

1 DETECTIVE SHANE: Okay.

2 THE WITNESS: So then from there she was like, oh, he
3 had sex with me while I was asleep and stuff like that.

4 DETECTIVE SHANE: Well, did you have sex with her?

5 THE WITNESS: Well, yeah.

6 DETECTIVE SHANE: Okay.

7 THE WITNESS: We had sex, but she wasn't asleep,
8 though, because I poked her and then from there we started
9 talking or whatever --

10 DETECTIVE SHANE: Okay. Well, let me -- do this for
11 me. Explain to me how that happened.

12 THE WITNESS: How -- how did what happened.

13 DETECTIVE SHANE: How -- how the sex happened. Like
14 you climbed in through the window --

15 THE WITNESS: I climbed in through the window, and
16 then I first I started asking her about the phone.

17 DETECTIVE SHANE: Okay.

18 THE WITNESS: And then from there she was like I
19 don't know where it's at. I don't have it, and I was like,
20 okay. Whatever.

21 DETECTIVE SHANE: Um-h'm.

22 THE WITNESS: So then from there, I laid on the side
23 of her --

24 DETECTIVE SHANE: Okay.

25 THE WITNESS: -- and then I guess I start, you know,

1 kissing her or whatever --

2 DETECTIVE SHANE: Um-h'm.

3 THE WITNESS: -- and stuff like that. She didn't
4 tell me to stop.

5 DETECTIVE SHANE: Okay.

6 THE WITNESS: So I was like, okay, whatever. So then
7 that's when we started having sex and then from there she told
8 me like to leave her alone or whatever. I was like, Sylvia,
9 okay, whatever. So then from there --

10 DETECTIVE SHANE: Now, she told you to leave her
11 alone --

12 THE WITNESS: She --

13 DETECTIVE SHANE: -- after you had sex with her?

14 THE WITNESS: After. Yeah. After.

15 DETECTIVE SHANE: Okay.

16 THE WITNESS: And then after that I was like, okay,
17 whatever then. I still need my phone (indiscernible).

18 DETECTIVE SHANE: What was she wearing? Do you
19 remember what she was wearing?

20 THE WITNESS: She was wearing a -- there -- her pants
21 I think was red.

22 DETECTIVE SHANE: Okay.

23 THE WITNESS: She was wearing like a white or gray
24 shirt.

25 DETECTIVE SHANE: Okay.

1 THE WITNESS: And that's about it when she was
2 asleep. That's it.

3 DETECTIVE SHANE: Okay.

4 THE WITNESS: And then from there, I asked her can
5 she open the door, the front door, because climbing back down
6 is the hardest part, to climb back down. Because if I climb
7 down I'm just going to fall over --

8 DETECTIVE SHANE: Uh-huh.

9 THE WITNESS: -- and break my back, so I was like can
10 you just please open the door.

11 DETECTIVE SHANE: And this was after the incident?

12 THE WITNESS: This is after.

13 DETECTIVE SHANE: How long did you all have sex for?

14 THE WITNESS: Just like 30 minutes.

15 DETECTIVE SHANE: Okay.

16 THE WITNESS: And then from there I was like, well,
17 if I can just get my phone and go.

18 DETECTIVE SHANE: Uh-huh.

19 THE WITNESS: So then she was like I don't have it.
20 I was like, okay. I was like can you just please open the
21 door, and she was like, no. I was like -- she was like, you
22 know how to open it. I was like, okay. I'm really not
23 supposed to be in here really --

24 DETECTIVE SHANE: Um-h'm.

25 THE WITNESS: -- because, you know, your mom is going

1 to trip out.

2 DETECTIVE SHANE: Right.

3 THE WITNESS: So, you know, I took chances on my own.

4 DETECTIVE SHANE: Um-h'm.

5 THE WITNESS: So I went in there anyway, and I was
6 like, well, I know the consequences. If I get yelled at, I get
7 yelled at. That's the only thing I thought was going to
8 happen.

9 DETECTIVE SHANE: Okay.

10 THE WITNESS: So then from there she goes into the
11 bathroom. She goes out the door into the bathroom, from the
12 bathroom, flushes the toilet. From there turn on the light,
13 and then walks in her mom's room.

14 DETECTIVE SHANE: Um-h'm.

15 THE WITNESS: So then from there I thought she was
16 getting some tissue.

17 DETECTIVE SHANE: Okay.

18 THE WITNESS: Because she said a tissue.

19 DETECTIVE SHANE: Right.

20 THE WITNESS: So I thought she was getting tissue --

21 DETECTIVE SHANE: Right.

22 THE WITNESS: -- and coming back out.

23 DETECTIVE SHANE: Okay.

24 THE WITNESS: So I opened the door, so she comes out,
25 but I think it's her.

1 DETECTIVE SHANE: Uh-huh.

2 THE WITNESS: It's not her. It's her mom.

3 DETECTIVE SHANE: Right.

4 THE WITNESS: So she flicks on the hallway light,
5 comes in, looks up and down at me, and then like get the fuck
6 out.

7 DETECTIVE SHANE: Okay.

8 THE WITNESS: I was like, okay. Okay. That's fine
9 with me. I'll get out.

10 DETECTIVE SHANE: Okay.

11 THE WITNESS: And then she was like go out now. Your
12 phone will be coming with you. I was like okay. Where's my
13 phone.

14 DETECTIVE SHANE: Um-h'm.

15 THE WITNESS: And I'm asking and asking them where's
16 my phone and then from there her boyfriend (indiscernible) up
17 on me, you know, trying to --

18 DETECTIVE SHANE: Right.

19 THE WITNESS: -- act all bad, so I was like --

20 DETECTIVE SHANE: Yeah.

21 THE WITNESS: -- man, you're not going to do anything
22 (indiscernible).

23 DETECTIVE SHANE: So he started tripping.

24 THE WITNESS: He started tripping.

25 DETECTIVE SHANE: All right.

1 THE WITNESS: And I was like, man, this is -- this
2 doesn't have nothing to do with you.

3 DETECTIVE SHANE: Um-h'm.

4 THE WITNESS: You not even in this, you know. This
5 happened --

6 DETECTIVE SHANE: Right.

7 THE WITNESS: -- between me and her mom and us.

8 DETECTIVE SHANE: Um-h'm.

9 THE WITNESS: You know, you just got into it because
10 she been telling you about it.

11 DETECTIVE SHANE: Um-h'm.

12 THE WITNESS: So then from there he was like you need
13 to go brother, you need to go. I was like I'm leaving, dude.
14 I need my phone, and I'm going --

15 DETECTIVE SHANE: Um-h'm.

16 THE WITNESS: -- to leave.

17 DETECTIVE SHANE: Um-h'm.

18 THE WITNESS: So he kept playing games. So then
19 after that he was like, yeah. Just call the cops, just call
20 the cops, and let's see his monkey ass go to jail.

21 DETECTIVE SHANE: Um-h'm.

22 THE WITNESS: And I was like monkey ass?

23 DETECTIVE SHANE: Um-h'm.

24 THE WITNESS: I was like, first of all, I ain't no
25 fucking money.

1 DETECTIVE SHANE: Right, right.

2 THE WITNESS: And then from there he started talking
3 crap, and I was like, dude, you're fucking a grown-ass man
4 talking shit to a 17-year old.

5 DETECTIVE SHANE: Right, right.

6 THE WITNESS: And he was like, man, this, this, and
7 that, and I was like, man, you're nothing.

8 DETECTIVE SHANE: Um-h'm.

9 THE WITNESS: You know, even though you could beat my
10 ass, but I have you at arm length and --

11 DETECTIVE SHANE: Um-h'm.

12 THE WITNESS: -- all that. And he was like, well,
13 whatever. You're not even going to do shit. And then after
14 that, he was like -- and then he was like just leave, just get
15 the fuck out of here, and I was like, dude, I need my phone and
16 I'll get the fuck out of here.

17 DETECTIVE SHANE: Right.

18 THE WITNESS: So then from there he was -- and then
19 he told the next-door neighbors --

20 DETECTIVE SHANE: Um-h'm.

21 THE WITNESS: -- like every time we get into an
22 argument he's always telling everybody.

23 DETECTIVE SHANE: Um-h'm.

24 THE WITNESS: So pretty much he told him he's like,
25 man, you see this shit, you see this shit.

1 DETECTIVE SHANE: Um-h'm.

2 THE WITNESS: This motherfucker just broke in the
3 fucking house. I was like why are you telling everybody I
4 broke in --

5 DETECTIVE SHANE: Um-h'm.

6 THE WITNESS: -- while everybody was asleep at
7 9:00 o'clock in the morning (sic), I mean, at night. I'm not
8 going to fucking kick down your down --

9 DETECTIVE SHANE: Um-h'm.

10 THE WITNESS: -- go my ass in there. I got my
11 footprint (sic) on the door.

12 DETECTIVE SHANE: Um-h'm.

13 THE WITNESS: You know.

14 DETECTIVE SHANE: Right, right.

15 THE WITNESS: So I was like, no. The window was
16 open. I hopped in there.

17 DETECTIVE SHANE: Um-h'm.

18 THE WITNESS: You know, I asked the girl where the
19 phone was. She said I don't know. I don't have it, you know,
20 and then from there I asked her can she open it. After we had
21 sex, I asked her can she open it. She was --

22 DETECTIVE SHANE: Right.

23 THE WITNESS: -- like, no, so then she -- I kept
24 asking her, kept asking her, annoying her --

25 DETECTIVE SHANE: Um-h'm.

1 THE WITNESS: -- so she would just get up do it.
2 She's like, okay, fuck. So then after that she opened the
3 door --

4 DETECTIVE SHANE: Um-h'm.

5 THE WITNESS: -- went out, went to the bathroom,
6 slammed it --

7 DETECTIVE SHANE: Um-h'm.

8 THE WITNESS: -- from there, came out, went in her
9 mom's room for tissue and came back out, and it was her mom.

10 DETECTIVE SHANE: Okay.

11 THE WITNESS: And then from there, she started
12 changing up the story. I was like, Sylvia --

13 DETECTIVE SHANE: Um-h'm.

14 THE WITNESS: -- what the fuck?

15 DETECTIVE SHANE: Okay.

16 THE WITNESS: I didn't do none of this. She's like,
17 yeah, you did, and then this -- this is -- then after that she
18 said he had sex with me while I was asleep. Girl, you was not
19 asleep. Your brother was woke the whole time because I grabbed
20 his phone --

21 DETECTIVE SHANE: Um-h'm.

22 THE WITNESS: -- to try to call my mom.

23 DETECTIVE SHANE: Okay.

24 THE WITNESS: And then from there he woke up.

25 DETECTIVE SHANE: Okay. So -- so her brothers were

1 awake while you were having sex.

2 THE WITNESS: No. They were asleep.

3 DETECTIVE SHANE: They were asleep.

4 THE WITNESS: They were asleep.

5 DETECTIVE SHANE: But they was in the room.

6 THE WITNESS: They was in the room, though.

7 DETECTIVE SHANE: Okay.

8 THE WITNESS: In her brother's room. And then from
9 there after that I grabbed his phone, and then she was like he
10 only have a little bit of minutes, and I was like I'm not even
11 going to take that long.

12 DETECTIVE SHANE: Um-h'm.

13 THE WITNESS: So then from there I was trying to make
14 a phone call. He grabbed the phone. He was like give me my
15 phone, so I was like, okay. I don't even want your mom to come
16 in here, you know.

17 DETECTIVE SHANE: Right, right.

18 THE WITNESS: So I gave him the phone, and then from
19 there he stuck it underneath his pillow. So the whole time --

20 DETECTIVE SHANE: Um-h'm.

21 THE WITNESS: -- he heard everything.

22 DETECTIVE SHANE: Okay.

23 THE WITNESS: Everything. So I was like, Sylvia, I
24 just need my phone. Let me go. Whatever.

25 DETECTIVE SHANE: Now, which brother was that?

1 THE WITNESS: That was Jontay (phonetic).

2 DETECTIVE SHANE: Jontay?

3 THE WITNESS: Jontay. He was woke for like a quick
4 minute --

5 DETECTIVE SHANE: Um-h'm.

6 THE WITNESS: -- when I had his phone. Then he went
7 back to sleep.

8 DETECTIVE SHANE: All right.

9 THE WITNESS: You know, and then TayTay (phonetic) --
10 he was asleep. He was knocked out, so he wasn't --

11 DETECTIVE SHANE: So he never even woke up?

12 THE WITNESS: He didn't even wake up. He just
13 started moving, but he don't wake up, though.

14 DETECTIVE SHANE: Okay. When you got --

15 THE WITNESS: So --

16 DETECTIVE SHANE: All right. Let's slow down a
17 little bit. When you guys were having sex, right?

18 THE WITNESS: Um-h'm.

19 DETECTIVE SHANE: You lied down next to her on the
20 side.

21 THE WITNESS: On the --

22 DETECTIVE SHANE: You started --

23 THE WITNESS: -- side.

24 DETECTIVE SHANE: -- kissing on her; is that right?

25 THE WITNESS: Yeah. Started kissing on her.

1 DETECTIVE SHANE: Okay.

2 THE WITNESS: And then from there --

3 DETECTIVE SHANE: And then what happened? Whose
4 clothes came off first and how did they come off and all of
5 that?

6 THE WITNESS: Hers came off first.

7 DETECTIVE SHANE: Now, how did that -- how did that
8 happen? Did you take her clothes off or --

9 THE WITNESS: After because like when I kissed her on
10 her neck --

11 DETECTIVE SHANE: Right.

12 THE WITNESS: -- you know, I took off her clothes
13 then.

14 DETECTIVE SHANE: Okay. All right.

15 THE WITNESS: You know, and stuff like that. So then
16 after I did that --

17 DETECTIVE SHANE: Uh-huh.

18 THE WITNESS: -- you know, we started having sex
19 then.

20 DETECTIVE SHANE: Okay.

21 THE WITNESS: But I didn't take off my clothes.

22 DETECTIVE SHANE: Now, did she say anything while you
23 was having sex?

24 THE WITNESS: No.

25 DETECTIVE SHANE: She said nothing?

1 THE WITNESS: She didn't say nothing. The only thing
2 she said was I want to have sex or whatever --

3 DETECTIVE SHANE: Um-h'm.

4 THE WITNESS: -- and then after that because she got
5 raped, so pretty much I was --

6 DETECTIVE SHANE: Oh --

7 THE WITNESS: -- like, okay. Whatever.

8 DETECTIVE SHANE: Okay. So when did she say I want
9 to have sex?

10 THE WITNESS: She -- she said that when she was in
11 the room.

12 DETECTIVE SHANE: Oh, okay.

13 THE WITNESS: And I was like, okay. And then after
14 that, we didn't -- I didn't do it at that time.

15 DETECTIVE SHANE: Um-h'm.

16 THE WITNESS: But then after that I was like, well,
17 why not?

18 DETECTIVE SHANE: Um-h'm.

19 THE WITNESS: I'm like so you like this other boy
20 that you had sex with but not me?

21 DETECTIVE SHANE: Okay.

22 THE WITNESS: And then from there I was like, okay,
23 whatever then. After that I just started kissing on her again,
24 you know.

25 DETECTIVE SHANE: Right.

1 THE WITNESS: So then she can, you know --

2 DETECTIVE SHANE: Right.

3 THE WITNESS: And then from there I just had sex with
4 her, and then from there I was like, okay. Whatever. So she
5 said I hate you or whatever, and I was like, okay. You hate
6 me.

7 DETECTIVE SHANE: She said she hates you when you're
8 done?

9 THE WITNESS: Yeah. Yeah. And then I was like,
10 okay. Whatever, then. Can I get my phone? She was like, no.
11 I don't have your phone. So I kept asking her for it, kept
12 asking her for it. She kept saying no.

13 DETECTIVE SHANE: Right.

14 THE WITNESS: So I was like where's my phone? She
15 was like it's not here. It's in the storage. It's boxed up.

16 DETECTIVE SHANE: Okay.

17 THE WITNESS: And then --

18 DETECTIVE SHANE: Did she have your phone the whole
19 time or what was the deal with the phone?

20 THE WITNESS: She -- she had my Verizon phone the
21 whole time.

22 DETECTIVE SHANE: Um-h'm.

23 THE WITNESS: The whole time. And every time I come
24 there for that phone she says it's not there. It's in the
25 storage. It's not there. It's in the storage.

1 DETECTIVE SHANE: Okay.

2 THE WITNESS: I don't have it. So I was like, come
3 on, man, you're playing games with the phone.

4 DETECTIVE SHANE: Right.

5 THE WITNESS: My phone got lost on the bus, so I need
6 a phone, so I can call my mom back and forth, you know --

7 DETECTIVE SHANE: Right.

8 THE WITNESS: -- to see if she's home, see if she's
9 okay.

10 DETECTIVE SHANE: Um-h'm.

11 THE WITNESS: So I don't have a phone, and I have
12 pictures of my nephew in there that my mom needs.

13 DETECTIVE SHANE: Right.

14 THE WITNESS: So I've been asking for that phone for
15 the last couple of days, so she didn't give it to me --

16 DETECTIVE SHANE: Um-h'm.

17 THE WITNESS: -- you know, and I kept getting mad
18 about it. I was like, Sylvia, can you please give me my damn
19 phone. I need my phone.

20 DETECTIVE SHANE: Okay.

21 THE WITNESS: So last time they gave me my backpack,
22 charger, and that's it.

23 DETECTIVE SHANE: Okay.

24 THE WITNESS: And then she started throwing water all
25 over my backpack and shit, and I was like what the fuck is up

1 with this.

2 DETECTIVE SHANE: Okay.

3 THE WITNESS: So then she made me go home with that.
4 Her mom threw away my shirt --

5 DETECTIVE SHANE: Right.

6 THE WITNESS: -- which she needs to pay for --

7 DETECTIVE SHANE: Okay.

8 THE WITNESS: -- you know, and then I was like can I
9 get my shirt and my DVD player.

10 DETECTIVE SHANE: Right.

11 THE WITNESS: So they only gave me my backpack and
12 charger, and I came back the next day and she -- and then asked
13 her for my DVD player, so her mom and her boyfriend came
14 outside --

15 DETECTIVE SHANE: Yeah.

16 THE WITNESS: -- and then he told her, Sylvia, you
17 need to come out here and handle this shit.

18 DETECTIVE SHANE: Um-h'm.

19 THE WITNESS: So then her mom said it, too, so I was
20 like, okay. At least you're all agreeing (indiscernible),
21 so -- so then she comes in -- she comes outside.

22 And then I was like, Sylvia, why are you doing shit every
23 time? Every time I come over here it's like you always got to
24 change up.

25 DETECTIVE SHANE: Um-h'm.

1 THE WITNESS: You know, you're at my house. We're
2 all lovey-dovey and stuff. We're all talking and hug up and
3 kissing.

4 DETECTIVE SHANE: Right.

5 THE WITNESS: But when you get around your mom, you
6 want to act shitty towards me like fake.

7 DETECTIVE SHANE: Um-h'm.

8 THE WITNESS: And I was like why do you do that? She
9 was like I don't know. I just does it.

10 DETECTIVE SHANE: Okay.

11 THE WITNESS: Okay. Don't do it. I'm your
12 boyfriend. Let your mom have a shitty-ass grudge against me,
13 but I don't expect you to have it.

14 DETECTIVE SHANE: Yeah. Okay.

15 THE WITNESS: She was like, okay. Whatever. I
16 don't -- I don't want to just have a conversation. I don't
17 want to have an argument with you. I was like this is not an
18 argument.

19 DETECTIVE SHANE: Okay.

20 THE WITNESS: I'm just letting you know every time --
21 you're my girlfriend. Okay? I don't expect my girlfriend to
22 act all shady and shit towards me.

23 DETECTIVE SHANE: Yeah.

24 THE WITNESS: So she was like, well, my mom is this,
25 this, and that. I was like, okay. If your mom is this, this,

1 and that, don't tell me.

2 DETECTIVE SHANE: Right.

3 THE WITNESS: And then everything I tell her she
4 tells her mom, and I be like, okay. Like -- like -- like --
5 like she told me -- like I told her -- I was like, Sylvia, just
6 come to my house --

7 DETECTIVE SHANE: Um-h'm.

8 THE WITNESS: -- you know, if you don't like it here,
9 if it's boring, so I will bring her to my house, you know --

10 DETECTIVE SHANE: Right.

11 THE WITNESS: -- after she said, no, I don't want
12 (indiscernible). I'm like just come home. I can't come here,
13 so you can come here. You're not trespassing me here, so let's
14 just go here, so I will bring her to my house --

15 DETECTIVE SHANE: Right.

16 THE WITNESS: -- you know, and we'll just have fun,
17 kick it --

18 DETECTIVE SHANE: Okay.

19 THE WITNESS: -- and then from there she was like I
20 want to go home. I was like I don't feel -- I don't feel like
21 going home, so I'll just play with her.

22 DETECTIVE SHANE: Okay.

23 THE WITNESS: But (indiscernible).

24 DETECTIVE SHANE: (Indiscernible) let me say this.
25 Where did the part with putting a hand over her mouth or

1 something come from? What is that about?

2 THE WITNESS: That happened when I asked -- I climbed
3 in the window.

4 DETECTIVE SHANE: Okay.

5 THE WITNESS: But I didn't. I poked her like that --

6 DETECTIVE SHANE: Okay.

7 THE WITNESS: -- and I said shhh, so you --

8 DETECTIVE SHANE: Okay.

9 THE WITNESS: -- won't say, oh, mom, Darrnell is in
10 here.

11 DETECTIVE SHANE: Oh, so you were trying to keep her
12 quiet.

13 THE WITNESS: Yeah. And then, you know, because I
14 was going to go back out after I got --

15 DETECTIVE SHANE: Yeah. Right.

16 THE WITNESS: -- my phone. So then after all that
17 happened, then that's when she said -- well, she went in the
18 living room and crossed her legs on the couch --

19 DETECTIVE SHANE: Um-h'm.

20 THE WITNESS: -- and her mom was sitting right here
21 on the freaking recliner chair --

22 DETECTIVE SHANE: Okay.

23 THE WITNESS: -- and her boyfriend was standing --

24 DETECTIVE SHANE: Okay.

25 THE WITNESS: -- up straight. So then I was like,

1 well -- she was like, oh, and he -- and he put his hand around
2 my mouth while I was asleep. I was like, fuck. Where did this
3 come from?

4 DETECTIVE SHANE: Okay. So you didn't do that?

5 THE WITNESS: Didn't do that.

6 DETECTIVE SHANE: Okay.

7 THE WITNESS: All I did was poked her on her arm like
8 that --

9 DETECTIVE SHANE: Right.

10 THE WITNESS: -- and told her, and then she woke like
11 that, and she's like what are you doing in here? And I was
12 like I'm just coming to get my phone.

13 DETECTIVE SHANE: Um-h'm.

14 THE WITNESS: And then I was like -- she was like,
15 uh, give me my stuff back and I'll give you yours.

16 DETECTIVE SHANE: Okay.

17 THE WITNESS: So I had her pants, and I had her
18 T-shirt. It said in something on it, and it's --

19 DETECTIVE SHANE: Um-h'm.

20 THE WITNESS: -- it's white, and then I had her
21 slippers.

22 DETECTIVE SHANE: Okay.

23 THE WITNESS: So I had all of that. I was like okay.
24 Now, I have this --

25 DETECTIVE SHANE: Um-h'm.

1 THE WITNESS: -- let me get my phone and I'll give
2 you this.

3 DETECTIVE SHANE: Right, right.

4 THE WITNESS: But this happened early in the morning
5 around like -- I think around like 5:00.

6 DETECTIVE SHANE: Okay.

7 THE WITNESS: It happened around 5:00. And then I
8 was like, okay. Her mom and her step dad, I mean, her mom and
9 her mom's boyfriend went to the -- to the place to go put --

10 DETECTIVE SHANE: Um-h'm.

11 THE WITNESS: -- the stuff in.

12 DETECTIVE SHANE: Right.

13 THE WITNESS: So then from there I went up the
14 stairs. She was up there, her and her brother, so I went up
15 there. I was like, Sylvia, can I get my phone? Can I get some
16 water? At first I asked for water.

17 DETECTIVE SHANE: Right, right, right.

18 THE WITNESS: She said, no. You're not supposed to
19 be over here. You're not supposed to be in these apartments or
20 in my house.

21 DETECTIVE SHANE: Um-h'm.

22 THE WITNESS: I was like I'm just right here. You
23 can't just give me some water. She was like, no. My mom said
24 no.

25 DETECTIVE SHANE: Right.

1 THE WITNESS: I was like, okay. Your mom says no,
2 but we're still dating. Can I just get at least some water?

3 DETECTIVE SHANE: Right.

4 THE WITNESS: She was like, no, no, no. So I was
5 like, okay. Whatever, so she called the cops, so I was like --

6 DETECTIVE SHANE: Right.

7 THE WITNESS: -- don't call the cops, just hang up,
8 so I hung the phone.

9 DETECTIVE SHANE: Okay.

10 THE WITNESS: And she was like why did you do that
11 shit for? I was like because --

12 DETECTIVE SHANE: Um-h'm.

13 THE WITNESS: -- why call the cops on me for. I'm
14 leaving anyway.

15 DETECTIVE SHANE: Right, right.

16 THE WITNESS: So then after that she was like, oh, my
17 mom told me to.

18 DETECTIVE SHANE: Okay.

19 THE WITNESS: And I was like, okay. Whatever.

20 DETECTIVE SHANE: How did you climb up to the window,
21 man? What did you use?

22 THE WITNESS: I didn't use anything. I just --

23 DETECTIVE SHANE: Did you just --

24 THE WITNESS: -- used my hands.

25 DETECTIVE SHANE: -- like scale?

1 THE WITNESS: Yeah. Scaled up there.

2 DETECTIVE SHANE: Really? Like were you grabbing
3 onto a pipe or something?

4 THE WITNESS: No. There was no pipes. It's like --
5 there was like a strip (indiscernible) like this --

6 DETECTIVE SHANE: Uh-huh.

7 THE WITNESS: -- and then there's a window like that.

8 DETECTIVE SHANE: Okay.

9 THE WITNESS: So I put my feet on the thing like has
10 a U shape.

11 DETECTIVE SHANE: Yeah, yeah.

12 THE WITNESS: So I stuck my feet right there.

13 DETECTIVE SHANE: Uh-huh.

14 THE WITNESS: I put my hand up right there, and I put
15 my other hand up, and I grabbed the window.

16 DETECTIVE SHANE: Okay.

17 THE WITNESS: And then after that I started monkey
18 climbing on the side like that way.

19 DETECTIVE SHANE: Right, right.

20 THE WITNESS: Like (indiscernible).

21 DETECTIVE SHANE: Uh-huh.

22 THE WITNESS: And then after that, I started doing
23 this. And then once I did it, I had one hand -- this hand
24 free --

25 DETECTIVE SHANE: Um-h'm.

1 THE WITNESS: -- so I hold on with this one and just
2 scooted it open, and I was like, okay. Now, I can get in.

3 DETECTIVE SHANE: Um-h'm.

4 THE WITNESS: So I was like, okay, (indiscernible)
5 that big, so I just --

6 DETECTIVE SHANE: Right.

7 THE WITNESS: -- scooted over a little bit more, and
8 I climbed in. So when I climbed in, that's when I was like,
9 Sylvia --

10 DETECTIVE SHANE: Right, right.

11 THE WITNESS: -- after -- after (indiscernible) just
12 looked and I was like, okay. Where is she at because it's
13 super dark.

14 DETECTIVE SHANE: Okay.

15 THE WITNESS: So like her brother was here. I
16 couldn't really see if it was her brother way over here and
17 then her.

18 DETECTIVE SHANE: Right.

19 THE WITNESS: So I was like, man, there she is right
20 there, so I start -- I poked her. I was like, Sylvia, where's
21 my phone?

22 DETECTIVE SHANE: Um-h'm.

23 THE WITNESS: And then she started getting all wild.
24 I was like shhh, shhh.

25 DETECTIVE SHANE: Right, right, right. Okay.

1 THE WITNESS: Don't let your mom know I'm in here.

2 DETECTIVE SHANE: Yeah. Okay.

3 THE WITNESS: And then from there I was like, Sylvia,
4 can I please get my phone, man. That's all I'm asking you for
5 is my damn phone. She's like I don't have your phone. I was
6 like if we don't go, don't keep my cell.

7 DETECTIVE SHANE: Right, right.

8 THE WITNESS: Okay.

9 DETECTIVE SHANE: Yeah.

10 THE WITNESS: If I don't want you no more, I'll --
11 I'll get rid all of your shit. I'll just toss all your stuff
12 in the trash --

13 DETECTIVE SHANE: Okay.

14 THE WITNESS: -- but at least give me my phone.
15 That's more important to me than clothes.

16 DETECTIVE SHANE: All right.

17 THE WITNESS: So then she was like, oh, no, no, no.
18 And I was like (indiscernible).

19 DETECTIVE BARTENANT: Yeah. You -- you said early on
20 that you have friends and cousins or whatever in that complex.

21 THE WITNESS: Yeah, I have. But --

22 DETECTIVE BARTENANT: But you said that -- but then
23 you said you knew you weren't supposed to be over there.

24 THE WITNESS: Yeah.

25 DETECTIVE BARTENANT: And her mom wouldn't freak out

1 as long as you weren't going to mess with them.

2 THE WITNESS: Yeah.

3 DETECTIVE BARTENANT: Why did you go over there?

4 THE WITNESS: Oh, then? When I was there in the
5 apartments today?

6 DETECTIVE BARTENANT: No, no, no. That night.

7 THE WITNESS: Oh, over there? Because my cousin
8 wasn't there. She -- she --

9 DETECTIVE BARTENANT: Okay.

10 THE WITNESS: -- took her -- her (indiscernible).

11 DETECTIVE BARTENANT: Okay. But why did get up to
12 the point where you went climbing up the wall?

13 THE WITNESS: Because to go get my phone.

14 DETECTIVE BARTENANT: Okay.

15 THE WITNESS: That's why.

16 DETECTIVE BARTENANT: Why did you not wait until it's
17 daytime?

18 THE WITNESS: Because if I waited until daytime, then
19 they would have been like all tripping out and stuff because
20 it's hot, and then I have to move all the stuff, and then
21 (indiscernible).

22 DETECTIVE BARTENANT: Okay. So --

23 THE WITNESS: Her mom --

24 DETECTIVE BARTENANT: They're not going to trip out
25 that somebody is climbing through the window?

1 THE WITNESS: They're going to trip out. Yeah.
2 They're going to --

3 DETECTIVE BARTENANT: Do see what I mean?

4 THE WITNESS: Yeah. I see what you mean, but they're
5 going to trip out though --

6 DETECTIVE BARTENANT: But you just told me you
7 weren't supposed to go there. You (indiscernible).

8 THE WITNESS: Yeah. I know. I wasn't supposed to,
9 but I took a chance and a risk to go up there --

10 DETECTIVE BARTENANT: Um-h'm.

11 THE WITNESS: -- to get my phone because she told me
12 to be man enough to knock on the door --

13 DETECTIVE BARTENANT: Uh-huh.

14 THE WITNESS: -- but then after that her daughter
15 told me what she said. She said, oh, she don't want me sitting
16 on the stairs. She don't want me coming inside of her house.
17 She don't want me in Sylvia's room.

18 DETECTIVE BARTENANT: Well, you're not supposed to be
19 in the complex.

20 THE WITNESS: No, no, no. Before she did trespass
21 me.

22 DETECTIVE BARTENANT: Um-h'm.

23 THE WITNESS: And then she said I don't want him in
24 my house or knocking on my door.

25 DETECTIVE BARTENANT: Um-h'm.

1 THE WITNESS: So I took that very offensive. I said,
2 okay. I'm not going to knock on your door.

3 DETECTIVE BARTENANT: So you just climbed through the
4 window.

5 THE WITNESS: So I just climbed through the window.
6 And I was like because --

7 DETECTIVE BARTENANT: How many times did you climb
8 through that window?

9 THE WITNESS: Once.

10 DETECTIVE BARTENANT: Ever?

11 THE WITNESS: Ever. Just once. But then these times
12 when I'm like -- act like just stand over there or whatever,
13 and I used to live on Lake Mead and Nellis --

14 DETECTIVE BARTENANT: Um-h'm.

15 THE WITNESS: -- 'til Sylvia sneaked me in the
16 window. When we were dating, she would sneak me in there. She
17 would was like, okay. I went like just sneak me in if your mom
18 don't want me walking through the door, so she was like, okay.
19 So she would sneak me in the window, so --

20 DETECTIVE BARTENANT: Um-h'm.

21 THE WITNESS: -- a couple times I've been climbing
22 through the window, but this is like my last time I ever
23 climbed into the window and her brothers were there, so that
24 was like my first time ever climbing up there, first time in
25 her room, and then this is my second time climbing up there, up

1 in -- up in without no grip, no gloves, no nothing.

2 So, I mean, I was like hella mad, though. I couldn't get
3 my phone, so I did all this --

4 DETECTIVE BARTENANT: Okay, okay.

5 THE WITNESS: -- (indiscernible).

6 DETECTIVE BARTENANT: Okay. You answered a lot for
7 just a simple question.

8 THE WITNESS: Oh, no. I mean --

9 DETECTIVE BARTENANT: No. You did.

10 THE WITNESS: I know I did. I mean -- I mean, this
11 is like my first time, so I'm quite nervous about this.

12 DETECTIVE BARTENANT: How many times you ever been in
13 trouble?

14 THE WITNESS: Been in trouble? I've been in trouble
15 a couple of times. Like --

16 DETECTIVE BARTENANT: For what?

17 THE WITNESS: Stealing.

18 DETECTIVE BARTENANT: Um-h'm.

19 THE WITNESS: Burglary.

20 DETECTIVE BARTENANT: Um-h'm.

21 THE WITNESS: Committing to steal.

22 DETECTIVE BARTENANT: Um-h'm.

23 THE WITNESS: I stole a moped.

24 DETECTIVE BARTENANT: Um-h'm.

25 THE WITNESS: And from there I stole from K-mart.

1 DETECTIVE BARTENANT: Um-h'm.

2 THE WITNESS: And then from there I stole like candy,
3 chips, and all that from stores.

4 DETECTIVE BARTENANT: Um-h'm.

5 THE WITNESS: And then from there I stole stuff from
6 Walmart. I mean, it's all petty stuff.

7 DETECTIVE SHANE: It's all (indiscernible).

8 THE WITNESS: Yeah.

9 DETECTIVE SHANE: It's all thievery, huh?

10 THE WITNESS: Yeah. And then from there I got
11 arrested like for curfew.

12 DETECTIVE BARTENANT: So you've been arrested before?

13 THE WITNESS: Yeah. I've been arrested, and I've
14 been arrested for curfew, but they gave me a citations and
15 stuff like that.

16 DETECTIVE BARTENANT: Um-h'm.

17 THE WITNESS: And then from there I went to jail for
18 like a broken taillight on a bike.

19 DETECTIVE BARTENANT: Um-h'm.

20 THE WITNESS: So I've been in jail for --

21 DETECTIVE SHANE: A bunch of stuff.

22 THE WITNESS: Yeah. But then after that I started
23 going to jail for like domestic violence.

24 DETECTIVE BARTENANT: Um-h'm.

25 THE WITNESS: You know, mom want to try to hit me and

1 stuff (indiscernible).

2 DETECTIVE BARTENANT: Your mom?

3 THE WITNESS: Yeah. My mom.

4 DETECTIVE BARTENANT: What about you and Sylvia?

5 THE WITNESS: Sylvia? Yeah. Domestic violence for
6 her, too, and (indiscernible).

7 DETECTIVE BARTENANT: And you're how old?

8 THE WITNESS: Huh? 17.

9 DETECTIVE BARTENANT: Do you think there's a problem
10 somewhere?

11 THE WITNESS: Yeah. Me still dating her pretty much.

12 DETECTIVE BARTENANT: Well --

13 THE WITNESS: That's why (indiscernible) --

14 DETECTIVE BARTENANT: -- (indiscernible) everything
15 else.

16 THE WITNESS: Oh, yeah. Anger problems. That's it.

17 DETECTIVE BARTENANT: Stealing stuff is because of
18 anger?

19 THE WITNESS: No, no, no. No. Domestic violence.

20 DETECTIVE BARTENANT: Okay. What about the stealing
21 and all the other shit?

22 THE WITNESS: Stealing? No. That's just a habit.

23 DETECTIVE BARTENANT: A habit?

24 THE WITNESS: Yeah. I mean, but I don't --

25 DETECTIVE BARTENANT: Like --

1 THE WITNESS: -- steal no more.

2 DETECTIVE BARTENANT: Like smoking and drinking?

3 THE WITNESS: Oh, I don't drink and smoke, but that's
4 a habit, though, but I don't smoke or drink, and I don't steal
5 no more, so --

6 DETECTIVE SHANE: Well, here's the thing, Darnell.
7 I mean, you seem like a -- you seem like a pretty cool dude.
8 You know what I mean?

9 THE WITNESS: I know. I am.

10 DETECTIVE SHANE: And you seem like an honest guy. I
11 mean --

12 THE WITNESS: I mean --

13 DETECTIVE SHANE: -- you know, at least --

14 THE WITNESS: -- (indiscernible).

15 DETECTIVE SHANE: -- you're not afraid to say what's
16 what.

17 THE WITNESS: I know, but like --

18 DETECTIVE SHANE: But how long -- how long, you know,
19 how long you going to keep doing that?

20 THE WITNESS: I'm not going to be doing this shit for
21 long. I'm not even going to do this period because, I mean,
22 this is not me, you know.

23 DETECTIVE SHANE: Well, that's what I mean. You seem
24 like a pretty good kid, but you keep --

25 THE WITNESS: Yeah. I --

1 DETECTIVE SHANE: -- getting yourself jammed up.

2 THE WITNESS: The reason why I do this type of stuff
3 because doesn't nobody care about me. My mom really pretty
4 much does not. My dad don't want to take me places.

5 I can't get into school no more because school is over. I
6 should have been in school and school's started, so pretty much
7 I have to go to (indiscernible). My mom does not want to do
8 that for me.

9 DETECTIVE SHANE: Um-h'm.

10 THE WITNESS: So, I mean, there's a lot of stuff on
11 my mind. Family problems and then plus --

12 DETECTIVE SHANE:

13 THE WITNESS: -- girlfriend problems plus her mom, so
14 I have a lot of stuff on me that I --

15 DETECTIVE SHANE: Here's -- here's the thing.

16 THE WITNESS: Yeah.

17 DETECTIVE SHANE: And this is just from me to you.
18 All right? Here's the thing. You're 17.

19 THE WITNESS: Um-h'm.

20 DETECTIVE SHANE: All right. You're going to be 18.
21 You're going to be a grown man.

22 THE WITNESS: Um-h'm.

23 DETECTIVE SHANE: All right? When you're a grown
24 man, you've got to be smart enough to make decisions that are
25 good for you even though --

1 THE WITNESS: I know.

2 DETECTIVE SHANE: Now, feel me for a minute. Okay?
3 Even though all that bad stuff happened to you in the past --

4 THE WITNESS: Um-h'm.

5 DETECTIVE SHANE: -- all right -- bad stuff happens
6 to everybody, Bro, not just you.

7 THE WITNESS: I know.

8 DETECTIVE SHANE: But when --

9 THE WITNESS: Everybody --

10 DETECTIVE SHANE: -- you're 18, nobody wants to know
11 about it.

12 THE WITNESS: I know.

13 DETECTIVE SHANE: So you got to start doing the right
14 thing.

15 THE WITNESS: That's what I been --

16 DETECTIVE SHANE: (Indiscernible).

17 THE WITNESS: -- trying to do. That's what ever
18 since I been 17, I've been trying to keep my nose clean, stay
19 out of the gutter a little bit.

20 DETECTIVE SHANE: Um-h'm.

21 THE WITNESS: You know, stay out of police's face.
22 And then from there when my own -- that -- that's the first
23 time I went back to jail when I was 17 --

24 DETECTIVE SHANE: Right.

25 THE WITNESS: -- from domestic violence for me and

1 mom. Pretty much she tried to beat up me and my girlfriend, so
2 that didn't happen, so pretty much they took me to jail, but I
3 called them on her.

4 DETECTIVE SHANE: Right.

5 THE WITNESS: But they turned it back on me and took
6 me to jail --

7 DETECTIVE SHANE: Um-h'm.

8 THE WITNESS: -- because mom hit me, and I grabbed
9 mom and took her to the living room.

10 DETECTIVE SHANE: Right.

11 THE WITNESS: So then they was like, well, you can't
12 do that. That's -- that's putting your hands on your mom.

13 DETECTIVE SHANE: Right.

14 THE WITNESS: Okay. Mom --

15 DETECTIVE SHANE: Yeah. But this -- this is what
16 we're talking about, right?

17 THE WITNESS: Yeah. I mean --

18 DETECTIVE SHANE: I mean, look --

19 THE WITNESS: -- that's when I was like --

20 DETECTIVE SHANE: -- how many times have you been
21 arrested so far would you say if you just threw number out
22 there? Six, seven, something like that?

23 THE WITNESS: No, no. Around like 20.

24 DETECTIVE SHANE: Around 20 times?

25 THE WITNESS: 20 times.

1 DETECTIVE SHANE: All right. 20 times is a lot, man.

2 THE WITNESS: Um-h'm.

3 DETECTIVE SHANE: All right.

4 THE WITNESS: Yeah. I've been --

5 DETECTIVE SHANE: Because you got to realize --

6 THE WITNESS: -- (indiscernible).

7 DETECTIVE SHANE: You got to realize, all right, when
8 somebody is arrested 20 times --

9 THE WITNESS: They never stop.

10 DETECTIVE SHANE: -- (indiscernible) straight
11 pattern.

12 THE WITNESS: They never stop.

13 DETECTIVE SHANE: That's -- that's career criminal
14 stuff.

15 THE WITNESS: Yeah.

16 DETECTIVE SHANE: Okay. Because basically when you
17 get arrested that many times and this court system just keeps
18 kicking you back out, okay --

19 THE WITNESS: Um-h'm.

20 DETECTIVE SHANE: -- and you keep doing the same dirt
21 --

22 THE WITNESS: And it's --

23 DETECTIVE SHANE: -- guess what? It gets worse,
24 dude.

25 THE WITNESS: Exactly.

1 DETECTIVE SHANE: It gets worse. And as it --

2 THE WITNESS: It gets (indiscernible).

3 DETECTIVE SHANE: As you get older, all right, you
4 get caught up like say you're climbing through somebody's
5 window --

6 THE WITNESS: Um-h'm.

7 DETECTIVE SHANE: -- all right, and then you climb
8 through somebody's window and the next thing you know old boy
9 is standing there with a gun and now you're in a fight.

10 THE WITNESS: And I'm getting my --

11 DETECTIVE SHANE: You know what I mean?

12 THE WITNESS: -- head blown off, you know, and
13 (indiscernible).

14 DETECTIVE SHANE: Either you get your head blown off
15 or you blow his head off and now you're looking at a murder
16 wrap.

17 THE WITNESS: Um-h'm.

18 DETECTIVE SHANE: You see how this all rolls?

19 THE WITNESS: Um-h'm.

20 DETECTIVE SHANE: That's the kind of stuff you got to
21 start thinking about now that you're going to be --

22 THE WITNESS: 18.

23 DETECTIVE SHANE: -- 18 years old.

24 THE WITNESS: That's why -- that's why now as this
25 stuff happened --

1 DETECTIVE SHANE: Um-h'm.

2 THE WITNESS: -- because I've never been up with the
3 DEA. Never.

4 DETECTIVE SHANE: Um-h'm.

5 THE WITNESS: Never been investigated for nothing, so
6 now I know now to leave this girl the fuck alone.

7 DETECTIVE SHANE: Um-h'm.

8 THE WITNESS: Leave her family alone. Leave just her
9 period alone.

10 DETECTIVE SHANE: Right. Well, that's what I --

11 THE WITNESS: (Indiscernible).

12 DETECTIVE SHANE: And that's what I'm trying to say
13 here.

14 THE WITNESS: Because the more -- the more I keep
15 messing with her, the more I'm going to be in big trouble.

16 DETECTIVE SHANE: This is what I'm trying to say to
17 you, all right? Just because the court keeps kicking you out
18 --

19 THE WITNESS: Um-h'm.

20 DETECTIVE SHANE: -- all right, don't think --

21 THE WITNESS: Yeah.

22 DETECTIVE SHANE: -- that because they don't care
23 that it's the right thing that goes on.

24 THE WITNESS: Um-h'm. But it's (indiscernible).

25 DETECTIVE SHANE: You know what I'm saying?

1 THE WITNESS: I do.

2 DETECTIVE SHANE: Because it's not. Just because
3 they let you get away with it doesn't make it right.

4 THE WITNESS: Um-h'm.

5 DETECTIVE SHANE: Because I'll tell you what. You're
6 going to come across something, and you're going to get caught
7 behind it --

8 THE WITNESS: Um-h'm.

9 DETECTIVE SHANE: -- and then it's going to be the
10 one thing where they actually say, you know what? No. We
11 ain't letting this one slide.

12 THE WITNESS: Um-h'm.

13 DETECTIVE SHANE: And then the next thing you know --
14 you know what I'm saying -- you're looking at 20 to life or
15 something like that.

16 THE WITNESS: Um-h'm.

17 DETECTIVE SHANE: See what I'm saying? You got to be
18 --

19 THE WITNESS: Yeah. I know --

20 DETECTIVE SHANE: -- smarter than that.

21 THE WITNESS: -- what you're talking about. That's
22 why I be like, Sylvia, this is all irrelevant, you know. Like
23 you keep calling the cops on me even though your mom says does
24 it, you do it. I mean, that's what I told her.

25 If we're going to be together, at least hear me out for

1 once, you know. Stop listening to your mom all about, oh, kick
2 Darrnell, leave Darrnell alone, don't mess with him. He does
3 not seem (indiscernible). Ever since (indiscernible) gone on,
4 she been thinking I'm a thug --

5 DETECTIVE SHANE: Um-h'm.

6 THE WITNESS: -- because of the way I dress and the
7 way I act.

8 DETECTIVE SHANE: Right.

9 THE WITNESS: I'm not a thug. I don't gangbang. And
10 then the cops keep asking me are you (indiscernible) or are
11 affiliated with West Side? No, I do not. No, I'm not a Crip.
12 No, I'm not a Blood. I don't bang. I have no tattoos.

13 DETECTIVE SHANE: Um-h'm.

14 THE WITNESS: My mom will kick my ass if I was ever
15 in a gang. She will put me out. Really.

16 DETECTIVE SHANE: Right.

17 THE WITNESS: And I'll be on my own.

18 DETECTIVE SHANE: Um-h'm.

19 THE WITNESS: You know what I'm saying? So that's
20 why I was like, well, I don't bang. If my brother banded,
21 that's him.

22 DETECTIVE SHANE: Um-h'm.

23 THE WITNESS: That's him. I don't really care.

24 DETECTIVE SHANE: Right.

25 THE WITNESS: I'm not getting no tattoos on my body

1 because I don't want that to be -- if I get pulled over
2 (indiscernible) gang unit --

3 DETECTIVE SHANE: Um-h'm.

4 THE WITNESS: -- take pictures and then there you are
5 in the system.

6 DETECTIVE SHANE: Um-h'm.

7 THE WITNESS: So that's why I was like nope. No
8 tattoos.

9 DETECTIVE SHANE: Right.

10 THE WITNESS: No gangbanging. No nothing. Just me
11 regular acting stupid out here in Las Vegas, and, I mean --

12 DETECTIVE SHANE: All right. Well, let me ask you
13 this. Do you have any questions for us?

14 THE WITNESS: Pretty much. Yeah. I mean, like
15 what's going to happen, though?

16 DETECTIVE SHANE: Basically, what's going to happen
17 is --

18 THE WITNESS: I mean, am I going back to juvie?

19 DETECTIVE SHANE: You know what? I'm not going to
20 lie to you, Bro. Probably.

21 THE WITNESS: To juvie?

22 DETECTIVE SHANE: Yeah. Probably.

23 THE WITNESS: Oh, to Pecos and Bonanza.

24 DETECTIVE SHANE: Yeah.

25 THE WITNESS: Oh.

1 DETECTIVE SHANE: All right. I ain't going to lie to
2 you because I don't believe in lying.

3 THE WITNESS: Oh, me neither, so --

4 DETECTIVE SHANE: Okay.

5 THE WITNESS: I -- I know I'm going there.

6 DETECTIVE SHANE: (Indiscernible) keep it on the real
7 with you here. You're probably going to juvie. I got to
8 talk --

9 THE WITNESS: (Indiscernible).

10 DETECTIVE SHANE: I got to talk about some stuff with
11 my partner over here. All right? But once we figure out
12 what's going to happen for sure --

13 THE WITNESS: Um-h'm.

14 DETECTIVE SHANE: -- I will come in here and tell you
15 what's going to happen.

16 THE WITNESS: Okay. Can I get some coffee?

17 DETECTIVE SHANE: I can get you some water.

18 DETECTIVE BARTENANT: Coffee?

19 THE WITNESS: Yeah.

20 DETECTIVE SHANE: You want some Starbucks, man?

21 THE WITNESS: Yeah. I mean, I make my own Starbucks.
22 I mean --

23 DETECTIVE SHANE: Uh-huh.

24 THE WITNESS: -- (indiscernible) coffee --

25 DETECTIVE SHANE: Uh-huh.

1 THE WITNESS: -- put ice in it.

2 DETECTIVE SHANE: All right. I'll get you some
3 water.

4 THE WITNESS: Do you got -- do you got soda or like
5 chips or something because I was going to eat at a party, but,
6 you know, (indiscernible).

7 DETECTIVE BARTENANT: Let him finish this up. Let
8 him finish this up.

9 THE WITNESS: Okay.

10 DETECTIVE SHANE: Operator, that's going to conclude
11 the interview. The same people are present. The current time
12 now is 2031.

13 (Thereupon, the recorded interview was concluded
14 at approximately 8:31 p.m.)

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1 I certify that the foregoing is a correct transcript
2 from the electronic sound recording of the proceedings in
3 the above-entitled matter.
4
5

6 /s/ Jennie Ellis

02/18/13

7 Jennie Ellis, Transcriptionist

Date

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DARNELL ROBERT T.,)
)
 Appellant,)
)
 vs.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)

APPELLANT'S APPENDIX – VOLUME I – PAGES 001-227

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 27th day of April, 2013. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

CATHERINE CORTEZ MASTO
STEVEN S. OWENS

KERRI MAXEY
HOWARD S. BROOKS

BY

Employee, Clark County Public Defender's Office

EXHIBIT B

Richard Yao, Ph.D.**Licensed Clinical Psychologist****9163 West Flamingo, Suite 120****Las Vegas, Nevada 89147****Phone: (702) 220-5776****Fax: (702) 869-9203**

September 18, 2012

JUVENILE CERTIFICATION EVALUATION

DEFENDANT: TOWNSEL, DARNELL
CASE NUMBER: J306934
DATE OF BIRTH: 12/10/1994
AGE: 17 years, 8 months
SEX: Male
ETHNICITY: African-American
REFERRAL SOURCE: Clark County Juvenile Public Defender's Office - Kerri Maxey
EXAMINER: Richard Yao, Ph.D.

REASON FOR REFERRAL

Mr. Townsel was referred for a discretionary juvenile certification evaluation by the Clark County Juvenile Public Defender's Office. Mr. Townsel has been charged with sexual assault, battery with intent to commit a sexual assault, burglary, kidnapping in the second degree, and battery domestic violence. Mr. Townsel is alleged to have sex with his girlfriend against her will. A psychological evaluation was requested to assess for any cognitive deficits and/or clinical psychopathology that would be amenable to treatment in the juvenile system.

PROCEDURES OF EVALUATION

1. Clinical interview of Mr. Townsel, conducted by Richard Yao, Ph.D. on September 7, 2012.
2. Administration of the Wechsler Adult Intelligence Scale-Fourth Edition (WAIS-IV) conducted by Richard Yao, Ph.D. on September 7, 2012.
3. Review of Discovery provided by the Clark County Juvenile Public Defender's office:
 - Clark County School District Multidisciplinary Evaluation Team Reports dated 11/14/03; 11/14/05; and 10/24/08; Clark County Department of Juvenile Justice Services Declaration of Arrest, dated 06/22/12; Competency Evaluation conducted by Norton Roitman, MD, dated 07/27/12; Previous record for Mr. Townsel.

REVIEW OF RECORDS:

The Declaration of Arrest dated 06/22/12 indicated that police were contacted in reference to an alleged sexual assault and burglary. Police arrived at the residence of the alleged victim, who reported that she was asleep in her room with her 13 and 6-year-old brothers. She was reportedly awakened by her ex-boyfriend, who was identified as Mr. Townsel. The alleged victim stated that Mr. Townsel came in through the bedroom window and allegedly had sex with her against her will. The Declaration of Arrest indicated that the alleged victim went to her mother's room after the incident and informed

Townsel, Darnell

Page 2

her that Mr. Townsel was in the apartment. The alleged victim's mother got out of bed and informed Mr. Townsel to leave the home. He reportedly refused to leave the home, and police were subsequently contacted. The alleged victim was transported to UMC and received a sexual assault exam where the nurse reportedly recovered semen from her vagina. Mr. Townsel was eventually picked up by police on 06/22/12. He was subsequently interviewed, arrested, and transported to Clark County Juvenile Hall.

Multidisciplinary Evaluation Team Reports from Clark County School District dated 11/14/03, 11/14/05, and 10/24/08 were reviewed. Mr. Townsel's initial evaluation in 2003 indicated that he was administered the Wechsler Intelligence Scale for Children-Third Edition (WISC-III), and his scores were as follows: Verbal IQ=65; Performance IQ=62; Full Scale IQ=60. He was also administered the Reynolds Intellectual Assessment Scales (RIAS) and his scores were as follows: Verbal Intelligence Index=57; Nonverbal Intelligence=99; Composite Intelligence Index=77. He was deemed eligible for special education services under the category of mild mental retardation.

Mr. Townsel's evaluation with CCSD in 2005 indicated that he was administered the Stanford Bennett-Fifth Edition and his scores were as follows: Verbal Reasoning=59; Quantitative Reasoning=62; Composite=59. He was also administered the Differential Abilities Scales (DAS) and his scores were as follows: Verbal=63; Nonverbal Reasoning=69; Spatial =82; GCA=67. The Vineland Adaptive Behavior Scales were also administered with the following standard scores: Communication=39; Daily Living Skills=51; Socialization=51; and Adaptive Behavior Composite=43. At the time of the evaluation, his primary disability was mild mental retardation. It was also recommended that he receive related services in areas of speech and language impairment.

Mr. Townsel's evaluation in 2008 indicated that he continued to meet special education criteria under the category of mild mental retardation. The evaluation indicated that he demonstrated significant limitations in communication skills, self-care, and social skills. His cognitive abilities were at least two standard deviations below the mean, and his adaptive behavior assessment indicated significant deficits. The evaluation indicated that Mr. Townsel's academic achievement was congruent with his measured cognitive ability.

A Competency Evaluation conducted by Norton Reitman, MD, dated 08/27/12 indicated that Mr. Townsel was judged to be competent to stand trial. He was diagnosed with conduct disorder and ADHD by history.

A review of Mr. Townsel's previous record indicated a charge of gross misdemeanor - taking a vehicle without consent of owner in 2008, which resulted in formal probation. He had several charges in 2007 and 2008 that were reportedly dismissed or closed. Mr. Townsel had two separated charges in 2008 of misdemeanor petty larceny, which resulted in formal probation, in addition to a six month placement at Spring Mountain Youth Center. In 2009, Mr. Townsel had a misdemeanor disorderly conduct charge, which resulted in a violation of probation.

INFORMED CONSENT:

Mr. Townsel was informed that this psychological evaluation had been requested by the Clark County Juvenile Public Defender's Office. Mr. Townsel was informed that a report would be generated and submitted to his public defender. He was also informed that the information provided during the

Townsel, Darnell
Page 3

interview would be placed in the report and was not bound to the traditional rules of confidentiality. Mr. Townsel signed consent forms indicating his understanding of the conditions of the psychological evaluation. Mr. Townsel's mother, Ms. Vera Townsel, also signed consent forms authorizing this evaluation.

BEHAVIORAL OBSERVATIONS/MENTAL STATUS EXAM

Mr. Townsel is a 17-year-old, African-American male, whose appearance was consistent with his stated age. He wore standard detention clothing for the interview. He presented with fair hygiene and grooming. Mr. Townsel presented with an average height and build. Mr. Townsel was pleasant and cooperative throughout the assessment. He presented with a stable mood and appropriate range of affect. Mr. Townsel was oriented to person, place, time, and situation. Mr. Townsel's speech was normal in both tone and rate. His speech was coherent and organized. Mr. Townsel was a rather poor historian who had significant difficulty providing a chronological psychosocial history. He had significant difficulty with dates and timeframes, and he also had difficulty differentiating between his elementary, junior high, and high school years. Mr. Townsel denied any current suicidal/homicidal ideation. He also denied experiencing any hallucinations. His thoughts were goal directed and logical and not reflective of any delusional content.

PSYCHOSOCIAL HISTORY

Mr. Townsel was born in Los Angeles, California on December 10, 1994. His mother's name is Ms. Vera Townsel (34), and his father's name is Mr. John Townsel (45). Mr. Townsel reported that his parents were not married at the time of his birth, but married when he was approximately 12-years of age. He reported that he has three full siblings and five maternal half-siblings. To the best of his knowledge, Mr. Townsel reported that his mother did not abuse any alcohol or drugs while pregnant with him. Mr. Townsel was unsure as to whether he met developmental milestones within normal limits. With regards to Mr. Townsel's early childhood history, he resided with both of his parents in South Central Los Angeles. He reported that his material needs were met on a consistent basis. He reported that his parents were good providers, and he reported a stable home. He denied any domestic violence or substance abuse in the home. Mr. Townsel denied any physical/emotional/sexual abuse history.

With regards to Mr. Townsel's educational history, he started school in California, where he attended kindergarten through the second grade. He reported that he had significant difficulty reading and was diagnosed with ADHD. He reported that he was in special education for all of his subjects as early as the first grade. Mr. Townsel also reported significant behavioral difficulties related to his ADHD. He recalled numerous instances where he was "hyper" and "just wanted to run around." He discussed instances where he "used to try to jump off cabinets in the classroom." He reported that he was prescribed numerous medications during this time, including Concerta and Clonidine. He reported that he earned almost all F's during this time, but was continually passed to the next grade. He reported that his home life was continued to be relatively stable during this time.

Mr. Townsel reported the family relocated to Las Vegas when he was in the second grade. He reported that the family moved to Las Vegas due to the high criminal activity in his neighborhood in California. He reported that his family was the victim of numerous violent crimes, and they wanted to move to a safer city. He reported a high level of residential instability as the family transitioned to Las Vegas and indicated that the family frequently resided in weekly hotels. As such, he reported that he attended

Townsel, Darnell
Page 4

approximately five different elementary schools. He reported that he continued with this special education programming, but denied any grade repeats. He reported that he continued to have some behavioral difficulties related to his "hyper" behavior. He reported some peer difficulties and numerous conflicts.

Mr. Townsel reported that he attended two different middle schools and indicated that the family eventually obtained their own apartment. He continued with special education classes, but earned primarily F's. He reported the onset of significant behavioral difficulties and criminal activity during this time. Records indicated that in July 2007, he was charged with a gross misdemeanor for "taking a vehicle without the owner's consent" and was placed on formal probation. Later in 2007, he had a misdemeanor fighting charge which resulted in probation. In July 2008, he reported that he had a misdemeanor petty larceny charge which resulted in a violation of probation. He was sent to Spring Mountain Youth Center for six months. Records indicated that in August 2009, he had a misdemeanor disorderly conduct charge, which resulted in continued probation. Mr. Townsel also reported that in June 2012 before his current arrest, he had a misdemeanor trespassing charge at Kmart. Despite Mr. Townsel's behavioral difficulties, he denied any gang involvement. He also denied any violent crimes and also denied any drug or alcohol use during this time.

Mr. Townsel reported that he started high school at Chaparral High School. He stated, "Things got bad." When asked to elaborate, he reported that he refused to take his medications because he wanted to be "normal." He reported that during his tenth and eleventh grade years, the family relocated, and he reportedly did not attend school for one semester due to enrollment difficulties.

Mr. Townsel reported that he was arrested on the current charges in June 2012.

EDUCATIONAL HISTORY

Mr. Townsel reported that he was first deemed eligible for special education services in kindergarten or the first grade. Records from Clark County School District indicated that psychological evaluations were conducted in 2003, 2005, and 2008. All of the testing results indicated a diagnosis of mild mental retardation (please see Review of Records for detailed testing results). Currently, Mr. Townsel is supposed to be in the twelfth grade. Mr. Townsel reported that he continues to have difficulty reading and estimated that he reads at the first or second grade level.

SUBSTANCE ABUSE HISTORY

Mr. Townsel denied experimentation with drugs or alcohol.

MEDICAL HISTORY

Mr. Townsel denied any medical history.

PSYCHOLOGICAL HISTORY

Mr. Townsel reported that he was diagnosed with ADHD during his kindergarten or first grade year. He reported impulsive and hyperactive behaviors, which resulted in difficulties maintaining in the classroom. He reported that he was on medication for his ADHD until he was 15, when he refused to take his medication. He reported a history of impulsive behaviors, difficulties with attention, concentration, focusing, and staying on task.

Townsel, Darnell
Page 5

Currently, Mr. Townsel reported some depressive symptomatology, which is related to his current charges and pending certification hearing. However, he denied any significant impairment in functioning as a result of his depression, and his description of symptoms appears to be consistent with his current situation. He denied any other mood disturbances, anxiety, or psychotic symptoms.

PSYCHOLOGICAL TESTING

Mr. Townsel was administered Wechsler Adult Intelligence Scale-Fourth Edition (WAIS-IV). With regards to Mr. Townsel's test-taking behavior, he was engaged and active throughout the testing session. He showed good persistence and motivation when faced with more challenging items. As such, these testing results can be considered to be an accurate representation of his current level of cognitive functioning.

Mr. Townsel was scheduled to be administered the Personality Assessment Inventory-Adolescent Version (PAI-A). However, Mr. Townsel's reading comprehension deficits were evident, and he had significant difficulty reading the test questions. As such, the PAI-A was not administered.

Wechsler Adult Intelligence Scale, 4th Edition (WAIS-IV)

The Wechsler Adult Intelligence Scale - 4th Edition, is an individually administered clinical instrument designed to assess the cognitive abilities of adolescents and adults, ages 16 years, 0 months, through 90 years/11 months.

WAIS-IV Scale Scores	
Vocabulary	= 5
Digit span	= 1
Similarities	= 3
Block design	= 4
Arithmetic	= 3
Matrix reasoning	= 5
Symbol Search	= 4
Visual puzzle	= 4
Information	= 5
Coding	= 5

WAIS IV	Composite Score	Percentile Rank	95% Confidence interval
Verbal comprehension IQ	68	2	64-75
Perceptual reasoning IQ	67	1	62-75
Working memory IQ	55	.1	51-64
Processing speed IQ	71	3	66-82
Full Scale IQ	59	.3	56-64

Townsel, Darnell
Page 6

Mr. Townsel's full-scale IQ score was 59, which is considered to be in the mild mental retardation range of intellectual functioning. This score ranks at the .3 percentile when compared to the standardized group of same age peers. The full-scale IQ score is a composite of verbal comprehension, perceptual reasoning, working memory, and processing speed. The full scale IQ score provides a global estimate of overall abilities and is considered the most representative score of general intellectual functioning.

Mr. Townsel's verbal comprehension IQ score was 68, which is considered to be in the extremely low range and is indicative of a marked level of impairment. This score ranks at the 2nd percentile when compared to the standardized group of same age peers. Verbal comprehension IQ measures verbal abstraction skills, vocabulary abilities, and general fund of information.

Mr. Townsel's perceptual reasoning IQ score was 67, which is considered to be in the extremely low range and is indicative of a marked level of impairment. This score ranks at the 1st percentile when compared to a standardized group of same age peers. Perceptual reasoning IQ measures the capacity for perceptual reasoning, spatial processing, and visual motor integration.

Mr. Townsel's working memory IQ score was 55, which is considered to be in the extremely low range and is indicative of a marked level of impairment. This score ranks at the .1 percentile when compared to a standardized group of same age peers. Working memory is considered to be an essential component of higher order of cognitive processes. Working memory IQ measures attention, concentration, and mental control. This requires the ability to temporarily retain information in memory, perform some mental operation, and produce a result.

Mr. Townsel's processing speed IQ score was 71, which is considered to be in the extremely low range and is indicative of a marked level of impairment. This score ranks at the 3rd percentile when compared to a standardized group of same age peers. Processing speed IQ measures the ability to quickly scan, sequence, and discriminate simple visual information. It is also a good measure of short term visual memory, attention, and visual motor coordination.

ANALYSIS OF CASE

Mr. Townsel was referred for a discretionary juvenile certification evaluation by the Clark County Juvenile Public Defender's Office. Mr. Townsel has been charged with sexual assault, battery with intent to commit a sexual assault, burglary, kidnapping in the second degree, and battery domestic violence. Mr. Townsel is alleged to have sex with his girlfriend against her will. A psychological evaluation was requested to assess for any cognitive deficits and/or clinical psychopathology that would be amenable to treatment in the juvenile system. In discretionary juvenile certification evaluations, the court will consider the following factors: 1) the nature and seriousness of the charged offenses; 2) the youth's juvenile history; and 3) the youth's subjective factors, such as age, maturity, emotional stability, family support, and positive psychological and social evaluation.

Pertaining to certification, Mr. Townsel's cognitive abilities were assessed on the WAIS-IV. His full scale IQ score of 59 is considered to be in the mild mental retardation range of intellectual functioning. A closer examination of his composite scores indicated marked deficits in all areas, including verbal comprehension (68), perceptual reasoning (67), working memory (55), and processing speed (71).

Townsel, Darnell

Page 7

abilities. These findings are consistent with Mr. Townsel's previous evaluations conducted through the Clark County School District in 2003, 2005, and 2008. These evaluations indicated that Mr. Townsel's cognitive abilities were consistently assessed to be in the mild mental retardation range of intellectual functioning. In addition, Mr. Townsel was administered the Vineland Adaptive Behavior Scales in 2005, which indicated significant deficits in his adaptive functioning.

Mr. Townsel's adaptive functioning was not formally assessed as part of this evaluation because his description of his adaptive behaviors was based solely on self-report. Based on Townsel's reports, he does not present with any deficits in his self-care abilities. However, based on a review of records, behavioral observations during the evaluation, and Mr. Townsel's self report, he presents with significant deficits in his communication, social/interpersonal skills, and functional academic skills. During the evaluation, Mr. Townsel's cognitive deficits became more evident as the evaluation progressed. He had significant difficulty providing a chronological psychosocial history and had difficulty distinguishing between dates and timeframes. He had significant difficulty clearly distinguishing between his elementary, middle school, and high school grades.

Thus, based on Mr. Townsel's cognitive testing results, impairment in adaptive functioning, and documented evidence of an onset prior to age 18, Mr. Townsel meets diagnostic criteria for mild mental retardation.

With regards to Mr. Townsel's clinical profile, he was scheduled to be administered the Personality Assessment Inventory-Adolescent Version (PAI-A). However, his reading comprehension difficulties were readily apparent, and he was not administered the PAI-A. Records indicated a documented history of ADHD, and his description of his behaviors is consistent with the disorder. He reported severe hyperactivity, impulsivity, academic difficulties, and peer conflicts throughout his childhood years, and indicated that his difficulties started as early as kindergarten. He reported that he was prescribed medication for his ADHD until age 15, when he discontinued and refused to take his medications. While the WAIS-IV does not specifically assess for ADHD, several of the WAIS-IV subtests require sustained attention and concentration, and a poor performance on these subtests may be indicative of ADHD symptomatology. Mr. Townsel's performance on the Digit Span, Symbol Search, and Coding subtests indicated marked impairment in his working memory and processing speed abilities. While a formal diagnosis of ADHD traditionally requires a comprehensive neuropsychological evaluation, Mr. Townsel's self-reports and performance on the WAIS-IV are suggestive of ADHD.

Based on the findings of this evaluation, Mr. Townsel's ongoing difficulties are attributable, in part, to the combination of his mild mental retardation and ADHD symptomatology.

DIAGNOSTIC IMPRESSIONS:

AXIS I: 1) CONDUCT DISORDER, ADOLESCENT ONSET
2) ATTENTION DEFICIT HYPERACTIVITY DISORDER, COMBINED TYPE
(PROVISIONAL)
AXIS II: MILD MENTAL RETARDATION
AXIS III: NONE REPORTED
AXIS IV: LEGAL INVOLVEMENT
AXIS V: GAF: 50

Townsel, Darnell
Page 8

RECOMMENDATIONS

If Mr. Townsel is retained in the juvenile system, he would benefit from the following recommendations:

1. Mr. Townsel should be referred to Desert Regional Center (DRC). DRC can provide the highly specialized and long-term care that Mr. Townsel will require due to his mild mental retardation. DRC can provide vocational training, psychosocial rehabilitation, and basic skills training that will assist Mr. Townsel, as he makes the transition into young adulthood.
2. Mr. Townsel's cognitive deficits and conduct disorder will require an extremely high level of care at this time. As such, he may benefit from long-term residential treatment with a sexual offender treatment component. Sexual offender treatment can focus on the cycle of offense, the dynamics pertaining to the alleged crime, and relapse prevention strategies. In addition, Mr. Townsel should receive psychiatric care for the medication management of his ADHD and conduct disorder.
3. Mr. Townsel should continue with his special education classes, and his IEP should specifically address his transition into young adulthood. This should include assistance in accessing services with Desert Regional Center, and CCSD should provide DRC with all documentation regarding his cognitive abilities.

Respectfully submitted,

R-Yao-PLD.

Richard Yao, Ph.D.
Licensed Clinical Psychologist
RYng: 09/18/12

EXHIBIT C

Office of the Juvenile Public Defender

601 North Pecos Road · South Building · Las Vegas, Nevada 89101-2417

(702) 455-5475 · Fax (702) 455-6836

Philip J. Kohn, Public Defender · Daren B. Richards, Assistant Public Defender

Attorney: Kerri Maxey
Client: Darnell Townsel

Family History: Darnell Townsel is a seventeen year-old Black male. He is the biological son of John and Vera Townsel. At the time of his arrest, Darnell was living in the home of his parents. Also living in the home are Darnell's siblings, Vanessa, 21, Janika, 19, and Ray, 18. Ray's girlfriend and their infant child live in the home. Janika also has an infant child that lives in the home.

Darnell was born in Los Angeles, California. Mrs. Townsel reported that she had a healthy pregnancy with Darnell and he achieved all of his developmental milestones on time. Mr. and Mrs. Townsel have been married for thirty years. Darnell states that his parents are a happy couple. There were no reports of domestic violence or substance use.

Mr. Townsel is currently on disability due to heart problems and a bad eye. He worked in the construction and janitorial fields in the past. Mrs. Townsel has worked in the housekeeping field in the past. She is currently unemployed.

Darnell and his family lived in Compton and South Central neighborhoods until they moved to Las Vegas in 2003. Darnell was approximately eight years of age at the time and entering the third grade. Darnell's parents state that they moved to Las Vegas to be closer to family.

Darnell and his family struggled financially initially upon moving to Las Vegas. They moved on several occasions and lived in weekly rentals prior to securing an apartment. Darnell attended four different elementary schools as a result of the family moving.

Darnell struggled with behavior issues as he entered elementary school. According to Mrs. Townsel, Darnell had difficulties focusing and paying attention. He was described by his mother as being extremely hyper and busy in the home as well as in his school setting.

Darnell qualified for special education services in the second grade. With the assistance of school officials, Mrs. Townsel also accessed mental health services for Darnell to address his behavior.

Darnell was diagnosed with Attention Hyper-Activity Disorder (ADHD); He was prescribed the medications Clonidine, and Concerta to address his ADHD issues. Mrs. Townsel states that Darnell's behavior improved when he began taking medication. Darnell took his medication on a consistent basis while he was in elementary school. He successfully completed elementary school and transitioned to middle school.

Darnell states that he was compliant with this medication in the sixth and seventh grades respectively. During his eighth grade year, Darnell began to refuse his medication on different

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occasions. This was the result of Darnell feeling embarrassed about being called to the nurse's office to take his medication.

Darnell continued to receive mental health services in middle school. Neither Darnell nor his parents were able to recall what agency Darnell received mental health services from. Darnell also participated in individual counseling and had also had a Psycho-Social Rehabilitation worker throughout middle school.

Darnell attended one middle school, which resulted in stability and structure as opposed to his elementary school years when he attended several schools. Darnell completed middle school without any problems and successfully transitioned to high school.

Darnell's behavior began to change as he entered high school. This was the result of him associating more with his older brother Ray and his peers. Ray reportedly has a long juvenile delinquency records and has been placed at Caliente and Elko for correctional purposes as a result in the past.

Darnell began to come into contact with the Clark County Juvenile Probation Department as a result of his behavior. He initially came into contact with the Probation Department in 2007. He was put on formal probation as a result of taking a vehicle without owners consent.

Darnell continued to be involved in deviant behavior that resulted in him coming into probation's contact. He was placed at Spring Mountain Youth Camp in October 2011. He was released to the home of his parents in February 2012. Darnell did well at SMYC. Darnell remained at the home of his parents until he was detained for the current offense.

Mental Health History: There is a history of mental illness in Darnell's family. Ms. Townsel reports that she has a sister that is bi-polar and a brother that is schizophrenic.

Darnell was diagnosed with ADHD in the second grade. Concerns at the time were Darnell's impulsivity, and hyperactive behaviors. This resulted in extreme difficulties maintaining Darnell in the classroom. Darnell has a history of impulsive behaviors, attention difficulties, concentrating, focusing, and staying on task.

Darnell was treated with medication to address his ADHD concerns beginning in elementary school. He also received individual therapy, and psycho-social rehabilitative services, throughout middle school. Darnell remained medication compliant until he entered the ninth grade. At this time, Darnell began to refuse his medication and all other mental health services. Darnell states he stopped taking his medication because he was embarrassed. He also thought he could function successfully without it.

Darnell received medication throughout his stay at SMYC. He did well according to him and his mother at SMYC. Darnell was placed back into his parent's home after being released from SMYC. He was released home with his medication, but again refused to take it after a short time being at home. Darnell states he felt fine without the medication and felt that he did not need it.

Darnell states that prior to being detained for the current offense, there were times when he felt as if he needed to be back on his medications. He described himself as being angry, impulsive, and easily frustrated, prior to being detained. Darnell states that when he takes his medication he feels more focused and tends to be more conscious of being respectful to people.

School Darnell initially enrolled in the Clark County School District in September 2003. While attending school in California, Darnell had been evaluated and found eligible for special education services as a student with a learning disability. Darnell had also been diagnosed with ADHD which impacted his academic progress.

Darnell's teachers in California noted that a lack of attendance in kindergarten contributed to poor academic progress. Significant behavior problems were also noted that included hyper-activity.

Upon entering the Clark County School District in 2003, it was determined that Darnell continued to meet the criteria for special education services as a student with a Health Impairment.

At the time school officials noted concerns over low cognitive skills, and limited progress in the classroom. Further evaluation was recommended to consider a suspected area of special education eligibility as mental retardation.

Further academic testing in 2004, resulted in Darnell receiving special education services under the criteria of mild mental retardation. Darnell demonstrated limitations in communication skills, self-care, and social skills. Darnell's cognitive ability was at least two standard deviations below the average.

Darnell demonstrated difficulty with adaptive behavior. His academic achievement was thought to be consistent with his measured cognitive ability. Darnell's developmental functioning was also consistent with his measured cognitive and adaptive behavior.

Academic testing completed by the school district resulted in Darnell scoring a full scale IQ of 59 which is in the mildly impaired delayed range for academic functioning. His score represented functioning at the 0.3 percentile.

At the time Ms. Townsel reported that Darnell could not recite the entire alphabet from memory, he did not know the month or day of his birthday, his telephone number or address. Darnell would dress himself if his clothes were laid in front of him. He did not know left and right on himself or others.

Ms. Townsel reported that Darnell identified people by characteristics rather than by name. He did not share toys or other possessions. He was unable to play a board or card game requiring skill and decision making.

Darnell continues to be eligible for special educations for mild mental retardation. He last attended Chaparral High School. Darnell continues to struggle with reading and all other academic subjects. He receives individual instruction by the special education staff in detention.

For additional cognitive testing results, refer to Dr. Richard Yao's, Ph.D psychological evaluation completed on 9/14/12.

Substance Abuse History: Darnell denied experimentation with drugs or alcohol.

Chris Fox MSW, LSW

Clark County Juvenile Public Defender Social Worker

EXHIBIT D

Clark County School District
Student Support Services Division
Las Vegas, NV 89121
(702) 799-2494
CONFIDENTIAL
Multidisciplinary Team Report

CONFIDENTIAL

This report contains confidential information and is the property of Clark County School District.

Name: Townsel, Darnell
Student ID: 491621
MDT Date: 11/14/03
Reevaluation Date: 11/14/06
Date Of Birth: 12/10/94
Chronological Age: 8 - 11
Gender: Male
Ethnicity: Black, not Hispanic
Grade: 03
Parents: Vera Dawson (Mother)
PLC: English Determined By: Assessment on 5/8/02
PLH: English Determined By: Assessment on 5/8/02
Home School: Pittman Elementary
Attending School: Pittman Elementary

Team Members:

Name	Title	Attended Meeting
Bobbi Threatt	SETF	YES
Gina Oxley	School Psychologist	YES
Lani Cantrell	Special Education Teacher	YES
Ferry Loomis	Substitute Teacher	YES
Ellen Ensign	General Education Teacher	YES
Vera Dawson	Mother	YES

REASON FOR REFERRAL:

Darnell was referred for reevaluation on 09/05/03 as required by the Individual with Disabilities Education Act. Upon arriving to Clark County, Darnell was first enrolled at J.T. McWilliams Elementary School on 9/5/03. However, his mother withdrew him from J.T. McWilliams and Darnell was enrolled at Vail Pittman Elementary School on 10/7/03, where he presently attends.

Darnell arrived at Vail Pittman Elementary with a current out-of-state IEP, which enabled him to receive temporary placement status to receive Special Education Services, until further eligibility in Clark County could be determined. His previous eligibility status was Learning Disabled. The Multidisciplinary Team (MDT) met to discuss whether any component of his previous evaluation and IEP required modifications. The multidisciplinary team believes Darnell continues to require special education and his IEP requires some revision. The measurable annual goals on the present IEP will also need modification.

EVALUATION PROCEDURES:

The assessment included all the components of a comprehensive evaluation required by state regulations, including information provided by Darnell's parents or primary caregiver (if the student is younger than 18 years of age). Information regarding Darnell's current classroom performance (observations and assessments), and the observations of his teachers and other providers of instructional or educational services were also included. Darnell's primary language, racial, and ethnic background were considered

prior to selection and interpretation of evaluation procedures and measures. All assessment procedures measure a limited sample of a person's total repertoire. The selected measures should only be interpreted within the limits of their measured validity.

The following procedures were components of the evaluation:

PROCEDURES	DATE
Developmental History/Medical History Review	10/20/03
Vision Screening, Hearing Screening	10/20/03
Review of Previous Assessment Records	10/21/03
Classroom Observation	10/27/03
Wechsler Intelligence Scale for Children - III	10/27/03

BACKGROUND INFORMATION:

A Behavioral History form was provided to the parent(s), but was not returned.

DEVELOPMENTAL HISTORY:

A Developmental History form was provided to the parent(s) but was not returned. However, information from his previous Psychoeducational Report, dated 5/8/02, indicates that Darnell was hospitalized at one year of age due to a hernia. Developmental milestones were reported to be reached at appropriate times. Darnell's hearing and vision were normal. A notation indicated that parents describe Darnell as "very active". Further notations throughout the report indicated behavior problems such as aggression.

*The interested reader is encouraged to refer to this earlier report for further information.

MEDICAL HISTORY:

EYE	NEAR	DISTANT
Left	20/20	20/30
Right	20/20	20/30

Darnell's general health could be described as good. Darnell is not currently taking any medications that may impact his present academic performance or behavior.

On 10/20/03 Darnell's vision and hearing were screened. Both vision and hearing screenings yielded results within normal limits. Darnell has adequate vision and hearing for academic functioning. Darnell does not require any accommodations be made for his vision or hearing.

Darnell has been previously diagnosed with ADHD by Dr. Chen. Medication was recommended at that time (i.e., as indicated in Darnell's last Psychoeducational Report). Indeed, he demonstrated to be very fidgety during the present screening and had difficulty remaining still. A phone call to his mother was made with respect to medications. She indicated that due to insurance, she is presently unable to obtain medication for Darnell.

It is unclear if Darnell's has a condition or disability that may impact his educational performance or behavior and it is recommended that further information be obtained. Attention difficulties continue to be a concern. Darnell has been referred for a dental assessment.

HOME AND COMMUNITY:

Information as to Darnell's home and community was not available because developmental and behavioral forms provided from the school were not returned.

At this time, it is noted that Darnell was living with members of his family in a local weekly rental. However, they have since moved and it has not been established their new address. Information was provided to the family by the SETF for residential facilities in Clark County. Darnell has not been to

school for the past three days, at the time of this report. Taken together, there appears to be poor stability for home environment.

EDUCATIONAL HISTORY:

Darnell was five years old when he entered kindergarten. A review of his previous Psychoeducational report, dated 5/8/02, notes some problem with absences in his early academic career. There is also documentation of significant academic and behavior difficulties, which is believed to impede his academic performance, negatively. More specifically, the report indicated that Darnell does not stay seated, talks out of turn, and is unable to complete any work due to lack of attention and inability to focus. Modifications have resulted in negligible progress. School testing indicated symptoms of ADHD and Oppositional Defiant Disorder. Darnell is presently receiving special education services.

*The reader is encouraged to review Darnell's previous Psychoeducational report for more detailed information on educational history.

PRIOR EVALUATIONS:

Darnell was previously evaluated on 05/08/02 while in Los Angeles Unified School District. His chronological age at that time was 8.4.

As noted on this Psychoeducational report, IQ testing was not employed to determine special education eligibility. However, cognitive functioning for Darnell was described as being in Piaget's "Intuitive Thought Stage of Development (4 years to 7 years).

Reading skills were assessed with the K-TEA and Darnell obtained a Standard Score of 71 and an age equivalent below 6.0 years. Reading comprehension was assessed with the K-TEA and he obtained a Standard Score of 67 and an age equivalent below 6.0 years. Math skills were assessed via the K-TEA and Darnell obtained an age Equivalent of 6.3 and a Standard Score of 71. Math Application skills were assessed using the K-TEA and he obtained a Standard Score of 54 and an age equivalent below 6.0 years. Total Math was assessed with the K-TEA and Darnell obtained a Standard Score of 59 and an age equivalent below 6.0 years. Spelling skills were assessed with the K-TEA and Darnell obtained a Standard Score of 64 and an age equivalent of below 6.0 years.

CLASSROOM OBSERVATIONS:

Darnell was observed for present eligibility purposes by Gina Oxley, School Psychologist while in Mr. Loomis' class on 10/27/03. There were approximately 6 children in the classroom and each student was observed to be working independently. Darnell was quiet and writing in his daily journal. His printed handwriting was observed to be good.

The class works within a reinforcement structure, for which students receive check marks on the board when they are observed to be acting appropriately (which later earns privileges). Darnell has several check marks for this day so far, indicating that he was generally on task.

Gradually throughout the observation, Darnell became more fidgety. He began fiddling around in his desk and needed to be redirected to his work. When he raised his hand to ask a question to the teacher, he stood and blurted out the teacher's name repeatedly. He did not return to doing his work before the observer left.

TEACHER INPUT:

Darnell's present educators at Vail Pittman have reported instances of fighting, aggression, and anger.

INTELLECTUAL ASSESSMENTS:

Wechsler Intelligence Scale for Children III - Results:

VERBAL TESTS	ScS	PERFORMANCE TESTS	ScS
Information:	3	Picture Completion:	5
Similarities:	6	Coding:	5
Arithmetic:	1	Picture Arrangement:	1

Vocabulary:	4	Block Design:	2
Comprehension:	5	Object Assembly:	5
Digit Span:	1	Symbol Search:	3
		Mazes:	
Composites			
Verbal IQ:	65	Performance IQ:	62
Full Scale IQ:	60		
Index Scores			
Verbal Comprehension Index:	70	Freedom from Distractibility:	50
Perceptual Organization:	60	Processing Speed Index:	70

(Precautionary Note: Intelligence test scores are best seen as predicting school performance and reflecting the degree to which a student has mastered predominant cultural symbols and values. This is useful information but it is limited. Intelligence tests do not measure innate-genetic capabilities and the scores are not fixed. Some students do exhibit significant increases or decreases in their measured IQ over time).

CAUTION: Darnell demonstrated several behaviors which may have impeded his ability to achieve scores which represent his true ability level, and which coincide with his previous diagnosis of ADHD. For example, he was notably fidgety throughout testing on the WISC-III, he required frequent encouragement and redirection to complete subtests, and was easy to give up. Consequently, the results reported herein may not accurately provide an estimate of Darnell's abilities and should be considered with these limitations in mind.

According to the WISC III manual Darnell is currently functioning in the intellectually deficient range (Verbal IQ = 65; Performance IQ = 62; and Full Scale IQ = 60). This reflects functioning at or better than 0.4 percent of his age peers. The chances are about nine out of ten that his Full Scale IQ is within the range of 55 and 65. The discrepancy between the Verbal and Performance IQs is trivial. Analysis of the verbal subtests indicates that the range of Scaled Scores is not significant suggesting the Verbal IQ may be a parsimonious representation of Darnell's verbal abilities. His Verbal IQ is in the intellectually deficient range and represents verbal skills at or better than 1 percent of his age peers. Darnell's Performance IQ is interpretable and is in the intellectually deficient range reflecting non-verbal ability at or better than 1 percent of his age peers. The scatter among the five Performance subtests is within normal limits. Darnell's Performance IQ is in the intellectually deficient range reflecting non-verbal ability at or better than 1 percent of his age peers.

SCOPE AND SEQUENCE:

The following description of Darnell's present academic abilities were obtained through teacher evaluation and observation:

Darnell is working well below his age/grade level expectations in the areas of Reading Decoding and Spelling and Reading Comprehension. Darnell is able to recognize some of the letters of the alphabet with assistance and can copy words from the board. He needs to improve his ability to decode CVC words.

Darnell struggles in the area of Math Application, falling within the well-below average range. Darnell is able to count in sequence to the number 10, with assistance. Darnell needs to work on improving math reasoning skills.

SPECIAL EDUCATION DETERMINATION:

Darnell's academic difficulties may be due to an educational, environmental, economic disadvantage or cultural, ethnic difference. The Multidisciplinary Team cannot rule out an educational disadvantage due to poor attendance, as the primary factor influencing Darnell's educational performance. There may also be an environmental or economic disadvantage as a primary factor influencing Darnell educational performance. Specifically, significant disruption or disorganization of the family unit.

Townsel, Darnell - Multidisciplinary Team Report

The evaluation team that determined eligibility included participation by the parent and, when applicable, the student. The parent attended the eligibility determination meeting.

This report includes a description of parent participation in the educational evaluation and decision regarding eligibility because Darnell has not attained the age of majority (or a formal court declaration retaining the parental rights exists). The Multidisciplinary Evaluation Team included all members required by state regulation. Others may have attended if they had information to contribute regarding Darnell. The name and role of each attendee is listed in the signature portion of this report. A copy of the Procedural Safeguards under the Individuals with Disabilities Education Act was provided to the parent upon initial referral for evaluation; upon notification of a MET meeting, upon notification of an IEP meeting, upon notification of reevaluation of the student (if applicable), and at the MET meeting.

Team Members:

Bobbi Threatt 11/14/03
Bobbi Threatt Date
SETF

Gina Oxley 11/14/03
Gina Oxley Date
School Psychologist

Lani Cantrell 11/14/03
Lani Cantrell Date
Special Education Teacher

Terry Loomis 11/14/03
Terry Loomis Date
Substitute Teacher

Ellen Ensign 11/14/03
Ellen Ensign Date
General Education Teacher

Vera Dawson 11/14/03
Vera Dawson Date
Mother

I have reviewed this report and received a copy. I understand that I can submit a written response or propose changes to this report. I have been notified that I may request to review the information used as the basis for this report.

Vera Dawson 1/5/2004
Parent Signature

Clark County School District
Student Support Services Division
Las Vegas, Nevada 89104
FAX (702) 799-2494
Multidisciplinary Evaluation Team Report

CONFIDENTIAL

This report contains confidential information and is the property of Clark County School District.

Name: Townsel, Darnell
Student ID: 491621
Reevaluation Date: ~~11/4/2008~~ MDT 11/14/05
Date Of Birth: 12/10/1994 Re-eval. Date 11/14/08
Chronological Age: 10 - 11
Gender: Male
PLC: English
PLH: English
Home School:
Attending School: John S. Park Elementary School

Team Members:

Name	Title
Jean Fortuna/George Anas	Administrator
Shelly Thure	Special Education Facilitator
Barbara Fomey- Misuraca	Speech and Language Pathologist
Barbara Yamaguchi	School Psychologist
Re'ne Johnson, R.N.	School Nurse
Robin Johnson	Special Education Teacher
	Regular Education Teacher

REASON FOR REFERRAL:

Darnell Townsel is a 4th grade student who presently attends John S. Park Elementary School. He is receiving special education services under the funding category of Other Health Impaired (ADHD). His current placement is in a self-contained SEC classroom.

Darnell initially enrolled in Clark County 9/03, having moved to Las Vegas from Los Angeles, California. In California he had been evaluated and found eligible for special education services as a student with a learning disability. Behaviors characteristic of ADHD were also noted as impacting academic progress. Cognitive abilities were estimated to be within the average range and academic achievement scores indicated a severe discrepancy between cognitive ability and academic achievement. The multidisciplinary team in California noted that Darnell's lack of attendance in kindergarten may have contributed to his poor academic progress. Significant behavior problems were also noted, including aggression.

An evaluation was conducted at Pitman Elementary School on 11/03 to determine whether he continues to demonstrate a disability that would require special education services. At the time the team determined that Darnell met eligibility criteria as a student with other Health Impairment.

At the time of his annual IEP at Adams Elementary School the IEP team noted concerns over low cognitive skills. Progress in classroom was limited. A recommendation was made to obtain current adaptive/social skills and confirm lower IQ score. He is being evaluated at this time to obtain information to consider suspected area of eligibility as mental retardation.

EVALUATION PROCEDURES:

The assessment included all the components of a comprehensive evaluation required by state regulations, including information provided by Darnell's parents or primary caregiver (if the student is younger than 18 years of age). Information regarding Darnell's current classroom performance (observations and assessments), and the observations of his teachers and other providers of instructional or educational services were also included. Darnell's primary language, racial, and ethnic background were considered prior to selection and interpretation of evaluation procedures and measures. All assessment procedures measure a limited sample of a person's total repertoire. The selected measures should only be interpreted within the limits of their measured validity.

The following procedures were components of the evaluation:

PROCEDURES	DATE
Review of Previous Assessment Records	11/4/05
Stanford Binet V	12/30/1999
Differential Ability Scales	12/30/1999
Social Skills Rating System Teacher Form Elementary Level	11/1/2005
Vineland Adaptive Behavior Scales - Survey Edition	11/1/2005
Vineland Adaptive Behavior Scales - Classroom Edition	10/18/2005
Beery Developmental Test of Visual-Motor Integration, 4th Ed.	10/10/2005

PRIOR EVALUATIONS:

Darnell was initially evaluated on 4/29/02 in California. Cognitive abilities were estimated to be within the average range

Southern California Ordinal Scales of Development
Functional Level: Stage 2: Intuitive Thought
Basal Stage 1: Preconceptual Thought
Ceiling: Concrete Operations

Test of Auditory-Perceptual Skills
AQ: SS 53 1st %ile

Motor Free Visual Perception Test
Perceptual Quotient: SS 72

Conners' Teacher Rating Scale
Oppositional >90
Cognitive Problems/Inattention SS 76
Hyperactivity SS 80
Anxious Shy SS 71
Perfectionism SS 47
Social Problems SS 73
DSM-IV Total SS 79

ADHD Index SS 72
Global Index: Restless/Impulsive SS 72
Emotional Lability > SS 90
Conners' Global Index Total SS 81
DSM-IV Inattentive SS 75
DSM-IV Hyperactive-Impulsive SS 81

Previous assessment in Clark County 11/14/03

Wechsler Intelligence Scale for Children

Verbal IQ SS 65

Performance IQ SS 62

Full Scale IQ SS 60

HEALTH ASSESSMENT

The nurse completed an updated health assessment for Darnell. The nurse's report noted that Darnell takes medication at school for ADHD. There are no limits on activity. A dental referral was made. The nurse noted that ADHD may adversely impact learning.

INTELLECTUAL ASSESSMENTS:**Stanford-Binet Intelligence Scale 5 -- Results:**

Scale	Composite Score	Percentile Rank	90% Confidence Interval	Description
Nonverbal IQ	62	1	to	mildly impaired or delayed
Verbal IQ	59	0.3	to	mildly impaired or delayed
Full Scale IQ	59	0.3	to	mildly impaired or delayed

The Stanford-Binet Intelligence Scales, fifth Edition (Stanford-Binet-5) is an individually administered assessment of intelligence and cognitive abilities. The complete scale consists of all 10 subtests measuring five cognitive factors. The five cognitive factors measured are Fluid Reasoning (FR), Knowledge (KN), Qualitative Reasoning (QR), Visual-Spatial Processing (VS), and Working Memory (WM).

Fluid Reasoning is the ability to use inductive or deductive reasoning to solve verbal and nonverbal problems. Knowledge is the individual's general fund of acquired information; this is typically a function of structured learning. Quantitative Reasoning measures an individual's facility with numbers or numerical reasoning. Visual-Spatial Processing, as the name implies assesses an individual's ability to work with abstract visual stimuli and make sense. Finally, Working Memory is a type of memory in which information is placed in short-term memory, identified, classified or manipulated internally. Working memory is important to school learning.

The Stanford-Binet 5 was administered to Darnell on 12/30/99. He obtained a Full Scale IQ of 59 which is in the mildly impaired or delayed range for general intellectual functioning. His score represents functioning at the 0.3 percentile.

Differential Ability Scales -- Results:

Subtest	Verbal	Nonverb Reason	Spatial
Recall of Designs			35
Word Definitions	28		
Pattern Constructions (Std)			45
Matrices		35	
Similarities	27		
Sequential and Quantitative Reasoning		28	

	Verbal	Nonverbal Reasoning	Spatial	GCA
Sum of T-Scores	55	63	80	198
Standard Score	63	69	82	67
Percentile	1	2	12	1

Spelling	55	0.1	GE 1.5
Word Reading	55	0.1	GE K.8
Mathematics	55	0.1	GE 1.1

The Differential Ability Scales (DAS) is an individually administered battery of aptitude and achievement tests appropriate for use with school age children. The DAS is made up of a cognitive battery consisting of "Core," "Diagnostic," and "Achievement" subtests. For school age children, a General Conceptual Ability (GCA) score is based on three factors (Verbal Ability, Nonverbal Reasoning and Spatial Ability.) Three levels of interpretation of the DAS are available; the GCA, the Cluster Scores and the subtest scores.

Darnell obtained a GCA of 67 which is at the 1st percentile and in the intellectually deficient range. He obtained a Verbal Cluster score of 63, which is at the 1st percentile, and a Nonverbal Reasoning Cluster Score of 69, which is at the 2nd percentile. Finally, his Spatial Cluster score of 82 is at the 12th percentile.

Academic Achievement subtests on the DAS:

Darnell is able to read some simple one syllable words. He attempts to sound out words he does not recognize as sight words. He frequently reverses "b" and "d", both in reading and in writing. Darnell was able to look at a sequence of pictures with a sentence and was able to read a few of the words, and was able to guess at what the sentence might say in order to make the story make sense.

When presented with spelling words, Darnell was able to spell one out of seven words presented. He reversed the "d" and "b" in the following words: he wrote bog for dog, dig for big, and dns for bus. He correctly spelled the word "in".

In math, Darnell was able to add and subtract single digit numbers. He was unable to independently add a two digit number. He was unable to read or recognize numbers in the 100s.

ADAPTIVE BEHAVIOR ASSESSMENTS:

Vineland Adaptive Behavior Scales: Survey Edition - Results:

SUBTEST	SS	%ile
Communication:	39	0.01
Daily Living Skills:	51	0.01
Socialization:	51	0.01
Adaptive Behavior:	43	0.01
Motor Skills:		

Adaptive functioning was assessed with the Vineland Adaptive Behavior Scales: Survey Edition. The Survey Edition responses resulted in an Adaptive Behavior Composite of 43, which is in the low range of adaptive skills and indicates performance at or better than 0.01 percent of his age peers. The Adaptive Behavior Composite (ABC) is made up of three domain scores -- Specifically, Communication, Daily Living Skills, and Socialization domains. Darnell obtained standard scores of 39, 51 and 51 in the Communication, Daily Living Skills and Socialization domains respectively.

Vineland Adaptive Behavior Scales: Classroom Edition - Results:

SUBTEST	SS	%ile
Communication:	38	0.01
Daily Living Skills:		
Socialization:	64	1
Adaptive Behavior:		
Motor Skills:		

Adaptive Behavior:

Communication: Both teacher and parent rated Darnell's communication skills within the <0.1 %ile. His mother reported that Darnell can follow instructions in if-then form, and that he uses "wh" questions. She

said she notices some articulation errors. She also said that he does not recite all letters of the alphabet from memory, does not know the month and day of his birthday, his telephone number or his address. She said he is unable to attend to a school or public lecture for more than 15 minutes. She reported that at home he will frequently get up from family activities and walk around or go into another room.

His teacher reported that he can follow directions using an action and an object, that he uses single words to relate experiences, and that he sometimes listen attentively to instructions when spoken to directly. The teacher also said that he cannot read at least 10 words silently or aloud.

Daily Living Skills: Darnell's mother reported his daily living skills with <0.1 %ile. She said he can take a shower or bath independently, but that Darnell said he is scared in the bathroom and asks to leave the door open. He dresses himself completely if his mother puts his clothes out for him. He does not know left and right on himself or on others.

Socialization: Darnell's mother reported that he labels happiness, sadness, fear and anger in himself, and identifies people by characteristics other than name. She said he does not share toys or possessions. He has a group of friends and he has a best friend who he enjoys calling on the telephone. He is unable to play more than one board or card game requiring skill and decision making.

The teacher reported that Darnell responds appropriately when introduced to strangers. She said he sometimes follows school rules. He does not weigh consequences of actions before making decisions.

SOCIAL-EMOTIONAL ASSESSMENTS:

Social Skills Rating System Teacher Form Elementary Level - Results:

Subtest	SS	%ile
Social Skills	89	23
	Average	
Problem Behaviors	113	81
	Average	
Academic Competence	76 Below 5	
	Avg.	

The Social Skills Rating System (SSRS) uses teacher, parent, and student rating scales to sample the three domains of social skills, problem behaviors, and academic competence. Although the SSRS assesses social skills most comprehensively, it also measures problem behaviors that might interfere with the acquisition or performance of important social skills. Additionally, the SSRS examines academic competence because poor academic performance and social behavior problems frequently occur together.

The SSRS teacher elementary level consists of 57 items measuring cooperation, assertion, and self-control. The cooperation subscale includes behaviors such as helping others, sharing materials, and complying with rules and directions. The assertion subscale includes initiating behaviors, such as asking others for information, introducing oneself, and responding to the action of others. The self-control subscale includes behaviors that emerge in conflict situations, such as responding appropriately to teasing, and in nonconflict situations that require taking turns and compromising. The academic subscale compares Darnell's overall academic performance, reading skills, math skills, motivation, and overall classroom behavior to the other children in the classroom.

Behaviors: According to teacher report on the SSRS, Darnell very often exhibits low self-esteem. She reported that he "sometimes" fights with others, and threatens or bullies others. She also said he sometimes appears lonely, is easily embarrassed and likes to be alone. She said he is very often easily distracted. Academically, she reported that he is in the lowest 10% of the class in all academic areas. On this instrument, Darnell's social skills and behaviors fall within the average range, although scores in problem behaviors were elevated.

On the teacher referral form, the teacher reported that Darnell shows excessive reliance on others when working. He sometimes gives up easily, or acts helpless in reaction to demands. He is hurt/discouraged in response to constructive criticism. Darnell's attention span is very short and he shows poor verbal expression.

PROCESSING ASSESSMENTS:

Beery Test of Visual Motor Integration -- Results:

Domain	S.S.	%ile
VMI	88	21

The Beery test of Visual Motor Integration (VMI) was administered to Darnell on 10/10/05. The tasks required him to look at and copy geometric designs of increasing difficulty. He obtained a standard score of 88. Thus, he demonstrated visual motor integration skills at a level better than 21 percent of his age peers.

SPECIAL EDUCATION DETERMINATION:

Based upon the information obtained during the course of this evaluation, no educational, environmental, economic disadvantage or cultural, ethnic difference is considered to be the primary factor influencing Darnell's educational difficulties.

Darnell is eligible for the special education under the category of Mild Mental Retardation based on the criteria established in the State of Nevada regulations (NAC 388.410). Darnell demonstrates limitations in communication skills, self care, and social skills. Darnell's cognitive ability, as measured by an acceptable standardized test, is at least 2 standard deviations below the mean. His adaptive behavior was assessed separately and the results, in comparison with those members of his chronological peer group, suggest that he demonstrates difficulty with adaptive behavior. Darnell's academic achievement is generally consistent with his measured cognitive ability. Finally, his developmental functioning is consistent with his measured cognitive ability and his adaptive behavior. The determining factor for Darnell's eligibility is not the lack of instruction in reading or math or limited English proficiency.

RECOMMENDATIONS:

1. Darnell appears to be eligible for special education in the area of mild mental retardation.
2. Consultation with the school psychologist and speech therapist should be made available on an as needed basis to Darnell's caregivers.
3. Darnell demonstrates a limited ability to engage in abstract thinking and problem solving. His academic skills are at a very basic level. His educational program should continue to include specialized instruction with guided practice, frequent opportunities for review and modifications and accommodations to the material that will Darnell to be successful on his endeavors in the classroom.
4. Darnell continues to demonstrate behavioral difficulties in the classroom. Social skills training should continue as a part of his educational program and he should be given the opportunity for role play so that he can consider options when he is feeling frustrated.

The evaluation team that determined eligibility included participation by the parent and, when applicable, the student. The parent attended the eligibility determination meeting.

This report includes a description of parent participation in the educational evaluation and decision regarding eligibility because Darnell has not attained the age of majority (or a formal court declaration retaining the parental rights exists). The Multidisciplinary Evaluation Team included all members required by state regulation. Others may have attended if they had information to contribute regarding Darnell. The name and role of each attendee is listed in the signature portion of this report.

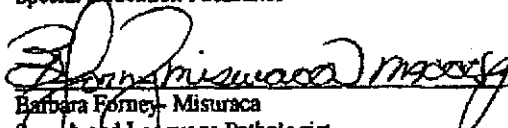
Team Members:


Jean Fortuna/George Aias
Administrator

11/14/05
Date

Shelly Thure
Special Education Facilitator

Date


Barbara Forney-Misuraca
Speech and Language Pathologist

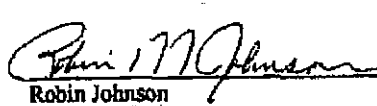
11/14/05
Date


Barbara Yamaguchi
School Psychologist


11/14/05
Date

Re'ne Johnson, R.N.
School Nurse

Date

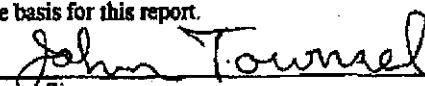

Robin Johnson
Special Education Teacher

11/14/05
Date


Regular Education Teacher

11/14/05
Date

I have reviewed this report and received a copy. I understand that I can submit a written response or propose changes to this report. I have been notified that I may request to review the information used as the basis for this report.


Parent Signature

Clark County School District
Student Support Services Division
Las Vegas, Nevada 89121
FAX (702) 799-2494
Multidisciplinary Evaluation Team Report

CONFIDENTIAL

This report contains confidential information and is the property of Clark County School District.

Name: Townsel, Darnell (Darnell)
Student ID: 491621
MDT Date: 10/24/2008
Reevaluation Date: 10/24/2011
Date of Birth: 12/10/1994
Chronological Age: 13 - 10
Gender: Male
Ethnicity: Black, not Hispanic
PLC: English Determined By: School Records
PLH: English Determined By: School Records
Attending School: Spring Mountain Youth Camp

TEAM:

Name:	Title
Dale A. Vaughan	School Psychologist
Gretchen Stallworth	Special Education Teacher
R. Hamilton	Regular Education Teacher
Vera Townsel	Parent/Guardian
Darnell Townsel	Student
Roberta Webb	Speech/Language Pathologist
Jeannie Janker	School Nurse
Karen Loros	SEIF/LEA

REASON FOR REFERRAL:

Darnell was referred for reevaluation on 08/25/08 by Karen Loros, his Special Education Facilitator as required by the Individual with Disabilities Education Act. Darnell is currently receiving special education under the funding categories of mild mental retardation.

The evaluation team met to discuss which components of the previous evaluation required reevaluation. The information available for review included his last comprehensive evaluation conducted 11/14/05, and one other prior evaluation dated 11/14/03.

Additional information available for review included parent input, general education teacher input, special education teacher input, input from the local educational agency representative, report cards, the IEP progress report, observation, and community agency input. Darnell continues to meet the definition of a child with Mild Mental Retardation. The multidisciplinary team does not suspect any other disability. The multidisciplinary team believes Darnell continues to require special education but his IEP needs to be revised. The measurable annual goals on the present IEP continue to be appropriate. He will continue to participate in the general curriculum as indicated in the IEP. Additional information needs to be obtained to address medical information, home and community, educational history, prior evaluations, and classroom observations.

EVALUATION PROCEDURES:

The assessment included all the components of a comprehensive evaluation required by state regulations, including information provided by Darnell's parents or primary caregiver (if the student is younger than 18 years of age). Information regarding Darnell's current classroom performance (observations and assessments), and the

observations of his teachers and other providers of instructional or educational services were also included. Darnell's primary language, racial, and ethnic background were considered prior to selection and interpretation of evaluation procedures and measures. All assessment procedures measure a limited sample of a person's total repertoire. The selected measures should only be interpreted within the limits of their measured validity.

The following procedures were components of the evaluation:

PROCEDURES	DATE
Interview with Special Education Facilitator	9/05/2008
Medical History, Vision Screening, Hearing Screening	9/05/2008
Review of Previous Assessment Records	9/05/2008
Speech/Language re-evaluation	10/21/2008
Classroom Observation	10/10/2008

LANGUAGE:

The primary language of the home in which Darnell resides is English.

MEDICAL HISTORY:

EYE	NEAR	DISTANT
Left	20/20	20/20
Right	20/20	20/20
Both	20/16	20/20

Darnell's general health could be described as average. Darnell is not currently taking any medications that may impact his present academic performance or behavior. An entry by the school nurse dated 11/22/05 indicates that Darnell was then taking Ritalin for ADHD.

On 09/05/08 Darnell's vision and hearing were screened. Both vision and hearing screenings yielded results within normal limits. Darnell has adequate vision and hearing for academic functioning.

Darnell does not require any accommodations be made for his vision or hearing.

Darnell has a history of ADHD.

HOME AND COMMUNITY:

Darnell has a prior court history. Darnell is currently incarcerated at Spring Mountain Youth Camp.

PRIOR EVALUATIONS:

Darnell was previously evaluated on 11/14/05 while in Clark County School District. His chronological age at that time was 10-11. At that time the Stanford-Binet -- 5th Edition was administered and resulted in the following: Verbal Reasoning SAS = 59; Quantitative Reasoning SAS = 62; Overall, Darnell obtained a Composite SAS of 59.

The Differential Ability Scales were administered to Darnell on 10/11/05. He earned the following standard scores at that time; Verbal = 63; Nonverbal Reasoning = 69; Spatial = 82; GCA = 67.

The Vineland Adaptive Behavior Scales - Survey Edition was administered to Darnell at that same time with the following results (standard scores): Communication = 39; Daily Living Skills = 51; Socialization = 51; and Adaptive Behavior Composite = 43.

At that time the primary disability was Mild Mental Retardation. It was also recommended that he receive related services in the area of speech-language impairment.

The WISC - III was administered to Darnell on 10/27/03 and resulted in the following: Verbal IQ = 65; Performance IQ = 62; Full Scale IQ = 60. The Reynolds Intellectual Assessment Scales were administered to Darnell on 10/18/05, with the following results (Standard Scores): Verbal Intelligence Index = 57; Nonverbal Intelligence Index = 99; Composite Intelligence Index = 77.

CLASSROOM OBSERVATIONS:

Darnell was observed by Dale A. Vaughan, the School Psychologist, during his general education class on 10/10/08. Darnell was calm during the observation.

His attention appeared to be adequate for following directions. Darnell shows good effort in the classroom. Darnell generally appeared to be on-task.

His ability to relate to others was good. In terms of maturity, he appeared typical for his age. He was cooperative and compliant. He followed rules without cues. His approach to tasks appeared to be organized.

Darnell's teachers indicate that within the highly structured environment of the correctional facility, his behavior is appropriate. He follows classroom rules, and interacts appropriately with other students. He puts forth an adequate level of effort within the classroom.

SPEECH/LANGUAGE:

According to the Jeannie Janker, the Speech/Language Pathologist, Darnell has received language based speech therapy for several years. His most recent therapy has focused on asking and answering questions related to the classroom context. To date, he is able to ask and answer questions regarding classroom activities with occasional teacher prompts and has mastered this goal with 80% accuracy with minimal cueing. Darnell's current linguistic functioning is commensurate to his linguistic knowledge and in light of this, speech therapy is no longer recommended. Darnell will continue to be provided with the language supports that he needs within his classroom as outlined in his individual education plan. Fluency, voice and articulation skills are all within functional limits.

SPECIAL EDUCATION DETERMINATION:

Based upon the information obtained during the course of this evaluation, no educational, environmental, economic disadvantage or cultural, ethnic difference is considered to be the primary factor influencing Darnell's educational difficulties.

Darnell is eligible for continued special education under the category of Mild Mental Retardation based on the criteria established in the State of Nevada regulations (NAC 388.410). Darnell demonstrates limitations in communication skills, self care, and social skills. Darnell's cognitive ability, as measured by an acceptable standardized test, is at least 2 standard deviations below the mean. His adaptive behavior was assessed separately and the results, in comparison with those members of his chronological peer group, suggest that he demonstrates difficulty with adaptive behavior. Darnell's academic achievement is generally consistent with his measured cognitive ability. Finally, his developmental functioning is consistent with his measured cognitive ability and his adaptive behavior. The determining factor for Darnell's eligibility is not the lack of instruction in reading or math or limited English proficiency.

Impact Statements:

Darnell's general cognitive ability is below average. Darnell is currently incarcerated at Spring Mountain Youth Camp.

Instructional Recommendations:

Regardless of actual placement, areas which may require specific goals are reading skills, reading comprehension, math computation skills, math application skills, spelling skills, writing skills, oral expression, listening comprehension, ability to follow directions, and ability to handle frustration.

RECOMMENDATIONS:

1. Darnell appears to be eligible for continued special education in the area of mild mental retardation.
2. Consultation with the school psychologist, special education teacher, school nurse and speech therapist should be made available on an as needed basis to Darnell's caregivers.
3. Given his history of ADHD, Darnell should be monitored for attention problems.
4. Please consult Darnell's IEP for further information.

The evaluation team that determined eligibility included participation by the parent and, when applicable, the student.

This report includes a description of parent participation in the educational evaluation and decision regarding eligibility because Darnell has not attained the age of majority (or a formal court declaration retaining the parental rights exists). The Multidisciplinary Evaluation Team included all members required by state regulation. Others may have attended if they had information to contribute regarding Darnell. The name and role of each attendee is listed in the signature portion of this report. A copy of the Procedural Safeguards under the Individuals with Disabilities Education Act was provided to the parent upon initial referral for evaluation; upon notification of a MET meeting, upon notification of an IEP meeting, upon notification of reevaluation of the student (if applicable), and at the MET meeting.

Townsel, Darnell - Multidisciplinary Evaluation Team Report

Team Members:

Dale A. Vaughan 10/24/08
Dale A. Vaughan
School Psychologist Date

Gretchen Stallworth 10/24/2008
Gretchen Stallworth
Special Education Teacher Date

R. Hamilton 10/24/08
R. Hamilton
Regular Education Teacher Date

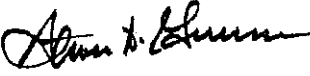
Karen Loros 10/24/08
Karen Loros
SEIF/LEA Date

Darnell Townsel
Darnell Townsel
Student Date

Roberta Webb 10-24-08
Roberta Webb
Speech/Language Pathologist Date

I have reviewed this report and received a copy. I understand that I can submit a written response or propose changes to this report. I have been notified that I may request to review the information used as the basis for this report.

Parent/Guardian Signature


CLERK OF THE COURT

1 STEVEN B. WOLFSON
2 DISTRICT ATTORNEY
3 NEVADA STATE BAR NO. 001565
4 DONELLA ROWE
5 Deputy District Attorney
6 Nevada State Bar No. 10432
7 601 North Pecos Road
8 Las Vegas, NV 89101-2408
9 (702) 455-5320
10 Attorney for the State of Nevada

11 DISTRICT COURT
12 JUVENILE DIVISION
13 CLARK COUNTY, NEVADA

14 In the Matter of:

15 **DARRNELL ROBERT TOWNSEL**

16 Date of Birth: 12/10/1994

17 A Minor under 18 Years of Age.

CASE NO. J-12-306934-D9

DEPT NO. A

COURTROOM NO. 18

18 **NOTICE OF ENTRY OF ORDER**


19 TO: KERRI MAXEY, Public Defenders Office

20 PLEASE TAKE NOTICE that a Certification to Adult Status Order was entered in
21 the above-entitled matter, a copy of which is attached hereto.

22 DATED this 4th day of October, 2012.

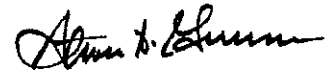
23 STEVEN B. WOLFSON
24 DISTRICT ATTORNEY

25 By:


26 DONELLA ROWE
27 Deputy District Attorney

28 DR/jz

STEVEN B. WOLFSON
DISTRICT ATTORNEY
NEVADA STATE BAR NO. 001565
DONELLA ROWE
Deputy District Attorney
Nevada State Bar No. 10432
601 North Pecos Road
Las Vegas, NV 89101-2408
(702) 455-5320
Attorney for the State of Nevada


CLERK OF THE COURT

DISTRICT COURT
JUVENILE DIVISION
CLARK COUNTY, NEVADA

In the Matter of:

DARRNELL ROBERT TOWNSEL

Date of Birth: 12/10/1994

A Minor 17 Years of Age.

JUVI ID# 110774 03

CASE NO. J-12-306934-D9

DEPT NO. A

COURTROOM NO. 18

CERTIFICATION TO ADULT STATUS ORDER

The above-entitled matter having come on for hearing on 4th day of October, 2012, in the above-entitled Court to determine whether the Subject Minor, **DARRNELL ROBERT TOWNSEL**, should be certified to be tried as an adult under the provisions of NRS 62B.390; and

The court being duly advised that the Subject Minor, **DARRNELL ROBERT TOWNSEL**, of this Petition is 17 years of age, having been born on the 10th day of December, 1994; and

The court being fully advised that the subject of this Petition is charged with the offenses of Petition Number 9, Count 1- SEXUAL ASSAULT, a felony under N.R.S. 200.364 and N.R.S. 200.366, if committed by an adult; Count 2- BATTERY WITH INTENT TO COMMIT A CRIME (SEXUAL ASSAULT), a felony under N.R.S. 200.400, if committed by an adult; Count 3- BURGLARY, a felony under N.R.S. 205.060, if committed by an adult; Count 4- KIDNAPPING - SECOND DEGREE, a felony under N.R.S. 200.310 and N.R.S. 200.330, if committed by an adult; and Count 5- BATTERY CONSTITUTING DOMESTIC VIOLENCE, a misdemeanor under N.R.S. 200.481, N.R.S.

1 200.485, and/or N.R.S. 33.018, if committed by an adult; said offenses having allegedly been
2 committed on June 22, 2012 and May 31, 2012.

3 The court having heard argument in open court and being fully advised in the
4 premises;

5 NOW, THEREFORE, IT IS HEREBY ORDERED that **DARRNELL ROBERT**
6 **TOWNSEL** be and hereby is Certified to the Eighth Judicial District Court of the State of
7 Nevada in and for the County of Clark for proper criminal proceedings as an adult for the
8 following reasons:

9 **1. Nature and Seriousness of Charged Offense(s):**

10 The Declaration of Arrest for LVMPD Event 120622-0318 was signed by Detective
11 D. SHANE P#6727, of the Las Vegas Metropolitan Police Department (LVMPD) as well as
12 the other reports and statements contained in the record are sufficient to establish prosecutive
13 merit. The Declaration of Arrest is attached as Exhibit A.

14 The Declaration of Arrest for LVMPD Event 120531-3989 was signed by Officer L.
15 LANDHOLM P#6447, of the Las Vegas Metropolitan Police Department (LVMPD) as well
16 as the other reports and statements contained in the record are sufficient to establish
17 prosecutive merit. The Declaration of Arrest is attached as Exhibit B.

18 **2. Persistency and Seriousness of Past Adjudicated or Admitted Offenses(s):**

Offense	Date
Taking Motor Vehicle Without Consent of Owner	01/24/2008
Affray	01/24/2008
Petit Larceny	07/23/2008
Petit Larceny	07/23/2008
Violation of Probation	08/19/2008
Petit Larceny	08/19/2008
Violation of Probation	08/26/2009
Disorderly Conduct	08/26/2009

28 ///

1 WHEREFORE, THE COURT FINDS the records supports Prosecutive Merit for
2 Petition Number 9, Counts 1 through 5.

3 The COURT FURTHER FINDS that under NRS 62B.390 and the Court's authority
4 to order certification pursuant In Re Seven Minors, 99 Nev.427, 437, 664 P2d 947, 953
5 (1983), discretionary certification is warranted based on the nature and seriousness of the
6 offenses, that Subject Minor does have previously admitted and adjudicated offenses, and
7 that the subjective factors do not outweigh the nature and seriousness of the offenses and/or
8 the prior adjudicated offenses. The Court has considered the Subject Minor's role in the
9 offense and finds that the public safety would be best served by transferring the Subject
10 Minor to the adult system.

11 Accordingly, the Court grants the State's motion to certify **DARNELL ROBERT**
12 **TOWNSEL** to adult status on Petition Number 9, Counts 1 through 5, on discretionary
13 grounds pursuant to In Re Seven Minors, 99 Nev.427, 437, 664 P2d 947, 953 (1983).

14 The COURT FURTHER ADVISES that subject minor has the right to appeal this
15 decision to the Supreme Court and that a notice of appeal must be filed after the entry of this
16 written Order and no later than 30 days after the date of service of written notice of the entry
17 of this Order.

18 The COURT FURTHER ADVISES that subject minor may petition the adult court
19 for transfer of the case back to the juvenile court only upon a showing of exceptional
20 circumstances. If the case is transferred back to juvenile court the judge of this court shall
21 determine whether the exceptional circumstances warrant accepting jurisdiction.

22 The Director of the Department of Juvenile Justice Services of Clark County is
23 charged with the execution of this Order.

24 ///

25 ///

26 ///

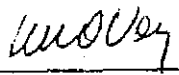
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28 ///

1 This matter is continued to the 11th day of October, 2012 at the hour of 7:30 a.m., for
2 the purpose of arraignment in the Las Vegas Justice Court. The court having heard argument
3 orders subject minor's bail set in the amount of Count 1-\$50,000.00, Count 2-\$25,000.00,
4 Count 3-\$10,000.00, Count 4-\$100,000.00, and Count 5-\$100,000.00, for a grand total
5 amount of \$185,000.00, which is subject to modification by subsequent courts.

6 **DARRNELL ROBERT TOWNSEL** is hereby remanded to the custody of the
7 Sheriff.

8 Dated this 4th day of October, 2012.

9
10 
11 WILLIAM O. VOY
12 DISTRICT COURT JUDGE
13 FAMILY DIVISION

14 Submitted by:


15 
16 DONELLA ROWE
17 Deputy District Attorney
18 Nevada State Bar No. 10432
19 DR/jz
20
21
22
23
24
25
26
27
28

EXHIBIT A

Clark County Department of Juvenile Justice Services
DECLARATION OF ARREST

Primary Suspect: DARRNELL ROBERT TOWNSEL

Date of Arrest: 06/22/2012 **Time of Arrest:** 09:48 PM

Offense: FEL / Sexual Assault / Principal
FEL / Burglary / Principal

Offense Location: 3630 East Owens Ave

Date of Offense: 06/22/2012 **Time of Offense:** 01:30 PM **DR/Event Number:** 1206220318

THE UNDERSIGNED MAKES THE FOLLOWING DECLARATIONS SUBJECT TO THE PENALTY FOR PERJURY AND SAYS: That I am a peace officer with LVMPD, being so employed for a period of 12 years and 3 months. That I learned the following facts and circumstances which lead me to believe that the above named subject committed (or was committing) the above offense(s) at the location listed above and that the offense(s) occurred at the above-listed date and time.

Details for Probable Cause:

On 06-22-12 officers responded to 3630 E. Owens reference a Sexual Assault / Burglary call and the following was documented on an Incident Crime Report.

On 06-22-12, at approximately 0130 hours victim Breaux, Sylvia stated to be asleep in her room along with her 13 and 6 year old brothers. Breaux stated to have been awakened by her ex-boyfriend Townsel, Darnel. Breaux stated that Townsel had come in through the bedroom window and started to pull off her shorts and told her to be quiet. Breaux stated she told Townsel to stop and that is when Townsel covered her mouth and penetrated her vagina with his penis. Breaux stated Townsel did not use a condom and had ejaculated in her.

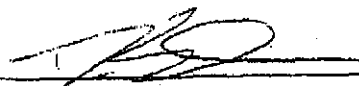
Breaux stated after Townsel finished she asked him if she could use the bathroom, Townsel allowed her to go to the bathroom as long as she did not tell her mother that he was in the apartment. Breaux went to her mother's room and told her that Townsel was there in her apartment. Tiffany Breaux got out of bed and told Townsel to leave and he refused to do so until the police were called. Breaux was transported to UMC Hospital and received a SANE exam (sexual assault exam) where the nurse recovered semen from her vagina.

Detectives conducted a taped interview with Breaux who stated that Townsel came into her apartment uninvited and woke her up by poking her on the shoulder and then removed her shorts against her will and forcefully put his penis in her vagina against her will.

Townsel was picked up by police on 06-22-12 at Breaux's apartment complex under event #120622-3721 reference him trespassing, when contacted by police he ran from the police and was taken into custody a short time later. He was then transported to the ISD building where he was read his Miranda rights and agreed to talk to detectives, Townsel told detectives that he went Breaux's residence and climbed up to her second story bedroom window from the ground floor. He then slid open her bedroom window and climbed inside the window into her bedroom where he said he saw Breaux and her two brothers sleeping on the floor. Townsel states he poked Breaux on the shoulder to wake her up and she said, "What are you doing here?" Townsel states he lied down next to Breaux and began to kiss on her

neck when she tells him "I don't want to". Townsel said he kept "going anyway" and removed her bottoms and had sex with her, he stated when he was finished Breaux looked at him and said "I hate you". Townsel told detectives he knew he was not allowed in the apartment and said "I just climbed through the window, it's not like I kicked in the door". Based on the facts and confession to these facts by Townsel, he was transported to LVJH and booked accordingly.

Wherefore, Declarant prays that finding be made by a Hearing Master / Judge that probable cause exists to hold said person pending plea and trial.


Declarant's Signature

SHANE, D

Declarant's Name

06-22-12
Date

REQUEST FOR PROSECUTION 1(A)

PAGE 1 OF 2

AGENCY CASE NO: 120622-0318

SUBMITTING AGENCY

AGENCY: <u>LVMPD</u>	PHONE: <u>828-3421</u>	AGENCY NOTES:
DETAIL: <u>SEXUAL ASSAULT</u>	FAX #: _____	
OFFICER: <u>DET. D.SHANE</u>	P#: <u>6727</u>	

DEFENDANT INFORMATION

▲ A	NAME: <u>TOWNSEL, DARRNELL</u>	ID No: _____	ARR PAD RET
	AKA: _____		
	<input type="checkbox"/> AFFIDAVIT FOR WARRANT <input checked="" type="checkbox"/> DECLARATION OF ARREST <input type="checkbox"/> REQUEST SUMMONS <input type="checkbox"/> SCOPE <input type="checkbox"/> FBI <input type="checkbox"/> CII		
▲	NAME: _____	ID No: _____	ARR PAD RET
	AKA: _____		
	<input type="checkbox"/> AFFIDAVIT FOR WARRANT <input type="checkbox"/> DECLARATION OF ARREST <input type="checkbox"/> REQUEST SUMMONS <input type="checkbox"/> SCOPE <input type="checkbox"/> FBI <input type="checkbox"/> CII		

DA OFFICE USE ONLY

CASE NO:	TRACK	ATTY	DATE
----------	-------	------	------

CHARGE INFORMATION

SEQ. NO.	▲	CHARGES	NRS	EVENT NO	DATE / TIME	LOCATION / ZIP	VICTIM
1	A	SEXUAL ASSAULT <input checked="" type="checkbox"/> F <input type="checkbox"/> GM <input type="checkbox"/> M	200.366	120622-0318	06/22/12	3630 E. OWENS 12/2085, LVN 89115	BREAUX, TIFFANY
ATTY NOTES:							
2	A	BURGLARY <input checked="" type="checkbox"/> F <input type="checkbox"/> GM <input type="checkbox"/> M	205.060	120622-0318	06/22/12	3630 E. OWENS 12/2085, LVN 89115	BREAUX, TIFFANY
ATTY NOTES:							
		<input type="checkbox"/> F <input type="checkbox"/> GM <input type="checkbox"/> M					
ATTY NOTES:							
		<input type="checkbox"/> F <input type="checkbox"/> GM <input type="checkbox"/> M					
ATTY NOTES:							

WITNESS LIST

AGENCY CASE No. 120622-0318

CODES	ID / P# / ADDRESS
Wit Codes V	NAME SYLVIA BREAUX ID/P No. 702/517-1046 SSN [REDACTED] DOB 12/10/1993 RES 3630 E. OWENS 12/2085 LAS VEGAS NV 89115 STUDENT EMPL Business Name / Title
	Street 1 City State ZIP Email Address Street 1 City State ZIP FAX
Wit Codes VR	NAME TIFFANY BREAUX ID/P No. 702/517-1046 SSN [REDACTED] DOB 06/26/1975 RES 3630 E. OWENS 12/2085 LAS VEGAS NV 89115 EMPL Business Name / Title
	Street 1 City State ZIP Email Address Street 1 City State ZIP FAX
Wit Codes VR	NAME DANNY JACKSON ID/P No. 702/483-6822 SSN [REDACTED] DOB 10/18/1973 RES 3980 E. OWENS 202 LAS VEGAS NV 89115 EMPL Business Name / Title
	Street 1 City State ZIP Email Address Street 1 City State ZIP FAX
Wit Codes O	NAME DETECTIVE D. SHANE ID/P No. 6727 SSN [REDACTED] DOB 702/828-3421 RES LVMPD SEXUAL ASSAULT EMPL Business Name / Title
	Street 1 City State ZIP Email Address Street 1 City State ZIP FAX

Witness Codes:	V: Victim	VR: Victim Related	O: Officer
OOS: Out-Of-State	H: Hostile	DR: Defendant Related	M: Minor

Specific Crime(s)										Attempt		FDL		TELE		STA		Sect/Beat	
SEXUAL ASSAULT / BATTERY										<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		FI	
Location of Incident: (Number & Street)										Bldg. #		Apt. #		City		State		Zip Code	
3630 E. OWENS AVE										12		2085		LV		NV		89115	
Occurred	Month	Day	Year	Day/Wk	Time	Report Taken	Month	Day	Year	Time	Bias Crime	Gang Related	Substance Abuse						
	06	22	12	FAI	0130		06	22	12	0250	Y N <input type="checkbox"/>	Y N <input type="checkbox"/>	Y N <input type="checkbox"/>						
On / Btwn.	06	22	12	FAI	0152	Citizen Advsd Follow-Up	N N/P		Connecting Reports										
If Arrest was made, name Arrestee(s) on appropriate page and place # of Arrestees in box										P #		Reporting Officer		Squad		Follow-Up			
										13915		J. SIDMAN		NELL		Y <input type="checkbox"/>			
Was there a witness? <input checked="" type="checkbox"/> Victim <input type="checkbox"/> Other <input type="checkbox"/>										P #		Reporting Officer		Squad					
Can suspect be named?										<input checked="" type="checkbox"/>		Is stolen property traceable? (identifiable?)		<input checked="" type="checkbox"/>					
Can suspect be located?										<input checked="" type="checkbox"/>		Is there physical evidence present?		<input checked="" type="checkbox"/>					
Can suspect be described?										<input checked="" type="checkbox"/>		Is there significant M.O.?		<input checked="" type="checkbox"/>					
Can suspect be identified?										<input checked="" type="checkbox"/>		Criminalistics work performed?		<input checked="" type="checkbox"/>					
ALWAYS LIST VICTIM (S) FIRST																			
#	Veh. #	Statement	Y	Can I.D.	Y	Name (Last / First / Middle) OR Business Name													
1		Obtained?	N	Suspect?	N	BREAUX, SYLVIA													
Date of Birth	Social Security #	Race	Sex	Ht.	Wt.	Hair	Eyes	Work Sched. (Hrs / Days Off)	Business / School										
12-10-93		B	F	53	115	BLK	BRO												
Residence Address: (Number & Street)		Bldg./Apt. #		City		State		Zip Code		Res. Phone: 702-517-1046									
3630 E. OWENS AVE		12/2085		LV		NV		89115		Bus. Phone:									
Cellular Phone		International Phone		Email Address															
Bus. (Local) Address: (Number & Street)		Bldg./Apt. #		City		State		Zip Code		Occupation		<input type="checkbox"/> Tourist: Depart Date							
#	Veh. #	Statement	Y	Can I.D.	Y	Name (Last / First / Middle) OR Business Name													
2		Obtained?	N	Suspect?	N	BREAUX, TIFFANY													
Date of Birth	Social Security #	Race	Sex	Ht.	Wt.	Hair	Eyes	Work Sched. (Hrs / Days Off)	Business / School										
06-26-75		B	F	53	120	BLK	BRO												
Residence Address: (Number & Street)		Bldg./Apt. #		City		State		Zip Code		Res. Phone: 702-517-1046									
3630 E. OWENS AVE		12/2085		LV		NV		89115		Bus. Phone:									
Cellular Phone		International Phone		Email Address															
Bus. (Local) Address: (Number & Street)		Bldg./Apt. #		City		State		Zip Code		Occupation		<input type="checkbox"/> Tourist: Depart Date							
#	Year	Make	Model	Value	DESCRIPTION														
License #	State	LIC Type	Mo./Yr.	1 2-door 2 4-door 3 Bicycle 4 Convertible 5 Dirt Bike 6 Golf Cart 7 Hatchback 8 Mini Trk/Camper 9 Mini Trk/Utility 10 Moped 11 Motorcycle 12 Off-Road 13 Pickup 14 Pup w/Camper 15 RV 16 Snowmobile 17 Station Wagon 18 Trailer 19 Utility Truck 20 Van/Minivan 99 Other (describe)															
VIN #	COLOR 1 (top)				COLOR 2 (bottom)				COLOR 3 (middle)				25 Yellow						
													26 Primer/Rust						
													27 Primer/Gray						
													28 Chrome						
													29 Lavender						
													30 Mauve						
													99 Other						
FEATURES					20 4-Wheel Drive					34 Extra Antenna					43 Door Panels Gone				
4 Ft-Bumper					21 Sunroof					35 Primer					44 Broken Windows				
5 R-Bumper					22 Special Tires					36 Rust					45 Loud Muffler				
12 Bucket Seats					23 Special Rims					37 Decorative Paint					46 Trailer Hitch/Towbar				
13 Bench Seats					24 Roll Bar					38 Metallic Paint					49 Damage to Front				
15 T-Top					25 Spotlights					39 Painted Inscription					50 Damage to Rear				
16 Vinyl Top					26 Level Altered					40 Sticker on Body					51 Damage to Side				
17 Hubcaps					31 Tinted Windows					41 Sticker on Window									
Lost/Stolen					# of Plates					Where is Other Plate?					WVS P # / Date / Time				
Plates Only					Missing					<input type="checkbox"/> Front <input type="checkbox"/> Rear									
Vehicle used in Commission of Crimes?					<input type="checkbox"/> YES <input type="checkbox"/> NO					Event #s									
<input type="checkbox"/> Registered: Owner's Name (Last, First, Middle) or Firm Name					Date of Birth					Social Security #									
<input type="checkbox"/> Legal:					Address: (Number & Street)					Bldg./Apt. #					City				
					State					Zip Code					Res. Phone:				
															Bus. Phone:				
S = Stolen D = Damaged L = Lost E = Stolen but Retained by Security																			
Pers. #	SDLE Status	UCR Code	Make or Brand / Model	Caliber / Gauge	Serial #	Serial Number / OAN	Qty.	Description (Include other Marks of I.D.)										Value	
<input type="checkbox"/> Create Case File <input type="checkbox"/> Fax CPS Det. Assigned <u>D. Shane</u> Ev. No.																			
* UCR CODE CATEGORIES: A Cash/Notes/Coinage Chips/etc. B Jewelry & Precious Metals C Clothing & Furs E Office Equip. (Incl. Computers) F TVs/Stereos/Cameras/VCRs/Phones G Firearms (NOT Ammo or Scopes) H Household Goods/Appliances I Consumable Goods (Incl. Drugs) J Livestock (NOT Domestic) K Miscellaneous (Bicycles/Auto Parts/Badges/etc.)																			

Page 2 of 6

LAS ANGELES METROPOLITAN POLICE DEPARTMENT
INCIDENT REPORT

Unit # 120622-0218

#5	Veh. #	Statement Y	Name (Last, First, Middle)	Monikers	ID #
Age or DOB	Social Security #	Obtained? N	TOWNSEL, DARNELL		
12-10-94			Race B Sex M HT 58 WT 130 Hair BLK Eyes BRN	Business / School	Occupation
Address: (Number & Street)		Bldg./Apt. #	City	State	Zip Code
2685 KAREN CT		447	LV	NV	89109
Last Seen Wearing		Citation #		P# Taking ATL	Date Time
PURPLE T-SHIRT / BLUE SHORTS					

Narrative 803E must be completed, whether suspect is in custody or not.

ON 06-22-12, AT APPROX 0120 HOURS VICTIM BREUX, SILVIA DOB 12-10-93 STATED TO BE ASLEEP IN HER ROOM ALONG WITH HER 13 AND 6 YEAR OLD BROTHERS. BREUX STATED TO HAVE BEEN AWAKEN BY HER EX-BOYFRIEND TOWNSEL, DARNELL DOB 12-10-74, BREUX STATED THAT TOWNSEL STARTED TO PULL OFF HER SHORTS AND TOLD HER TO BE QUIET. BREUX STATED SHE TOLD TOWNSEL TO STOP AND THAT IS WHEN TOWNSEL COVERED HER MOUTH AND PENETRATED HER VAGINA WITH HIS PENIS. BREUX STATED THAT TOWNSEL DID NOT USE A CONDOM AND EJACULATED IN HER. BREUX STATED THAT AFTER TOWNSEL FINISHED, SHE ASKED HIM IF SHE COULD USE THE BATHROOM. BREUX STATED TOWNSEL ALLOWED HER TO GO TO THE BATHROOM AS LONG AS SHE DID NOT TELL HER MOM THAT SHE WAS THERE. BREUX STATED TO HAVE WENT TO HER MOTHERS ROOM AND TOLD HER THAT TOWNSEL WAS IN HER ROOM. BREUX STATED HER MOTHER BREUX, TIFFANY DOB 06-26-75 GOT OUT OF BED

ASSAULT DATA 1 Hands, Flat Feet (with substantial injury) 2 Hands, Flat Feet (without substantial injury)		LARCENY CLASSIFICATION A Pocket-Picking B Purse-Snatching C Shoplifting D From Any Coin Oper. Machine E From Building (Excl. Shoplifting & Coin Oper. Machine) F From Autos (Excl. Parts & Access.) G Other		BURGLARY DATA 1 Residence 2 Non-Residence 3 Night (8 pm-8 am) 4 Day (8 am-8 pm) 5 Unknown 6 Force 7 No Force					
PREMISE (general) Occupied? <input checked="" type="radio"/> N 1 Airport 2 Apartment 3 Bank/Savings/Credit Union 4 Bar/Lounge 5 Bus Station/Bus 6 Casino 7 Church 8 Condo/Townhouse 9 Construction Site 10 Convenience Store 11 Convention Facility 12 Desert 13 Dormitory		14 Fast Food Restaurant 15 Fenced Yard 16 Garage/Carport 17 Gas/Service Station 18 Grocery Store 19 Hospital 20 Hotel/Motel 21 Industrial Complex 22 Jail/Prison 23 Lake/Waterway 24 Liquor Store 25 Medical Office 26 Mobile Home 27 Mountain Area 28 Movie Theater		29 Office 30 Park 31 Public Building 32 Rental Storage 33 Restaurant 34 Retail Business 35 School/Child Care 36 Shopping Mall 37 Single Family Residence 38 Sports Complex 39 Store Room/Shop 40 Street/Roadway/Alley 41 Vehicle 42 Warehouse 43 Other		PREMISE (specific) 1 Elevator 2 Driveway 3 Parking Lot 4 Rest room 5 Room 6 Sporting Event 99 Other SURROUNDING AREA 1 Alley 2 Adjacent Open Field 3 Middle of Block 4 Corner 5 Cul-de-Sac 99 Other		RELATIONSHIP TO SUSPECT 1 None 2 Co-Worker/Partner 3 Former Co-Worker/Partner 4 Fiance 5 Spouse 6 Former Spouse 7 Roommate 8 Former Roommate 9 Friend/Acquaintance 10 Immediate Family 11 Neighbor 12 Relative by Marriage 13 Rival Gang Member 99 Other EX-BOYFRIEND	

Patrol Follow-Up

SUSPECT

NARRATIVE

UCR

GENERAL INFO

FOLLOW UP

SEE COLOR LIST ON P.1A

CLOTHING COLOR

Headwear	
Coat	
Shirt	
Pants	
Shorts	
Skirt	
Shoes	

BUILD

- ① 1 Thin
2 2 Medium
3 3 Heavy
4 4 Muscular

HANDEDNESS

- 1 1 Left
② 2 Right

HAIR LENGTH

- 1 1 Over Ears
② 2 Short
3 3 Bald/Shaved
4 4 Balding
5 5 Varied Length
6 6 Shoulder Length
99 99 Other

HAIR STYLE

- 1 1 Afro
② 2 Curly
3 3 Jerri Curls
4 4 Straight
5 5 Braided
6 6 Thin
7 7 Ponytail
8 8 Flat Top
9 9 Shaved Design
99 99 Other

FACIAL HAIR

- ① 1 Clean Shaven
2 2 Unshaven
3 3 Full Beard
4 4 Goatee
5 5 Moustache
6 6 Sideburns
99 99 Other

SPEECH MANNER

- 1 1 Not Heard
2 2 Not Unusual
3 3 Apologetic
4 4 Articulate
5 5 Bad Grammar
6 6 Polite
7 7 Profane/Abusive
99 99 Other

SPEECH CHARACTERISTICS

- 1 1 Accent
2 2 Stutter
3 3 Lisp
4 4 Sturred
5 5 Loud
6 6 Soft
7 7 Slow
8 8 Rapid
9 9 Not Unusual
99 99 Other

APPEARANCE

- 1 1 Stocking Mask
2 2 Ski Mask
3 3 Bandana Mask
4 4 Costume Mask
5 5 Facial Disguise
6 6 Ragged/Transient
7 7 Business Clothes
⑧ 8 Casual Clothes
9 9 Uniform
10 10 Coat/Jacket
11 11 Dressed as Opp. Sex
12 12 Distinctive Jewelry
99 99 Other

TEETH

- ① 1 Normal
2 2 Missing/Gaps
3 3 Protrude/Overbite
4 4 Decayed
5 5 Crooked
6 6 Broken
7 7 Gold Design/Cap
8 8 Silver Design/Cap
9 9 Braces
99 99 Other

EYES

- ① 1 Normal
2 2 Crossed
3 3 Small
4 4 Large
5 5 Afflicted Eye
6 6 Glasses
7 7 Contact Lenses
8 8 Different Colors
99 99 Other

COMPLEXION

- 1 1 Fair
2 2 Medium
③ 3 Dark
4 4 Sunlanned
5 5 Acne
6 6 Pock Marks
7 7 Freckled
99 99 Other

INJURY/CONDITION

- ④ 1 None Observed
2 2 Cast
3 3 Crutches
4 4 Cane
5 5 Limping
6 6 Bandages
7 7 Bleeding/Blood Stains
8 8 Appeared Sick
9 9 Appeared Intoxicated/UICS
99 99 Other

TATTOOS (describe in narrative)

- 1 1 Name
2 2 Initials
3 3 Words
4 4 Picture
5 5 Number/s
6 6 Symbol/s

SCARS / MARKS / TATTOOS & INJURIES (Location Identifiers)

S = Scar M = Mark
T = Tattoo I = Injury

- 1 None Observed
2 Head
3 Left Cheek
4 Right Cheek
5 Chin
6 Forehead
7 Lip
8 Nose
9 Left Ear
10 Right Ear
11 Eyebrow/Eyes
12 Neck
13 Left Upper Arm
14 Right Upper Arm
15 Left Forearm
16 Right Forearm
17 Left Hand
18 Right Hand
19 Finger(s)
20 Chest
21 Back
22 Left Leg
23 Right Leg
99 Other

PRIMARY MEANS OF ATTACK

- 1 1 Handgun
2 2 Shotgun
3 3 Rifle
4 4 Simulated Gun
5 5 Unknown Gun
⑥ 6 Strongarm
7 7 Threats
8 8 Drugs/Poison
9 9 Knife
10 10 Explosives
11 11 Vehicle
12 12 Club/Tire Iron
13 13 Blunt Object
14 14 Fire/Incendiary Devices
99 99 Other

WEAPON FEATURES

- 1 1 Chrome/Nickel/Stainless
2 2 Blue Steel
3 3 Distinctive Grips
4 4 Automatic
5 5 Revolver
6 6 Large Frame
7 7 Small Frame
8 8 Short Barrel
9 9 Long Barrel
10 10 Double Barrel
11 11 Over/Under
12 12 Sawed Off
13 13 Bolt Action
14 14 Lever Action
15 15 Pump Action
99 99 Other (Make/Model/etc.)

SUSPECT DESCRIPTION

LIST THE PERSON MISSING IN THE SPACE PROVIDED BELOW

CHECK ONE		<input type="checkbox"/> Voluntary	<input type="checkbox"/> Involuntary	<input type="checkbox"/> Unknown	Missing Y	Last Seen by Whom?		Last Seen with Whom?	
CHECK ONE		<input type="checkbox"/> Abducted by Stranger	<input type="checkbox"/> Voluntary	<input type="checkbox"/> Cause Unknown	Before? N	Where Last Seen?		Date	Time
How Long at Present Address?		Previous Address (Number & Street)			Bldg./Apt.# - City		State	Zip Code	Place of Birth
Last Seen Wearing		Description of Jewelry			Scars, Tattoos, Teeth Info, etc.				
Blood Type	Fingerprints Available?	Footprints Available?	Body X-Rays?	Dental Records?	Corrected Vision?	Circumcision?	Photo Attached?		
	Y N	Y N	F P N	Y N	Y N	Y N N/A	Y N		
Cust. Parent / Lgl. Guardian (if juv.) - Relative (if adult)			Relationship	<input type="checkbox"/> Natural <input type="checkbox"/> Step	Medical Info (medicines used, etc.)				
Address (Number & Street)			Bldg./Apt.# City / State / Zip		Res. Phone:		Work Sched. (Hrs / Days Off)		
Parent / Legal Guardian (if juvenile) - Relative (if adult)			Relationship	Address (Number & Street)		Bldg./Apt.# City / State / Zip			

MISSING PERSON

Year	Make	Brand (model)	Hull Identification # (HIN)	State Registration #	State / Year Reg.
VESSEL TYPE		HULL MATERIAL		TYPE PROPULSION	
<input type="checkbox"/> Runabout	<input type="checkbox"/> Canoe	<input type="checkbox"/> Wood	<input type="checkbox"/> Rubber	<input type="checkbox"/> Outboard	<input type="checkbox"/> In/Out
<input type="checkbox"/> Cruiser	<input type="checkbox"/> Housht	<input type="checkbox"/> Metal	<input type="checkbox"/> Other	<input type="checkbox"/> Inboard	<input type="checkbox"/> Sail
<input type="checkbox"/> Jet Ski	<input type="checkbox"/> Other	<input type="checkbox"/> Fiberglass	<input type="checkbox"/>	<input type="checkbox"/> Oars/Pad	<input type="checkbox"/> Jet
Engine Serial #		Propulsion Serial #		Value	Marks of Identification

BOAT & TRAILER

TRAILER INFORMATION					
Year	Trailer Brand	Trailer License #	State	Year	Style
Trailer VIN #		Value	Marks of Identification		

Page 4 of 6

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

INCIDENT REPORT

Event #

120622-0318

ANY INFORMATION GIVEN SHOULD BE DETAILED IN NARRATIVE

ENTRY/EXIT POINT (Include Attempt) 1 Unknown 2 Adjacent Building 3 Attic/Crawl Space 4 Balcony 5 Coin Operated Machine 6 Doggie Door 7 Door 8 Duct/Vent 9 Fence 10 Fire Escape 11 Floor 12 French Door 13 Garage/Carport 14 Roof 15 Skylight 16 Sliding Door 17 Wall 18 Window 99 Other	7 Rear 8 Side 99 Other ENTRY OR ATTEMPT METHOD 1 Admitted - No Force 2 Bodily Force 3 Broke Hole in Wall 4 Climbed In/Over/Thru 5 Concealment 6 Cut 7 Explosion/Burned 8 Fraud/Hoax 9 Kicked In 10 Knob Twist 11 Lock Punch 12 Open for Business 13 Pried/Unlocked 14 Smash & Grab 15 Unlocked 99 Other ENTRY TOOL 1 Bolt Cutters 2 Chemicals 3 Club Type Object 4 Coat Hanger/Wire 5 Cutting Torch 6 Drill/Saw 7 Explosives	8 Glass Cutter 9 Key 10 Knife 11 Lock Pick/Card 12 Lock Puller 13 Pry Bar 14 Rock/Brick 15 Screwdriver 16 Vehicle 17 Vice Grip/Pliers 99 Other VEHICLE ENTRY P = Passenger Side D = Driver Side 1 Front Door/Window 2 Rear Door/Window 3 Vent/Wing Window 4 Cargo Window 5 Windshield/Wreck Glass 6 Trunk/Hood 7 Roof/Top 8 Open Bed/Trailer 9 Camper Shell 10 Unlocked 99 Other SAFE ENTRY 1 Drill 2 Explosives 3 Hammered	4 Key/Combination 5 Pry/Pick 6 Removed from Premises 7 Torch 8 Unlocked 99 Other SUSPECT ACTIONS 1 Ate/Drank on Premises 2 Attempted to Defeat Alarm 3 Covered Hands (Gloves, etc) 4 Cut Self/Blad at Scene 5 Cut/Discon. Phone Cord 6 Deleted Alarm 7 Detached/Unlatched 8 Disabled Vehicle 9 Gang Graffiti/Markings 10 Hid Property Close to Scene 11 Know Loc./Hidden Valuables 12 Left Note or Message 13 Left Tools at Scene 14 Lived/Stayed on Premises 15 Malicious Damage 16 Ransacked 17 Selection in Loot 18 Suspect Left Personal Property 19 Took Keys 20 Took Time/Methodical 21 Tripped Alarm, Returned Later	22 Turned Lights On/Off 23 Used Lookout/Accessory 24 Used Matches 25 Used Tools Found at Scene 26 Wiped/Removed Prints 27 Shoplifting 99 Other (See Narrative) SEWAL ASSAULT VICTIM LOCATION 1 Home 2 Church 3 In Hospital 4 Moving 5 On the Premises 6 Out of Town 7 Place of Entertainment 8 Shopping 9 Work/School 99 Other ADDITIONAL FACTORS 1 Alarm Inoperative 2 Home Invasion 3 Key Hidden On/By Premises 4 Premises Under Construction 5 Premises Vacant 6 Similar Crimes in Neighborhood 7 Victim of Similar Crime 99 Other
ENTRY LOCATION 1 Unknown 2 North 3 South 4 East 5 West 6 Front	Meld <u>N/A</u> Inspector <u>N/A</u> Electronic Locks <u>N/A</u> Video Surveillance <u>N/A</u>			

CRIMES AGAINST PROPERTY I.M.O.

ANY INFORMATION GIVEN SHOULD BE DETAILED IN NARRATIVE

PRE-INCIDENT CONTACT 1 None 2 Gambling 3 Making Arrest 4 Opening/Closing - Business 5 Party 6 Shopping 7 Sleeping 8 Traffic Related 9 Walking 99 Other	SUSP(s) SOLICITED/OFFERED 1 Aid For Vehicle 2 Assistance 3 Con Game/Scam 4 Drugs 5 Information 6 Merchandise 7 Money 8 Ride 9 Box 10 Use Phone 11 Work/Repair 99 Other	8 Seeking Someone 9 Sick 10 Survey/Census 99 Other SUSPECT(s) ACTIONS 1 Choked/Strangled Victim 2 Covered Victim's Face 3 Out/Stabbed Victim 4 Fired Shots 5 Forced Entry 6 Grabbed Purse 7 Had Victim Bag Property 8 Had Victim Lie Down 9 Handcuffed/Tied Victim 10 Hit/Assaulted After Act 11 Hit/Assaulted During Act 12 Hit/Assaulted Prior to Act 13 Locked Victim in Room/Area 14 Moved Victim's Location 15 Multiple Suspects 16 Picked Pocket	17 Presented Note 18 Pulled/Held/Grabbed Victim 19 Ripped/Coat Related 20 Shot Victim 21 Suspect's Face Concealed 22 Yelled Gang/Club Name 99 Other Unusual/IMO Behavior SEXUAL ACTS 1 Anal Intercourse 2 Ejaculated 3 Fondled/ Sexual Abuse 4 Had Victim Bath/Shower 5 Had Victim Disrobe 6 Had Victim Masturbate Subject 7 Homosexual Assault/Acts 8 Indecent Exposure 9 Masturbated Victim 10 Oral Sex 11 Showed Photos - Magazines / Movies	12 Used Sexual Paraphernalia 13 Vaginal Intercourse 99 Other VEHICLE INVOLVEMENT 1 Suspect A Pedestrian 2 Suspect Disabled - Victim's Vehicle 3 Suspect Forced - Victim to Curb/Stop 4 Suspect Forced Way - Into Victim's Vehicle 5 Suspect Hid In Victim's Vehicle 6 Suspect in Vehicle 7 Suspect Took Victim's Vehicle 8 Victim A Pedestrian 9 Vict. Forced Into Susp. Vehicle 10 Victim in Vehicle 99 Other
VICTIM CONDITION 1 Under 18 2 Over 65 3 Alone 4 Intoxicated/UGS 5 Physically/Mentally -Challenged 6 Tautal 99 Other	SUSPECT(s) PRETENDED TO BE 1 Customer 2 Job Applicant 3 Military Person 4 Police Officer 5 Renter/Buyer 6 Repair/Service Man 7 Salesman			

CRIMES AGAINST PERSONS I.M.O.

INCIDENT REPORT

120622-0318

Narrative

AND TOLD TOWNSEL TO LEAVE. BREAUX STATED THAT TOWNSEL TOLD HER MOTHER THAT BREAUX LET HIM IN AND JUST WANTED HIS CELL PHONE. BREAUX STATED THAT TOWNSEL THEN LEFT ON FOOT WHEN HER MOTHER CALLED 911. WHEN BREAUX WAS ASKED HOW DID TOWNSEL MAKE ENTRY INTO THE APARTMENT SHE STATED THE WINDOW. BREAUX STATED THAT SHE DID NOT SEE TOWNSEL COME IN THE WINDOW BUT KNOWS HE DID, BECAUSE HE DID IT BEFORE. UPON ASKING BREAUX WHAT HER BROTHERS WERE DOING DURING THE INCIDENT SHE STATED NEITHER OF THEM EVER WOKE UP. UPON SPEAKING WITH BREAUX 13 YEAR OLD BROTHER BREAUX, JONTE DOB 03-29-99, HE STATED THAT HE DID NOT HEAR ANYTHING JONTE STATED THAT THE WINDOW WAS LEFT CRACKED OPEN BEFORE GOING TO BED.

UPON MAKING CONTACT WITH BREAUX DOWNSTAIR NEIGHBORS ERIK LOCATED AT 3630 E. OWENS #12/1085 LV, NV 89115, HE STATED THAT HE DID NOT SEE OR HEAR ANYTHING; HOWEVER DID OBSERVE A BMW ATTEMPTING TO CLIMB THROUGH BREAUX WINDOW ABOUT A WEEK AGO.

NARRATIVE

INCIDENT REPORT

120622-0318

# 3	Veh. #	Statement Y Obtained? N	Can I.D. Y Suspect? N	Name (Last / First / Middle) OR Business Name JACKSON, DANN					
Date of Birth 10-18-73	Social Security #	Race B	Sex M	Ht. 5'11	Wt. 160	Hair BLK	Eyes BRN	Work Schdl. (Hrs / Days Off)	Business / School
Residence Address: (Number & Street) 3980 E. OWENS AVE		Bldg./Apt. # 202		City LV		State NV		Zip Code 89110	Res. Phone: 702-483-6822
Bus. (Local) Address: (Number & Street)		Bldg./Apt. #		City		State		Zip Code	Occupation Depart Date (visitor)
# 4	Veh. #	Statement Y Obtained? N	Can I.D. Y Suspect? N	Name (Last / First / Middle) OR Business Name ERIK (NEIGHBOR)					
Date of Birth	Social Security #	Race	Sex	Ht.	Wt.	Hair	Eyes	Work Schdl. (Hrs / Days Off)	Business / School
Residence Address: (Number & Street) 3630 E. OWENS AVE		Bldg./Apt. # 12/1089		City LV		State NV		Zip Code 89115	Res. Phone: Bus. Phone:
Bus. (Local) Address: (Number & Street)		Bldg./Apt. #		City		State		Zip Code	Occupation Depart Date (visitor)
#	Veh. #	Statement Y Obtained? N	Can I.D. Y Suspect? N	Name (Last / First / Middle) OR Business Name					
Date of Birth	Social Security #	Race	Sex	Ht.	Wt.	Hair	Eyes	Work Schdl. (Hrs / Days Off)	Business / School
Residence Address: (Number & Street)		Bldg./Apt. #		City		State		Zip Code	Res. Phone: Bus. Phone:
Bus. (Local) Address: (Number & Street)		Bldg./Apt. #		City		State		Zip Code	Occupation Depart Date (visitor)
#	Veh. #	Statement Y Obtained? N	Can I.D. Y Suspect? N	Name (Last / First / Middle) OR Business Name					
Date of Birth	Social Security #	Race	Sex	Ht.	Wt.	Hair	Eyes	Work Schdl. (Hrs / Days Off)	Business / School
Residence Address: (Number & Street)		Bldg./Apt. #		City		State		Zip Code	Res. Phone: Bus. Phone:
Bus. (Local) Address: (Number & Street)		Bldg./Apt. #		City		State		Zip Code	Occupation Depart Date (visitor)
#	Veh. #	Statement Y Obtained? N	Can I.D. Y Suspect? N	Name (Last / First / Middle) OR Business Name					
Date of Birth	Social Security #	Race	Sex	Ht.	Wt.	Hair	Eyes	Work Schdl. (Hrs / Days Off)	Business / School
Residence Address: (Number & Street)		Bldg./Apt. #		City		State		Zip Code	Res. Phone: Bus. Phone:
Bus. (Local) Address: (Number & Street)		Bldg./Apt. #		City		State		Zip Code	Occupation Depart Date (visitor)
#	Veh. #	Statement Y Obtained? N	Can I.D. Y Suspect? N	Name (Last / First / Middle) OR Business Name					
Date of Birth	Social Security #	Race	Sex	Ht.	Wt.	Hair	Eyes	Work Schdl. (Hrs / Days Off)	Business / School
Residence Address: (Number & Street)		Bldg./Apt. #		City		State		Zip Code	Res. Phone: Bus. Phone:
Bus. (Local) Address: (Number & Street)		Bldg./Apt. #		City		State		Zip Code	Occupation Depart Date (visitor)
#	Veh. #	Statement Y Obtained? N	Can I.D. Y Suspect? N	Name (Last / First / Middle) OR Business Name					
Date of Birth	Social Security #	Race	Sex	Ht.	Wt.	Hair	Eyes	Work Schdl. (Hrs / Days Off)	Business / School
Residence Address: (Number & Street)		Bldg./Apt. #		City		State		Zip Code	Res. Phone: Bus. Phone:
Bus. (Local) Address: (Number & Street)		Bldg./Apt. #		City		State		Zip Code	Occupation Depart Date (visitor)
#	Veh. #	Statement Y Obtained? N	Can I.D. Y Suspect? N	Name (Last / First / Middle) OR Business Name					
Date of Birth	Social Security #	Race	Sex	Ht.	Wt.	Hair	Eyes	Work Schdl. (Hrs / Days Off)	Business / School
Residence Address: (Number & Street)		Bldg./Apt. #		City		State		Zip Code	Res. Phone: Bus. Phone:
Bus. (Local) Address: (Number & Street)		Bldg./Apt. #		City		State		Zip Code	Occupation Depart Date (visitor)

PERSONS CONTINUATION PAGE

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime SEXUAL ASSAULT / BURGLARY	Date Occurred 06-22-12	Time Occurred 0130
Location of Occurrence 3630 E. OWENS AVE #12/2085 LV, NV 89115	Sector/Beat F1	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

Your Name (Last / First / Middle) Breaux Tiffany Shkanda						Date of Birth 6-26-75		Social Security # [REDACTED]	
Race B	Sex F	Height 53	Weight 120	Hair B	Eyes B	Work Sched. (Hours) 1	(Days Off)	Business / School N/A	
Residence Address: (Number & Street) 3630 E Owens Ave			Bldg./Apt.# 12085		City Las Vegas	State NV	Zip Code 89110	Res. Phone: (702) 817-1046	
Bus. (Local) Address: (Number & Street)			Bldg./Apt.#		City	State	Zip Code	Bus. Phone:	
								Occupation	
								Depart Date (if visitor)	
Best place to contact you during the day						Best time to contact you during the day		Can You Identify <input type="checkbox"/> Yes the Suspect? <input type="checkbox"/> No	

DETAILS 6-22-12, My daughter woke me up saying Darnell Townsel is in the apt. I was in my room asleep when she told me that I got up and walked in the hall way I went to my son's room, saw Darnell in the door way. Told him 2 get out my apt. He lied about telling me that my daughter ~~let~~ let him in. That he wanted his phone. My boyfriend Danny told me to call the cops. While doing that Darnell yelling saying like you cant get me. By telling this boy 2 get out he is talking shit. As he is walking out he is telling us he is coming back. My daughter told me that Darnell climbed the window. Told her that he was going 2 take her 2 his house and hurt her. She told me that he had sex with her. She told him 2 get off but he put his hand over her ~~mouth~~ ^{mouth} so she won't ~~scare~~ ^{scream}. She was scared that he was in there.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) S/A ON THE 22 DAY OF JUNE AT 0300 (AM/PM), 2012.

Witness/Officer: [Signature] (SIGNATURE)

Witness/Officer: J. SLOMAN P# 13915
LVMPD 85 (REV. 6-08) (PRINTED)

Tiffany Breaux
SIGNATURE OF PERSON GIVING STATEMENT

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime SEXUAL ASSAULT / BURGLARY	Date Occurred 06-22-12	Time Occurred 0130
Location of Occurrence 3630 E. OWENS AVE #12/2085 LV, NV 89115	Sector/Beat F1	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

Your Name (Last / First / Middle) Jackson Danny						Date of Birth 10-18-73		Social Security # [REDACTED]	
Race Blk	Sex M	Height 5'9"	Weight 160	Hair Blk	Eyes Brn	Work Schd. (Hours)	(Days Off)	Business / School Western	
Residence Address: (Number & Street) 3980 E Owens #202			Bldg./Apt.# 202		City Las Vegas	State NV	Zip Code 89115	Res. Phone: 702 1483 6822	
Bus. (Local) Address: (Number & Street)			Bldg./Apt.#		City	State	Zip Code	Occupation	Depart Date (if visitor)
Best place to contact you during the day home						Best time to contact you during the day Any		Can You Identify the Suspect? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

DETAILS I Danny Jackson had gotten woked up with my girlfriends daughter (Sylvia) rushed in the room screaming darnells here we got up thinking he's outside, but when we went down the hall he was coming out the room that Sylvia was in. She then said he climbed in the window covered my mouth and had sex with me, when I tried to get help he pulled me and threatened me. My first reaction was to hurt this kid, but instead I told my Girlfriend to call the police and let them get him. While I was talking and we were calling the police he ran and said when they leave I'll be back. At this time he was wearing a purple shirt, black shorts with grey/white stripes with black Vans or Grey hard to tell in the dark, with black socks and a black hat with a W on it, he's about 5'6" or so and looks like he weight about 130-150 thin build short hair and dark he's about 17 of age.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) **5A** ON THE **22** DAY OF **JUNE** AT **0300** (AM/PM), 2012.

Witness/Officer:

(SIGNATURE)

Witness/Officer:

J. SIDMANPH **13915**

LVMPD 85 (REV. 6-08)

(PRINTED)

Danny Jackson
SIGNATURE OF PERSON GIVING STATEMENT

EXHIBIT B

LVMPD Event# 120531-3989

REQUEST FOR PROSECUTION

PAGE 1 OF 1

1(A)

AGENCY CASE No: 120531-3989

SUBMITTING AGENCY

AGENCY	LVMPD	PHONE	828-4562	AGENCY NOTES
DETAIL	CAYF -D/V 2	FAX #	828-3073	
OFFICER	L. LANDHOLM	P#	6447	

DEFENDANT INFORMATION

▲	NAME	TOWNSELL, DARNELL	ID No.	
A	AKA			
	<input type="checkbox"/> AFFIDAVIT FOR WARRANT	<input type="checkbox"/> DECLARATION OF ARREST	<input checked="" type="checkbox"/> REQUEST SUMMONS	<input type="checkbox"/> SCOPE <input type="checkbox"/> FBI <input type="checkbox"/> CII

▲	NAME		ID No.	
	AKA			
	<input type="checkbox"/> AFFIDAVIT FOR WARRANT	<input type="checkbox"/> DECLARATION OF ARREST	<input type="checkbox"/> REQUEST SUMMONS	<input type="checkbox"/> SCOPE <input type="checkbox"/> FBI <input type="checkbox"/> CII

DA OFFICE USE ONLY

CASE NO.	TRACK	ART	DATE	
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CHARGE INFORMATION

SEQ NO.	▲	CHARGES	NRS	EVENT NO.	DATE/TIME	LOCATION / ZIP	VICTIM
1	A	Battery DV <input type="checkbox"/> F <input type="checkbox"/> GM <input checked="" type="checkbox"/> M	200.481.1A	120531-3989	05-31-12 2024 Hrs.	3630 E. Owens LV, NV 89115	Breaux, Sylvia
ATTY NOTES:							
		<input type="checkbox"/> F <input type="checkbox"/> GM <input type="checkbox"/> M					
ATTY NOTES:							
		<input type="checkbox"/> F <input type="checkbox"/> GM <input type="checkbox"/> M					
ATTY NOTES:							
		<input type="checkbox"/> F <input type="checkbox"/> GM <input type="checkbox"/> M					
ATTY NOTES:							

**VEGAS METROPOLITAN POLICE DEPARTMENT
WITNESS LIST**

AGENCY CASE NO. **120531-3989**

CODES	ID / P# / ADDRESS	PHONE #
Wit Codes O	NAME <u>R. Ralston</u>	ID/P NO. <u>12970</u>
	SSN _____	DOB _____
	RES _____	Residence <u>828-3111</u>
	Street 1 _____ City _____ State _____ ZIP _____	Employment _____
	EMPL <u>LVMPD-Patrol</u>	Business Name / Title _____ Email Address _____
	Street 1 _____ City _____ State _____ ZIP _____	FAX _____
Wit Codes V	NAME <u>Breaux, Sylvia</u>	ID/P NO. _____
	SSN _____	DOB <u>12-10-93</u>
	RES <u>3630 E. Owens #2085</u>	Residence <u>517-1046</u>
	Street 1 _____ City <u>LV</u> State <u>NV</u> ZIP <u>89115</u>	Employment _____
	EMPL _____	Business Name / Title _____ Email Address _____
	Street 1 _____ City _____ State _____ ZIP _____	FAX _____
Wit Codes	NAME _____	ID/P NO. _____
	SSN _____	DOB _____
	RES _____	Residence _____
	Street 1 _____ City _____ State _____ ZIP _____	Employment _____
	EMPL _____	Business Name / Title _____ Email Address _____
	Street 1 _____ City _____ State _____ ZIP _____	FAX _____
Wit Codes	NAME _____	ID/P NO. _____
	SSN _____	DOB _____
	RES _____	Residence _____
	Street 1 _____ City _____ State _____ ZIP _____	Employment _____
	EMPL _____	Business Name / Title _____ Email Address _____
	Street 1 _____ City _____ State _____ ZIP _____	FAX _____
Wit Codes	NAME _____	ID/P NO. _____
	SSN _____	DOB _____
	RES _____	Residence _____
	Street 1 _____ City _____ State _____ ZIP _____	Employment _____
	EMPL _____	Business Name / Title _____ Email Address _____
	Street 1 _____ City _____ State _____ ZIP _____	FAX _____

Witness Codes:	V: Victim	VR: Victim Related	O: Officer
OOS: Out-Of-State	H: Hostile	DR: Defendant Related	M: Minor

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

PETITION/DECLARATION

IN SUPPORT OF WRIT OF ATTACHMENT

EVENT :120531-3989

State of Nevada)
) ss: DOB 12-10-94
County of Clark)

That L. Landholm, is a police officer with the Las Vegas Metropolitan Police Department, being so employed for a period of 12 years, assigned to investigate the crime(s) of Battery Domestic Violence committed on or about 05-31-12, with investigation has developed Townsel, Darnnell as the perpetrator thereof.

THAT PETITIONER DEVELOPED THE FOLLOWING FACTS IN THE COURSE OF THE INVESTIGATION OF SAID CRIME TO WIT:

On 05/31/12 at approximately 2119 hours, Officer R Ralston P#12970, while operating as marked patrol unit 3F2 responded to a family disturbance call located at 3630 E Owens Ave, Las Vegas, NV 89115. The details of the call were between person reporting, Sylvia Breaux (DOB 12/10/93), and ex-boyfriend, Darnell Townsel (DOB 12/10/94). Darnnell bit Sylvia on hand, chin, and wrist.

During the investigation, Sylvia stated that she sent a text to Darnnell "I don't want to see you anymore, let's just be friend." Sylvia stated that at approximately 2000 hours, she was at the park located within the Summerhill apartment complex when Darnnell walks up to her without saying anything, grabs her right hand and bites her right thumb. Sylvia stated Darnnell then bit her on her chin and mouth. Sylvia stated she told Darnnell to stop, but Darnnell grabbed her by the left upper arm and pulled her away from the park and took her to building 11 within the complex. Sylvia stated she tried pulling away but could not, Darnnell moved from the middle of the complex to the edge of the complex. Sylvia managed to get to her apartment. Sylvia's mom, Tiffany Breaux (DOB 06/26/75), told Darnnell to leave. Darnnell threatened Tiffany to have people fight her. Darnnell then threw rocks at the windows and doors breaking one window.

Due to the fact that a domestic relationship exists between Sylvia Breaux and Darnell Townsel by means of dating for one year and an alleged battery with evidence of injury bite marks on right thumb and mouth/chin; and bruise on left arm, a battery domestic violence report was taken. No arrest was made due to Darnell gone on arrival. PC exists for arrest. Darnell student ID #491621, but does not go to school.

Wherefore, Petitioner prays that a Writ of Attachment be issued for Townsel, Darnell.

Petitioner requests that service of the summons be by mail and or that a writ of attachment issue in lieu of a summons as personal service of a summons by a peace officer would be impracticable as the following steps were ineffective in contacting the subject minor and or the subject minor's parent(s)/guardian(s), a summons cannot be served, service of a summons would be ineffective and or the welfare of the child requires that the child be immediately brought into custody. Petitioner's request is based upon the following facts:

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed on this 18th day of June, 2012.

DECLARANT:

Randy Randall #6447

WITNESS:

J. R. #3669

DATE:

06-18-12

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DOMESTIC BATTERY REPORT

Event # 120531-3989

Specific Crime(s) BATT DV / KIDNAPPING ☐ City ☒ FLD ☐ STA ☒ F ☐ County ☐ M ☐ GM ☐ Section/Beat F1

Location of Incident (Number & Street) 3630 E. OWENS Bldg # LV Apt # LV City LV State NV Zip Code 89115

Occurred Month 05 Day 31 Year 12 Day/Wk THU Time 2024 Report Taken Month 05 Day 31 Year 12 Time 2020 Connecting Reports VAL ST LAP

Was there a witness? ☒ Is there physical evidence present? (i.e., visible injury, weapons, etc.) ☒ P# 12970 Reporting Officer R. RALSTON Squad 4003 Follow-Up Y

Has victim requested temporary housing? ☒ Is there a TPO in effect? ☒ P# 6071 Supervisor Approving [Signature] ID Specialist [Signature]

ALWAYS LIST VICTIM FIRST

1 ☒ Victim ☐ Suspect ☐ Unknown ☐ Arrestee Name (Last/First/Middle) BREAUX SYLVIA ☒ Vol St ☐ Vol St Refused Why --- Language Non-English Speaking ☐

Date of Birth 12/10/93 Social Security # --- Race B Sex F Ht 53 Wt 116 Hair BLK Eyes BRN Victim given Domestic Violence Information Card? ☒ Yes ☐ No

Residence Address (Number & Street) 3630 E. OWENS Bldg/Apt# LV City LV State NV Zip Code 89115 Res Phone (702) 577-1046 Bus Phone --- Ext ---

Emergency Name & Address (Number & Street) --- Bldg/Apt# --- City --- State --- Zip Code --- Emergency Contact # ---

Relationship between victim number 1 and person number 2 (Check all applicable) ☐ Spouse ☐ Former Spouse ☐ By Marriage ☐ By Blood ☐ Parent ☐ Child ☐ Child in Common ☒ Dated 1 (mos/yr) ☐ Cohabitants ☐ Former Cohabitants

2 ☐ Victim ☒ Suspect ☐ Unknown ☐ Arrestee Name (Last/First/Middle) TOWNSEL DARNELL ☒ Vol St ☐ Vol St Refused Why GDA Language Non-English Speaking ☐

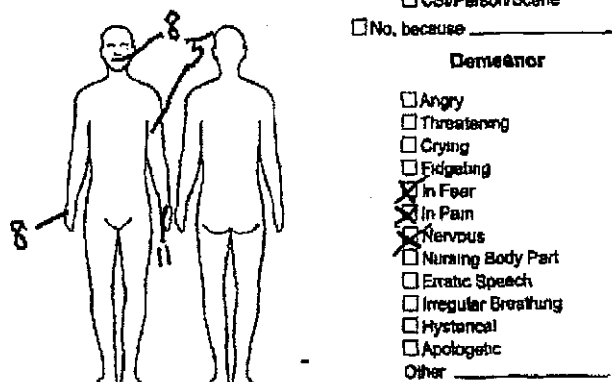
Date of Birth 12/10/94 Social Security # --- Race B Sex M Ht 52 Wt 125 Hair BLK Eyes BRN Victim given Domestic Violence Information Card? ☐ Yes ☐ No

Residence Address (Number & Street) --- Bldg/Apt# --- City --- State --- Zip Code --- Res Phone --- Bus Phone --- Ext ---

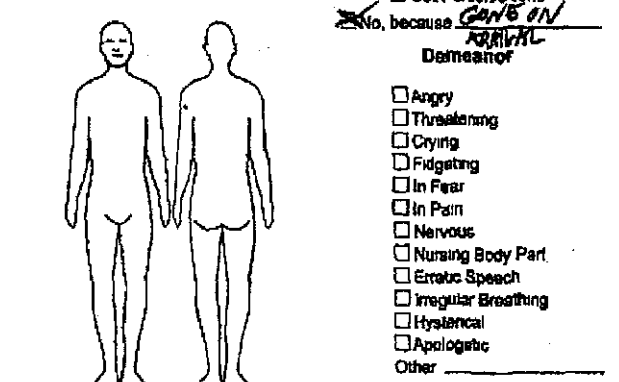
Emergency Name & Address (Number & Street) --- Bldg/Apt# --- City --- State --- Zip Code --- Emergency Contact # ---

Relationship between person number 2 and person number 1 (Check all applicable) ☐ Spouse ☐ Former Spouse ☐ By Marriage ☐ By Blood ☐ Parent ☐ Child ☐ Child in Common ☐ Dated 1 (mos/yr) ☐ Cohabitants ☐ Former Cohabitants

#1 ☐ Drugs ☐ Alcohol ☐ Unknown ☐ Signs Physical Contact ☒ Polaroids? ☒ Yes ☐ Digital ☐ CSU/Person/Scene ☐ No, because --- Demeanor



#2 ☐ Drugs ☐ Alcohol ☐ Unknown ☐ Signs Physical Contact ☒ Polaroids? ☐ Yes ☐ Digital ☐ CSU/Person/Scene ☒ No, because GAVE IN Demeanor



Children Present 1 (Name) --- Age --- (Post Incident Location) --- Witnessed? ☐ Y ☐ N Children Present 2 (Name) --- Age --- (Post Incident Location) --- Witnessed? ☐ Y ☐ N

Witness 1 (Name) --- (Address) --- (DOB) --- (Phone) --- Stmt. Obt? ☐ Yes ☐ No

Witness 2 (Name) --- (Address) --- (DOB) --- (Phone) --- Stmt. Obt? ☐ Yes ☐ No

Mark signs of physical contact on diagram above
1 = Abrasion, 2 = Black eye, 3 = Bleeding ☐ Nose ☐ Mouth ☐ Other ---, 4 = Broken/Possibly Broken Bone, 5 = Bruise, 6 = Bump/Lump,
7 = Burned 8 = Cut ☐ Lip ☐ Cheek ☐ Other --- 9 = Pain Only, 10 = Pulled Hair, 11 = Reddening ☐ Cheek ☐ Arm ☐ Other ---
12 = Scratched ---, 13 = Swollen/Swelling 14 = Torn Clothing, 15 = Writ ---

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DOMESTIC BATTERY REPORT

EVENT #
120531-3989

ANY Call to Dispatch ☐ No ☒ Yes @ 2024 hrs Dispatched @ 2119 Arr @ Scene @ 2132 Caller ☒ Victim ☐ Suspect ☐ Child ☐ Neighbor
Primary Aggressor ☐ Prior History ☐ Defense Wounds ☒ Injury Severity ☐ Potential future injury ☐ Corroborating Witness ☐ Other _____
Mitigating Factors ☐ No Evidence Injury ☐ Aggressor Undetermined ☒ GOA ☐ Over 24 hours ☐ Other _____
If Arrested Both Parties Reason ☐ Excessive Response ☐ Delay Between Acts ☐ Agreement to Fight ☐ Prior History ☐ Defense Wounds ☐ Injury Severity
☐ Potential Future Injury ☐ Other _____
AMR or SOUTHWEST Unit _____ LVFD or CCFD Unit _____ ☐ Transported ☐ Will Seek Own Doctor

Medical Release
☐ Signed
☒ Refused
☐ Non-Available
☐ Will Sign

Background Notes Upon Arrival? NONE

Suspect Name DARRNELL TOWNSEL ID# _____

Narrative (Initial Arrival Observations, Detailed Crime Scene Description - including items fought over, items disturbed, evidence and weapons present and/or seized, Victim Interview(s), Witness Interview(s), Suspect Interview) ON 05/11/12, AT APPROXIMATELY 2000 HOURS, I OFFICER R. RALSTON P#12970, WHILE OPERATING AS MARKED PATROL UNIT 352, RESPONDED TO A FAMILY DISTURBANCE CALL LOCATED AT 3630 E. OWENS AVE LAS VEGAS NV, 89115. THE DETAILS OF THE CALL WERE BETWEEN PERSON REPORTING (SYLVIA BREAUX 12/10/93) AND EXBOYFRIEND (DARRNELL TOWNSEL 12/10/94) DARRNELL BIT SYLVIA ON HAND, CHIN, & WRIST.

DURING THE INVESTIGATION, SYLVIA STATED THAT SHE SENT A TEXT TO DARRNELL "I DON'T WANT TO SEE YOU ANYMORE, LETS JUST BE FRIEND." SYLVIA STATED THAT AT APPROXIMATELY 2000 HOURS, SHE WAS AT THE PARK LOCATED WITHIN THE SUMMERHILL APARTMENT COMPLEX WHEN DARRNELL WALKS UP TO HER WITHOUT SAYING ANYTHING, GRABS HER RIGHT HAND AND BITES HER RIGHT THUMB. SYLVIA STATED DARRNELL THEN BIT HER ON HER CHIN & MOUTH. SYLVIA STATED SHE TOLD DARRNELL TO STOP, BUT DARRNELL GRABBED HER BY THE LEFT UPPER ARM AND PULLED HER AWAY FROM THE PARK AND TEXT HER TO BUILDING 11 WITHIN THE COMPLEX. SYLVIA STATED SHE TRIED PULLING AWAY BUT COULD NOT, DARRNELL MOVED FROM THE MIDDLE OF THE COMPLEX TO THE EDGE OF THE COMPLEX SYLVIA MANAGED TO GET TO HER APARTMENT. SYLVIA'S MOM TIFFANY BREAUX 06/26/75 TOLD DARRNELL TO LEAVE. DARRNELL THREATENED TIFFANY TO HAVE PEACE FIGHT HER. DARRNELL THEN THREW ROCKS AT THE WINDOWS & DOORS BASHING ONE WINDOW.

DUE TO THE FACT THAT A DOMESTIC RELATIONSHIP EXISTS BETWEEN SYLVIA BREAUX & DARRNELL TOWNSEL BY MEANS OF DATING FOR 1 YEAR AND AN ALLEGED BATTERY WITH EVIDENCE OF INDEENT BITE MARKS ON RIGHT THUMB & MOUTH/CHIN & BRUISE ON LEFT ARM, A BATTERY DOMESTIC VIOLENCE REPORT WAS TAKEN. NO ARREST WAS MADE DUE TO DARRNELL GONE ON ARRIVAL. PC EXISTS FOR ARREST, DARRNELL STUD# 107K-491621, BUT DOES NOT GO TO SCHOOL.

(DO NOT COMPLETE UNLESS ARREST IS MADE)

As a peace officer with the Las Vegas Metropolitan Police Department for _____ years ☐ months, I declare, subject to the penalty of perjury, that the above information is true and correct to the best of my knowledge or information and belief as identified. The above described information gives me probable cause to believe that on _____ 20_____, (name @ booking) also known as _____ (true name per SCOPE), committed the crime(s) of _____

in the location of _____ within ☐ Clark County ☐ CLV Declarant prays that your Honorable Magistrate find probable cause exists to hold the above-named person to answer such charge(s)

Dated this _____ Day of _____, 20____

Declarant/Affiant (sign and print) P# _____

Officer's preferred court time

M T W T F ☐ AM ☐ PM

Supervisor Name (sign and print) P# _____
(Must be signed by Supervisor if Felony)

LETHALITY ASSESSMENT PROGRAM

All LVMPD Officers will complete this form whenever there is an allegation of Battery-Domestic Violence, or in the officer's mind, a battery has occurred to an intimate partner.

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Event# <u>120531-3989</u>		Area Cmd <u>MEAC</u>
Location of Event <u>3630 E. OWENS AVE LV NV 89115</u>		Sect/Beat <u>F1</u>
Occurred - (M/D/Y) <u>05/31/12</u>	Time <u>2024</u> Ofr 1 P# <u>12970</u> Ofr 2 P#	
Victim Name (Last, First) <u>BREAUX, SYLVIA</u>		Phone# <u>(702) 517-1046</u>
DOB (M/D/Y) <u>12/10/93</u>	Race <u>B</u>	Female <input checked="" type="checkbox"/> Male <input type="checkbox"/>
Aggressor (Last, First) <u>TOWNSEL, DARNELL</u>		
DOB (M/D/Y) <u>12/10/94</u>	Race <u>B</u>	Female <input type="checkbox"/> Male <input checked="" type="checkbox"/>
TPO in Effect: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Relationship of Aggressor to Victim: (be specific, ie, former dating) <u>DATED 1 YEAR</u>		
Alcohol/Drugs Involved Victim Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Aggressor Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
If <u>ANY</u> of the questions below are answered "YES", victim is HIGH RISK/DANGER - officer is to call an agency listed below and mark HIGH RISK/DANGER check box.		
1 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Has your partner (or whoever the aggressor is) ever used a weapon against you or threatened you with a weapon?	
2 Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Has he/she ever threatened to kill you or your children?	
3 Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Do you think he/she might try to kill you?	
If <u>ANY THREE</u> questions below are answered "YES", victim is HIGH RISK/DANGER - officer is to call an agency listed below and mark HIGH RISK/DANGER check box.		
4 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Does he/she have a gun or can he/she get one easily?	
5 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Has he/she ever tried to strangle you?	
6 Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is he/she violently or constantly jealous or do they control most or all of your daily activities?	
7 Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Have you left him/her or separated after living together or being married?	
8 Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is he/she unemployed?	
9 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Has he/she ever tried to kill himself/herself?	
10 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Do you have a blended family (step children)?	
11 Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Does he/she follow or spy on you or leave threatening messages?	
<input checked="" type="checkbox"/> YES - HIGH RISK/DANGER		
SafeNest <u>646-4981</u>	Call Completed <input type="checkbox"/>	Busy/No Answer <input type="checkbox"/>
Victim Refused Call	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Any Additional Comments		

THIS PORTION TO BE COMPLETED BY OFFICER			
Specific Crime <u>BATT DV / KIDNAPPING</u>	Date Occurred <u>05/31/12</u>	Time Occurred <u>2024</u>	
Location of Occurrence <u>3670 E OWENS LV NV 89115</u>	Sector/Beat <u>F1</u>	<input type="checkbox"/> City <input checked="" type="checkbox"/> County	

Your Name (Last / First / Middle) <u>Breant Sylvia Shlanda</u>						Date of Birth <u>12/10/93</u>		Social Security # [REDACTED]	
Race <u>BI</u>	Sex <u>F</u>	Height <u>5'3</u>	Weight <u>116</u>	Hair <u>Brown</u>	Eyes <u>Brown</u>	Work Schdl (Hours)	(Days Off)	Business / School	
Residence Address (Number & Street) <u>3630 East Owens</u>			Bldg / Apt # <u>2085</u>		City <u>Las Vegas</u>	State <u>NV</u>	Zip Code <u>89110</u>	Res Phone	
Bus (Local) Address (Number & Street)			Bldg / Apt #		City	State	Zip Code	Bus Phone	
Occupation			Depart Date (if visitor)						
Best place to contact you during the day						Best time to contact you during the day		Can You Identify the Suspect? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

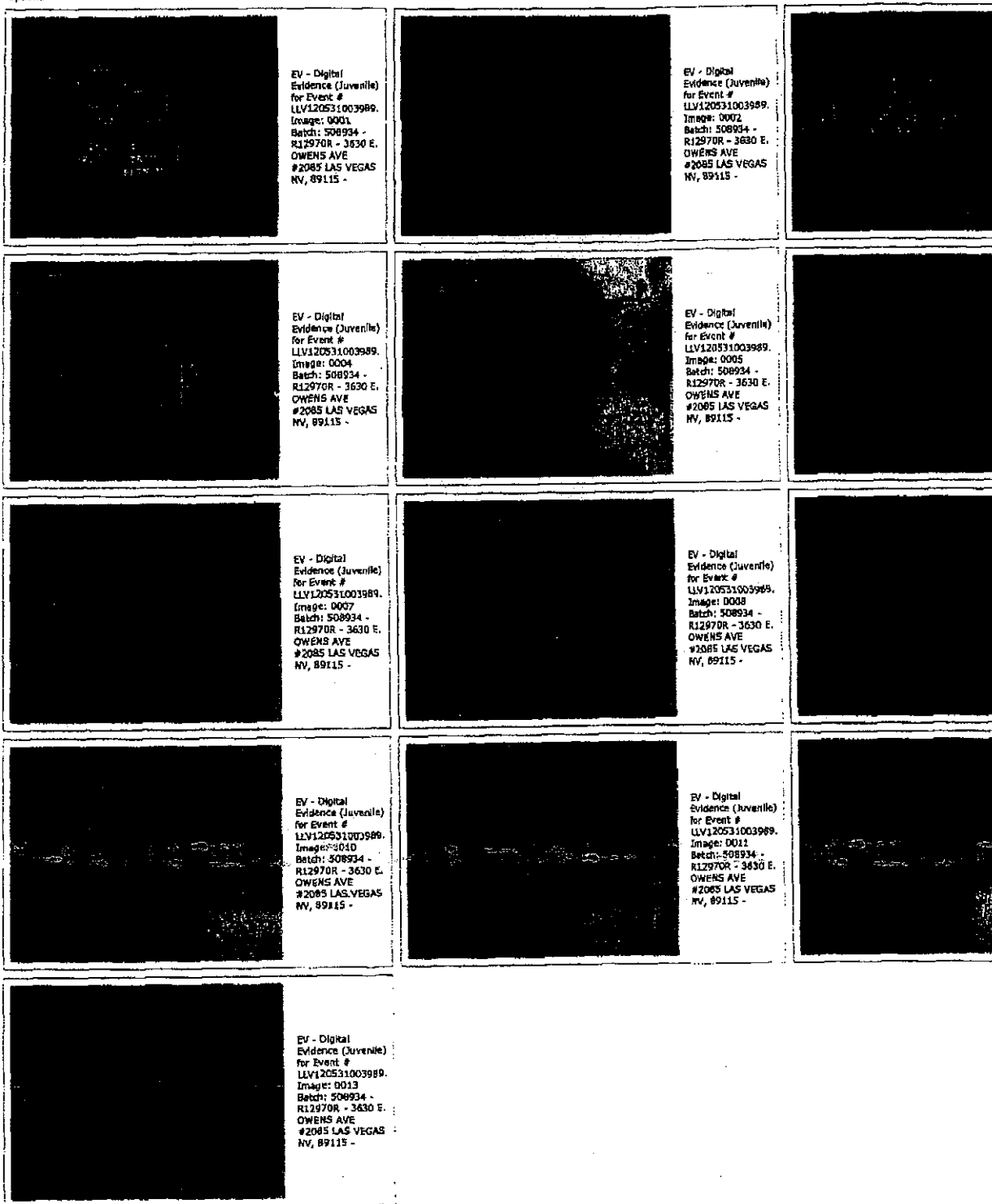
DETAILS when i told my little brother to go in the house that is when i ~~seen~~ ^{hear} Darnell he come up to me and pull me and said let toxic's and when we got next to the house can that is when he grab me by my hand and bit me and bit me on my face and i scream and told him to stop and he said and they he said i will take to to my apt and i don't worry about want our Mom, so ~~she~~ ^{she} ~~will~~ ^{will} take you to my apt said she can come and get you they he told me to get his stuff and so i did and put it outside that is when he told me to see if his phone is in there and i said no and he said that he was going to hit my brother and my mom said go home but he was like well i will get my sister on you. He pulled me and sent my well

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN THIS STATEMENT WAS COMPLETED AT (LOCATION) 3670 E OWENS # 2085 LV NV 89115 ON THE 31 DAY OF MAY AT 2230 (AM / PM), 2012

Witness/Officer [Signature] (SIGNATURE)
Witness/Officer R. RALSTON (PRINTED) PH 12970
LYMPD 88 (REV 0-08)

[Signature]
SIGNATURE OF PERSON GIVING STATEMENT

Options



- 1
- 2
- 3
- 4
- 5
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- 21
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- 27
- 28

PHILIP J. KOHN
PUBLIC DEFENDER

Kerry Maxey
KERRY MAXEY, Deputy PD
Or Employee for:
Public Defender Office - Juvenile

CASE No. J-12-306934-D9

www.ck12.org

Supreme Court No.: 62009

Steven B Wolfson
702-455-5320(W)

Level	Date
Felony	06/22/2012
Felony	06/22/2012
Felony	06/22/2012
Felony	05/31/2012
Misdemeanor	05/31/2012

[Return to Register of Actions](#)

REGISTER OF ACTIONS

CASE No. J-12-306934-D9

In the Matter of: Darnell Townsel

אשר יאמר אליו

Case Type: Juvenile Delinquent

Date Filed: 06/28/2012

Location: Family Juvenile

Conversion Case Number: J306934

Supreme Court No.: 62009

PARTY INFORMATION

Delinquent Subject
Minor

DOB: 12/10/1994

Lead Attorneys
Kerri Maxey
Retained
7024555475(W)

Father Townsel, John

DOB: 07/05/1949

Mother Townsel, Vera

DOB: 12/20/1966

State of Nevada

Steven B Wolfson
702-455-5320(W)

CHARGE INFORMATION

Charges: Townsel, Darnell R

1. Sexual Assault
2. Battery with Intent to Commit a Crime
3. Burglary
4. Second Degree Kidnapping
5. Battery Domestic Violence

Statute
200.366
200.400
205.060
200.330
200.485

Level
Felony
Felony
Felony
Felony
Misdemeanor

Date
06/22/2012
06/22/2012
06/22/2012
05/31/2012
05/31/2012

EVENTS & ORDERS OF THE COURT

08/15/2012	Certification for Treatment as an Adult (3:00 PM) (Judicial Officer Voy, William O.)
------------	--

Minutes

08/15/2012 3:00 PM

- CUSTODY. Juvenile Sexual Offender Program (JSO Unit) represented by Caroline Lance-Terry for Kevin Brown. The first evaluation was completed by Dr. Harter who found subject minor competent, Counsel requested a CONTINUANCE to get a second opinion by Dr. Roitman. Defense requested release pending the resolution of the case, request denied. COURT ORDERED, as to Petition 9, Counts 1-5, Certification for Treatment as an Adult and Petition 10, Counts 1, 2 and Petition 11, Entry of Plea is hereby CONTINUED. DETAINED. 8-29-12 1:30 P.M. CERTIFICATION HEARING/SC:COMPETENCY EVALUATION-2ND OPINION/PETN 9, CTS 1-5 & CONTINUED ENTRY OF PLEA/SC:COMPETENCY EVALUATION/PETN 10, CTS 1, 2 AND PETN 11 DEPT "A"

Parties Present

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REGISTER OF ACTIONS

CASE No. J-12-306934-D9

In the Matter of: Darnnell Townsel

Case Type: Juvenile Delinquent
Date Filed: 06/28/2012
Location: Family Juvenile
Conversion Case Number: J306934
Supreme Court No.: 62009

Case Type: Juvenile Delinquent
Date Filed: 06/28/2012
Location: Family Juvenile
Conversion Case Number: J306934
Supreme Court No.: 62009

PARTY INFORMATION

Delinquent Subject Minor	Townsel, Darnnell R	DOB: 12/10/1994	Lead Attorneys Kerri Maxey Retained 7024555475(W)
Father	Townsel, John	DOB: 07/05/1949	
Mother	Townsel, Vera	DOB: 12/20/1966	
State of Nevada	State of Nevada		Steven B Wolfson 702-455-5320(W)

CHARGE INFORMATION

Charges: Townsel, Darnnell R	Statute	Level	Date
1. Sexual Assault	200.366	Felony	06/22/2012
2. Battery with Intent to Commit a Crime	200.400	Felony	06/22/2012
3. Burglary	205.060	Felony	06/22/2012
4. Second Degree Kidnapping	200.330	Felony	05/31/2012
5. Battery Domestic Violence	200.485	Misdemeanor	05/31/2012

EVENTS & ORDERS OF THE COURT

08/29/2012 Certification for Treatment as an Adult (1:30-PM) (Judicial Officer Voy, William O.)

Minutes

08/29/2012 1:30 PM

- CUSTODY. Juvenile Sexual Offender Program (JSO Unit) represented by Caroline Lance-Terry for Kevin Brown. Defense noted a verbal was received from Dr. Roitman on Monday wherein subject Minor was found competent. Dr. Yao, will be conducting the Certification Evaluation and is scheduled to see Minor a week from Friday. Accordingly, Defense requested a continuance. There being no objection, COURT ORDERED, ENTRY OF PLEA as to Petition 10, and CERTIFICATION FOR TREATMENT AS AN ADULT as to Petition 9, hereby CONTINUED. DETAINED.

Parties Present

Return to Register of Actions

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Location : Family Courts Images Help

REGISTER OF ACTIONS

CASE NO. J-12-306934-D9

In the Matter of: Darnell Townsel

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Case Type: Juvenile Delinquent
Date Filed: 06/28/2012
Location: Family Juvenile
Conversion Case Number: J306934
Supreme Court No.: 62009

PARTY INFORMATION

Delinquent Subject Minor	Townsel, Darnell R	DOB: 12/10/1994	Lead Attorneys Kerri Maxey Retained 7024555475(W)
Father	Townsel, John	DOB: 07/05/1949	
Mother	Townsel, Vera	DOB: 12/20/1966	
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4. Second Degree Kidnapping	200.330	Felony	05/31/2012
5. Battery Domestic Violence	200.485	Misdemeanor	05/31/2012

EVENTS & ORDERS OF THE COURT

09/12/2012 Certification for Treatment as an Adult (1:30 PM) (Judicial Officer Voy, William O.)

Minutes

09/12/2012 1:30 PM

- CUSTODY. Probation represented by Caroline Lance-Terry (JSO) for Kevin Brown. Defense expected to receive Dr. Yow's evaluation by next week, which is needed to file the opposition. Defense requested a CONTINUANCE. COURT ORDERED, as to Petition 9, Counts 1-5, Certification for Treatment as an Adult and Entry of Plea as to Petition 10, Counts 1, 2 and Petition 11, Count 1, CONTINUED. DETAINED. 10-3-12 1:30 P.M. CERTIFICATION HEARING/PETN 9, CTS 1-5 & CONTINUED ENTRY OF PLEA/PETN 10, CTS 1, 2 AND PETN 11, CT 1 DEPT "A"

Parties Present

Return to Register of Actions

REGISTER OF ACTIONS**CASE NO. J-12-306934-D9**

In the Matter of: Darnell Townsel

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§

Case Type: Juvenile Delinquent

Date Filed: 06/28/2012

Location: Family Juvenile

Conversion Case Number: J306934

Supreme Court No.: 62009

PARTY INFORMATIONDelinquent Townsel, Darnell R
Subject Minor

DOB: 12/10/1994

Lead Attorneys
Kerri Maxey
Retained
7024555475(W)

Father Townsel, John

DOB: 07/05/1949

Mother Townsel, Vera

DOB: 12/20/1966

State of
Nevada State of NevadaSteven B Wolfson
702-455-5320(W)**CHARGE INFORMATION**

Charges: Townsel, Darnell R	Statute	Level	Date
1. Sexual Assault	200.366	Felony	06/22/2012
2. Battery with Intent to Commit a Crime	200.400	Felony	06/22/2012
3. Burglary	205.060	Felony	06/22/2012
4. Second Degree Kidnapping	200.330	Felony	05/31/2012
5. Battery Domestic Violence	200.485	Misdemeanor	05/31/2012

EVENTS & ORDERS OF THE COURT10/03/2012 Certification for Treatment as an Adult (1:30 PM) (Judicial Officer Voy, William O.)**Minutes**

10/03/2012 1:30 PM

CUSTODY. Probation represented by Kevin Brown (JSO).
 Defense challenges prosecutorial merit on Counts 2, 3 and 4 of Petition 9. Defense noted minor tested positive for amphetamines. The COURT FINDS, there is slight of marginal evidence to support prosecutorial merit on all counts. Counsel's merger argument is noted; however, this is not the time or place for that argument at this stage of the proceedings. Pursuant to Seven Minor's, the Court looks at the serious nature of the offenses. Obviously, Petition 9, Count 4 is not the most serious offense. Court noted, minor is the primary actor in this offense and minor has prior adjudications. The Court considers minor's I.Q and level of functioning, which is noted for the record and set forth in the psychological evaluation and in Defense's opposition. The Court also considers public safety; therefore, COURT FINDS, that the State has met its burden by clear and convincing evidence that this matter warrants transfer to the Adult system. COURT ORDERED, as to Petition 9, Counts 1, 2, 3, 4 and 5, Certification for Treatment as an Adult is hereby GRANTED. Matter set for ARRAIGNMENT in Las Vegas Justice Court on 10-11-12 7:30 a.m. Bail set at \$ 185,100.00 CASH or SURETY. As to Petition 10, Counts 1, 2 and Petition 11, Count 1, Entry of Plea is hereby CONTINUED.
 DETAINED/REMANDED to the CUSTODY of Sheriff of Clark County. 10-31-12 1:30 P.M. CONTINUED ENTRY OF PLEA/CONSULT PD/PETN 11, CTS 1, 2 & PETN 11, CT 1 DEPT "A"

Parties PresentReturn to Register of Actions

100-443887-100

Dec 11 3 54 PM '12

Amos L. Shuman
CLERK OF THE COURT

CLERK OF THE COURT

In the Matter of:) CASE NO. J-12-306934-D9
)
DARRNELL ROBERT TOWNSEL) DEPT. A
)
Date of Birth: 12/10/1994)
)
A Minor under 18 Yrs of Age.) **SEALED CASE**

The office of Transcript Video Services received a request for original transcripts and two copies, for the purpose of appeal, from Kerri J. Maxey, Esq., on November 28, 2012, for the following proceeding in the above-captioned case:

I do hereby certify that a true and accurate copy of the transcript requested in the above-captioned case was filed with the Eighth Judicial District Court on December 11, 2012 and ordering party was notified December 11, 2012.

DARRYL THOMAS,
TRANSCRIPT VIDEO SERVICES

Darryl Thomas

1 DTRANS

2 FILED

3 Dec 11 3 55 PM '12

4 COPY

5 *Sharon L. Brown*
CLERK OF THE COURT

6 EIGHTH JUDICIAL DISTRICT COURT

7 JUVENILE DIVISION

8 CLARK COUNTY, NEVADA

9 In the Matter of:)

CASE NO. J-12-306934-D9

10 DARRNELL ROBERT TOWNSEL)

DEPT. A

11 Date of Birth: 12/10/1994)

SEALED CASE

12 A Minor under 18 Yrs of Age.)
13 _____)

14
15 BEFORE THE HONORABLE WILLIAM O. VOY, DISTRICT COURT JUDGE

16
17 TRANSCRIPT RE: CERTIFICATION FOR TREATMENT AS AN ADULT

18
19 WEDNESDAY, OCTOBER 3, 2012

1 APPEARANCES:

2 For the State of Nevada: DONELLA M. ROWE, ESQ.
3 Deputy District Attorney
4 Juvenile Division
5 601 North Pecos Rd.
6 Las Vegas, Nevada 89101
7 (702) 455-5320

8 The Subject Minor: DARRNELL TOWNSEL (In Custody)
9 For the Subject Minor: KERRI J. MAXEY, ESQ.
10 Deputy Public Defender
11 601 North Pecos Rd. #49
12 Las Vegas, Nevada 89101
13 (702) 455-0895

14 Also Present: KEVIN BROWN
15 Probation
16
17 VERA TOWNSEL
18 Mother
19
20 JOHN TOWNSEL
21 Father
22
23
24

2 PROCEEDINGS

3 (THE PROCEEDING BEGAN AT 18:06:36.)

4 THE COURT: All right. This is 306934; Darnell is
5 present.

6 MS. ROWE: Donella Rowe, Deputy District Attorney.

7 MR. BROWN: Kevin Brown, Probation.

8 MS. MAXEY: Kerri Maxey, PD's Office, on behalf of
9 Darnell who is present in custody. Also present is his
10 mother and father.

11 THE COURT: Go ahead.

12 MS. ROWE: Thank you, Judge.

13 Your Honor, The State is seeking a discretionary
14 certification under Seven Minors in this case. In reading Ms.
15 Maxey's response she attacks prosecutive merit with regard to
16 the battery with intent to commit the SA, the burglary and the
17 kidnaping counts 2, 3 and 4. Your Honor, with regard to the
18 battery with intent to commit SA, it's in the alternative
19 count, again, for the jury to decide. The State can charge in
20 the alternative.21 With regard to the battery and the kidnaping,
22 although the subject minor's version of events are different
23 than the victim's, based on the victim's statement there is
24 probable cause, slight or marginal evidence, to substantiate

1 those counts and get them moved through certification. As far
2 as the nature and seriousness of the case it doesn't get more
3 serious than this in juvenile. We got sexual assault, battery
4 with intent to commit sexual assault, burglary, kidnaping.

5 With regard to the May 31st, 2012 that's where the
6 domestic violence and kidnaping comes out of. The victim had
7 already told the subject minor she didn't want to date him
8 anymore. He goes to her apartment complex. He ends up biting
9 her on the hand, on the face. She screams; he grabs her by
10 the arm, pulls her away from the park and takes her into --
11 towards what they call Building 11 apparently. Basically,
12 moving her from the center of the complex to the edge of the
13 complex.

14 Eventually, Victim says she was able to get back to
15 the apartment. I don't know if he escorted her or what. But
16 Your Honor with the certification report, The State provided
17 photographs of the arm of the victim. This was not an, he
18 escorted her there. He dragged her. She was unable to get
19 away from him. These are bruises from the subject minor.

20 With regard to June 22nd, 2012 one-thirty in the
21 morning, he crawls up to the second story window, goes through
22 the second story window, pokes her in the shoulder to wake her
23 up, starts kissing on her, at some point puts his hand over
24 her mouth, forcibly assaults her, inserting his penis into her

1 vagina. We've got a sexual assault. When interviewed by
2 police he says, yes he went into the second story window.
3 According to him it was one-thirty in the morning to get his
4 cell phone back. He says he woke her up and talked about the
5 cell phone. Victim never mentions anything about the cell
6 phone.

7 He says he laid down next to her, started kissing
8 her, removed her clothes. And then subject minor -- or, yeah,
9 the subject minor -- or, excuse me, the victim told the
10 subject minor, I don't want to. And then his statement is
11 have sex. That's on the audio tape provided by Ms. Maxey, I
12 believe, at 15:55. But the subject minor had sex with her
13 anyway. This is his statement. That's a sexual assault.
14 That's a felony.

15 Your Honor, of course the subject minor's version of
16 events are different. This is going to be for a jury to
17 decide with regard to what story they believe. I don't know
18 if you've had a chance to listen to the audio. The detectives
19 also thought it was kind of humorous he went into the second
20 story window to talk about getting his cell phone back and
21 then committed the sexual assault.

22 Your Honor, the subject minor's actions here are
23 heinous and egregious and demonstrate he is a clear and
24 extreme danger to the community. He's a predator. Your

1 Honor, community protection is the guiding principle. In this
2 case public safety and welfare require certification. With
3 regard to the persistence and seriousness of the past
4 adjudications he's had taking a vehicle without owner's
5 consent, affray, petty larceny, petty larceny, petty larceny
6 violation, disorderly conduct violation.

7 With regard to subjective factors, Your Honor, a big
8 thing here is the stalking that was going on to this victim.
9 June 13th, 2012 at four-fifteen p.m. he is trespassed from the
10 victim's apartment complex. On June 14th at four minutes past
11 midnight, he's arrested after he admitted to officers, yeah I
12 was trespassed off, you know, eight hours ago but I never
13 left, I stayed. June 19th, 2012 he's arrested again for
14 trespassing on the property. This is repeated. It's her
15 apartment complex. He's repeatedly there. So basically you
16 have the kidnaping and domestic violence incidents, three
17 instances of being on her property and then you have him
18 climbing through the second story window.

19 Your Honor, it was kind of concerning to The State
20 when I read Dr. Yao's (phonetic herein) report because though
21 it lists all the charges that are listed in the certification
22 petition, he only addresses the facts of the June 22nd
23 incident which is the going in through the second story window
24 and the sexual assault. He doesn't give any facts with regard

1 to the kidnaping and domestic violence. I don't think he was
2 provided a report with regard to that. I don't know if he
3 knows there were two separate incidents. So it was kind of
4 concerning there.

5 Dr. Yao does talk about the subject minor refusing
6 his medication for ADHD since fifteen. Apparently the subject
7 minor in Exhibit C describes himself as angry, impulsive and
8 easily frustrated. The State interprets that as very
9 dangerous. Under discretionary certification guidelines,
10 basically, The Court has stated that Subject Minor cannot
11 avoid certification merely by showing amenability to treatment
12 in the juvenile system.

13 Your Honor, this is Petition 9 for the subject
14 minor. One of the things used previously to gain his
15 compliance was Spring Mountain Youth Camp. The subject minor
16 is seventeen and -- oh well --

17 THE COURT: Ten months.

18 MS. ROWE: -- ten months. We're not going to have
19 devices like that to gain his compliance. DCFS isn't going to
20 be an option much longer. I mean, what other -- what else are
21 we going to have. It was used before to gain his compliance.
22 It's not going to be available this time.

23 Your Honor, with regard to Seven Minors under the
24 facts of this case we state there is enough information to

1 certify the subject minor. And we ask that he be certified to
2 the adult system at this time. Thank you.

3 MS. MAXEY: Your Honor, we are challenging prosecutive
4 merit on Count 2, 3 and 4. The theory of prosecutive merit
5 that we're challenging on Count 2 is the merger doctrine.
6 Basically, the battery is incidental to the sexual assault. I
7 mean, when you commit an alleged sexual assault there's going
8 to have to be some kind of touching involved. You can't
9 commit it without that touching. And basically this touching
10 that's listed in the petition is incidental to the sexual
11 assault.

12 This is not a battery where he pushed the victim
13 down, continued to hit the complaining witness to make sure
14 she complied with what he wanted. This is just, you know, him
15 touching her to take the clothes off. That's -- all this is
16 incidental to the sexual assault.

17 With the burglary, as The Court is aware, you have
18 to enter a residence with the intent to commit a larceny or a
19 felony inside the home. And when you listen to the audio tape
20 of the interview with the police, he says twenty-two times, I
21 went to get my phone, I just wanted my phone, I was asking for
22 my phone. Over and over and over. There's no proof of any
23 other factual -- factual -- provided by The State, any facts
24 that show any other intent other than he went there to get his

1 phone.

2 If you listen to -- on the audio at about 16:52 note
3 -- he goes, every time I come there it's for that phone, I've
4 been asking for that phone for the last couple of days, I just
5 came to get my phone. So the fact that intercourse occurred
6 doesn't show intent. He went in there to get his phone which
7 she had for a substantial period of time and wasn't giving it
8 back to him. The relationship was starting to fall apart.
9 She had his phone and she wouldn't give it back to him. And
10 he went there to get it back.

11 Every time he did go there his -- the complaining
12 witness' mother did not like him at all and would always run
13 him off or use her boyfriend to run him off. And so it's
14 understandable that he went at night and snuck in where he
15 could confront the person that has his phone without having to
16 run into the mother.

17 As with the kidnaping charge, again there has to be
18 some type of proof that he was detaining the --

19 SUBJECT MINOR: Can I hold my dad while he's crying, if
20 that's okay?

21 MS. MAXEY: You can hold his hand.

22 SUBJECT MINOR: Sorry, Pop.

23 MS. MAXEY: Here, why don't you scoot over a little bit
24 so -- there you go.

1 With the kidnaping charge there has to be proof of
2 detaining the person, and there is no proof. I mean, she
3 states in her own handwritten statement that he wanted to talk
4 to her. He approached her in the apartment complex and said,
5 hey can we talk, you know, I need to talk to you. And took
6 her by the arm and led her over to a trash can. That doesn't
7 show that he wanted to detain her. That shows he wanted some
8 privacy so they could talk about their relationship. Because
9 just previously to him approaching her, she text him, I want
10 to break up, our relationship is done.

11 And so when he saw her, said hey can we talk, took
12 her over by the trash can, that wasn't to detain her. That
13 was to have privacy. And even after they talked by the trash
14 can she states that they went over to her apartment. If he
15 was detaining her he wouldn't allowed her to go over -- or he
16 wouldn't even have escorted her to her apartment where she
17 lives.

18 So with that argument Count 2, 3 and 4 prosecutive
19 merit has not been established and transfer should not go
20 forward on that. They should actually be dismissed. You
21 know, this case is serious but it's not heinous and egregious.
22 That's what The Court has to determine whether or not it's
23 heinous and egregious.

24 You know, what we have is a mentally -- a mild

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 DARNELL ROBERT T.,)

No. 62009

4 Appellant,)

5 v.)

6 THE STATE OF NEVADA,)

7 Respondent.)

Electronically Filed
Apr 29 2013 04:14 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

8
9 **APPELLANT'S APPENDIX- VOLUME I – PAGES 001-227**

10
11 PHILIP J. KOHN
12 Clark County Public Defender
13 309 South Third Street
14 Las Vegas, Nevada 89155-2610

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Counsel for Respondent

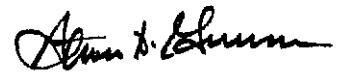
INDEX
DARNELL ROBERT T.
CASE NO. 62009

Certification Of Transcripts/Notification Of Completion Filed 12/11/12.	142
Certification To Adult Status Order filed 10/04/12	108-136
Certification Order filed 06/29/12.....	007-008
Certification Petition filed 06/28/12.....	004-006
JSO Certification Petition-Delinquency filed 06/28/12.....	001-003
Memorandum Of Points And Authorities In Support Of Certification Petition filed 07/03/12.....	009-051
Minutes through 10/03/12.....	137-141
Notice Of Entry Of Order filed 10/04/12.....	107
Sealed Case filed 12/11/12.....	143-164
Subject Minors Opposition To The States Petition To Certify The Subject Minor To Adult Status filed 09/25/12.....	052-106

TRANSCRIPTS

Transcript of Proceedings, Transcript of Recorded Interview Date 12/22/12.....	165-227
--	---------

DISTRICT COURT
JUVENILE DIVISION
CLARK COUNTY, NEVADA


CLERK OF THE COURT

In the Matter of:

DARNELL ROBERT TOWNSEL

FT ID#:1096521 JUVI ID: 110774 03

UNITY ID#:

Date of Birth: 12/10/1994

Years of Age: 17

CASE NO. J-12-306934-D9

DEPT. A

Courtroom 18 – Judge Voy

Petition 9

Det. Review: 06/29/2012 at 10:00 a.m.

JSO

CERTIFICATION PETITION - DELINQUENCY

That there is now within the County of Clark, State of Nevada, the above named minor who resides with his/her parent(s) or guardian(s) at: **2635 Karen Court, Apt. 447, Las Vegas, Nevada 89109**

Father: JOHN TOWNSEL

Mother: VERA TOWNSEL

That your Petitioner, a duly appointed and qualified Deputy District Attorney for the County of Clark, State of Nevada, makes the following declaration:

That Petitioner is informed and believes, and thereon alleges that the facts bringing said minor within the jurisdiction of the Juvenile Court pursuant to NRS 62B.330 are that, in Clark County, Nevada, subject minor:

COUNT 1: SEXUAL ASSAULT (Felony)

On or about June 22, 2012, **DARNELL TOWNSEL** did then and there willfully and unlawfully sexually assault and subject **SYLVIA BREAUX**, a female person, to sexual penetration, to-wit: by **DARNELL TOWNSEL** inserting his penis into the vaginal opening of **SYLVIA BREAUX**, against her will, in violation of NRS 200.364 and NRS 200.366.

LVMPD Event #: 120622-0318

///

**COUNT 2: BATTERY WITH INTENT TO COMMIT A CRIME (SEXUAL ASSAULT)
(Felony)**

On or about June 22, 2012, **DARNELL TOWNSEL** did then and there willfully and unlawfully use force or violence upon the person of another, to-wit: **SYLVIA BREAUX**, with the intent to commit sexual assault, by removing her shorts and/or underwear and/or covering her mouth with his hand(s) and/or preventing her from getting away and/or leaving the area, in violation of NRS 200.400.

LVMPD Event #: 120622-0318

COUNT 3: BURGLARY (Felony)

On or about June 22, 2012, **DARNELL TOWNSEL** did then and there willfully and unlawfully enter, with intent to commit a felony, to-wit: sexual assault, that certain building, occupied by **SYLVIA BREAUX**, located at 3630 East Owens Avenue, Apartment 2085, Las Vegas, Clark County, Nevada, in violation of NRS 205.060.

LVMPD Event #: 120622-0318

COUNT 4: KIDNAPPING – SECOND DEGREE (Felony)

On or about May 31, 2012, **DARNELL TOWNSEL** did willfully, unlawfully, and without authority of law, seize, inveigle, take, carry away, or kidnap **SYLVIA BREAUX**, a human being, against her will, and without her consent, with the intent to keep the said **SYLVIA BREAUX** detained against her will, in violation of NRS 200.310 and NRS 200.330.

LVMPD Event #: 120531-3989

COUNT 5: BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor)

On or about May 31, 2012, **DARNELL TOWNSEL** did then and there willfully and unlawfully use force or violence against or upon the person of his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he is or was actually residing, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons or his minor child, to-wit: **SYLVIA BREAUX**, by biting **SYLVIA BREAUX** on the right thumb and/or hand and/or by biting **SYLVIA BREAUX** about the chin and/or mouth area and/or by grabbing **SYLVIA BREAUX** by the left arm resulting in mark(s) and/or bruising, in violation of NRS 200.481, NRS 200.485 and/or NRS 33.018.

LVMPD Event #: 120531-3989

That the subject minor is now in the custody and control of Department of Juvenile Justice Services Detention Facility, and has been since June 22, 2012.

WHEREFORE, Petitioner prays that this matter be set for hearing as it is in the best interest of the public and the subject minor that this proceeding be commenced and that the Court take such further action as is deemed fit and proper under the circumstances and in accordance with the law as the subject minor is in need of treatment and/or rehabilitation.

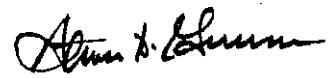
I declare that I am the Petitioner named in the foregoing Petition and know the contents thereof: that this petition is true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe it to be true. I declare under penalty of perjury that the foregoing is true and correct.

Dated this 28th day of June, 2012.

STEVEN B. WOLFSON
DISTRICT ATTORNEY

BY: /S/ DONELLA ROWE
Deputy District Attorney
Petitioner

DR/hsa



CLERK OF THE COURT

STEVEN B. WOLFSON
DISTRICT ATTORNEY
NEVADA STATE BAR NO. 001565
DONELLA ROWE
Deputy District Attorney
Nevada State Bar No. 10432
601 North Pecos Road
Las Vegas, NV 89101-2408
(702) 455-5320
Attorney for the State of Nevada

DISTRICT COURT
JUVENILE DIVISION
CLARK COUNTY, NEVADA

In the Matter of:

DARRNELL ROBERT TOWNSEL

Date of Birth: 12/10/1994

A Minor 17 Years of Age.

CASE NO. J-12-306934-D9

DEPT NO. A

COURTROOM NO. 18

CERTIFICATION PETITION

Date of Hearing: 06/29/2012

Time of Hearing: 10:00 a.m.

COMES NOW your Petitioner, the Clark County District Attorney, by and through DONELLA ROWE, Deputy District Attorney, and moves this Court to enter an Order directing that a full and complete investigation be completed to assist the Court in determining whether to retain jurisdiction in this matter or certify the subject minor for proper criminal proceedings as an adult. Petitioner prays that proceedings in this matter be arrested pending the Court's jurisdictional decision.

I

Petitioner is informed and believes and therefore alleges that the subject minor named herein is 17 years of age and was 17 years of age at the time the offenses alleged in Petition No. 9 was committed.

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II

Petitioner is informed and believes and therefore alleges that the offenses alleged to have been committed by the subject minor in Petition No. 9 would be felonious if committed by an adult, more specifically:

- Petition No. 9(1) Sexual Assault
- 9(2) Battery with Intent to Commit a Crime (Sexual Assault)
- 9(3) Burglary
- 9(4) Kidnapping – Second Degree
- 9(5) Battery Constituting Domestic Violence

III

Petitioner is informed and believes and therefore alleges that the subject minor named in this Petition has admitted or been adjudicated or been convicted of the following criminal offenses:

Offense	Date
Taking Motor Vehicle Without Consent of Owner	01/24/2008
Affray	01/24/2008
Petit Larceny	07/23/2008
Petit Larceny	07/23/2008
Violation of Probation	08/19/2008
Petit Larceny	08/19/2008
Violation of Probation	08/26/2009
Disorderly Conduct	08/26/2009

IV

Petitioner is informed and believes and therefore alleges that the offenses allegedly committed by the subject minor are not subject to presumptive certification to the adult criminal process.

V

Petitioner will supply counsel for subject minor with a true and correct copy of this Certification Petition at the time of the initial hearing scheduled in this matter.

///
///

1 WHEREFORE, Petitioner prays that these proceedings be arrested pending further
2 Order of the Court and further that the Court enter an Order directing that a full and
3 complete investigation be completed to assist the Court in determining whether to retain
4 jurisdiction in this matter or certify the subject minor for proper criminal proceedings as an
5 adult.

6 DATED this 28th day of June, 2012.

7
8 STEVEN B. WOLFSON
9 DISTRICT ATTORNEY

10
11 By: /S/ DONELLA ROWE
12 Deputy District Attorney
13 Nevada State Bar No. 10432

14 DR/hsa
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ORIGINAL

FILED IN OPEN COURT

STEVEN B. WOLFSON
DISTRICT ATTORNEY
NEVADA STATE BAR NO. 001565
DONELLA ROWE
Deputy District Attorney
Nevada State Bar No. 10432
601 North Pecos Road
Las Vegas, NV 89101-2408
(702) 455-5320
Attorney for the State of Nevada

JUN 29 2012
STEVEN D. GRIERSON
CLERK OF THE COURT

BY ADRIA WALLACE
DEPUTY

DISTRICT COURT
JUVENILE DIVISION
CLARK COUNTY, NEVADA

In the Matter of:

DARNELL ROBERT TOWNSEL

Date of Birth: 12/10/1994

A Minor 17 Years of Age.

CASE NO. J-12-306934-D9

DEPT NO. A

COURTROOM NO. 18

CERTIFICATION ORDER

This matter having come before this Court on the Petition for Certification filed on behalf of the State of Nevada by Deputy District Attorney, and good cause appearing therefore:

IT IS HEREBY ORDERED that a Juvenile Probation Officer investigate all facts and circumstances necessary to assist the Court in determining whether **DARNELL ROBERT TOWNSEL** should be certified as provided in NRS 62B.390 for proper criminal proceedings in the Eighth Judicial District Court on the following charges:

Petition

Charge

9(1)

Sexual Assault

9(2)

Battery with Intent to Commit a Crime (Sexual Assault)

9(3)

Burglary

9(4)

Kidnapping - Second Degree

9(5)

Battery Constituting Domestic Violence

2

1 IT IS FURTHER ORDERED that any and all evidence which might mitigate the
2 decision to certify the subject minor, including but not limited to evidence of substance
3 abuse, emotional or behavioral problems, be submitted to the assigned Probation Officer not
4 later than two weeks from the date of this Order;

5 IT IS FURTHER ORDERED that the proceedings in this matter be arrested until the
6 time of the submission of the report from the Juvenile Probation Department and that a
7 Certification Hearing be set at the hour of 3:00 p.m. on the 25th day of
8 July 2012, in the Juvenile Division of the Eighth Judicial District Court.

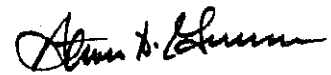
9 Dated this 29th day of June, 2012.

10
11 William O. Voy
12 WILLIAM O. VOY
13 DISTRICT COURT JUDGE
14 FAMILY DIVISION - JUVENILE

15 Submitted by:

16 Donella Rowe
17 DONELLA ROWE
18 Deputy District Attorney
19 Nevada State Bar No. 10432

20 DR/hsa
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25
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27
28


CLERK OF THE COURT

1 STEVEN B. WOLFSON
2 DISTRICT ATTORNEY
3 NEVADA STATE BAR NO. 001565
4 DONELLA ROWE
5 Deputy District Attorney
6 Nevada State Bar No. 10432
7 601 North Pecos Road
8 Las Vegas, NV 89101-2408
9 (702) 455-5320
10 Attorney for the State of Nevada

11 DISTRICT COURT
12 JUVENILE DIVISION
13 CLARK COUNTY, NEVADA

14 In the Matter of:

15 **DARRNELL ROBERT TOWNSEL**

16 Date of Birth: 12/10/1994

17 A Minor 17 Years of Age.

CASE NO. J-12-306934-D9

DEPT NO. A


COURTROOM NO. 18

18 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF**
19 **CERTIFICATION PETITION**

20 COMES NOW, the State of Nevada, by and through STEVEN B. WOLFSON,
21 District Attorney, through his Deputy, DONELLA ROWE, and files the instant
22 Memorandum of Points and Authorities in Support of Certification Petition.

23 DATED this 3rd day of July, 2012.

24 STEVEN B. WOLFSON
25 DISTRICT ATTORNEY

26 By: 
27 DONELLA ROWE
28 Deputy District Attorney
Nevada State Bar No. 10432

///

///

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
CERTIFICATION PETITION**

DARNELL ROBERT TOWNSEL's (subject minor) conduct demands that the Juvenile Division of the Eighth Judicial District Court (Juvenile Court) waive jurisdiction and transfer this case to the Criminal Division of the Eighth Judicial District Court (Criminal Court) so that Subject Minor may be tried as an adult.

I

**THE RECORD BEFORE THE COURT ESTABLISHES PROSECUTIVE
MERIT AS TO THE OFFENSES CHARGED**

The exhibits attached to the instant Memorandum of Points and Authorities in Support of Certification Petition (State's Memorandum) satisfies the minimal standard of prosecutive merit and as such Juvenile Court should enter a finding that the State has met the minimal burden of establishing prosecutive merit and engage in the certification analysis required by NRS 62B.390.¹

The Nevada Supreme Court has defined the concept of prosecutive merit to mean that there is probable cause to believe that the Subject Minor committed the crime charged:

"Prosecutive merit" is the term referring to the necessity for establishing the merit

¹62B.390. Certification of child for criminal proceedings as adult:

1. Except as otherwise provided in subsection 2 and NRS 62B.400, upon a motion by the district attorney and after a full investigation, the juvenile court may certify a child for proper criminal proceedings as an adult to any court that would have jurisdiction to try the offense if committed by an adult, if the child:
 - (a) Is charged with an offense that would have been a felony if committed by an adult; and
 - (b) Was 14 years of age or older at the time the child allegedly committed the offense.
2. Except as otherwise provided in subsection 3, upon a motion by the district attorney and after a full investigation, the juvenile court shall certify a child for proper criminal proceedings as an adult to any court that would have jurisdiction to try the offense if committed by an adult, if the child:
 - (a) Is charged with:
 - (1) A sexual assault involving the use or threatened use of force or violence against the victim; or
 - (2) An offense or attempted offense involving the use or threatened use of a firearm; and
 - (b) Was 16 years of age or older at the time the child allegedly committed the offense.
3. The juvenile court shall not certify a child for criminal proceedings as an adult pursuant to subsection 2 if the juvenile court specifically finds by clear and convincing evidence that:
 - (a) The child is developmentally or mentally incompetent to understand his situation and the proceedings of the court or to aid his attorney in those proceedings; or
 - (b) The child has substance abuse or emotional or behavioral problems and the substance abuse or emotional or behavioral problems may be appropriately treated through the jurisdiction of the juvenile court.
4. If a child is certified for criminal proceedings as an adult pursuant to subsection 1 or 2, the juvenile court shall also certify the child for criminal proceedings as an adult for any other related offense arising out of the same facts as the offense for which the child was certified, regardless of the nature of the related offense.
5. If a child has been certified for criminal proceedings as an adult pursuant to subsection 1 or 2 and the child's case has been transferred out of the juvenile court:
 - (a) The court to which the case has been transferred has original jurisdiction over the child;

1 of the prosecution's case as a condition for proceeding with the transfer process.
According to the Kent [v. United States], 383 U.S. 541, 86 S.Ct. 1045 (1966)]

2 memorandum, prosecutive merit exists if there is evidence upon which a grand
3 jury would be expected to return an indictment. To say that there is prosecutive
merit is to say that there is probable cause to believe that the subject minor
4 committed the charged crime.

Judicial economy requires that a preliminary determination be made as to
5 the prosecutive merit of the charge before going ahead with the transfer process.
If there is no prima facie case to support the charge, there is no point in the
6 court's involving itself further in the process. Thus the only reasonable way to
proceed is for the court to make an initial determination of prosecutive merit.

7 In the Matter of Seven Minors, 99 Nev. 427, 437, 664 P.2d 947, 953 (1983).

8 The same quantity of evidence is necessary for a magistrate to bind a case over to district
9 court following a preliminary hearing. In Kinsey v. Sheriff, 87 Nev. 361, 363, 487 P.2d 340, 341
10 (1971), the Nevada Supreme Court concluded, "[t]o commit an accused for trial, the State is not
11 required to negate all inferences which might explain the his conduct, but only to present enough
12 evidence to support a reasonable inference that the accused committed the offense." Further, "[a]
13 finding of probable cause may be based on slight evidence." Sheriff v. Badillo, 95 Nev. 593, 594,
14 600 P.2d 221, 222 (1979).

15 In Sheriff v. Middleton, 112 Nev. 956, 921 P.2d 282 (1996), the Nevada Supreme Court
16 carefully summarized this area of the law:

17 At trial, the state bears the burden of proving beyond a reasonable doubt the
18 corpus delicti of the crime and that the defendant committed the crime. Frutiger
[v. State, 111 Nev. [1385,] 1389, 907 P.2d [158,] 161 [(1995)]; Azbill [v. State],
19 84 Nev. [345,] 352, 440 P.2d [1014,] 1018 [(1968), cert. denied, 429 U.S. 895, 97
20 S.Ct. 257 (1976)]. However, at the preliminary hearing stage, probable cause to
bind a defendant over for trial "may be slight, 'even marginal' evidence because
it does not involve a determination of guilt or innocence of an accused." Sheriff
21 v. Rhodes, 96 Nev. 184, 186, 606 P.2d 178, 180 (1980) (citations omitted); see
also, Sheriff v. Milton, 109 Nev. 412, 414, 851 P.2d 417, 418 (1993) (the state
22 need only present sufficient evidence "to support a reasonable inference that the
accused committed the offense") (quoting, Kinsey v. Sheriff, 87 Nev. 361, 363,
23 487 P.2d 340, 341 (1971)).

24 Middleton, 112 Nev. at 961, 921 P.2d at 286.

- 25
- 26
-
- 27 (b) The child may petition for transfer of the case back to the juvenile court only upon a showing of exceptional circumstances; and
28 (c) If the child's case is transferred back to the juvenile court, the juvenile court shall determine whether the exceptional circumstances
warrant accepting jurisdiction.

1 The Nevada Supreme Court has stated that the juvenile courts of Nevada may make a
2 determination of prosecutive merit based on the written record alone. Moreover, the Court went on
3 to specifically analogize the amount of evidence necessary for establishing prosecutive merit to the
4 amount of evidence necessary for establishing probable cause to detain an adult. The policy reason
5 behind the adoption of this minimal standard is that a juvenile is not entitled to two preliminary
6 hearings.

7
8 [T]he first business of the juvenile court in a transfer proceeding should be a
9 resolution of the threshold requirement of prosecutive merit. The necessary
10 determination of probable cause can be made preliminarily by the court on the
11 basis of the written record. An adversary hearing is not required, and the probable
12 cause finding may be based on evidence taken from the petition, sworn
13 investigative reports, witnesses' affidavits, police affidavits, or other informal
14 but reliable evidence.

15 Due process does not require that a juvenile be given an adversary hearing
16 comparable to the preliminary hearing examination provided for in NRS Chapter
17 171. The process of finding probable cause in transfer matters is comparable to
18 172. the finding that must be made in pre-adjudication detention matters.

19 In detention cases the "standard- probable cause to believe the suspect has
20 committed a crime- traditionally been decided by a magistrate in a nonadversary
21 proceedings on hearsay and written testimony, and the Court has approved these
22 informal modes of proof." Gerstein v. Pugh, 420 U.S. 103, 120 (1975). After
23 such an informal proof a youth may be properly and constitutionally detained;
24 there is no reason why similar proof cannot support a finding of the existence of
25 the level of prosecutive merit necessary to serve the ends of judicial economy and
26 the individual protections referred to above.

27 Transfer proceedings are essentially dispositional in nature and not
28 adjudicatory. No determination of guilt or innocence is made. A juvenile should
not be entitled to two preliminary examinations, one at the juvenile level and
another at the adult level. Consequently, the state may be said to have met its
initial burden of showing prosecutive merit if proof consistent with the holdings
in Gerstein can be presented.

In re: Three Minors, 100 Nev. 414, 418, 684 P.2d 1121, 1123-24 (1984).

The reality of the matter is that the State has established slight or marginal evidence that
Subject Minor participated in the offense(s) at issue.

II

THE PUBLIC SAFETY AND WELFARE REQUIRES TRANSFER OF JURISDICTION OVER THIS MATTER TO THE CRIMINAL COURT

The public safety and welfare requires waiver of jurisdiction in this matter from the
Juvenile Court to the Criminal Court.

The policy justifying transfer pursuant to NRS 62B.390 amounts to a realization that

1 there is no set age at which a particular juvenile may be held accountable for his or her conduct
2 as an adult and that when a court is called upon to make a personalized determination of which
3 system should adjudicate the questions of guilt and the punishment the primary concern is the safety
4 and welfare of the public and not the best interest of the minor. The Nevada Supreme
5 Court has summarized the development of Juvenile Court as an institution and the public policies
6 driving the evolution of NRS 62B.390:

7 Juvenile courts have traditionally been preoccupied with the interests of the child,
8 and the interests of the state, as such, did not become a declared, joint purpose of
our Juvenile Court Act until 1949.

9 The juvenile court from its inception in Illinois in 1899 until approximately
10 the middle of this century was a child-centered institution based on theories taken
11 from the positive school of criminology and especially on the deterministic
principle that youthful law violators are not morally or criminally responsible for
12 their behavior but, rather, are victims of their environment--an environment which
can be ameliorated and modified much in the way that a
physician modifies the milieu interieur of a sick patient.

13 Under such a doctrine the juvenile court tended to lose its identity as a court
and became more of a social clinic than a court of law. Lost to such an institution
14 was the moralizing and socializing influence associated with the
operation of criminal courts; and, more importantly, lost too were society's
15 ageless responses to criminal behavior: punishment, deterrence, retribution and
segregation. So it was that juvenile courts in Nevada prior to 1949 were not
16 charged with administering the criminal law for the protection of society against
juvenile criminality but were required to treat the youthful law violator "not as a
criminal, but as misdirected, and misguided and needing aid, encouragement and
17 assistance." NCL S 1032.

18 This kind of kindly, paternalistic approach was eventually seen as being
ill-suited to the task of dealing with juvenile crime. The legislative response to
19 this realization was that toward the middle of this century a number of state
legislatures, including our own, made changes in the purpose clause of juvenile
20 court acts so that juvenile courts were required to consider the public interest as
well as the child's interest. This departure from traditional juvenile justice
21 philosophy is significant. We take it to indicate that the status of juvenile courts
as courts is to be recognized and that protection of the public against juvenile
22 criminal offenders may be effected by invocation of the means traditionally
employed in the judicial administration of the criminal law. Juvenile courts may
23 under such legislative direction properly consider the punitive, deterrent and other
accepted adjuncts of the criminal law.

24 Although juvenile courts may have difficulty at times in balancing the
interests of the child and the public, there is no irreconcilable opposition between
25 the two. By formally recognizing the legitimacy of punitive and deterrent
sanctions for criminal offenses juvenile courts will be properly and somewhat
26 belatedly expressing society's firm disapproval of juvenile crime and will be
clearly issuing a threat of punishment for criminal acts to the juvenile population.

27 Id., 99 Nev. at 431-32, 664 P.2d at 950 (1983).

28 Certification is an essential safety valve designed to deal with the worst offenders or the
offenders who engage in the worst conduct:

1 Transfer has played an important role in juvenile court jurisprudence since its
2 earliest days and has acted as a safety valve through which offenders who were
3 within the statutory age of juvenile court jurisdiction could in appropriate
circumstances be held accountable for their criminal acts by referral to the adult
criminal justice system.

4 Id. at 430, 664 P.2d at 949.

5 This enlightened, modern philosophy of juvenile justice elicited a clear public policy
6 statement from the Nevada Supreme Court: "the court's duty to the public is paramount. **The**
7 **primary purpose of juvenile court intervention in delinquency cases is social control**; and
8 when one interest must predominate, it should be that of the public." Id. at 433, 664 P.2d at 951
9 (emphasis added). In the context of a transfer proceeding this statement of public policy
10 mandated a complete abandonment of the "best interest of the child" standard:

11 Once transfer is justified on the basis of public interest and safety, **there is no need**
12 **to consider the "best interest of the child" or the youth's amenability to**
13 **treatment** in the juvenile court system except insofar as such considerations bear
on the public interest.

14 ...
15 With community protection as the guiding principle to be considered in
16 transfer proceedings, **subjective evaluations and prognostications as to whether**
17 **a given youth is or is not likely to respond favorably to juvenile court**
18 **treatment will no longer be the court's primary focus** in transfer proceedings;
rather, the dispositive question to be addressed by the court is whether the public
interest requires that the youth be placed within the jurisdiction of the adult
criminal courts.

19 Id. at 433-34, 664 P.2d at 951-52 (emphasis added).

20 The focus of the transfer inquiry then is on the conduct of the minor in terms of the danger
21 that conduct represents to society and should not involve an amorphous attempt at guesstimating
22 whether a particular juvenile will be saved by Juvenile Court intervention:

23 **[T]he juvenile court no longer bases transfer decisions on the issue of whether**
24 **a juvenile facing transfer is a suitable subject for the juvenile court's**
25 **rehabilitation efforts, but, rather, on the youth's criminal conduct** and whether
26 under the circumstances the public interest and safety will permit the youth before
the court to be treated as a child."

27 ...
28 The transfer process is based upon the sound idea that there is no arbitrary age at
which all youths should be held fully responsible as adults for their criminal acts
and that there should be a transition period during which an offender may or may
not be held criminally liable, depending upon the nature of the offender and the
offense.

Jeremiah B. v. State, 107 Nev. 924, 926, 823 P.2d 883, 884 (1991) (internal quotation marks and
citation omitted) (emphasis added).

1 Furthermore, the Nevada Supreme Court has specifically endorsed punishment as a
2 legitimate response to juvenile offenders: "[T]he integrity of the criminal law is maintained by
3 seeing to it that those who commit crimes are punished. ... [P]unitive incarceration may be
4 justified in juvenile cases for serious criminal violations because the youthful offender
5 deserves to be punished." Scott L. v. State, 104 Nev. 419, 422, 760 P.2d 134, 135-36 (1988)
6 (emphasis added). Obviously the most severe punishment Juvenile Court can order is transfer to the
7 criminal justice system for treatment as an adult.

8 This enlightened, modern philosophy of juvenile justice has been codified by the Nevada
9 Legislature. NRS 62B.390 is jurisdictional in nature and establishes two presumptions regarding
10 transfer decisions. Discretionary certification establishes a presumption that a particular juvenile is
11 within the jurisdiction of Juvenile Court while presumptive certification establishes a presumption
12 that a particular defendant is outside the jurisdiction of Juvenile Court.

13 In this case, the State is seeking discretionary certification. Discretionary certification
14 creates a presumption of continued Juvenile Court jurisdiction where the State must demonstrate by
15 clear and convincing evidence that the public safety and welfare requires waiver of jurisdiction.
16 Seven Minors, 99 Nev. at 436-37, 667 P.2d at 953. The State may rebut the presumption of
17 continued Juvenile Court jurisdiction by establishing that the decisional matrix requires waiver of
18 jurisdiction:

19 In transfer matters, then, we hold that the juvenile court should consider a
20 decisional matrix comprised of the following three categories: first, nature and
21 seriousness of the charged offenses; second, persistency and seriousness of past
22 adjudicated or admitted criminal offenses; and third, what we will refer to as the
subjective factors, namely, such personal factors as age, maturity, character,
personality and family relationships and controls.

23 Id. at 434-35, 664 P.2d at 952.

24 In certification proceedings the "primary and most weighty consideration will be give to the
25 first two of the categories." Id. 435, 664 P.2d at 952. Essentially, the subjective factors act as a
26 "tie breaker:"

27 This third category, involving subjective evaluations of the youth, will come into
28 play principally in close cases in which neither of the other two categories clearly
impels transfer to adult court. In such cases, even given fairly serious criminal
activity, a decision not to transfer may be properly and wisely made because such

1 individual considerations as mental attitude, maturity level, emotional stability,
2 family support and positive psychological and social evaluations require a finding
that the public interest and safety are best served by retaining the youth in the
juvenile system.

3 Id.

4 The policy arguments justifying the doctrine of waiver, the specific statutory elements of
5 NRS 62B.390 and or the precedents of the Nevada Supreme Court require transfer of this matter
6 from Juvenile Court to Criminal Court. The primary purpose of Juvenile Court intervention is to
7 protect the safety and welfare of the public and in the matter at hand that obligation requires transfer
8 of Subject Minor to the Criminal Court.

9 CONCLUSION

10 Based on the foregoing, Juvenile Court should waive jurisdiction over Subject Minor.

11 DATED this 3rd day of July, 2012.

12
13 STEVEN B. WOLFSON
DISTRICT ATTORNEY

14
15 By: 

16 DONELLA ROWE
17 Deputy District Attorney
Nevada State Bar No. 10432

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19 DR/hsa
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LVMPD Event# 120622-0318

Clark County Department of Juvenile Justice Services

DECLARATION OF ARREST

Primary Suspect: DARRNELL ROBERT TOWNSEL

Date of Arrest: 06/22/2012 **Time of Arrest:** 09:48 PM

Offense: FEL / Sexual Assault / Principal
FEL / Burglary / Principal

Offense Location: 3630 East Owens Ave

Date of Offense: 06/22/2012 **Time of Offense:** 01:30 PM **DR/Event Number:** 1206220318

THE UNDERSIGNED MAKES THE FOLLOWING DECLARATIONS SUBJECT TO THE PENALTY FOR PERJURY AND SAYS: That I am a peace officer with LVMPD, being so employed for a period of 12 years and 3 months. That I learned the following facts and circumstances which lead me to believe that the above named subject committed (or was committing) the above offense(s) at the location listed above and that the offense(s) occurred at the above-listed date and time.

Details for Probable Cause:

On 06-22-12 officers responded to 3630 E. Owens reference a Sexual Assault / Burglary call and the following was documented on an Incident Crime Report.

On 06-22-12, at approximately 0130 hours victim Breaux, Sylvia stated to be asleep in her room along with her 13 and 6 year old brothers. Breaux stated to have been awakened by her ex-boyfriend Townsel, Darnel. Breaux stated that Townsel had come in through the bedroom window and started to pull off her shorts and told her to be quiet, Breaux stated she told Townsel to stop and that is when Townsel covered her mouth and penetrated her vagina with his penis. Breaux stated Townsel did not use a condom and had ejaculated in her.

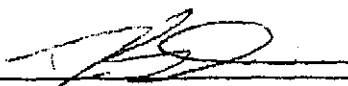
Breaux stated after Townsel finished she asked him if she could use the bathroom, Townsel allowed her to go to the bathroom as long as she did not tell her mother that he was in the apartment. Breaux went to her mother's room and told her that Townsel was there in her apartment. Tiffany Breaux got out of bed and told Townsel to leave and he refused to do so until the police were called. Breaux was transported to UMC Hospital and received a SANE exam (sexual assault exam) where the nurse recovered semen from her vagina.

Detectives conducted a taped interview with Breaux who stated that Townsel came into her apartment uninvited and woke her up by poking her on the shoulder and then removed her shorts against her will and forcefully put his penis in her vagina against her will.

Townsel was picked up by police on 06-22-12 at Breaux's apartment complex under event #120622-3721 reference him trespassing, when contacted by police he ran from the police and was taken into custody a short time later. He was then transported to the ISD building where he was read his Miranda rights and agreed to talk to detectives, Townsel told detectives that he went Breaux's residence and climbed up to her second story bedroom window from the ground floor. He then slid open her bedroom window and climbed inside the window into her bedroom where he said he saw Breaux and her two brothers sleeping on the floor. Townsel states he poked Breaux on the shoulder to wake her up and she said, "What are you doing here?" Townsel states he lied down next to Breaux and began to kiss on her

neck when she tells him "I don't want to". Townsel said he kept "going anyway" and removed her bottoms and had sex with her, he stated when he was finished Breaux looked at him and said "I hate you". Townsel told detectives he knew he was not allowed in the apartment and said "I just climbed through the window, it's not like I kicked in the door". Based on the facts and confession to these facts by Townsel, he was transported to LVJH and booked accordingly.

Wherefore, Declarant prays that finding be made by a Hearing Master / Judge that probable cause exists to hold said person pending plea and trial.



Declarant's Signature

SHANE, D

Declarant's Name

06-22-12

Date

REQUEST FOR PROSECUTION 1(A)

PAGE 1 OF 2

AGENCY CASE NO: 120622-0318

SUBMITTING AGENCY

AGENCY: <u>LVMPD</u>	PHONE: <u>828-3421</u>	AGENCY NOTES:
DETAIL: <u>SEXUAL ASSAULT</u>	FAX #: _____	
OFFICER: <u>DET. D.SHANE</u>	P#: <u>6727</u>	

DEFENDANT INFORMATION

▲ A	NAME: <u>TOWNSEL, DARRNELL</u>	ID NO: _____	ARR PAD RET
	AKA: _____		
	<input type="checkbox"/> AFFIDAVIT FOR WARRANT <input checked="" type="checkbox"/> DECLARATION OF ARREST <input type="checkbox"/> REQUEST SUMMONS <input type="checkbox"/> SCOPE <input type="checkbox"/> FBI <input type="checkbox"/> CII		
▲	NAME: _____	ID NO: _____	ARR PAD RET
	AKA: _____		
	<input type="checkbox"/> AFFIDAVIT FOR WARRANT <input type="checkbox"/> DECLARATION OF ARREST <input type="checkbox"/> REQUEST SUMMONS <input type="checkbox"/> SCOPE <input type="checkbox"/> FBI <input type="checkbox"/> CII		

DA OFFICE USE ONLY

CASE NO:	TRACK	ATTY	DATE
----------	-------	------	------

CHARGE INFORMATION

SEQ NO	▲	CHARGES	NRS	EVENT NO	DATE / TIME	LOCATION / ZIP	VICTIM
1	A	SEXUAL ASSAULT <input checked="" type="checkbox"/> F <input type="checkbox"/> GM <input type="checkbox"/> M	200.366	120622-0318	06/22/12	3630 E. OWENS 12/2085, LVN 89115	BREAUX, TIFFANY

ATTY NOTES:

2	A	BURGLARY <input checked="" type="checkbox"/> F <input type="checkbox"/> GM <input type="checkbox"/> M	205.060	120622-0318	06/22/12	3630 E. OWENS 12/2085, LVN 89115	BREAUX, TIFFANY
---	---	--	---------	-------------	----------	-------------------------------------	--------------------

ATTY NOTES:

		<input type="checkbox"/> F <input type="checkbox"/> GM <input type="checkbox"/> M					
--	--	---	--	--	--	--	--

ATTY NOTES:

		<input type="checkbox"/> F <input type="checkbox"/> GM <input type="checkbox"/> M					
--	--	---	--	--	--	--	--

ATTY NOTES:

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
WITNESS LIST**

AGENCY CASE NO: 120622-0318

CODES	ID	P	ADDRESS	NAME	ID/P No.	DOB	RES	EMP	
Wit Codes V			NAME <u>SYLVIA BREAUX</u>		ID/P No. <u>702/517-1046</u>				
			SSN <u>[REDACTED]</u>		DOB <u>12/10/1993</u>				
			RES <u>3630 E. OWENS 12/2085</u> <u>LAS VEGAS</u>		NV <u>89115</u>				
			STUDENT						
				EMPL <u>Business Name / Title</u>		Email Address			
				Street 1		City		State ZIP FAX	
Wit Codes VR			NAME <u>TIFFANY BREAUX</u>		ID/P No. <u>702/517-1046</u>				
			SSN <u>[REDACTED]</u>		DOB <u>06/26/1975</u>				
			RES <u>3630 E. OWENS 12/2085</u> <u>LAS VEGAS</u>		NV <u>89115</u>				
			EMPL <u>Business Name / Title</u>						
				Email Address					
				Street 1		City		State ZIP FAX	
Wit Codes VR			NAME <u>DANNY JACKSON</u>		ID/P No. <u>702/483-6822</u>				
			SSN <u>[REDACTED]</u>		DOB <u>10/18/1973</u>				
			RES <u>3980 E. OWENS 202</u> <u>LAS VEGAS</u>		NV <u>89115</u>				
			EMPL <u>Business Name / Title</u>						
				Email Address					
				Street 1		City		State ZIP FAX	
Wit Codes O			NAME <u>DETECTIVE D.SHANE</u>		ID/P No. <u>6727</u>				
			SSN <u>[REDACTED]</u>		DOB <u>702/828-3421</u>				
			RES <u>[REDACTED]</u> <u>[REDACTED]</u>		[REDACTED]				
			LVMPD SEXUAL ASSAULT						
				EMPL <u>Business Name / Title</u>		Email Address			
				Street 1		City		State ZIP FAX	

Witness Codes:	V: Victim	VR: Victim Related	O: Officer
OOS: Out-Of-State	H: Hostile	DR: Defendant Related	M: Minor

INCIDENT REPORT

120622-0318

Specific Crime(s) SEXUAL ASSAULT / BURGLARY										Attempt <input type="checkbox"/> City <input type="checkbox"/> County <input checked="" type="checkbox"/>		FLO <input type="checkbox"/> TELE <input type="checkbox"/> STA <input type="checkbox"/> M <input type="checkbox"/> GM <input checked="" type="checkbox"/> F <input type="checkbox"/>		Secu/Real <input type="checkbox"/> F1 <input type="checkbox"/>				
Location of Incident: (Number & Street) 3630 E. OWENS AVE										Bldg. # 12		Apt. # 2085		City LV		State Zip Code NV 89115		
Occurred	Month 06	Day 22	Year 12	Day/Wk FAI	Time 0130	Report Taken	Month 06	Day 22	Year 12	Time 0250	Bias Crime Y N (U)	Gang Related Y N (U)	Substance Abuse Y N (U)					
On / Blm.	06	22	12	FAI	0152	Citizn Advd Follow-Up G N N/P	Connecting Reports VOL											
If Arrest was made, name Arrestee(s) on appropriate page and place # of Arrestees in box															P # 13915	Reporting Officer J. SIDMAN	Squad NEIL	Follow-Up Y (N)
Was there a witness? <input checked="" type="checkbox"/> Victim <input type="checkbox"/> Other <input type="checkbox"/>															P #	Reporting Officer	Squad	
Can suspect be named? <input checked="" type="checkbox"/>															P #	Reporting Officer	Squad	
Can suspect be located? <input checked="" type="checkbox"/>															P #	Supervisor Approving Report	Follow-Up	
Can suspect be described? <input checked="" type="checkbox"/>															P #	I.D. Specialist		
Can suspect be identified? <input checked="" type="checkbox"/>															P #			

ALWAYS LIST VICTIM(S) FIRST

# 1	Veh. #	Statement <input checked="" type="checkbox"/> Y	Can I.D. <input checked="" type="checkbox"/> Y	Name (Last / First / Middle) OR Business Name BREAUX, SYLVIA									
Date of Birth 12-10-93	Social Security #	Race B	Sex F	Ht. 5'3	Wt. 115	Hair BLK	Eyes BRO	Work Schd. (Hrs / Days Off)	Business / School				
Residence Address: (Number & Street) 3630 E. OWENS AVE		Bldg./Apt. # 12/2085		City LV		State NV		Zip Code 89115		Res. Phone: 702-517-1046			
Cellular Phone		International Phone		Email Address									
Bus. (Local) Address: (Number & Street)		Bldg./Apt. #		City		State		Zip Code		Occupation <input type="checkbox"/> Tourist: Depart Date			
# 2	Veh. #	Statement <input checked="" type="checkbox"/> Y	Can I.D. <input checked="" type="checkbox"/> Y	Name (Last / First / Middle) OR Business Name BREAUX, TIFFANY									
Date of Birth 06-26-75	Social Security #	Race B	Sex F	Ht. 5'3	Wt. 120	Hair BLK	Eyes BRO	Work Schd. (Hrs / Days Off)	Business / School				
Residence Address: (Number & Street) 3630 E. OWENS AVE		Bldg./Apt. # 12/2085		City LV		State NV		Zip Code 89115		Res. Phone: 702-517-1046			
Cellular Phone		International Phone		Email Address									
Bus. (Local) Address: (Number & Street)		Bldg./Apt. #		City		State		Zip Code		Occupation <input type="checkbox"/> Tourist: Depart Date			

#	Year	Make	Model	Value	DESCRIPTION											
License #	State	LIC Type	Mo./Yr.	VIN #	1 2-door	7 Hatchback	12 Off-Road	18 Trailer								
COLOR 1 (top)	COLOR 2 (bottom)	COLOR 3 (middle)	25 Yellow	26 Primer/Rust	2 4-door	8 Mini Trk/Camper	14 P/up w/Camper	20 Van/Mini-van								
1 Unknown	7 Bronze	13 Lt. Green	19 Purple	27 Primer/Gray	3 Bicycle	9 Mini Trk/Utility	15 RV	99 Other (describe)								
2 Beige	8 Brown	14 Green	20 Red	28 Chrome	4 Convertible	10 Moped	16 Snowmobile									
3 Black	9 Copper	15 Dk. Green	21 Silver	29 Lavender	5 Dirt Bike	11 Motorcycle	17 Station Wagon									
4 Lt. Blue	10 Cream	16 Maroon	22 Tan	30 Metal	FEATURES											
5 Blue	11 Gold	17 Orange	23 Turquoise	39 Other	4 Ft-Bumper	20 4-Wheel Drive	34 Extra Antenna	43 Door Panels Gone								
6 Dk. Blue	12 Gray	18 Pink	24 White		5 R-Bumper	21 Sunroof	35 Primer	44 Broken Windows								
					12 Bucket Seats	23 Special Tires	36 Rust	45 Loud Muffler								
					13 Bench Seats	25 Special Rims	37 Decorative Paint	46 Trailer Hitch/Towbar								
					15 T-Top	27 Roll Bar	38 Metallic Paint	49 Damage to Front								
					16 Vinyl Top	28 Spoilights	39 Painted Inscription	50 Damage to Rear								
					17 Hubcaps	29 Level Altered	40 Sticker on Body	51 Damage to Side								
						31 Tinted Windows	41 Sticker on Window									
Lost/Stolen Plates Only					# of Plates Missing	Where is Other Plate?		WVS	P # / Date / Time							
Vehicle used in Commission of Crimes?					<input type="checkbox"/> YES <input type="checkbox"/> NO		Event #s									
Registered: Owner's Name (Last, First, Middle) or Firm Name					Date of Birth		Social Security #									
Legal:					Address: (Number & Street)		Bldg./Apt. #		City		State		Zip Code		Res. Phone:	
															Bus. Phone:	

S = Stolen D = Damaged L = Lost E = Stolen but Retained by Security										Property Listing Complete? Y N U									
Pers. #	SDLE Status	UCR Code	Make or Brand / Model	Caliber	Barrel Length	Serial #	Q=QAN M=Misc	Serial Number / QAN	City	Description (Include other Marks of I.D.)	Value								
<input checked="" type="checkbox"/> Enter Case File <input type="checkbox"/> Create Case File <input type="checkbox"/> Fax CPS Det. Assigned D. Shane Ev. No.																			

UCR CODE CATEGORIES

A Cash/Notes/Casino Chips/etc.
 B Jewelry & Precious Metals
 C Clothing & Furs

E Office Equip. (Incl. Computers)
 F TVs/Stereos/Cameras/VCRs/Phones
 G Firearms (NOT Ammo or Scopes)

H Household Goods/Appliances
 I Consumable Goods (Incl. Drugs)
 J Livestock (NOT Domestic)

K Miscellaneous (Bicycles/Auto Parts/ Badges/etc.)

Page 2 of 6

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
INCIDENT REPORTEvent #
120622-0318

#5	Veh. #	Statement Y	Name (Last, First, Middle)	Monikers	ID #
Age or DOB 12-10-94	Social Security #	Obtained? <input checked="" type="checkbox"/> N	TOWNSEL, DARNELL		
Address: (Number & Street) 2605 KAREN CT	Bldg./Apt. # 447	City LV	State NV	Zip Code 89109	Res. Phone: 702-689-4379
Last Seen Wearing PURPLE T-SHIRT / BLUE SHORTS	Citation #	P# Taking ATL	Date	Time	
#	Veh. #	Statement Y	Name (Last, First, Middle)	Monikers	ID #
Age or DOB	Social Security #	Obtained? <input type="checkbox"/> N			
Address: (Number & Street)	Bldg./Apt. #	City	State	Zip Code	Res. Phone:
Last Seen Wearing	Citation #				Bus. Phone:

Narrative 503B must be completed, whether suspect is in custody or not.

ON 06-22-12, AT APPROX 0130 HOURS VICTIM BREAUX, SILVIA DOB 12-10-93 STATED TO BE ASLEEP IN HER ROOM ALONG WITH HER 13 AND 6 YEAR OLD BROTHERS. BREAUX STATED TO HAVE BEEN AWAKEN BY HER EX-BOYFRIEND TOWNSEL, DARNELL DOB 12-10-94, BREAUX STATED THAT TOWNSEL STARTED TO PULL OFF HER SHORTS AND TOLD HER TO BE QUIET. BREAUX STATED SHE TOLD TOWNSEL TO STOP AND THAT IS WHEN TOWNSEL COVERED HER MOUTH AND PENETRATED HER VAGINA WITH HIS PENIS. BREAUX STATED THAT TOWNSEL DID NOT USE A CONDOM AND EJACULATED IN HER. BREAUX STATED THAT AFTER TOWNSEL FINISHED, SHE ASKED HIM IF SHE COULD USE THE BATHROOM, BREAUX STATED TOWNSEL ALLOWED HER TO GO TO THE BATHROOM AS LONG AS SHE DID NOT TELL HER MOM THAT SHE WAS THERE. BREAUX STATED TO HAVE WENT TO HER MOTHERS ROOM AND TOLD HER THAT TOWNSEL WAS IN HER ROOM. BREAUX STATED HER MOTHER BREAUX, TIFFANY DOB 06-26-75 GOT OUT OF BED

ASSAULT DATA 1 Hands, Mol, Feet (with substantial injury) 2 Hands, Feet (without substantial injury)		LARCENY CLASSIFICATION A Pocket-Picking B Purse-Snatching C Shoplifting D From Any Coin Oper. Machine E From Building (Excl. Shopping & Coin Oper. Machines) F From Autos (Excl. Parts & Access.) G Other		BURGLARY DATA 1 Residence 2 Non-Residence 3 Night (8 pm-8 am) 4 Day (8 am-8 pm) 5 Unknown 6 Force 7 No Force					
PREMISE (General) Occupied? <input checked="" type="checkbox"/> N 1 Airport 2 Apartment 3 Bank/Savings/Credit Union 4 Bar/Lounge 5 Bus Station/Bus 6 Casino 7 Church 8 Condo/Townhouse 9 Construction Site 10 Convenience Store 11 Convention Facility 12 Desert 13 Dormitory		14 Fast Food Restaurant 15 Fenced Yard 16 Garage/Carport 17 Gas/Service Station 18 Grocery Store 19 Hospital 20 Hotel/Motel 21 Industrial Complex 22 Jail/Prison 23 Lake/Waterway 24 Liquor Store 25 Medical Office 26 Mobile Home 27 Mountain Area 28 Movie Theater		29 Office 30 Park 31 Public Building 32 Rental Storage 33 Restaurant 34 Retail Business 35 School/Child Care 36 Shopping Mall 37 Single Family Residence 38 Sports Complex 39 Store Room/Shed 40 Street/Roadway/Alley 41 Vehicle 42 Warehouse 43 Other		PREMISE (specific) 1 Elevator 2 Driveway 3 Parking Lot 4 Rest room 5 Room 6 Sporting Event 99 Other SURROUNDING AREA 1 Alley 2 Adjacent Open Field 3 Middle of Block 4 Corner 5 Out-of-Sight 99 Other		RELATIONSHIP TO SUSPECT 1 None 2 Co-Worker/Partner 3 Former Co-Worker/Partner 4 Fiance 5 Spouse 6 Former Spouse 7 Roommate 8 Former Roommate 9 Friend/Acquaintance 10 Immediate Family 11 Neighbor 12 Relative by Marriage 13 Rival Gang Member 14 Other <u>EX-BOYFRIEND</u>	

Patrol Follow-Up

SUSPECT

NARRATIVE

UCR

GENERAL INFO

FOLLOW UP

SEE COLOR LIST ON P.1A CLOTHING COLOR Headwear <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Coat <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Shirt <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Pants <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Shorts <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Skirt <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Shoes <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		FACIAL HAIR 1 1 Clean Shaven 2 2 Unshaven 3 3 Full Beard 4 4 Goatee 5 5 Moustache 6 6 Sideburns 99 99 Other _____ SPEECH MANNER 1 1 Not Heard 2 2 Not Unusual 3 3 Apologetic 4 4 Articulate 5 5 Bad Grammar 6 6 Polite 7 7 Prolane/Abusive 99 99 Other _____ SPEECH CHARACTERISTICS 1 1 Accent 2 2 Stutter 3 3 Lisp 4 4 Slurred 5 5 Loud 6 6 Soft 7 7 Slow 8 8 Rapid 9 9 Not Unusual 99 99 Other _____ APPEARANCE 1 1 Stocking Mask 2 2 Ski Mask 3 3 Bandana Mask 4 4 Costume Mask 5 5 Facial Disguise 6 6 Ragged/Transient 7 7 Business Clothes 8 8 Casual Clothes 9 9 Uniform 10 10 Coat/Jacket 11 11 Dressed as Opp. Sex 12 12 Distinctive Jewelry 99 99 Other _____		TEETH 1 1 Normal 2 2 Missing/Gaps 3 3 Protrude/Overbite 4 4 Decayed 5 5 Crooked 6 6 Broken 7 7 Gold Design/Cap 8 8 Silver Design/Cap 9 9 Braces 99 99 Other _____ EYES 1 1 Normal 2 2 Crossed 3 3 Small 4 4 Large 5 5 Afflicted Eye 6 6 Glasses 7 7 Contact Lenses 8 8 Different Colors 99 99 Other _____ COMPLEXION 1 1 Fair 2 2 Medium 3 3 Dark 4 4 Suntanned 5 5 Acne 6 6 Pock Marks 7 7 Freckled 99 99 Other _____ INJURY/CONDITION 1 1 None Observed 2 2 Cast 3 3 Crutches 4 4 Cane 5 5 Limping 6 6 Bandages 7 7 Bleeding/Blood Stains 8 8 Appeared Sick 9 9 Appeared Intoxicated/UICS 99 99 Other _____		TATTOOS (describe in narrative) 1 1 Name 2 2 Initials 3 3 Words 4 4 Picture 5 5 Number/s 6 6 Symbol/s SCARS / MARKS / TATTOOS & INJURIES (Location Identifiers) S = Scar M = Mark T = Tattoo I = Injury 1 None Observed 2 Head 3 Left Cheek <input type="checkbox"/> <input type="checkbox"/> 4 Right Cheek <input type="checkbox"/> <input type="checkbox"/> 5 Chin <input type="checkbox"/> <input type="checkbox"/> 6 Forehead <input type="checkbox"/> <input type="checkbox"/> 7 Lip <input type="checkbox"/> <input type="checkbox"/> 8 Nose <input type="checkbox"/> <input type="checkbox"/> 9 Left Ear <input type="checkbox"/> <input type="checkbox"/> 10 Right Ear <input type="checkbox"/> <input type="checkbox"/> 11 Eyebrow/Eyes <input type="checkbox"/> <input type="checkbox"/> 12 Neck <input type="checkbox"/> <input type="checkbox"/> 13 Left Upper Arm <input type="checkbox"/> <input type="checkbox"/> 14 Right Upper Arm <input type="checkbox"/> <input type="checkbox"/> 15 Left Forearm <input type="checkbox"/> <input type="checkbox"/> 16 Right Forearm <input type="checkbox"/> <input type="checkbox"/> 17 Left Hand <input type="checkbox"/> <input type="checkbox"/> 18 Right Hand <input type="checkbox"/> <input type="checkbox"/> 19 Finger(s) <input type="checkbox"/> <input type="checkbox"/> 20 Chest <input type="checkbox"/> <input type="checkbox"/> 21 Back <input type="checkbox"/> <input type="checkbox"/> 22 Left Leg <input type="checkbox"/> <input type="checkbox"/> 23 Right Leg <input type="checkbox"/> <input type="checkbox"/> 99 Other _____		PRIMARY MEANS OF ATTACK 1 1 Handgun 2 2 Shotgun 3 3 Rifle 4 4 Simulated Gun 5 5 Unknown Gun 6 6 Strongarm 7 7 Threats 8 8 Drugs/Poison 9 9 Knife 10 10 Explosives 11 11 Vehicle 12 12 Club/Tire Iron 13 13 Blunt Object 14 14 Fire/Incendiary Devices 99 99 Other _____ WEAPON FEATURES 1 1 Chrome/Nickel/Stainless 2 2 Blue Steel 3 3 Distinctive Grips 4 4 Automatic 5 5 Revolver 6 6 Large Frame 7 7 Small Frame 8 8 Short Barrel 9 9 Long Barrel 10 10 Double Barrel 11 11 Over/Under 12 12 Sawed Off 13 13 Bolt Action 14 14 Lever Action 15 15 Pump Action 99 99 Other _____ (Make/Model/etc.)	
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SUSPECT DESCRIPTION

MISSING PERSON

BOAT & TRAILER

LIST THE PERSON MISSING IN THE SPACE PROVIDED BELOW

CHECK ONE <input type="checkbox"/> Voluntary <input type="checkbox"/> Involuntary <input type="checkbox"/> Unknown		Missing Y Last Seen by Whom? _____ Before? N		Last Seen with Whom? _____	
CHECK ONE <input type="checkbox"/> Abducted by Stranger <input type="checkbox"/> Voluntary <input type="checkbox"/> Abducted by Parent <input type="checkbox"/> Cause Unknown		Where Last Seen? _____		Date _____ Time _____ Probable Destination _____	
How Long at Present Address? _____		Previous Address (Number & Street) _____ Bldg./Apt.# _____ City _____ State _____ Zip Code _____		Place of Birth _____	
Last Seen Wearing _____		Description of Jewelry _____		Scars, Tattoos, Teeth Info, etc. _____	
Blood Type	Fingerprints Available? Y N	Footprints Available? Y N	Body X-Rays? F P N	Dental Records? Y N	Corrected Vision? Y N
Circumcision? Y N N/A	Photo Attached? Y N				
Cust. Parent / Lgl. Guardian (if juv.) - Relative (if adult) Relationship _____		<input type="checkbox"/> Natural <input type="checkbox"/> Step Medical Info (medicines used, etc.) _____			
Address (Number & Street) _____ Bldg./Apt.# _____ City _____ State _____ Zip _____		Res. Phone: _____ Bus. Phone: _____		Work Sched. (Hrs / Days Off) _____	
Parent / Legal Guardian (if juvenile) - Relative (if adult) Relationship _____		Address (Number & Street) _____ Bldg./Apt.# _____ City _____ State _____ Zip _____			
Year Make	Brand (model)	Hull Identification # (HIN)	State Registration #	State / Year Reg.	
VESSEL TYPE <input type="checkbox"/> Runabout <input type="checkbox"/> Canoe <input type="checkbox"/> Cruiser <input type="checkbox"/> Housbt <input type="checkbox"/> Jet Ski <input type="checkbox"/> Other		HULL MATERIAL <input type="checkbox"/> Wood <input type="checkbox"/> Rubber <input type="checkbox"/> Metal <input type="checkbox"/> Other <input type="checkbox"/> Fiberglass		TYPE PROPULSION <input type="checkbox"/> Outboard <input type="checkbox"/> In/Out <input type="checkbox"/> Inboard <input type="checkbox"/> Sail <input type="checkbox"/> Oars/Pad <input type="checkbox"/> Jet	
Boat Length _____ Boat Color Primary _____ Secondary _____		Engine Make & Model _____ H. P. _____			
Engine Serial # _____ Propulsion Serial # _____		Value _____ Marks of Identification _____			
TRAILER INFORMATION					
Year	Trailer Brand	Trailer License #	State	Year	Style
Trailer Length _____ # of Axles _____		Trailer Primary _____ Secondary _____		Trailer Color _____	
Trailer VIN # _____		Value _____ Marks of Identification _____			

Page 4 of 6

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

INCIDENT REPORT

Event #

120622-0318

ANY INFORMATION GIVEN SHOULD BE DETAILED IN NARRATIVE

ENTRY/EXIT POINT (Include Attempt) 1 Unknown 2 Adjacent Building 3 Attic/Crawl Space 4 Balcony 5 Coin Operated Machine 6 Doggie Door 7 Door 8 Duct/Vent 9 Fence 10 Fire Escape 11 Floor 12 French Door 13 Garage/Carport 14 Roof 15 Skylight 16 Sliding Door 17 Wall 18 Window 99 Other _____ ENTRY LOCATION 1 Unknown 2 North 3 South 4 East 5 West 6 Front	ENTRY <input checked="" type="checkbox"/> EXIT <input type="checkbox"/> ENTRY OR ATTEMPT METHOD 1 Admitted - No Force 2 Bodily Force 3 Broke Hole in Wall 4 Climbed In/Over/Thru 5 Concealment 6 Cut 7 Explosion/Burned 8 Fraud/Hoax 9 Kicked In 10 Knob Twist 11 Lock Punch 12 Open for Business 13 Pried/Unlocked 14 Smash & Grab 15 Unlocked 99 Other _____ ENTRY TOOL 1 Bolt Cutters 2 Chemicals 3 Club Type Object 4 Coat Hanger/Wire 5 Cutting Torch 6 Drill/Saw 7 Explosives	8 Glass Cutter 9 Key 10 Knife 11 Lock Pick/Card 12 Lock Puller 13 Pry Bar 14 Rock/Brick 15 Screwdriver 16 Vehicle 17 Vase Gr/p/Plates 99 Other _____ VEHICLE ENTRY P = Passenger Side D = Driver Side 1 Front Door/Window 2 Rear Door/Window 3 Vent/Wing Window 4 Cargo Window 5 Windshield/Back Glass 6 Trunk/Hood 7 Roof/Top 8 Open Bed/Trailer 9 Camper Shell 10 Unlocked 99 Other _____ SAFE ENTRY 1 Drill 2 Explosives 3 Hammered	4 Key/Combination 5 Pry/Pick 6 Removed from Premises 7 Torch 8 Unlocked 99 Other _____ SUSPECT ACTIONS 1 Ate/Drank on Premises 2 Attempted to Defeat Alarm 3 Covered Hands (Gloves, etc) 4 Cut Self/Blad at Scene 5 Cut/Dism. Phone Cord 6 Defeated Alarm 7 Defeated/Unlocked 8 Disabled Vehicle 9 Gang Graffiti/Markings 10 Hid Property Close to Scene 11 Knew Loc./Hidden Valuables 12 Left Note or Message 13 Left Tools at Scene 14 Lived/Slept on Premises 15 Malicious Damage 16 Mansacked 17 Selected in Loot 18 Suspect Left Personal Property 19 Took Keys 20 Took Time/Methodical 21 Tripped Alarm, Returned Later	22 Turned Lights On/Off 23 Used Lookout/Accessory 24 Used Matches 25 Used Tools Found at Scene 26 Wiped/Removed Prints 27 Shoplifting 99 Other (See Narrative) SEXUAL ASSAULT VICTIM LOCATION 1 Home 2 Church 3 In Hospital 4 Moving 5 On the Premises 6 Out of Town 7 Place of Entertainment 8 Shopping 9 Work/School 99 Other _____ ADDITIONAL FACTORS 1 Alarm Inoperative 2 Home Invasion 3 Key Hidden Outby Premises 4 Premises Under Construction 5 Premises Vacant 6 Similar Crimes in Neighborhood 7 Victim of Similar Crime 99 Other _____
Mailed <u>N/A</u>	Inspectress <u>N/A</u>	Electronic Locks <u>Y</u> <u>CH</u> Video Surveillance <u>Y</u> <u>N</u>		

ANY INFORMATION GIVEN SHOULD BE DETAILED IN NARRATIVE

PRE-INCIDENT CONTACT 1 Note 2 Gambling 3 Making Arrest 4 Opening/Closing - Business 5 Party 6 Shopping 7 Sleeping 8 Traffic Related 9 Walking 99 Other _____ VICTIM CONDITION 1 Under 18 2 Over 65 3 Alone 4 Intoxicated/UCS 5 Physically/Mentally Challenged 6 Tourist 99 Other _____	SUSP(a) SOLICITED/OFFERED 1 Aid For Vehicle 2 Assistance 3 Con Game/Scam 4 Drugs 5 Information 6 Merchandise 7 Money 8 Ride 9 Sex 10 Use Phone 11 Work/Repair 99 Other _____ SUSPECT(a) PRETENDED TO BE 1 Customer 2 Job Applicant 3 Military Person 4 Police Officer 5 Renter/Buyer 6 Repair/Service Man 7 Salesman	8 Seeking Someone 9 Sick 10 Survey/Census 99 Other _____ SUSPECT(a) ACTIONS 1 Choked/Strangled Victim 2 Covered Victim's Face 3 Cut/Slashed Victim 4 Fired Shots 5 Forced Entry 6 Grabbed Purse 7 Had Victim Bag Property 8 Had Victim Lie Down 9 Handcuffed/Tied Victim 10 Hit/Assaulted After Act 11 Hit/Assaulted During Act 12 Hit/Assaulted Prior to Act 13 Locked Victim in Room/Area 14 Moved Victim's Location 15 Multiple Suspects 16 Picked Pocket	17 Presented Note 18 Pulled/Held/Grabbed Victim 19 Ritual/Occult Related 20 Shot Victim 21 Suspect's Face Concealed 22 Yelled Gang/Club Name 99 Other Unusual/MO Behavior SEXUAL ACTS 1 Anal Intercourse 2 Escalated 3 Fondled/ Sexual Abuse 4 Had Victim Bath/Shower 5 Had Victim Disrobe 6 Had Victim Masturbate Subject 7 Homosexual Assault/Acts 8 Indecent Exposure 9 Masturbated Victim 10 Oral Sex 11 Showed Photos - Magazines / Movies	12 Used Sexual Paraphernalia 13 Vaginal Intercourse 99 Other _____ VEHICLE INVOLVEMENT 1 Suspect A Pedestrian 2 Suspect Disabled - Victim's Vehicle 3 Suspect Forced - Victim to Curb/Stop 4 Suspect Forced Way - Into Victim's Vehicle 5 Suspect Hid in Victim's Vehicle 6 Suspect in Vehicle 7 Suspect Took Victim's Vehicle 8 Victim A Pedestrian 9 Vict. Forced into Susp. Vehicle 10 Victim in Vehicle 99 Other _____
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CRIMES AGAINST PROPERTY M.O.

CRIMES AGAINST PERSONS M.O.

Narrative
AND TOLD TOWNSEL TO LEAVE. BREAUX STATED THAT TOWNSEL TOLD HER MOTHER THAT BREAUX LET HIM IN AND JUST WANTED HIS CELL PHONE. BREAUX STATED THAT TOWNSEL THEN LEFT ON FOOT WHEN HER MOTHER CALLED 911. WHEN BREAUX WAS ASKED HOW DID TOWNSEL MAKE ENTRY INTO THE APARTMENT SHE STATED THE WINDOW. BREAUX STATED THAT SHE DID NOT SEE TOWNSEL COME IN THE WINDOW BUT KNOWS HE DID, BECAUSE HE DID IT BEFORE. UPON ASKING BREAUX WHAT HER BROTHERS WERE DOING DURING THE INCIDENT SHE STATED NEITHER OF THEM EVER WOKE UP. UPON SPEAKING WITH BREAUX 13 YEAR OLD BROTHER BREAUX, JONTE DOB 03-29-99, HE STATED THAT HE DID NOT HEAR ANYTHING. JONTE STATED THAT THE WINDOW WAS LEFT CRACKED OPEN BEFORE GOING TO BED. UPON MAKING CONTACT WITH BREAUX DOWNSTAIR NEIGHBORS ERIK LOCATED AT 3630 E. OWENS #12/1085 LV, NV 89115, HE STATED THAT HE DID NOT SEE OR HEAR ANYTHING; HOWEVER DID OBSERVE A BMJ ATTEMPTING TO CLIMB THROUGH BREAUX WINDOW ABOUT A WEEK AGO.

NARRATIVE

IDENTIFICATION REPORT

120622-0318

# 3	Veh. #	Statement Y Obtained? N	Can I.D. Y Suspect? N	Name (Last / First / Middle) OR Business Name JACKSON, DANNA									
Date of Birth 10-18-73	Social Security #	Race B	Sex M	Ht. 5'11	Wt. 160	Hair BLK	Eyes BLU	Work Schdl. (Hrs / Days Off)			Business / School		
Residence Address: (Number & Street) 3980 E. OWENS AVE		Bldg./Apt.# 202		City LV		State NV		Zip Code 89110		Res. Phone: 702-483-6822			
Bus. (Local) Address: (Number & Street)		Bldg./Apt.#		City		State		Zip Code		Occupation		Depart Date (visitor)	
# 4	Veh. #	Statement Y Obtained? N	Can I.D. Y Suspect? N	Name (Last / First / Middle) OR Business Name ERIK (NEIGHBOR)									
Date of Birth	Social Security #	Race	Sex	Ht.	Wt.	Hair	Eyes	Work Schdl. (Hrs / Days Off)			Business / School		
Residence Address: (Number & Street) 3630 E. OWENS AVE		Bldg./Apt.# 12/1089		City LV		State NV		Zip Code 89115		Res. Phone:			
Bus. (Local) Address: (Number & Street)		Bldg./Apt.#		City		State		Zip Code		Occupation		Depart Date (visitor)	
#	Veh. #	Statement Y Obtained? N	Can I.D. Y Suspect? N	Name (Last / First / Middle) OR Business Name									
Date of Birth	Social Security #	Race	Sex	Ht.	Wt.	Hair	Eyes	Work Schdl. (Hrs / Days Off)			Business / School		
Residence Address: (Number & Street)		Bldg./Apt.#		City		State		Zip Code		Res. Phone:			
Bus. (Local) Address: (Number & Street)		Bldg./Apt.#		City		State		Zip Code		Occupation		Depart Date (visitor)	
#	Veh. #	Statement Y Obtained? N	Can I.D. Y Suspect? N	Name (Last / First / Middle) OR Business Name									
Date of Birth	Social Security #	Race	Sex	Ht.	Wt.	Hair	Eyes	Work Schdl. (Hrs / Days Off)			Business / School		
Residence Address: (Number & Street)		Bldg./Apt.#		City		State		Zip Code		Res. Phone:			
Bus. (Local) Address: (Number & Street)		Bldg./Apt.#		City		State		Zip Code		Occupation		Depart Date (visitor)	
#	Veh. #	Statement Y Obtained? N	Can I.D. Y Suspect? N	Name (Last / First / Middle) OR Business Name									
Date of Birth	Social Security #	Race	Sex	Ht.	Wt.	Hair	Eyes	Work Schdl. (Hrs / Days Off)			Business / School		
Residence Address: (Number & Street)		Bldg./Apt.#		City		State		Zip Code		Res. Phone:			
Bus. (Local) Address: (Number & Street)		Bldg./Apt.#		City		State		Zip Code		Occupation		Depart Date (visitor)	
#	Veh. #	Statement Y Obtained? N	Can I.D. Y Suspect? N	Name (Last / First / Middle) OR Business Name									
Date of Birth	Social Security #	Race	Sex	Ht.	Wt.	Hair	Eyes	Work Schdl. (Hrs / Days Off)			Business / School		
Residence Address: (Number & Street)		Bldg./Apt.#		City		State		Zip Code		Res. Phone:			
Bus. (Local) Address: (Number & Street)		Bldg./Apt.#		City		State		Zip Code		Occupation		Depart Date (visitor)	
#	Veh. #	Statement Y Obtained? N	Can I.D. Y Suspect? N	Name (Last / First / Middle) OR Business Name									
Date of Birth	Social Security #	Race	Sex	Ht.	Wt.	Hair	Eyes	Work Schdl. (Hrs / Days Off)			Business / School		
Residence Address: (Number & Street)		Bldg./Apt.#		City		State		Zip Code		Res. Phone:			
Bus. (Local) Address: (Number & Street)		Bldg./Apt.#		City		State		Zip Code		Occupation		Depart Date (visitor)	

PERSONS CONTINUATION PAGE

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENTEvent #
120622-0318

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime SEXUAL ASSAULT / BURGLARY	Date Occurred 06-22-12	Time Occurred 0130
Location of Occurrence 3630 E. OWENS AVE #12/2085 LV, NV 89115	Sector/Beat F1	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

Your Name (Last / First / Middle) Breaux Tiffany Shinda						Date of Birth 6-26-75		Social Security # [REDACTED]	
Race B	Sex F	Height 53	Weight 120	Hair B	Eyes Br	Work Sched. (Hours)	(Days Off)	Business / School NA	
Residence Address: (Number & Street) 3630 E Owens Ave			Bldg./Apt.# 12085		City Las Vegas	State NV	Zip Code 89110	Res. Phone: (702) 817-1046	
Bus. (Local) Address: (Number & Street)			Bldg./Apt.#		City	State	Zip Code	Bus. Phone:	
Best place to contact you during the day						Best time to contact you during the day		Can You Identify <input type="checkbox"/> Yes the Suspect? <input type="checkbox"/> No	

DETAILS 6-22-12, My daughter woke me up saying Darnell Townsel is in the apt. I was in my room asleep when she told me that. I got up and walked in the hall way. I went to my son's room, saw Darnell in the door way. Told him 2 get out my apt. He lied about telling me that my daughter ~~let~~ let him in. That he wanted his phone. My boyfriend Danny told me to call the cops. While doing that Darnell yelling saying like you cant get me. By telling this boy 2 get out he is talking shit. As he is walking out He is telling us he is coming back. My daughter told me that Darnell climbed the window. Told her that he was going 2 take her 2 his house and hurt her. She told me that he had sex with her. She told him 2 get off but he put his hand over her ~~mouth~~ ^{mouth} so she won't ~~scare~~ ^{scream}. She was scared that he was in there.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) S/A ON THE 22 DAY OF JUNE AT 0300 (AM) (PM), 2012.

Witness/Officer: [Signature]
(SIGNATURE)
Witness/Officer: J. SLOMAN P# 13915
(PRINTED)

[Signature]
SIGNATURE OF PERSON GIVING STATEMENT

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

Event #

120622-0318

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime <u>SEXUAL ASSAULT / BURGLARY</u>	Date Occurred <u>06-22-12</u>	Time Occurred <u>0130</u>
Location of Occurrence <u>3630 E. OWENS AVE #12/2085 LV, NV 89115</u>	Sector/Beat <u>F1</u>	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

Your Name (Last / First / Middle) <u>Jackson Danny</u>						Date of Birth <u>10-18-73</u>		Social Security # <u>[REDACTED]</u>	
Race <u>Blk</u>	Sex <u>M</u>	Height <u>5'11</u>	Weight <u>160</u>	Hair <u>Blk</u>	Eyes <u>Brn</u>	Work Sched. (Hours) <u></u>	(Days Off) <u></u>	Business / School <u>Western</u>	
Residence Address: (Number & Street) <u>3980 E Owens #202</u>		Bldg./Apt.# <u></u>		City <u>Las Vegas</u>		State <u>NV</u>		Zip Code <u>89110</u>	
Bus. (Local) Address: (Number & Street) <u></u>		Bldg./Apt.# <u></u>		City <u></u>		State <u></u>		Zip Code <u></u>	
Best place to contact you during the day <u>home</u>		Best time to contact you during the day <u>Any</u>		Can You Identify the Suspect? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					

DETAILS I danny Jackson had gotten woked up with my girlfriends daughter (sylvia) rushed in the room screaming dannels here we got up thinking he's outside, but when we went down the hall he was coming out the room that sylvia was in. She then said he climbed in the window covered my mouth and had sex with me, when I tried to get help he pulled me and threatened me. My first reaction was to hurt this kid, but instead I told my Girl Friend (Lilla) to call the police and let them get him. While I was talking and we were calling the police he ran and said when they leave I'll be back. At this time he was wearing a purple shirt, black shorts with grey & white stripes with black Vans or grey hard to tell in the dark, with black socks and a black hat with a 'W' on it, hes about 5'6 or so and looks like he weight about 130-150 thin build short hair and dark lets about 17 of age.

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) SA

ON THE 22 DAY OF JUNE AT 0300 (AM/PM), 2012

Witness/Officer:

(SIGNATURE)

Witness/Officer:

J. SIDMANP# 13915

LVMPD 85 (REV. 6-08)

(PRINTED)

Danny Jackson
SIGNATURE OF PERSON GIVING STATEMENT

LVMPD Event# 120531-3989

REQUEST FOR PROSECUTION

PAGE 1 OF 1

1(A)

AGENCY CASE NO:

120531-3989

SUBMITTING AGENCY

AGENCY	LVMPD	PHONE	828-4562	AGENCY NOTES
DETAIL	CAYF-DIV 2	FAX #	828-3073	
OFFICER	L. LANDHOLM	P#	6447	

DEFENDANT INFORMATION

▲	NAME	TOWNSELL, DARRNELL	ID No.	
A	AKA			
	<input type="checkbox"/> AFFIDAVIT FOR WARRANT	<input type="checkbox"/> DECLARATION OF ARREST	<input checked="" type="checkbox"/> REQUEST SUMMONS	<input type="checkbox"/> SCOPE <input type="checkbox"/> FBI <input type="checkbox"/> CII

▲	NAME		ID No.	
	AKA			
	<input type="checkbox"/> AFFIDAVIT FOR WARRANT	<input type="checkbox"/> DECLARATION OF ARREST	<input type="checkbox"/> REQUEST SUMMONS	<input type="checkbox"/> SCOPE <input type="checkbox"/> FBI <input type="checkbox"/> CII

DA OFFICE USE ONLY

CASE NO.		TRACK		ATTY		DATE	
----------	--	-------	--	------	--	------	--

CHARGE INFORMATION

SEQ NO.	▲	CHARGES	NRS	EVENT NO.	DATE/TIME	LOCATION/ZIP	VICTIM
1	A	Battery DV <input type="checkbox"/> F <input type="checkbox"/> GM <input checked="" type="checkbox"/> M	200.481.1A	120531-3989	05-31-12 2024 Hrs.	3630 E. Owens LV, NV 89115	Breaux, Sylvia
ATTY NOTES:							
		<input type="checkbox"/> F <input type="checkbox"/> GM <input type="checkbox"/> M					
ATTY NOTES:							
		<input type="checkbox"/> F <input type="checkbox"/> GM <input type="checkbox"/> M					
ATTY NOTES:							
		<input type="checkbox"/> F <input type="checkbox"/> GM <input type="checkbox"/> M					
ATTY NOTES:							

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
WITNESS LIST**

AGENCY CASE NO. **120531-3989**

CODES	ID / P# / ADDRESS	PHONE #
Wit Codes O	NAME <u>R. Raiston</u>	ID/P NO. <u>12970</u>
	SSN _____	DOB _____
	RES _____	Residence <u>828-3111</u>
	Street 1 _____ City _____ State _____ ZIP _____	Employment _____
	Business Name / Title <u>LVMPD-Patrol</u>	Email Address _____
EMPL _____	Street 1 _____ City _____ State _____ ZIP _____	FAX _____
Wit Codes V	NAME <u>Breaux, Sylvia</u>	ID/P NO. _____
	SSN _____	DOB <u>12-10-93</u>
	RES <u>3630 E. Owens #2085</u>	Residence <u>517-1046</u>
	Street 1 _____ City <u>LV</u> State <u>NV</u> ZIP <u>89115</u>	Employment _____
	Business Name / Title _____	Email Address _____
EMPL _____	Street 1 _____ City _____ State _____ ZIP _____	FAX _____
Wit Codes	NAME _____	ID/P NO. _____
	SSN _____	DOB _____
	RES _____	Residence _____
	Street 1 _____ City _____ State _____ ZIP _____	Employment _____
	Business Name / Title _____	Email Address _____
EMPL _____	Street 1 _____ City _____ State _____ ZIP _____	FAX _____
Wit Codes	NAME _____	ID/P NO. _____
	SSN _____	DOB _____
	RES _____	Residence _____
	Street 1 _____ City _____ State _____ ZIP _____	Employment _____
	Business Name / Title _____	Email Address _____
EMPL _____	Street 1 _____ City _____ State _____ ZIP _____	FAX _____
Wit Codes	NAME _____	ID/P NO. _____
	SSN _____	DOB _____
	RES _____	Residence _____
	Street 1 _____ City _____ State _____ ZIP _____	Employment _____
	Business Name / Title _____	Email Address _____
EMPL _____	Street 1 _____ City _____ State _____ ZIP _____	FAX _____

Witness Codes:	V: Victim	VR: Victim Related	O: Officer
OOS: Out-Of-State	H: Hostile	DR: Defendant Related	M: Minor

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

PETITION/DECLARATION

IN SUPPORT OF WRIT OF ATTACHMENT

EVENT :120531-3989

State of Nevada) Townsel, Darnell
) ss: DOB 12-10-94
County of Clark)

That L. Landholm, is a police officer with the Las Vegas Metropolitan Police Department, being so employed for a period of 12 years, assigned to investigate the crime(s) of Battery Domestic Violence committed on or about 05-31-12, with investigation has developed Townsel, Darnell as the perpetrator thereof.

THAT PETITIONER DEVELOPED THE FOLLOWING FACTS IN THE COURSE OF THE INVESTIGATION OF SAID CRIME TO WIT:

On 05/31/12 at approximately 2119 hours, Officer R Ralston P#12970, while operating as marked patrol unit 3F2 responded to a family disturbance call located at 3630 E Owens Ave, Las Vegas, NV 89115. The details of the call were between person reporting, Sylvia Breaux (DOB 12/10/93), and ex-boyfriend, Darnell Townsel (DOB 12/10/94). Darnell bit Sylvia on hand, chin, and wrist.

During the investigation, Sylvia stated that she sent a text to Darnell "I don't want to see you anymore, let's just be friend." Sylvia stated that at approximately 2000 hours, she was at the park located within the Summerhill apartment complex when Darnell walks up to her without saying anything, grabs her right hand and bites her right thumb. Sylvia stated Darnell then bit her on her chin and mouth. Sylvia stated she told Darnell to stop, but Darnell grabbed her by the left upper arm and pulled her away from the park and took her to building 11 within the complex. Sylvia stated she tried pulling away but could not, Darnell moved from the middle of the complex to the edge of the complex. Sylvia managed to get to her apartment. Sylvia's mom, Tiffany Breaux (DOB 06/26/75), told Darnell to leave. Darnell threatened Tiffany to have people fight her. Darnell then threw rocks at the windows and doors breaking one window.

Due to the fact that a domestic relationship exists between Sylvia Breau and Darnell Townsel by means of dating for one year and an alleged battery with evidence of injury bite marks on right thumb and mouth/chin; and bruise on left arm, a battery domestic violence report was taken. No arrest was made due to Darnell gone on arrival. PC exists for arrest. Darnell student ID #491621, but does not go to school.

Wherefore, Petitioner prays that a Writ of Attachment be issued for Townsel, Darnell.

Petitioner requests that service of the summons be by mail and or that a writ of attachment issue in lieu of a summons as personal service of a summons by a peace officer would be impracticable as the following steps were ineffective in contacting the subject minor and or the subject minor's parent(s)/guardian(s), a summons cannot be served, service of a summons would be ineffective and or the welfare of the child requires that the child be immediately brought into custody. Petitioner's request is based upon the following facts:

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed on this 18th day of June, 2012.

DECLARANT:

Sylvia Breau #447

WITNESS:

D. Ray #3668

DATE:

06-18-12

Specific Crime(s) BATT DV / KIDNAPPING ☐ City ☒ FLD ☐ STA ☒ F ☐ County ☐ M ☐ GM Sector/Beat F1
Location of Incident (Number & Street) 3630 E. OWENS Bldg # LV Apt # LV City LV State NV Zip Code 89115

Occurred	Month	Day	Year	Day/Wk	Time	Report Taken	Month	Day	Year	Time	Connecting Reports
	05	31	12	THU	2004		05	31	12	2000	VOL ST, LAP
Was there a witness?											<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is there physical evidence present? (i.e., visible injury, weapons, etc.)											<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has victim requested temporary housing?											<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is there a TPO in effect?											<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
P# <u>12970</u> R. RALSTON											Squad <u>1433</u> Follow-Up <u>Y</u>
P# <u>627</u> Supervisor Approving											
P# <u>627</u> ID Specialist											

ALWAYS LIST VICTIM FIRST

1 ☒ Victim ☐ Suspect ☐ Unknown ☐ Arrestee Name (Last/First/Middle) BREAUX SYLVIA ☒ Vol St ☐ Vol St Refused Why GOA Language Non-English Speaking ☐

Date of Birth 12/10/93 Social Security # [REDACTED] Race B Sex F Ht 5'3" Wt 116 Hair BLK Eyes BRN Victim given Domestic Violence Information Card? ☒ Yes ☐ No

Residence Address (Number & Street) 3630 E. OWENS Bldg/Apt# LV City LV State NV Zip Code 89115 Res Phone (702) 517-1046 Bus Phone Ext

Emergency Name & Address (Number & Street) Bldg/Apt# City State Zip Code Emergency Contact #

Relationship between victim number 1 and person number 2 (Check all applicable)
☐ Spouse ☐ Former Spouse ☐ By Marriage ☐ By Blood ☐ Parent ☐ Child ☐ Child in Common ☒ Dated 1 (mos) Yrs ☐ Cohabitants ☐ Former Cohabitants

2 ☐ Victim ☒ Suspect ☐ Unknown ☐ Arrestee Name (Last/First/Middle) TOWNSEL DARRNELL ☐ Vol St ☒ Vol St Refused Why GOA Language Non-English Speaking ☐

Date of Birth 12/10/94 Social Security # [REDACTED] Race B Sex M Ht 5'2" Wt 125 Hair BLK Eyes BRN Victim given Domestic Violence Information Card? ☐ Yes ☐ No

Residence Address (Number & Street) Bldg/Apt# City State Zip Code Res Phone Bus Phone Ext

Emergency Name & Address (Number & Street) Bldg/Apt# City State Zip Code Emergency Contact #

Relationship between person number 2 and person number 1 (Check all applicable)
☐ Spouse ☐ Former Spouse ☐ By Marriage ☐ By Blood ☐ Parent ☐ Child ☐ Child in Common ☐ Dated 1 (mos) Yrs ☐ Cohabitants ☐ Former Cohabitants

#1 ☐ Drugs ☐ Alcohol ☐ Unknown ☐ Signs Physical Contact Polaroids? ☒ Yes ☐ Digital ☐ CS/Person/Scene ☐ No, because Demeanor ☐ Angry ☐ Threatening ☐ Crying ☐ Fidgeting ☐ In Fear ☒ In Pain ☒ Nervous ☐ Nursing Body Part ☐ Erratic Speech ☐ Irregular Breathing ☐ Hysterical ☐ Apologetic ☐ Other

#2 ☐ Drugs ☐ Alcohol ☐ Unknown ☐ Signs Physical Contact Polaroids? ☐ Yes ☐ Digital ☐ CS/Person/Scene ☒ No, because CAUSE ON Demeanor ☐ Angry ☐ Threatening ☐ Crying ☐ Fidgeting ☐ In Fear ☐ In Pain ☐ Nervous ☐ Nursing Body Part ☐ Erratic Speech ☐ Irregular Breathing ☐ Hysterical ☐ Apologetic ☐ Other

Children Present 1 (Name)	Age	(Post Incident Location)	Witnessed? <input type="checkbox"/> Y <input type="checkbox"/> N	Children Present 2 (Name)	Age	(Post Incident Location)	Witnessed? <input type="checkbox"/> Y <input type="checkbox"/> N
Witness 1 (Name)	(Address)	(DOB)	(Phone)	Witness 2 (Name)	(Address)	(DOB)	(Phone)
Stmt. Obt? <input type="checkbox"/> Yes <input type="checkbox"/> No				Stmt. Obt? <input type="checkbox"/> Yes <input type="checkbox"/> No			

Mark signs of physical contact on diagram above
1 = Abrasion, 2 = Black eye, 3 = Bleeding ☐ Nose ☐ Mouth ☐ Other , 4 = Broken/Possibly Broken Bone, 5 = Bruise, 6 = Bump/Lump,
7 = Burned 8 = Cut ☐ Lip ☐ Cheek ☐ Other 9 = Pain Only, 10 = Pulled Hair, 11 = Reddening ☐ Cheek ☐ Arm ☐ Other
12 = Scratched , 13 = Swollen/Swelling 14 = Torn Clothing, 15 = Writ

GENERAL PERSONS

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DOMESTIC BATTERY REPORT

EVENT # 120531-3989

ANY Call to Dispatch ☐ No ☒ Yes @ 2024 hrs Dispatched @ 2119 Arr @ Scene @ 2132 Caller ☒ Victim ☐ Suspect ☐ Child ☐ Neighbor

Primary Assessor ☐ Prior History ☐ Defense Wounds ☒ Injury Severity ☐ Potential future injury ☐ Corroborating Witness ☐ Other _____

Mitigating Factors ☐ No Evidence Injury ☐ Aggressor Undetermined ☒ GOA ☐ Over 24 hours ☐ Other _____

If Arrested Both Parties Reason ☐ Excessive Response ☐ Delay Between Acts ☐ Agreement to Fight ☐ Prior History ☐ Defense Wounds ☐ Injury Severity ☐ Potential Future Injury ☐ Other _____

AMR or SOUTHWEST Unit _____ LVFD or CCFD Unit _____ ☐ Transported ☐ Will Seek Own Doctor

Background Noises Upon Arrival? NONE

Medical Release ☐ Signed ☒ Refused ☐ Non-Available ☐ Will Sign

DISPATCH INFO

Suspect Name DARNELL TOWNSEL ID# _____

Narrative (Initial Arrival Observations, Detailed Crime Scene Description - including items fought over, items disturbed, evidence and weapons present and/or seized, Victim Interview(s), Witness Interview(s), Suspect Interview) ON 05/11/12, AT APPROXIMATELY 2000 HOURS, I OFFICER R. RALSTON P#12970, WHILE OPERATING AS MARKED PATROL UNIT 352, RESPONDED TO A FAMILY DISTURBANCE CALL LOCATED AT 3630 E. OWENS AVE LAS VEGAS NV, 89115. THE DETAILS OF THE CALL WERE BETWEEN PERSON REPORTING (SYLVIA BREAUX 12/10/93) AND EXBOYFRIEND (DARNELL TOWNSEL 12/10/94) DARNELL BIT SYLVIA ON HAND, CHIN, & WRIST.

DURING THE INVESTIGATION SYLVIA STATED THAT SHE SENT A TEXT TO DARNELL "I DONT WANT TO SEE YOU ANYMORE, LETS JUST BE FRIEND." SYLVIA STATED THAT AT APPROXIMATELY 2000 HOURS, SHE WAS AT THE PARK LOCATED WITHIN THE SUMMERHILL APARTMENT COMPLEX WHEN DARNELL WALKS UP TO HER WITHOUT SAYING ANYTHING, GRABS HER RIGHT HAND AND BITES HER RIGHT THUMB. SYLVIA STATED DARNELL THEN BIT HER ON HER CHIN & MOUTH. SYLVIA STATED SHE TOLD DARNELL TO STOP, BUT DARNELL GRABBED HER BY THE LEFT UPPER ARM AND PULLED HER AWAY FROM THE PARK AND TOOK HER TO BUILDING 11 WITHIN THE COMPLEX. SYLVIA STATED SHE TRIED PULLING AWAY BUT COULD NOT, DARNELL MOVED FROM THE MIDDLE OF THE COMPLEX TO THE EDGE OF THE COMPLEX. SYLVIA MANAGED TO GET TO HER APARTMENT. SYLVIA'S MOM TIFFANY BREAUX 06/25/75 TOLD DARNELL TO LEAVE. DARNELL THREATENED TIFFANY TO HAVE PEACE FIGHT HER. DARNELL THEN THREW ROCKS AT THE WINDOWS & DOORS BREAKING ONE WINDOW.

DUE TO THE FACT THAT A DOMESTIC RELATIONSHIP EXISTS BETWEEN SYLVIA BREAUX & DARNELL TOWNSEL BY MEANS OF DATING FOR 1 YEAR AND AN ALLEGED CRIMINAL WITH EVIDENCE OF INJURY (BITE MARKS ON RIGHT THUMB & MOUTH/CHIN & RAUPE ON LEFT ARM), A BATTERY DOMESTIC VIOLENCE REPORT WAS TAKEN. NO ARREST WAS MADE DUE TO DARNELL GOING ON ARRIVAL. PC EXISTS FOR ARREST, DARNELL STUIDE ID#-491621, BUT DOES NOT GO TO SCHOOL.

(DO NOT COMPLETE UNLESS ARREST IS MADE)

As a peace officer with the Las Vegas Metropolitan Police Department for _____ years _____ months, I declare, subject to the penalty of perjury, that the above information is true and correct to the best of my knowledge or information and belief as identified. The above described information gives me probable cause to believe that on _____, 20____, _____ (name @ booking) also known as _____ (true name per SCOPE), committed the crime(s) of _____

in the location of _____ within ☐ Clark County ☐ CLV. Declarant prays that your Honorable Magistrate find probable cause exists to hold the above-named person to answer such charge(s)

Dated this _____ Day of _____, 20____

Officer's preferred court time MTWTF ☐ AM ☐ PM

Declarant/Affiant (sign and print) P# _____

Supervisor Name (sign and print) P# _____
(Must be signed by Supervisor if Felony)

LETHALITY ASSESSMENT PROGRAM

All LVMPD Officers will complete this form whenever there is an allegation of Battery-Domestic Violence, or in the officer's mind, a battery has occurred to an intimate partner.

D
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F
O
R
M

Event# <u>120531-3989</u>		Area Cmd <u>NEIC</u>
Location of Event <u>3630 E. OWENS AVE LV NV 89115</u>		Sect/Beat <u>F1</u>
Occurred - (M/D/Y) <u>05/31/12</u>	Time <u>2024</u> Off1 P# <u>12900</u> Off2 P#	
Victim Name (Last, First) <u>BREAUX, SYLVIA</u>		Phone# <u>(702) 517-1046</u>
DOB (M/D/Y) <u>12/10/193</u>	Race <u>B</u>	Female <input checked="" type="checkbox"/> Male <input type="checkbox"/>
Aggressor (Last, First) <u>TOWNSEL, DARNELL</u>		
DOB (M/D/Y) <u>12/10/194</u>	Race <u>B</u>	Female <input type="checkbox"/> Male <input checked="" type="checkbox"/>
TPO in Effect: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Relationship of Aggressor to Victim: (be specific, ie, former dating) <u>DATED 1 YEAR</u>		
Alcohol/Drugs Involved Victim Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Aggressor Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
If ANY of the questions below are answered "YES", victim is HIGH RISK/DANGER - officer is to call an agency listed below and mark HIGH RISK/DANGER check box.		
1 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Has your partner (or whoever the aggressor is) ever used a weapon against you or threatened you with a weapon?	
2 Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Has he/she ever threatened to kill you or your children?	
3 Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Do you think he/she might try to kill you?	
If ANY THREE questions below are answered "YES", victim is HIGH RISK/DANGER - officer is to call an agency listed below and mark HIGH RISK/DANGER check box.		
4 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Does he/she have a gun or can he/she get one easily?	
5 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Has he/she ever tried to strangle you?	
6 Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is he/she violently or constantly jealous or do they control most or all of your daily activities?	
7 Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Have you left him/her or separated after living together or being married?	
8 Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is he/she unemployed?	
9 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Has he/she ever tried to kill himself/herself?	
10 Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Do you have a blended family (step children)?	
11 Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Does he/she follow or spy on you or leave threatening messages?	
<input checked="" type="checkbox"/> YES - HIGH RISK/DANGER		
SafeNest <u>646-4981</u>	Call Completed <input type="checkbox"/>	Busy/No Answer <input type="checkbox"/>
Victim Refused Call	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Any Additional Comments		

Options



RECEIPT OF COPY

RECEIPT OF COPY of the above and foregoing Memorandum of Points and
Authorities in Support of Certification Petition regarding DARNELL ROBERT
TOWNSEL is hereby acknowledged this 3rd day of July, 2012.

PHILIP J. KOHN
PUBLIC DEFENDER

BY *Glynis Stirling*
for KERRI MAXEY, Deputy PD
Or Employee for:
Public Defender Office – Juvenile

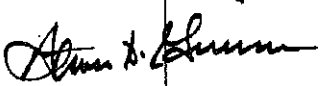
EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION - JUVENILE
CLARK COUNTY, NEVADA

In the Matter of:

DARRNELL ROBERT TOWNSEL,
Date of Birth: December 10, 1994,
Minor, 17 Years of Age.

J-12-306934-D9
CASE NO. J306934
DEPT. A

Electronically Filed
09/20/2012 09:08:41 AM



CLERK OF THE COURT

CERTIFICATION REPORT

Date of Hearing: October 03, 2012

Time of Hearing: 3:00 PM

Courtroom: 18

Reason For Hearing:

On June 27, 2012, the District Attorney's Office filed a Motion requesting that a Probation Officer of the Clark County Department of Juvenile Justice Services be ordered to investigate all facts and circumstances necessary to assist the Juvenile Court Judge in determining whether Darnell Townsel should be dealt with as an adult under the provisions of NRS 62B.390. Certification to Adult Status is being requested relative to the following petitions.

Plea Information:

Charges	Plea	Petition Num	Amend / Cnt Reduce
FEL / Sexual Assault / Principal	No Statement Taken	9	1
FEL / Battery with Intent to Commit Sexual Assault / Principal	No Statement Taken	9	2
FEL / Burglary / Principal	No Statement Taken	9	3
FEL / Kidnapping - Second Degree / Principal	No Statement Taken	9	4
MIS / Battery (DV) / Principal	No Statement Taken	9	5

1
2 **Whereabouts of Minor:**

3 **Address:**

4

Client	Address	Residents	Role
Darnell Robert Townsel	3935 N. Nellis Blvd. Apt. 1087 Bld. 27, Las Vegas, NV 89115		

5
6

7 **Placements:**

8

Client	Facility	Number of Days in Placement
Darnell Robert Townsel	Detention, E-3	103

9
10

11 Darnell Townsel was detained on June 22, 2012. As of the scheduled Certification
12 hearing date of October 3, 2012, he will have been held in custody a total of 103
13 days.

14 **Transfer Criteria:**

15 **Nature and Seriousness of the Charged Offenses:**

16 The Las Vegas Metropolitan Police Department (LVMPD) investigated the
17 charged offenses on June 22, 2012, under Event Number 120622-0318. The
18 Declaration of Arrest creates the basis for the following summary.

19 On June 22, 2012, officers responded to 3630 E. Owens in reference to a Sexual
20 Assault / Burglary call. The alleged female victim, Breaux, reported that she was
21 sleeping in her room along with her 13 and six-year-old brothers and was awakened
22 by her ex-boyfriend, Darnell Townsel. Breaux stated that Townsel had come in
23 through the bedroom window and started to pull off her shorts and told her to be
24 quiet. Breaux stated she told Townsel to stop and that is when Townsel covered her
25 mouth and penetrated her vagina with his penis. Breaux stated Townsel did not use a
26 condom and had ejaculated in her.

26 Breaux stated after Townsel finished, she asked him if she could use the bathroom.
27 Townsel allowed her to go to the bathroom, as long as she did not tell her mother
28 that he was in the apartment. Breaux went to her mother's room and told her that

1 **Nature and Seriousness of the Charged Offenses:**

2 Townsel was in the apartment. The mother got out of bed and told Townsel to leave.
3 He refused to do so until the police were called. Breaux was transported to the
4 University Medical Center Hospital and received a sexual assault exam, where the
5 nurse recovered semen from her vagina.

6 Townsel was arrested by LVMPD on June 22, 2012 at Breaux's apartment
7 complex under Event #120622-3721 in reference to him trespassing. When
8 contacted by police, he ran and was taken into custody a short time later. Townsel
9 told detectives that he went to Breaux's residence and climbed up to her second
10 story bedroom window from the ground floor. He slid open her bedroom window and
11 climbed inside the window into her bedroom, where he saw Breaux and her two
12 brothers sleeping on the floor. Townsel stated he poked Breaux on the shoulder to
13 wake her up and she said, "What are you doing here?" Townsel stated he laid
14 down next to Breaux and began to kiss on her neck when she told him, "I don't
15 want to". Townsel said he kept "going anyway" and removed her bottoms and
16 had sex with her. He stated when he was finished, Breaux looked at him and said, "I
17 hate you". Townsel told detectives he knew he was not allowed in the apartment
18 and said, "I just climbed through the window, it's not like I kicked in the door."
19 Officers transported Townsel to the Department of Juvenile Justice Services and
20 booked him for charges of Sexual Assault and Burglary.

21 **Persistency and Seriousness of Past Adjudicated or Admitted Criminal Offenses:**

22 Please see Exhibit "A" - Previous Record Sheet.

23 Darnell was adjudicated and placed on Formal Probation in January 2008 for
24 Taking Vehicle Without Consent of Owner and Affray/Fighting. Darnell was
25 adjudicated and placed on Formal Probation with a Suspended Commitment to
26 Spring Mountain Youth Camp in July 2008 for two Counts of Petty Larceny. In
27 August 2008, Darnell was adjudicated and placed at Spring Mountain Youth Camp
28 for Violation of Probation and Petty Larceny. Darnell was adjudicated and placed
on a Suspended Commitment to DCFS in August 2009 for Violation of Probation
and Disorderly Conduct. He successfully completed Probation and was terminated
on November 26, 2009.

Subjective Factors:

Please see Exhibit "B" - Synergy Toxicology Reports and Exhibit "C" - School

1 **Subjective Factors:**

2 Transcripts.

3 The following information was obtained through interviews with the subject minor and
4 his parents, Vera and John Townsel.

5 Darnell was born in Los Angeles, California. The family moved to Las Vegas,
6 Nevada in 2003. In their home resides his sister, Debra Townsel, age 13, sister
7 Johnicka Townsel, age 19, Johnicka's five-month-old daughter, his brother, Joseph
8 Townsel, age 18, and Joseph's eight-month-old son. The parents are currently
9 unemployed and the father is on disability. The parents reported that Darnell does
10 well in school. He was attending Chaparral High School and was in the 11th grade,
11 but according to his school transcripts received after interviewing the family, Darnell
12 has not been enrolled after the 2010-2011 school year. Darnell reported that they
13 moved and his mother waited too long to get him enrolled in school. Darnell stated
14 he plans to attend adult education to make up his missing credits.

15 Darnell and his parents reported no drug or alcohol use. Darnell's drug hair test
16 from Synergy Laboratories came back positive for amphetamines. Darnell was
17 adamant that he does not use drugs and has not used prescribed drugs since being
18 on Probation in 2009.

19 Darnell has seen a doctor in the past for Attention Deficit-Hyperactivity Disorder.
20 His parents reported that Darnell was taking Ritalin, Clonidine, and Guanfacine.
21 They reported he hasn't been on medications for over four months, due to
22 insurance running out and having no transportation. Darnell reported he hasn't
23 been on medications since he was terminated from Probation in 2009. He was
24 seeing Dr. Chen, but hasn't seen him since last year. It should be noted that a
25 Report and Dispositional Report from 2008 states that Darnell was also diagnosed
26 with Bipolar Disorder. Darnell and his parents did not mention this diagnosis. There
27 is no other history of counseling or treatment.

28 The parents reported no problems with Darnell growing up. He started getting into
trouble when he turned 12. They attribute this to the negative peers with whom he
began to associate. There is no known history of gang affiliation. Darnell changed
his peers when he was released from the Spring Mountain Youth Camp. The friends
that he associates with now are the same age, non-delinquent youth. Darnell was

1
2 **Subjective Factors:**

3 involved in track, ROTC, and basketball. His parents stated he abides by the rules at
4 home, comes home when instructed to, helps with chores, and overall is a good kid.
5 They reported no history of sexual or physical abuse. Darnell would like to join the
6 Air Force when he turns 18.
7

8 **Prior Services:**

9 Please see Exhibit

10 Darnell received services through Probation from January 24, 2008 through
11 November 26, 2009. These services included the Youth Advocate Program, Skills
12 for Kids Mentor Program and Spring Mountain Youth Camp. The Termination Of
13 Probation report states that overall, Darnell did well while on Probation, although he
14 would push the limits of Probation and household rules. His mother reported that the
15 Spring Mountain Youth Camp had a positive influence on him. She said that he
16 changed his ways and she had limited problems with him since being released from
17 the Camp.
18

19 **Community Protection:**

20 There are three factors that must be considered when deliberating certification;
21 history of prior adjudications, subjective factors, and the seriousness of the alleged
22 offense.

23 Darnell has a prior delinquent history as a juvenile. He was placed on Formal
24 Probation from January 24, 2008 through November 26, 2009. Darnell was placed
25 at the Spring Mountain Youth Camp from August 22, 2008 through February 27,
26 2009.

27 Darnell denies any drug or alcohol use. His drug test from Synergy was positive for
28 amphetamines. Darnell was attending school at Chaparral, but school records
show that he has not attended school since the 2010-2011 school year. Darnell has
been diagnosed in the past with Attention Deficit-Hyperactivity Disorder, but is not
on any medications at this time.

As of this writing, this Officer has not received the report from the psychological

1 **Community Protection:**


2 evaluation.

3
4 There is no question that the alleged offenses were heinous in nature. The sexual
5 assault of a peer- age female victim, as well as his alleged minimization of the
6 behavior, speaks to the level of risk Darnell could present to the community.

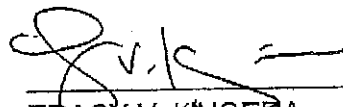
7 **Recommendation:**

8 No recommendation is submitted by Probation in this matter.

9 Submitted by:

10 
11 KEVIN BROWN

12 Juvenile Probation Officer
13 601 North Pecos Road
14 Las Vegas, NV 89101

15 
16 TRACY V. KINGERA

17 Juvenile Probation Supervisor

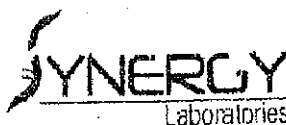
18 DATE: September 17, 2012
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CLARK COUNTY DEPARTMENT OF JUVENILE JUSTICE SERVICES
PREVIOUS RECORD SHEET
(for Certification Reports)

Case # J306934

Name: DARRNELL ROBERT TOWNSEL

<u>Ref. Date</u>	<u>Offense</u>	<u>Court Date</u>	<u>Disposition</u>
07/25/2007	Taking Vehicle without Consent of Owner	01/24/2008	Formal Probation
11/26/2007	Affray/Fighting	01/24/2008	Formal Probation
05/24/2008	Petty Larceny	07/23/2008	Formal Probation/Suspended Placement SM
06/11/2008	Petty Larceny	07/23/2008	Formal Probation/Suspended Placement SM
07/30/2008	Petty Larceny	08/19/2008	Formal Probation/SMYC Placement
07/30/2008	Violation of Probation	08/19/2008	Formal Probation/SMYC Placement
08/18/2009	Disorderly Conduct	08/26/2009	Formal Probation/Suspended Commitment
08/18/2009	Violation of Probation	08/26/2009	Formal Probation/Suspended Commitment



4161 S. EASTERN AVE., SUITE #A-6
LAS VEGAS, NV 89119
(702) 643-LABS (5227) TEL
(702) 248-6486 FAX
Email: info@ixilabs.com

0070C0 LABORATORY REPORT
CLARK COUNTY JJSPD
601 NORTH PECOS ROAD
LAS VEGAS, NV 89101
455-5290

Page 1

William Ramos, M.D. Medical Director

PATIENT NAME TOWNSEL, DARNELL	AGE SEX 17 M	ACCOUNT NUMBER 42366	REFERRING PHYSICIAN W Ramos	SPEC ACCESSION 20702117
PATIENT I.D.	TIME COLLECTED 14:00	DATE COLLECTED 7/02/12	DATE RECEIVED 7/02/12	DATE REPORTED 7/03/12
DOB: 12/10/1994	TEL:			REPORT STATUS FINAL

TEST	RESULT	OUT OF RANGE	UNITS	REFERENCE RANGE
CW: K. BROWN C#: J306934 LE#: 424936				
HAIR 5 DRUG TEST				
This very sensitive test is performed using Enzyme Immuno-assay.				
RESULTS WITH A VALUE LOWER THAN THE CUT OFF VALUES ARE INTERPRETED AS NEGATIVE.				
RESULTS WITH A VALUE HIGHER THAN THE CUT OFF VALUES ARE INTERPRETED AS POSITIVE, PENDING CONFIRMATION.				
AMPHETAMINES		244 H		>199
COCAINE	NEGATIVE			>74
OPIATES	NEGATIVE			>149
PHENCYCLIDINE	NEGATIVE			>19
THC/CANNABINOIDS	NEGATIVE			>14

CUT OFF LEVELS:				
AMPHETAMINES	200 ng/mL			
COCAINE METABOLITE	75 ng/mL			
OPIATES	150 ng/mL			
PHENCYCLIDINE	20 ng/mL			
THC/CANNABINOIDS	15 ng/mL			
RESULTS WITH A VALUE HIGHER THAN THE CUT OFF VALUES ARE POSITIVE, PENDING CONFIRMATION.				
END OF REPORT				

WARNING: This is a confidential medical report. Illegal use or disclosure of this information to unauthorized personnel is unlawful. If you have received this report in error, you must notify LAB EXPRESS/SYNERGY at (702)643-5227.

B

SASI038

CCSD SASIXP STUDENT SECONDARY COURSE HISTORY

SASI38A

COURSE LIST

SCHOOL 554 554-CHAPARRAL HIGH SCHOOL

NAME	STAT	DATE	GR	GEN TRK	STUDENT ID
TOWNSEL, DARRNELL ROBERT		08/29/11	11	M	491621
COURSE	CORE	CRED	GRD RPT	SCL	
MTH YEAR COURSE TITLE	INDC	MARK CIT	COMP TRM LVL TAG	ABS ATT	
01 2007 10460000 COMP LITERACY 6		N	0.000 01 9	04 532	
06 2008 29910500 SOC EMO DEV APP		N	0.000 02 9	05 720	
01 2010 13490900 GUIDANCE		F	0.000 01 9	14 554	
01 2010 15080000 NAVY JR ROTC I		C	0.500 01 9	04 554	
01 2010 16450900 PE I		A	0.500 01 9	02 554	
01 2010 16600000 PE II WAIVER		P	0.500 01 9	00 554	
01 2010 17500540 ENGLISH I APP	M	F	0.000 01 9	06 554	
01 2010 17540540 READING APP		D	0.500 01 9	07 554	
01 2010 17750540 MATH APP	M	C	0.500 01 9	08 554	
01 2010 17940540 PERSON DEV APP		C	0.500 01 9	07 554	
06 2010 23490900 GUIDANCE		F	0.000 02 9	08 554	
06 2010 25080000 NAVY JR ROTC I		F	0.000 02 9	09 554	

F3=EXIT F4=MENU F7=BWD F8=FWD F9=GPA

*No attendance records
Last enrolled in
Chaparral 2010-2011 school
year.*

NAME				STAT	DATE	GR	GEN	TRK	STUDENT ID			
TOWNSEL, DARRNELL ROBERT					08/29/11	11	M		491621			
COURSE				CORE		CRED		GRD	RPT	SCL		
MTH	YEAR	COURSE	TITLE	INDC	MARK	CIT	COMP	TRM	LVL	TAG	ABS	ATT
06	2010	26450900	PE I		D		0.500	02	9		09	554
06	2010	26600000	PE II WAIVER		P		0.500	02	9		00	554
06	2010	27390520	PREVOCATIONS APP		B		0.500	02	9		04	554
06	2010	27540520	READING APP		B		0.500	02	9		07	554
06	2010	27750520	MATH APP	M	F		0.000	02	9		08	554
06	2010	27850520	SCIENCE I APP	M	F		0.000	02	9		09	554
06	2010	27950520	SOCIAL LIVING APP		F		0.000	02	9		12	554
01	2011	13000000	ART I		D		0.500	01	10		01	554
01	2011	15090000	NAVY JR ROTC II		F		0.000	01	10		04	554
01	2011	15400000	MUSIC APPREC		C		0.500	01	10		02	554
01	2011	17510520	ENGLISH II APP	M	B		0.500	01	10		03	554
01	2011	17540520	READING APP		B		0.500	01	10		05	554

F3=EXIT F4=MENU F7=BWD F8=FWD F9=GPA

SASI038

CCSD SASIXP STUDENT SECONDARY COURSE HISTORY

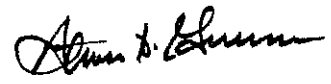
SASI38A

COURSE LIST

SCHOOL 554 554-CHAPARRAL HIGH SCHOOL

NAME	STAT	DATE	GR	GEN	TRK	STUDENT ID
TOWNSEL, DARNELL ROBERT		08/29/11	11	M		491621
COURSE	CORE	CRED	GRD	RPT	SCL	
MTH YEAR COURSE TITLE	INDC	MARK CIT	COMP	TRM	LVL	TAG
01 2011 17830520 CONTEMP MATH APP	M	B	0.500	01	10	03 554
01 2011 17860520 SCIENCE II APP	M	B	0.500	01	10	01 554
01 2011 17910520 WORLD HISTORY APP	M	A	0.500	01	10	03 554
06 2011 23000000 ART I		D	0.500	02	10	14 554
06 2011 25090000 NAVY JR ROTC II		F	0.000	02	10	24 554
06 2011 25400000 MUSIC APPREC		F	0.000	02	10	12 554
06 2011 27510520 ENGLISH II APP	M	D	0.500	02	10	27 554
06 2011 27540520 READING APP		D	0.500	02	10	30 554
06 2011 27830520 CONTEMP MATH APP	M	D	0.500	02	10	21 554
06 2011 27860520 SCIENCE II APP	M	F	0.000	02	10	15 554
06 2011 27910520 WORLD HISTORY APP	M	F	0.000	02	10	19 554

F3=EXIT F4=MENU F7=BWD F8=FWD F9=GPA


CLERK OF THE COURT

1 OPP
2 PHILIP J. KOHN,
3 PUBLIC DEFENDER
4 NEVADA BAR NO. 0556
5 Kerri J. Maxey
6 Deputy Public Defender
7 Nevada Bar No. 9118
8 601 N. Pecos Rd., #49
9 Las Vegas, Nevada 89101
10 (702) 455-5475
11 Attorney for Subject Minor
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DISTRICT COURT
JUVENILE DIVISION
CLARK COUNTY, NEVADA

IN THE MATTER OF
DARNELL ROBERT TOWNSEL
Date of birth: 12/10/1994
A Minor, 17 years of age.

CASE NO. J-12-306934-D9
DEPT. NO. A
COURTROOM: 18
Date: October 3, 2012
Time: 1:30 p.m.

**SUBJECT MINOR'S OPPOSITION TO THE STATE'S PETITION TO CERTIFY THE
SUBJECT MINOR TO ADULT STATUS**

The Subject Minor by and through his undersigned counsel, Kerri J. Maxey, Deputy Public Defender, submits his Opposition to the State's Motion for Certification of the Subject Minor to Adult Status. This Opposition is based upon the following Memorandum of Points and Authorities, the attached Exhibits, and the argument of counsel at the time set for hearing before this Honorable Court at the Certification Hearing of Darnell Townsel.

DATED this 25th day of September, 2012.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/Kerri J. Maxey
KERRI J. MAXEY #9118
Deputy Public Defender

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MEMORANDUM OF POINTS AND AUTHORITIES

I.

STATEMENT OF THE CASE

Darnell Robert Townsel, hereinafter Darnell, is before the Court on Petition 9. Darnell is being charged with one count of sexual assault, one count of battery with intent to commit a crime (sexual assault), one count of burglary, one count of kidnapping in the second degree, and one count of battery constituting domestic violence. The complaining witness listed in the petition is his 18 year old ex-girlfriend. The State is seeking certification.

II.

STATEMENT OF THE FACTS

On May 31, 2012, Sylvia Breaux, hereinafter complaining witness, texted Darnell. The text stated that the complaining witness was breaking up with Darnell. (See Declaration of Arrest of LVMPD Event# 120531-3989 attached the States Memorandum, hereinafter DOA 3989) After receiving the text, Darnell approached the complaining witness at her apartment complex. He informed the complaining witness that he wanted to talk to her and led her over to a trash can. (See Sylvia Breaux voluntary statement attached to the State's Memorandum, hereinafter Breaux Statement.) After talking for a while, Darnell bit the complaining witness on her hand and chin. The complaining witness told Darnell to stop. She then took Darnell to her apartment to give him back his property. Once at the apartment, the complaining witness' mom told Darnell to leave. DOA 3989. Darnell got upset and began to throw rocks at the windows of the apartment. DOA 3989.

Twenty-two days later, Darnell went to the complaining witness' apartment. (See Declaration of Arrest of LVMPD Event# 120622-0318, hereinafter DOA 0318.) He went there to get his phone back. (See Police Interview of Darnell Townsel, hereinafter Exhibit A.) Darnell

1 entered the apartment through an open window. Exhibit A. He found the complaining witness
2 sleeping and poked her on the arm to wake her up. Exhibit A. Once she was up, Darnell asked
3 the complaining witness if he could have his phone back. Exhibit A. After several minutes of
4 discussing his missing phone, Darnell laid down next to the complaining witness. Exhibit A. He
5 started kissing her neck. Exhibit A. One thing led to another and Darnell had sex with the
6 complaining witness. Exhibit A. While having sex, the complaining witness did not say anything
7 to Darnell. Exhibit A.

8 III.

9 ARGUMENT

10 A. APPLICABLE LAW

11 It is well settled that, in general, the juvenile court possess exclusive jurisdiction over a
12 minor, living or found within Clark County, who commits a delinquent act. NRS 62B.330.
13 Persons under 18 years of age are presumed to come within the jurisdiction of the juvenile court
14 and should not be transferred to adult court unless it is made to appear by clear and convincing
15 evidence that the public safety and welfare require transfer.¹

16 In Nevada, transfer of a minor's case from juvenile court to adult court for the purposes of
17 criminal prosecution is possible under two standards: 1) discretionary certification and 2)
18 presumptive certification. Discretionary certification is applicable when a minor is charged with
19 an offense that would be classified as a felony if committed by an adult and the minor was 14
20 years of age or older when he/she allegedly committed the offense. NRS 62B.390(1).
21 Presumptive certification is applicable when a minor is charged with: a sexual assault involving
22

23
24
25
26 ¹ It is noted that a limited number of acts committed by minors are deemed to be outside the purview of
27 "delinquent acts," and, accordingly, the juvenile court does not have original jurisdiction over individuals charged
28 with: 1) murder, 2) attempt murder, 3) sexual assault with use or threatened use of force when a) the minor was 16
years or older at the time of its alleged commission and b) the minor had previously been adjudicated delinquent for an
act that would be construed as a felony if committed by an adult; and 4) an offense involving the use or threatened
use of a firearm when a) the minor was 16 years old or older at the time of its alleged commission and b) the minor

1 the use of or threatened use of force or violence against the victim or an offense or attempted
2 offense involving the use or threatened use of a firearm and the minor was 16 years of age or older
3 when he/she allegedly committed the offense. NRS 62B.390 (2) as amended by AB No. 237
4 (2009).

5 The state, in its Petition to certify the subject minor, requests this court transfer the
6 jurisdiction of the subject minor to the adult court for criminal proceedings under the
7 discretionary standard. It must be recognized that the decision of a juvenile court to waive its
8 exclusive jurisdiction over a minor and transfer that minor's case to adult court is a very weighty
9 decision; it is comparable in seriousness to a felony prosecution. J.M.R. v. Moore, 610 P.2d 811
10 (Okla.Crim. 1980). The hearing to determine whether a juvenile should be tried as an adult was
11 said to be "critically important" by the Nevada Supreme Court in Marvin v. State, 95 Nev. 836,
12 603 P.2d 1056 (1979), and a "critical stage" by the Federal Bench in Kent v. U.S., 383 U.S. 541,
13 86 S.Ct. 1045, 16 L.Ed.2d 84 (1966); Powell v. Hocker, 453 F.2d 652 (9th Cir. 1971).
14

15 In a landmark decision, the Supreme Court of the United States addressed the issue of
16 due process afforded juveniles facing transfer to the adult court. Kent v. United States, 383 U.S.
17 541, 557 (1966). The United State's Supreme Court believed that the decision to waive juvenile
18 court jurisdiction "is potentially as important to [the child] as the difference between a five
19 years' confinement and a death sentence." Decisions to transfer a person who is a minor from the
20 juvenile court to adult court should be the exception and not the rule. The United States
21 Supreme Court wrote in Kent, supra, 383 U.S. at 560:
22

23 [I]t is implicit in [the juvenile court] scheme that non-criminal
24 treatment is to be the rule – and the adult criminal treatment, the
25 exception which must be governed by the particular factors of
26 individual cases." Harling v. United States, 111 U. S. App. D. C.
27 174, 177-178, 295 F.2d 161, 164-165 (1961).

28 had previously been adjudicated delinquent for an act that would be construed as a felony if committed by an adult.
NRS 62B.330 (3).

1 The Nevada case of In re Seven Minors, 99 Nev. 427 (1983) closely follows the Kent
2 decision. The Seven Minors decision calls for a bifurcated hearing. First, the court is required to
3 make a preliminary determination as to the prosecutive merit of the charge before going ahead
4 with the transfer process. "There is no point in the court's considering the difficult transfer
5 issues until after it has been determined that a sound basis for prosecution exists." Id. at 437.
6 The Nevada Supreme Court further discussed the procedural considerations in the case of In re
7 Three Minors, 100 Nev. 414, 417-418 (1984).

8
9 Requiring the state to establish prosecutive merit of the felony
10 charge serves two purposes. The first is the furtherance of judicial
11 economy. There is no point in the court's considering the difficult
12 transfer issues until after it has been determined that a sound basis
13 for prosecution exists in the event that transfer is effectuated. . . .
14 Another purpose . . . is that it provides a reasonable safeguard
15 against juveniles' being made subject to inherently fruitless
16 transfer proceedings or to having to defend against unsupportable
17 criminal prosecutions.

18
19 The court in Seven Minors established the juvenile court should consider a decisional
20 matrix comprised of the following three categories: first, nature and seriousness of the charged
21 offense or offenses; second, persistency and seriousness of past adjudicated or admitted criminal
22 offenses; and third, subjective factors-such personal factors as age, maturity, character,
23 personality and family relationships and controls.

24 [T]he transfer decision may be based on either or both of the first
25 two categories. For example, the nature and seriousness of the
26 crime upon which the transfer proceedings are based may be such
27 that transfer should be based on this factor alone. Only the most
28 heinous and egregious offenses would fall into this category,
however. Similarly, a persistent record of past serious offenses
may alone justify transfer even if the supporting, present charge
were of relatively less seriousness.

The third category, the subjective factors, must be considered with
greater caution; and transfer should not be based on this category
alone. For example, a judge's conclusion that the youth in court is
relatively sophisticated, uncontrite or rebellious does not justify a

1 decision to transfer, absent a finding that one or both of the first
2 two categories call for adult treatment. This third category,
3 involving subjective evaluation of the youth, will come into play
4 principally in close cases in which neither of the other two
5 categories clearly impels transfer to adult court. In such cases,
6 even given fairly serious criminal activity, a decision not to
7 transfer may be properly and wisely made because such individual
considerations as mental attitude, maturity level, emotional
stability, family support and positive psychological and social
evaluation require a finding that the public interest and safety are
best served by retaining the youth in the juvenile system.
In re Seven Minors, 99 Nev. at 435 (emphasis supplied).

8 IV.

9 PROSECUTIVE MERIT

10 In In re Three Minors the Court established that prosecutive merit exists when "probable
11 cause exists to believe that the subject juvenile committed the charged felony." 100 Nev. at 417.
12 The probable cause finding may be based on the evidence taken from the petition, sworn
13 investigative reports, witnesses' affidavits, police affidavits, or other informal but reliable
14 evidence. Id. at 418. In re Three Minors provides restrictions for the juvenile court in
15 determining whether probable cause exists and held that "fairness requires that probable cause not
16 be based entirely on unsworn hearsay evidence" nor can the determination be based solely on the
17 opinion of prosecutorial officials. Id. at 419.

18
19 In re Three Minors mandates that, when the juvenile challenges a preliminary probable
20 cause finding, "fairness and due process do require that some kind of hearing be conducted in
21 order that a juvenile be afforded an opportunity to present contrary evidence in opposition to the
22 preliminary finding." Id. emphasis added. This means that the juvenile should not be foreclosed
23 from presenting his side of the case. Id. emphasis added.
24

25
26 Darnell is challenging prosecutive merit on Counts 2, 3 and 4 of Petition Nine. By
27 challenging prosecutive merit, Darnell does not waive any trial rights or defenses that he is
28 entitled to assert either in the juvenile delinquency court or in adult criminal court.

1 A. COUNT 2 -BATTERY WITH INTENT TO COMMIT A CRIME (SEXUAL
2 ASSAULT).

3 In Count 2, the State alleges that Darnell battered the complaining witness with the intent
4 to commit a sexual assault by removing her clothing, covering her mouth with his hand, and/or by
5 preventing her from leaving.

6 Under the doctrine of Merger and the U.S. Constitution's double jeopardy provision, Count
7 2 of the petition should be dismissed. As the court knows, merger is a doctrine of statutory
8 interpretation used to determine whether the legislature intended to impose multiple punishments
9 for a single act which violates several statutory provisions. The doctrine applies where the
10 legislature clearly indicated that in order to prove a particular degree of crime, the State must
11 prove not only that a defendant committed the underlying crime, in this case sexual assault, but
12 that the crime was accompanied by an act which is defined as a crime elsewhere in the criminal
13 statutes. However, if the offenses that the defendant is accused of have independent purposes or
14 effects, they may be punished separately. Additionally, a conviction for both offenses cannot
15 stand unless it involves some injury to the person or property of the victim which is separate and
16 distinct from and not merely incidental to the crime of which it forms an element. See State vs.
17 Contreras, 118 Nev. 332, 46 P.3d 661 (2002), Mendoza vs. State, 122 Nev. Adv. Rep. 23, 130
18 P.3d 176 (2006)

19 The Nevada Supreme Court's decision in Wright vs. State, 94 Nev. 415, 581 P.2d 442
20 (1978), is instructive to this court. There, defendant Wright, during the commission of a robbery,
21 told the victims to "walk to a back office, a distance of 20 to 40 feet." 94 Nev. at 416. The victims
22 were also told "to lie face down on the floor where they were taped hand and foot." Id. In
23 reversing Wright's conviction for kidnapping, the Court opined:

24 if, indeed, the movement of the victim is **incidental to the**
25 **robbery** and does not substantially increase the risk of harm over
26 and above that necessarily present in the crime of robbery itself, it

would be unreasonable to believe that the legislature intended a double punishment. . . .

Wright v. State, 94 Nev. at 417-18. (Emphasis added). See, Jefferson v. State, 95 Nev. 577, 599 P.2d 1043 (1979), Hampton vs. Sherrieff, Clark County, Nevada, 95 Nev. 213, 591 P.2d 1146 (1979).

In Hampton vs. Sheriff, Clark County, Nevada, 95 Nev. 213, 591 P.2d 1146 (1979), "the victim, a paraplegic, was placed in his wheelchair and moved about the area for the stated purpose of coercing him to relinquish additional sums of money." Id. at 214. The Nevada Supreme Court held that the district court should have granted the habeas challenges to the kidnapping charges, and reasoned, "**The movement was a part of the general criminal scheme in furtherance of the robbery.**" Id. (Emphasis added).

In the present case, Darnell is charged with battery with the intent to commit a sexual assault. The alleged acts described in Count 2 are incidental to Count 1. It would be difficult for Darnell to commit a sexual assault without some kind of forceful touching of the complaining witness. Clearly, a battery was likely to happen with the underlying charge. Therefore, prosecutive merit on Count 2 has not been established. Transfer should not go forward.

B. COUNT 3 - BURGLARY.

In Count 3, the State alleges that Darnell entered the complaining witness' apartment with the intent to commit a sexual assault.

Nevada Revised Statute 205.060 states that;

A person who, by day or night, enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car, with the intent to commit grand or petit larceny, assault or battery on any person or any felony, or to obtain money or property by false pretenses, is **guilty of burglary.**

(emphasis added.)

1 Burglary is a specific intent crime. Sheriff, Clark County, Nev. v. Stevens, 97 Nev. 316,
2 630 P.2d 256 (1981), and Carr v. Sheriff, Clark County, 95 Nev. 688, 601 P.2d 422 (1979), and
3 State v. Adams, 94 Nev. 503, 581 P.2d 868 (1978). The intent must be formulated at the time the
4 defendant in entering the building. Id.

5 With the case at hand, the alleged facts do not support the State's claim that Darnell
6 entered the apartment with the intent to commit a sexual assault. Darnell repeatedly stated that he
7 went inside the apartment to get his cell phone back. Exhibit A. The complaining witness still had
8 Darnell's cell phone and he needed it back. Exhibit A. The alleged fact that Darnell had sex with
9 the complaining witness does not show that he entered the apartment with the intent to commit a
10 sexual assault.

11 Because the State failed to show that Darnell entered the apartment with the specific intent
12 to commit a sexual assault, prosecutive merit does not exist on Count 3. Transfer should not go
13 forward.
14

15
16 **C. COUNT 4 – KIDNAPPING – SECOND DEGREE**

17 In Count 4, the State alleges that Darnell willfully and unlawfully seize, inveigle, take,
18 carry away or kidnap the complaining witness with the intent to keep her detained against her will.

19 The totality of the alleged facts does not support the State's claim that Darnell possessed
20 the intent to detain the complaining witness. According to the complaining witness, Darnell
21 grabbed her by the arm and told her that he wanted to talk. Breaux Statement. Wanting to find a
22 private place to discuss a relationship does not rise to the level of kidnapping. After talking to her,
23 Darnell even escorted the complaining witness to her apartment. Breaux Statement.

24 There is no indication that Darnell had the intention to keep her detained. The alleged
25 facts do not support the element of seize, inveigle, take, or carry away. Prosecutive merit on Count
26 4 has not been met. Transfer is not warranted.
27
28

DISCRETIONARY CERTIFICATION

In this case the State is seeking Discretionary Certification. Therefore, Darnell will challenge pursuant to Discretionary Certification, which is governed by NRS 62B.390(1) and Seven Minors, 99 Nev. 427, 664 P.2d 947.

A. SERIOUSNESS OF THE ALLEGED OFFENSE

In determining whether the juvenile should be transferred to the adult court, the first category is the nature and seriousness of the charged offense or offenses. The transfer may be based on this factor alone, however, '[o]nly the most heinous and egregious offenses would fall into this category. In re Seven Minors, 99 Nev. 427, 435, 664 P.2d 947, 952 (1983). Therefore, the court must consider whether the facts of the instant matter can be considered "heinous and egregious" to justify transfer on this factor alone. Certification can be based solely on this factor but only when the charges "clearly impel" certification to adult court. Id.

In State v. A. L. (In re A.L.), 123 Nev. Adv. Rep. 4, 153 P.3d 32 (2007) the district court noted despite the seriousness of the charges, it was still a close case, and looked at the subjective factors, and ultimately denied the state's petition to certify the minor. In re A.L., 153 P.3d at 36. The Supreme Court upheld the district court's denial and stated that "The [juvenile] court retains broad discretion in making discretionary certification decisions in accordance with the guidelines set forth in Seven Minors." In re A.L., 153 P.3d at 36.

Here, while the charges filed by the district attorney's office are serious, Darnell's actual alleged behavior and circumstances surrounding the alleged behavior, while serious, does not "clearly compel" certification. The Court should look to the actual alleged behavior, not merely at the State's charging document, to discern the seriousness of the case.

1 Assuming arguendo, that the alleged facts are true, Darnell is basically to have had
2 non-consensual sex with his ex-girlfriend. There was no violence involved. She did not push
3 Darnell away or even try to physically stop his advancement. He did not threaten the complaining
4 witness. It is a one time incident. This is a case where teenage emotions ran high and cues were
5 misread by a mild mentally retarded teenager.

6 Darnell's case is the typical juvenile sex offense case that this Court sees every day. The
7 majority of the juvenile sex offense cases are crimes of opportunity where the complaining witness
8 is known to the juvenile. The juvenile court has dealt with and effectively treated sex offenses
9 cases like Darnell's multiple times.

10 The fact that Darnell was 17 when this alleged offense occurred, does not make his case
11 any different. If Darnell was 14 or 15 years old when this alleged incident occurred, the State
12 probably wouldn't have sought certification. The State has not sought certification on all the other
13 cases that are factually similar to Darnell's. The only reason why Darnell is facing certification
14 is due to his current age.

15 The charges that Darnell is facing are serious. All sex offense charges are serious.
16 However, this case does not rise to the level of heinous and egregious. This alleged incident can
17 be characterized as a crime of opportunity, which is the typical juvenile sex offense crime. It is
18 not a crime where it is alleged that Darnell preyed upon a random stranger or stalked a chosen
19 victim. It is not a sex offense crime that involved the use of a weapon, violence, or the infliction
20 of serious bodily injury. It is the standard juvenile sex offense case that can be effectively handled
21 in the juvenile system and has been effectively treated by the juvenile system. Darnell's case
22 should stay in the juvenile system.

23 **B. PAST ADJUDICATIONS**

24 In determining whether the juvenile should be transferred to the adult court, the second
25

category is the persistence and seriousness of past offenses. In re Seven Minors, 99 Nev. at 435.

A persistent record of past serious offenses may alone justify transfer even if the present charge is less serious. In re Seven Minors, 99 Nev. at 435. "By focusing on the youth's criminal activity, past and present, the court is in a better position to make objective judgments in differentiating between the hardcore offender and the majority of 16 and 17 year old youths who do not, in the public interest, necessarily have to suffer the consequences of adult prosecution."

Id. (emphasis added).

Darnell has a total of eight adjudications. Eight seems like a high number, but when one looks closely at the adjudications it shows a history of petty larcenies and violations of probation. The most serious adjudication is a gross misdemeanor taking vehicle without the consent of owner. It involved the theft of a scooter.

Darnell does not have a persistent and serious juvenile record. Darnell is not a hardcore offender that must be treated differently from the other juveniles. Transfer under this prong is unwarranted.

C. SUBJECTIVE FACTORS

The third category is the consideration of subjective factors. Subjective factors are essentially personal factors and include factors such as age, maturity, character, personality and family relationships and controls. In re Seven Minors, 99 Nev. at 435. Even in light of fairly serious criminal activity, a decision not to transfer is appropriate when such individual considerations as mental attitude, maturity level, emotional stability, family support and positive psychological and social evaluation require a finding that the public interest and safety are best served by retaining the youth in the juvenile system. In re Seven Minors, 99 Nev. at 435. The subjective factors in this case support a conclusion that the subject minor should remain in the juvenile system.

i. Mental Health

On September 7, 2012, Richard Yao, Ph.D., hereinafter Dr. Yao, conducted a juvenile certification evaluation on Darnell. (See Juvenile Certification Evaluation by Richard Yao, Ph.D., hereinafter Exhibit B.) Dr. Yao diagnosed Darnell with the following:

AXIS I:	Conduct Disorder, Adolescent Onset Attention Deficit Hyperactivity Disorder Combined Type (Provisional)
AXIS II:	Mild Mental Retardation
AXIS III:	None Reported
AXIS IV:	Legal Involvement
AXIS V:	GAF: 50

Exhibit B.

There is a history of mental illness in Darnell's family. (See Psychosocial on Darnell Townsel by Public Defender Social Worker Chris Fox, hereinafter Exhibit C.) Ms. Townsel reports that she has a sister that is bi-polar and a brother that is schizophrenic. Exhibit C.

Darnell was diagnosed with ADHD in the second grade. Exhibit C. Concerns at the time were Darnell's impulsivity, and hyperactive behaviors. Exhibit C. This resulted in extreme difficulties maintaining Darnell in the classroom. Exhibit C. Darnell has a history of impulsive behaviors, attention difficulties, concentrating, focusing, and staying on task. Exhibit C.

Darnell was treated with medication to address his ADHD concerns beginning in elementary school. Exhibit C. He also received individual therapy, and psycho-social rehabilitative services, throughout middle school. Exhibit C. Darnell remained medication compliant until he entered the ninth grade. Exhibit C. At this time, Darnell began to refuse his medication and all other mental health services. Exhibit C. Darnell states he stopped taking his medication because he was embarrassed. Exhibit C. He also thought he could function successfully without it. Exhibit C.

Darnell received medication throughout his stay at Spring Mountain Youth Camp (SMYC). Exhibit C. He did well according to him and his mother at SMYC. Exhibit C. Darnell

1 was placed back into his parent's home after being released from SMYC. Exhibit C. He was
2 released home with his medication, but again refused to take it after a short time being at home.
3 Exhibit C. Darnell states he felt fine without the medication and felt that he did not need it.
4 Exhibit C.

5 Darnell states that prior to being detained for the current offense, there were times when
6 he felt as if he needed to be back on his medications. Exhibit C. He described himself as being
7 angry, impulsive, and easily frustrated, prior to being detained. Exhibit C. Darnell states that
8 when he takes his medication he feels more focused and tends to be more conscious of being
9 respectful to people. Exhibit C.
10

11 ii. Intellectual Functioning

12 During the juvenile certification evaluation, Darnell was administered the Wechsler
13 Adult Intelligence Scale-Forth Edition (WAIS-IV). Exhibit B. With regards to his test-taking
14 behavior, he was engaged and active throughout the testing session. Exhibit B. Darnell showed
15 good persistence and motivation when faced with more challenging items. Exhibit B. As such,
16 these testing results can be considered to be an accurate representation of his current level of
17 cognitive functioning. Exhibit B.
18

19 Darnell was scheduled to be administered the Personality Assessment Inventory-
20 Adolescent Version (PAI-A). Exhibit B. However, his reading comprehension deficits were
21 evident, and he had significant difficulty reading the test questions. Exhibit B. As such, the
22 PAI-A was not administered. Exhibit B.
23

24 Darnell's full-scale IQ score was 59, which is considered to be in the mild mental
25 retardation range of intellectual functioning. Exhibit B. This score ranks at the .3 percentile
26 when compared to the standardized group of same age peers. Exhibit B. The full-scale IQ score
27 is composite of verbal comprehension, perceptual reasoning, working memory, and processing
28

1 speed. Exhibit B. The full scale IQ score provides a global estimate of overall abilities and is
2 considered the most representative score of general intellectual functioning. Exhibit B.

3 Darnell's verbal comprehension IQ score was 68, which is considered to be in the
4 extremely low range and is indicative of a marked level of impairment. Exhibit B. This score
5 ranks at the 2nd percentile when compared to the standardized group of same age peers. Exhibit
6 B. Verbal comprehension IQ measures verbal abstraction skills, vocabulary abilities, and
7 general fund of information. Exhibit B.

8 Darnell's perceptual reasoning IQ score was 67, which is considered to be in the
9 extremely low range and is indicative of a marked level impairment. Exhibit B. This score
10 ranks at the 1st percentile when compared to a standardized group of same age peers. Exhibit B.
11 Perceptual reasoning IQ measures the capacity for perceptual reasoning, spatial processing, and
12 visual motor integration. Exhibit B.

13 Darnell's working memory IQ score was 55, which is considered to be in the extremely
14 low range and is indicative of a marked level of impairment. Exhibit B. This score ranks in the
15 .1 percentile when compared to a standardized group of same age peers. Exhibit B. Working
16 memory is considered to be an essential component of higher order of cognitive processes.
17 Exhibit B. Working memory IQ measures attention, concentration, and mental control. Exhibit
18 B. This requires the ability to temporarily retain information in memory, perform some mental
19 operation, and produce a result. Exhibit B.

20 Darnell's processing speed IQ was 71, which is considered to be in the extremely low
21 range and is indicative of a marked level of impairment. Exhibit B. This score ranks at the 3rd
22 percentile when compared to a standardized group of same age peers. Exhibit B. Processing
23 speed IQ measures the ability to quickly scan, sequences, and discriminate simple visual
24
25
26
27
28

1 information. Exhibit B. It is also a good measure of short term visual memory, attention, and
2 visual motor coordination. Exhibit B.

3 These findings are consistent with Darnell's previous evaluations conducted through the
4 Clark County School District in 2003, 2005, and 2008. (See 2003, 2005, and 2008 Clark County
5 School District Multidisciplinary Team Reports, hereinafter Exhibit D.) These evaluations
6 indicated the Darnell's cognitive abilities were consistently assessed to be in the mild mental
7 retardation range of intellectual functioning. Exhibit B and D. In addition, he was administered
8 the Vineland Adaptive Behavior Scales in 2005, which indicated significant deficits in his
9 adaptive functioning. Exhibit B and D. The Multidisciplinary evaluations will be discussed at
10 length under section iv.
11

12 Dr. Yao did not formally assess Darnell's adaptive functioning. Exhibit B. However,
13 based on review of records, behavioral observations during the evaluation, and Darnell's self
14 report, he presents with significant deficits in his communication, social/interpersonal skills, and
15 functional academic skills. Exhibit B. During the evaluation, Darnell's cognitive deficits
16 became more evident as the evaluation processed. Exhibit B. He had significant difficulty
17 providing a chronological psychosocial history and had difficulty distinguishing between dates
18 and timeframes. Exhibit B. He had significant difficulty clearly distinguishing between his
19 elementary, middle school, and high school grades. Exhibit B.
20

21 Based on Darnell's cognitive testing results, impairment in adaptive functioning, and
22 documented evidence of an onset prior to age 18, he meets diagnostic criteria for mild mental
23 retardation. Exhibit B.
24

25 **iii. Family Relationships**

26 Darnell Townsel is a seventeen year-old Black male. Exhibit C. He is the biological son
27 of John and Vera Townsel. Exhibit C. At the time of his arrest, Darnell was living in the home of
28

1 his parents. Exhibit C. Also living in the home are Darnell's siblings, Vanessa, 21, Janika, 19,
2 and Ray, 18. Exhibit C. Ray's girlfriend and their infant child live in the home. Exhibit C.
3 Janika also has an infant child that lives in the home. Exhibit C.

4 Darnell was born in Los Angeles, California. Exhibit C. Mrs. Townsel reported that she
5 had a healthy pregnancy with Darnell and he achieved all of his developmental milestones on
6 time. Exhibit C. Mr. and Mrs. Townsel have been married for thirty years. Exhibit C. Darnell
7 states that his parents are a happy couple. Exhibit C. There were no reports of domestic violence
8 or substance use. Exhibit C.

9
10 Mr. Townsel is currently on disability due to heart problems and a bad eye. Exhibit C. He
11 worked in the construction and janitorial fields in the past. Exhibit C. Mrs. Townsel has worked
12 in the housekeeping field in the past. Exhibit C. She is currently unemployed. Exhibit C.

13 Darnell and his family lived in Compton and South Central neighborhoods until they
14 moved to Las Vegas in 2003. Exhibit C. Darnell was approximately eight years of age at the
15 time and entering the third grade. Exhibit C. Darnell's parents state that they moved to Las
16 Vegas to be closer to family. Exhibit C.

17
18 Darnell and his family struggled financially initially upon moving to Las Vegas. Exhibit
19 C. They moved on several occasions and lived in weekly rentals prior to securing an apartment.
20 Exhibit C. Darnell attended four different elementary schools as a result of the family moving.
21 Exhibit C.

22
23 Darnell struggled with behavior issues as he entered elementary school. Exhibit C.
24 According to Mrs. Townsel, Darnell had difficulties focusing and paying attention. Exhibit C.
25 He was described by his mother as being extremely hyper and busy in the home as well as in his
26 school setting. Exhibit C.

1 Darnell qualified for special education services in the second grade. Exhibit C. With the
2 assistance of school officials, Mrs. Townsel also accessed mental health services for Darnell to
3 address his behavior. Exhibit C.

4 Darnell was diagnosed with Attention Hyper-Activity Disorder (ADHD). Exhibit C. He
5 was prescribed the medications Clonidine, and Concerta to address his ADDHD issues. Exhibit C.
6 Mrs. Townsel states that Darnell's behavior improved when he began taking medication. Exhibit
7 C. Darnell took his medication on a consistent basis while he was in elementary school. Exhibit
8 C. He successfully completed elementary school and transitioned to middle school. Exhibit C.

9
10 Darnell states that he was compliant with this medication in the sixth and seventh grades
11 respectively. Exhibit C. During his eighth grade year, Darnell began to refuse his medication on
12 different occasions. Exhibit C. This was the result of Darnell feeling embarrassed about being
13 called to the nurse's office to take his medication. Exhibit C.

14
15 Darnell continued to receive mental health services in middle school. Exhibit C. Neither
16 Darnell nor his parents were able to recall what agency Darnell received mental health services
17 from. Exhibit C. Darnell also participated in individual counseling and had also had a Psycho-
18 Social Rehabilitation worker throughout middle school. Exhibit C.

19 Darnell attended one middle school, which resulted in stability and structure ass opposed
20 to his elementary school years when he attended several schools. Exhibit C. Darnell completed
21 middle school without any problems and successfully transitioned to high school. Exhibit C.

22
23 Darnell's behavior began to change as he entered high school. Exhibit C. This was the
24 result of him associating more with his older brother Ray and his peers. Exhibit C. Ray reportedly
25 has a long juvenile delinquency records and has been placed at Caliente and Elko for correctional
26 purposes as a result in the past. Exhibit C.

1 Darnell began to come into contact with the Clark County Juvenile Probation Department
2 as a result of his behavior. Exhibit C. He initially came into contact with the Probation
3 Department in 2007. Exhibit C. He was put on formal probation as a result of taking a vehicle
4 without owners consent. Exhibit C.

5 Darnell continued to be involved in deviant behavior that resulted in him coming into
6 probation's contact. Exhibit C. He was placed at Spring Mountain Youth Camp (SMYC) in
7 October 2011. Exhibit C. He was released to the home of his parents in February 2012. Exhibit
8 C. Darnell did well at SMYC. Exhibit C. Darnell remained at the home of his parents until he
9 was detained for the current offense. Exhibit C.
10

11 iv. School

12 Darnell initially enrolled in the Clark County School District in September 2003. Exhibit
13 C. While attending school in California, Darnell had been evaluated and found eligible for
14 special education services as a student with a learning disability. Exhibit C. Darnell had also
15 been diagnosed with ADHD which impacted his academic progress. Exhibit C.
16

17 Darnell's teachers in California noted that a lack of attendance in kindergarten contributed
18 to poor academic progress. Exhibit C. Significant behavior problems were also noted that
19 included hyper-activity. Exhibit C.

20 Upon entering the Clark County School District in 2003, it was determined that Darnell
21 continued to meet the criteria for special education services as a student with a Health Impairment.
22 Exhibit C.
23

24 At the time school officials noted concerns over low cognitive skills, and limited progress
25 in the classroom. Exhibit C and D. Further evaluation was recommended to consider a suspected
26 area of special education eligibility as mental retardation. Exhibit C and D.
27
28

1 Further academic testing in 2004, resulted in Darnell receiving special education services
2 under the criteria of mild mental retardation. Exhibit C and D. Darnell demonstrated limitations
3 in communication skills, self-care, and social skills. Exhibit C and D. Darnell's cognitive ability
4 was at least two standard deviations below the average. Exhibit C and D.

5 Darnell demonstrated difficulty with adaptive behavior. Exhibit C and D. His academic
6 achievement was thought to be consistent with his measured cognitive ability. Exhibit C and D.
7 Darnell's developmental functioning was also consistent with his measured cognitive and
8 adaptive behavior. Exhibit C and D.
9

10 Academic testing completed by the school district resulted in Darnell scoring a full scale
11 IQ of 59 which is in the mildly impaired delayed range for academic functioning. Exhibit C and
12 D. His score represented functioning at the 0.3 percentile. Exhibit C and D.

13 At the time Ms. Townsel reported that Darnell could not recite the entire alphabet from
14 memory, he did not know the month or day of his birthday, his telephone number or address.
15 Exhibit C. Darnell would dress himself if his clothes were laid in front of him. Exhibit C. He did
16 not know left and right on himself or others. Exhibit C.
17

18 Ms. Townsel reported that Darnell identified people by characteristics rather than by
19 name. Exhibit C. He did not share toys or other possessions. Exhibit C. He was unable to play a
20 board or card game requiring skill and decision making. Exhibit C.
21

22 Darnell continues to be eligible for special education for mild mental retardation. Exhibit
23 C and D. He last attended Chaparral High School. Exhibit C. Darnell continues to struggle with
24 reading and all other academic subjects. Exhibit C. He receives individual instruction by the
25 special education staff in detention. Exhibit C.
26
27
28

v. Substance Abuse

Darnell denied experimentation with drugs or alcohol. Exhibit C. However, it must be noted that Darnell did test positive for amphetamines. (See Certification Report by Officer Kevin Brown, hereinafter Probation Cert Report.)

vi. Age and Immaturity

Darnell is an immature 17 year old child. He is mild mentally retarded. Darnell's maturity level is below his chronological age. He is not living an adult lifestyle. Darnell does not have a job. He is not paying any bills or helping his mom with any expenses. Darnell is not enrolled in school.

Darnell is at the perfect age to provide him the necessary services to make sure that he is a successful and law-abiding adult. If he is kept in the juvenile system, this Court will have jurisdiction over Darnell until he turns 21. That is over 3 years of supervision and services that the juvenile system can provide to this child. This is the last time the juvenile court will have to work with Darnell. With this last chance, there is still plenty of time to provide him with services so that he will have a successful transition to adulthood. Having a successful transition to adulthood promotes the safety of the community.

vii. Past Services

Darnell was terminated successfully from probation and did well overall. Probation Cert Report. With structure and guidance, Darnell's behavior changed in a positive way. He may have pushed the limits, but most of the issues were parental problems that were dealt with by the parents. Since his release from Spring Mountain Youth Camp, Darnell's parents have had limited problems with him.

Darnell may have received a lot of services from probation. However, the juvenile system has not exhausted all services.

VI.

COMMUNITY PROTECTION

It has been established that community protection is the guiding principle in transfer proceedings. In re Seven Minors, 99 Nev. 427. 664 P.2d 947 (1983). If the safety of the community demands certification, then the Court must certify the juvenile. Id.

The safety of the community demands that Darnell's case remain in the juvenile system. Originally, the aim of the juvenile justice system was to create a system that would allow the juvenile to grow into adulthood without any barriers to obstruct their successful transition. Ashley Nellis, Addressing the Collateral Consequences of Convictions for Young Offenders, The Champion, (July/August 2011). A juvenile with an adult conviction leads to numerous life long barriers that greatly reduce access to a stabilized adult life. Id.

Incarcerated juveniles are 30 percent more likely to be rearrested. Id. Certified juveniles are less likely to receive any appropriate rehabilitative, educational, or vocational services. Id. Therefore, certification sets up a juvenile for failure. Id. A juvenile growing up in the adult criminal system exhibits more negative outcomes. Id. Certifying juveniles does not guarantee safety to the community.

If Darnell is certified, the community will be gaining another convicted criminal. He will be disadvantage in gaining employment, housing, and an education. The chances of Darnell reoffending increase. The protection and interest of the community requires that he is kept in the juvenile system where he will be given services to become a successful adult. The Nevada Supreme Court has pointed out that retention in the juvenile system favors the long-term public interest when the minor has a good chance of becoming a productive and law-abiding citizen under juvenile court cognizance. In the Matter of William S. v. State of Nevada, 132 P.3d 1015, 1021

1 (2006). Darnell is such a juvenile that has a good chance of becoming a productive and law-
2 abiding adult.

3 The way the juvenile court addresses and punishes minors will have a lasting effect on the
4 life of the child, which will extend to adulthood. The juvenile court can make it easier for Darnell
5 to better his life and avoid turning him into a lifelong criminal. Dr. Yao suggests that Darnell will
6 require an extremely high level of care and may benefit from long-term residential treatment with
7 a sexual offender treatment component. Exhibit B. Dr. Yao also suggests that Darnell should be
8 referred to Desert Regional Center (DRC) so that he can receive specialized and long-term care
9 due to his mild mental retardation. Exhibit B. DRC can provide Darnell with vocational training,
10 psychosocial rehabilitation, and basic skill training that will assist him in his transition into
11 adulthood. Exhibit B. The Juvenile System can provide the appropriate services that Darnell
12 needs to help ensure his ability to become a productive, law-abiding citizen. These services will
13 more likely be provided in the juvenile system than the adult system.
14

15
16 Certifying Darnell and housing him in the Clark County Detention Center and Nevada
17 State Prison System will do nothing to promote community safety; in fact, it will most likely have
18 the opposite effect. Exposing him to the inmates housed in the adult jail and prison system will
19 merely put a mild mentally retarded child in the hands of experienced and manipulative criminals.
20 While this may keep him warehoused for a period of time, it does nothing to further the goal of
21 community safety. Darnell will eventually be released from an adult institution back into the
22 community without receiving any rehabilitating services. The community will then have an
23 untreated mild mentally retarded adult on the streets. Community safety cannot be served by
24 warehousing Darnell in an adult prison.
25

26 Treatment will help Darnell become a successful adult and ensure that the community is
27 protected now and in the future. Therefore, the juvenile court should exhaust every other
28

1 alternative before certification. The long-term protection and interest of the community demands
2 it.

3 VII.

4 CONCLUSION

5 Based on the totality of the detailed information regarding Darnell, it is respectfully urged
6 that the State's petition to certify the subject minor be denied.
7

8 DATED this 25th day of September, 2012.

9
10 PHILIP J. KOHN
11 CLARK COUNTY PUBLIC DEFENDER

12 By: /s/Kerri J. Maxey
13 KERRI J. MAXEY #9118
14 Deputy Public Defender
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