

Exhibit List

Case: 06C228460-2 Party: Sort Order: Status Defendant Name: Matthews, Jemar D DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P1B	Plaintiff	Admitted 05/10/2007		.45 CASING - ITEM 3 (BAD FOR COMPARISON)		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133166 NO OBJECTION								
P1C	Plaintiff	Admitted 05/10/2007		.45 CASINGS - ITEMS 4-13 (MATCH GLOCK)		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133167 NO OBJECTION								
P1D	Plaintiff	Admitted 05/10/2007		.45 CASINGS ITEMS 14-15 (LIVE BULLETS)		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133168 NO OBJECTION								
P2	Plaintiff	Admitted 05/08/2007		PACKAGE 5223 (.22 CASINGS IN PACKAGE)		State of Nevada	District Court Criminal/Civil 05/08/2007	Evidence Vault
Comment: ExhibitID : 133169 OBJECTION								
P2A	Plaintiff	Admitted 05/10/2007		.22 CASUBGS- ITEMS 16-29		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133170 OBJECTION								

Exhibit List

Case: 06C228460-2 Party: Sort Order: Status Defendant Name: Matthews, Jemar D DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P3	Plaintiff	Admitted 05/08/2007		PACKAGE 5223-3 (22 CASING IN PACKAGE)		State of Nevada	District Court Criminal/Civil 05/08/2007	Evidence Vault
Comment: ExhibitID : 133171 NO OBJECTION								
P3A	Plaintiff	Admitted 05/10/2007		.22 CASINGS- ITEMS 30-40		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133172 NO OBJECTION								
P3B	Plaintiff	Admitted 05/10/2007		.45 CASING- ITEM 41		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133175 NO OBJECTION								
P3C	Plaintiff	Admitted 05/10/2007		BULLETS & BULLET FRAGMENTS -ITEM 42 & 44		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133178 NO OBJECTION								
P3D	Plaintiff	Admitted 05/10/2007		BULLETS & BULLET FRAGMENTS-ITEM 43,45,47		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133193 NO OBJECTION								
P4	Plaintiff	Admitted 05/09/2007		PACKAGE 6650-1 (SPEER .45 CASINGS)		State of Nevada	District Court Criminal/Civil 05/09/2007	Evidence Vault
Comment: ExhibitID : 133194 NO OBJECTION								

Exhibit List

Case: 06C228460-2 Party: Sort Order: Status Defendant Name: Matthews, Jemar D DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P5	Plaintiff	Admitted 05/09/2007		PACKAGE 6650-2 BOX WITH .22 RUGER		State of Nevada	District Court Criminal/Civil 05/09/2007	Evidence Vault
Comment: ExhibitID : 133196 NO OBJECTION								
P5A	Plaintiff	Admitted 05/10/2007		.22 RUGER RIFLE- ITEM 4		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133197 NO OBJECTION								
P6	Plaintiff	Admitted 05/09/2007		PACKAGE 66-50-3 (MAGAZINE & CARTRIDGE)		State of Nevada	District Court Criminal/Civil 05/09/2007	Evidence Vault
Comment: ExhibitID : 133198 NO OBJECTION								
P6A	Plaintiff	Admitted 05/10/2007		MAGAZINE FROM .22 RUGER FIFLE -ITEM 5		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133199 NO OBJECTION								
P6B	Plaintiff	Admitted 05/10/2007		CARTRIDGE FROM CHAMBER .22 RUGER RIFLE		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133200 NO OBJECTION								

Exhibit List

Case: 06C228460-2 Party: Sort Order: Status Defendant Name: Matthews, Jemar D DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P7	Plaintiff	Admitted 05/09/2007		PACKAGE 6650-5 (RED GLOVE 1200 ELEANOR)		State of Nevada	District Court Criminal/Civil 05/09/2007	Evidence Vault
Comment: ExhibitID : 133201 NO OBJECTION								
P7A	Plaintiff	Admitted 05/09/2007		RED GLOVE		State of Nevada	District Court Criminal/Civil 05/09/2007	Evidence Vault
Comment: ExhibitID : 133202 NO OBJECTION								
P7B	Plaintiff	Admitted 05/09/2007		SAMPLES FROM RED GLOVE		State of Nevada	District Court Criminal/Civil 05/09/2007	Evidence Vault
Comment: ExhibitID : 133203 NO OBJECTION								
P8	Plaintiff	Admitted 05/09/2007		PACKAGE 6650-6 BOX W/ 45 COLT FLOORBOARD		State of Nevada	District Court Criminal/Civil 05/09/2007	Evidence Vault
Comment: ExhibitID : 133204 NO OBJECTION								
P8A	Plaintiff	Admitted 05/10/2007		.45 COLT		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133205 NO OBJECTION								
P9	Plaintiff	Admitted 05/09/2007		PACKAGE 6650-7 (MAGAZINE & CARTRIDGE)		State of Nevada	District Court Criminal/Civil 05/09/2007	Evidence Vault
Comment: ExhibitID : 133206 NO OBJECTION								

Exhibit List

Case: 06C228460-2 Party: Sort Order: Status Defendant Name: Matthews, Jemar D DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P9A	Plaintiff	Admitted 05/10/2007		.45 CARTRIDGE JAMMED IN GUN ITEM 10		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133207 NO OBJECTION								
P9B	Plaintiff	Admitted 05/10/2007		MAGAZINE FROM .45 COLT		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133208 NO OBJECTION								
P9C	Plaintiff	Admitted 05/10/2007		.45 CARTRIDGE FROM MAGAZINE		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133209 NO OBJECTION								
P10	Plaintiff	Admitted 05/09/2007		PACKAGE 6650-8 BOX WITH GLOCK-DUMPSTER		State of Nevada	District Court Criminal/Civil 05/09/2007	Evidence Vault
Comment: ExhibitID : 133210 NO OBJECTION								
P10A	Plaintiff	Admitted 05/10/2007		GLOCK		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133211 NO OBJECTION								

Exhibit List

Case: 06C228460-2 Party: Sort Order: Status Defendant Name: Matthews, Jemar D DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P11	Plaintiff	Admitted 05/09/2007		PACKAGE 6650-9-CONTENTS OF GLOCK		State of Nevada	District Court Criminal/Civil 05/09/2007	Evidence Vault
Comment: ExhibitID : 133212 NO OBJECTION								
P11A	Plaintiff	Admitted 05/10/2007		CARTRIDGE FROM CHAMBER OF GLOCK-ITEM 14		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133213 NO OBJECTION								
P11B	Plaintiff	Admitted 05/10/2007		MAGAZINE FROM GLOCK- ITEM 15		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133214 NO OBJECTION								
P11C	Plaintiff	Admitted 05/10/2007		CARTRIDGES FROM MAGAZINE -ITEM 16		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133215 NO OBJECTION								
P12	Plaintiff	Admitted 05/09/2007		PACKAGE 6650-10(BLACK NIKE GLOVES)		State of Nevada	District Court Criminal/Civil 05/09/2007	Evidence Vault
Comment: ExhibitID : 133216 NO OBJECTION								

Exhibit List

Case: 06C228460-2 Party: Sort Order: Status Defendant Name: Matthews, Jemar D DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P12A-C	Plaintiff	Admitted 05/09/2007		GLOVES		State of Nevada	District Court Criminal/Civil 05/09/2007	Evidence Vault
Comment: ExhibitID : 133217 NO OBJECTION								
P13	Plaintiff	Admitted 05/08/2007		DIAGRAM OF BLDG & SURROUNDING AREA		State of Nevada	District Court Criminal/Civil 05/08/2007	Evidence Vault
Comment: ExhibitID : 133218 NO OBJECTION								
P14-92	Plaintiff	Admitted 05/08/2007		PHOTOGRAPH		State of Nevada	District Court Criminal/Civil 05/08/2007	Evidence Vault
Comment: ExhibitID : 133219 NO OBJECTION								
P94-97	Plaintiff	Admitted 05/08/2007		PHOTOGRAPH		State of Nevada	District Court Criminal/Civil 05/08/2007	Evidence Vault
Comment: ExhibitID : 133221 NO OBJECTION								
P98	Plaintiff	Admitted 05/10/2007		PHOTO CORONER'S TAG		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133222 NO OBJECTION								
P102	Plaintiff	Admitted 05/10/2007		PHOTO		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133224 NO OBJECTION								

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Case: 06C228460-2 Party: Sort Order: Status Defendant Name: Matthews, Jemar D DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P106-	Plaintiff	Admitted 05/08/2007		124) PHOTO		State of Nevada	District Court Criminal/Civil 05/08/2007	Evidence Vault
Comment: ExhibitID : 133226 NO OBJECTION								
P126-	Plaintiff	Admitted 05/08/2007		131) PHOTO		State of Nevada	District Court Criminal/Civil 05/08/2007	Evidence Vault
Comment: ExhibitID : 133228 NO OBJECTION								
P132-	Plaintiff	Admitted 05/09/2007		142) PHOTO		State of Nevada	District Court Criminal/Civil 05/09/2007	Evidence Vault
Comment: ExhibitID : 133229 NO OBJECTION								
P143-	Plaintiff	Admitted 05/08/2007		148) PHOTO		State of Nevada	District Court Criminal/Civil 05/08/2007	Evidence Vault
Comment: ExhibitID : 133230 NO OBJECTION								
P149	Plaintiff	Admitted 05/09/2007		PHOTO		State of Nevada	District Court Criminal/Civil 05/09/2007	Evidence Vault
Comment: ExhibitID : 133231 NO OBJECTION								
P150-	Plaintiff	Admitted 05/08/2007		153) PHOTO		State of Nevada	District Court Criminal/Civil 05/08/2007	Evidence Vault
Comment: ExhibitID : 133232 NO OBJECTION								

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Case: 06C228460-2 Party: Sort Order: Status Defendant Name: Matthews, Jemar D DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P154-	Plaintiff	Admitted 05/08/2007		155) AIREAL VIEW		State of Nevada	District Court Criminal/Civil 05/08/2007	Evidence Vault
Comment: ExhibitID : 133233 NO OBJECTION								
P156	Plaintiff	Admitted 05/10/2007		PHOTO GUN		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133234 NO OBJECTION								
P157 -	Plaintiff	Admitted 05/08/2007		158) PHOTO		State of Nevada	District Court Criminal/Civil 05/08/2007	Evidence Vault
Comment: ExhibitID : 133235 NO OBJECTION								
P159	Plaintiff	Admitted 05/08/2007		PHOTO- LEG		State of Nevada	District Court Criminal/Civil 05/08/2007	Evidence Vault
Comment: ExhibitID : 133236 NO OBJECTION								
P160	Plaintiff	Admitted 05/08/2007		PHOTO		State of Nevada	District Court Criminal/Civil 05/08/2007	Evidence Vault
Comment: ExhibitID : 133237 NO OBJECTION								
P162	Plaintiff	Admitted 05/08/2007		AIREAL VIEW		State of Nevada	District Court Criminal/Civil 05/08/2007	Evidence Vault
Comment: ExhibitID : 133239 NO OBJECTION								

Exhibit List

Case: 06C228460-2 Party: Sort Order: Status Defendant Name: Matthews, Jemar D DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P165	Plaintiff	Admitted 05/10/2007		ENVELOPE W/CONTENTS		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133243 NO OBJECTION								
P165A	Plaintiff	Admitted 05/10/2007		BULLET FRAGMENTS		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133244 NO OBJECTION								
P166	Plaintiff	Admitted 05/10/2007		PHOTO- MICROSCOPIC COMPARISON OF BULLETS		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133245 NO OBJECTION								
DA	Defendant	Admitted 05/09/2007		AIREAL PHOTO		Matthews, Jemar D	District Court Criminal/Civil 05/09/2007	Evidence Vault
Comment: ExhibitID : 133247 NO OBJECTION								
DB	Defendant	Admitted 05/10/2007		CERTIFICATE OF LIVE BIRTH		Matthews, Jemar D	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133248 NO OBJECTION								
DC	Defendant	Admitted 05/10/2007		NV IDENTIFICATION CARD-MATTHEWS		Matthews, Jemar D	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133249 NO OBJECTION								

Exhibit List

Case: 06C228460-2 Party: Sort Order: Status Defendant Name: Matthews, Jemar D DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
DD	Defendant	Admitted 05/10/2007		COPY CASNO T91206 EXTENDED ORDER 6/21/06		Matthews, Jemar D	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133250 NO OBJECTION								
DE	Defendant	Admitted 05/10/2007		COPY C191206 TPO DOMESTIC VIOLENCE		Matthews, Jemar D	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133251 NO OBJECTION								
DF	Defendant	Admitted 05/10/2007		BLOW-UP OF NV ID OF MATTHEWS		Matthews, Jemar D	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133252 NO OBJECTION								

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF
ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; DISTRICT COURT
MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

JEMAR D. MATTHEWS aka JEMAR
MATTHEWS,

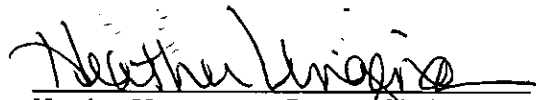
Defendant(s).

Case No: C228460-2
Dept No: XVIII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 5 day of December 2012.

Steven D. Grierson, Clerk of the Court


Heather Ungermann, Deputy Clerk

9
FILED

DEC 4 - 2012

Tracie K. Lindeman
Clerk of Supreme Court
Electronically Filed
Dec 06 2012 01:46 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

1 NOAS

2 JEMAR MATTHEWS, #1014654

3 ~~P.O. Box 7000~~

4 ~~Carson City, NV 89702~~

5 Defendant in Proper Person

6 *PO Box 650*

7 *Indian Springs, NV, 89070*

8
9
10 DISTRICT COURT

11 CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,

) CASE NO. 06C228460-2

13 Plaintiff,

) DEPT NO. XVIII

14 vs.

15 JEMAR MATTHEWS,

16 Defendant.

06C228460-2
NOASC
Notice of Appeal (criminal)
2047546



17 **NOTICE OF APPEAL**

18 Notice is hereby given that the Defendant, JEMAR MATTHEWS, hereby
19 appeals to the Supreme Court of Nevada from the Findings of Fact, Conclusions
20 of Law and Order filed on November 13, 2012, in the above-entitled action.

21 DATED this 27 day of November, 2012.

22
23
24 *Jemar Matthews*

25 JEMAR MATTHEWS, 1014654

26 ~~P.O. Box 7000~~ *PO Box 650*

27 ~~Carson City, NV 89702~~ *Indian Springs, NV*

28 Defendant in Proper Person

89070

RECEIVED

DEC 04 2012

CLERK OF THE COURT

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STEVEN B. WOLFSON
CLARK COUNTY DISTRICT ATTORNEY
200 E. LEWIS AVE.
LAS VEGAS, NV 89101

CATHERINE CORTEZ MASTO
NEVADA ATTORNEY GENERAL
100 NORTH CARSON STREET
CARSON CITY, NV 89701-4717

Jemar Matthews
JEMAR MATTHEWS
Defendant in Proper Person

Mailed
11/27/12

Jemar D. Matthews #1014654
High Desert State Prison, P.O. Box 650
Indian Springs, NV, 89070

Clerk of the Court
Eighth Judicial District Court
Regional Justice Center
200 E. Lewis Avenue
Las Vegas, NV, 89101

To Whom it may concern,

I'm writing this letter to request an attorney for my appeal process. I just recieved a copy of the Finding of fact, Conclusions of law and order (on 11-21-12) it's file date is 11/13/12 and with it was a letter stating that I was denied appellate counsel. I don't see why, I've had counsel appointed to me for all of my court proceedings. I am not capable of filing a motion on my own let alone doing my own appeals. I only have an 8th grade education and really don't understand the law and the words that are used. I'm currently in the hole so I'm unable to go to the prison law library and getting help from another inmate is not an option and all they do in the law library is send you a pre-written appointment of counsel motion packet and I kited for that but I feel that it's not a good motion for my behalf and so my recent attorney told me the best option I have is to write the courts and request appellate counsel and so here I am at the courts mercy asking the courts can they please help me with this matter. Thanks for your time and god bless.

P.S. The Notice of Appeal has the wrong address for where I currently at I've marked it out and put the proper one.

Jemar Matthews #1014654

Jemar Matthews

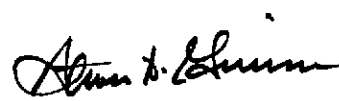
Demar D. Matthews #1014654
H.D.S.P. P.O. Box 650
Indian Springs, WV, 89070

(LEGAL
MAIL)

89101630000

Clerk of the Court
Eighth Judicial District Court
Regional Justice Center
200 E. Lewis Avenue 3rd Floor
Martinsburg, WV 26155




CLERK OF THE COURT

ASTA

**DISTRICT COURT
CLARK COUNTY, NEVADA**

STATE OF NEVADA,

Plaintiff(s),

vs.

JEMAR D. MATTHEWS aka JEMAR
MATTHEWS,

Defendant(s).

Case No: 06C228460-2
Dept No: XVIII

CASE APPEAL STATEMENT

1. Appellant(s): Jemar Matthews

2. Judge: David Barker

3. Appellant(s): Jemar Matthews

Counsel:

Jemar Matthews #1014654
P.O. Box 650
Indian Springs, NV 89070

4. Respondent: The State of Nevada

Counsel:

Steven B. Wolfson, District Attorney
200 Lewis Ave.
Las Vegas, NV 89101
(702) 671-2700

5. Respondent's Attorney Licensed in Nevada: Yes

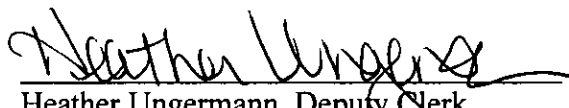
6. Appellant Represented by Appointed Counsel In District Court: Yes

- 1
- 2 7. Appellant Represented by Appointed Counsel On Appeal: N/A
- 3 8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A
- 4 9. Date Commenced in District Court: December 4, 2006
- 5 10. Brief Description of the Nature of the Action: Criminal
- 6 Type of Judgment or Order Being Appealed: Post-Conviction Relief
- 7 11. Previous Appeal: Yes
- 8 Supreme Court Docket Number(s): 49947, 50052
- 9 12. Child Custody or Visitation: N/A
- 10

11 Dated This 5 day of December 2012.

12 Steven D. Grierson, Clerk of the Court

13

14 

15 Heather Ungermann, Deputy Clerk

16 200 Lewis Ave

17 PO Box 551601

18 Las Vegas, Nevada 89155-1601

19 (702) 671-0512

20

21

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28

DEPARTMENT 18
CASE SUMMARY
CASE NO. 06C228460-2

The State of Nevada vs Jemar D Matthews

§	Location:	Department 18
§	Judicial Officer:	Barker, David
§	Filed on:	12/04/2006
§	Case Number History:	
§	Conversion Case Number:	C228460
§	Defendant's Scope ID #:	1956579
§	Lower Court Case Number:	06F19196

CASE INFORMATION

Offense	Deg	Date	Case Type: Felony/Gross Misdemeanor
1. CONSPIRACY TO COMMIT A CRIME	F	01/01/1900	Case Flags: Bail Set Appealed to Supreme Court Custody Status - Nevada Department of Corrections
1. MURDER.	F	01/01/1900	
1. DEGREES OF MURDER	F	01/01/1900	
1. MURDER.	F	01/01/1900	
2. DEGREES OF MURDER	F	01/01/1900	
2. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900	
3. ATTEMPT.	F	01/01/1900	
3. MURDER.	F	01/01/1900	
3. DEGREES OF MURDER	F	01/01/1900	
3. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900	
4. ATTEMPT.	F	01/01/1900	
4. MURDER.	F	01/01/1900	
4. DEGREES OF MURDER	F	01/01/1900	
4. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900	
5. ATTEMPT.	F	01/01/1900	
5. MURDER.	F	01/01/1900	
5. DEGREES OF MURDER	F	01/01/1900	
5. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900	
6. UNLAWFUL POSSESSION, MANUFACTURE OR DISPOSITION OF SHORT-BARRELED RIFLE	F	01/01/1900	
7. CONSPIRACY TO COMMIT A CRIME	F	01/01/1900	
7. ROBBERY	F	01/01/1900	
8. ROBBERY	F	01/01/1900	
8. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900	
9. ROBBERY	F	01/01/1900	
9. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.	F	01/01/1900	
10. ASSAULT WITH A DEADLY WEAPON (5024)	F	01/01/1900	
11. ASSAULT WITH A DEADLY WEAPON (5024)	F	01/01/1900	

Related Cases

DEPARTMENT 18
CASE SUMMARY
CASE NO. 06C228460-2

06C228460-1 (Multi-Defendant Case)

Statistical Closures

04/29/2010	USJR Reporting Statistical Closure
12/20/2009	USJR Reporting Statistical Closure
07/17/2007	USJR Reporting Statistical Closure
03/28/2008	USJR Reporting Statistical Closure
12/08/2010	Jury Trial - Conviction - Criminal

DATE	CASE ASSIGNMENT
	Current Case Assignment
	Case Number 06C228460-2
	Court Department 18
	Date Assigned 04/29/2007
	Judicial Officer Barker, David









PARTY INFORMATION		
Defendant	Matthews, Jemar D	
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
01/01/1900	Plea (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT A CRIME Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 1. MURDER. Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 1. DEGREES OF MURDER Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 1. MURDER. Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 2. DEGREES OF MURDER Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 2. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 3. ATTEMPT. Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 3. MURDER. Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion)	

DEPARTMENT 18
CASE SUMMARY
CASE NO. 06C228460-2




	3. DEGREES OF MURDER Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 3. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 4. ATTEMPT. Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 4. MURDER. Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 4. DEGREES OF MURDER Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 4. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 5. ATTEMPT. Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 5. MURDER. Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 5. DEGREES OF MURDER Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 5. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 6. UNLAWFUL POSSESSION, MANUFACTURE OR DISPOSITION OF SHORT-BARRELED RIFLE Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 7. CONSPIRACY TO COMMIT A CRIME Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 7. ROBBERY Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 8. ROBBERY Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion) 8. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Guilty
01/01/1900	Plea (Judicial Officer: User, Conversion)

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	9. ROBBERY Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 9. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 10. ASSAULT WITH A DEADLY WEAPON (5024) Guilty	
01/01/1900	Plea (Judicial Officer: User, Conversion) 11. ASSAULT WITH A DEADLY WEAPON (5024) Guilty	
12/04/2006	 Criminal Bindover <i>CRIMINAL BINDOVER Fee \$0.00</i>	06C228460- 20001.tif pages
12/04/2006	Hearing <i>INITIAL ARRAIGNMENT</i>	06C228460- 20002.tif pages
12/07/2006	 Information <i>INFORMATION</i>	06C228460- 20005.tif pages
12/07/2006	 Conversion Case Event Type <i>INFORMATION CORRECTED IN OPEN COURT</i>	06C228460- 20032.tif pages
12/11/2006	Initial Arraignment (10:30 AM) Events: 12/04/2006 Hearing <i>INITIAL ARRAIGNMENT Court Clerk: Sandra Anderson Relief Clerk: Phyllis Irby/pi Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams</i>	
01/03/2007	 Media Request and Order <i>MEDIA REQUEST AND ORDER</i>	06C228460- 20009.tif pages
01/26/2007	 Expert Witness List <i>NOTICE OF EXPERT WITNESSES</i>	06C228460- 20010.tif pages
02/02/2007	 Order <i>ORDER - RELATED PARTYID: 06C228460_0002</i>	06C228460- 20011.tif pages
02/02/2007	 Application <i>EX PARTE APPLICATION TO APPOINT INVESTIGATOR - RELATED PARTYID: 06C228460_0002</i>	06C228460- 20012.tif pages
02/07/2007	Calendar Call (9:00 AM) <i>CALENDAR CALL Court Clerk: Katherine Streuber Reporter/Recorder: Richard Kangas Heard By: Elizabeth Halverson</i>	
02/12/2007	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>	
03/23/2007	 Application	06C228460- 20015.tif pages

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EX PARTE APPLICATION FOR COURT APPROVAL OF PAYMENT OF SPECIFIC CATEGORIES OF ANCILLARY DEFENSE COSTS ANCILLARY DEFENSE COSTS-RELATED PARTYID: 06C228460_0002

03/23/2007	 Order <i>ORDER - RELATED PARTYID: 06C228460_0002</i>	06C228460-20016.tif pages
04/11/2007	Calendar Call (8:30 AM) <i>CALENDAR CALL Heard By: Elizabeth Halverson</i>	
04/11/2007	Motion to Compel (8:30 AM) <i>STATE'S MTN TO COMPEL BUCCAL SWABS /6 Heard By: Elizabeth Halverson</i>	
04/11/2007	 Motion <i>STATE'S MTN TO COMPEL BUCCAL SWABS /6</i>	06C228460-20017.tif pages
04/13/2007	 Certificate <i>CERTIFICATE OF FACSIMILE TRANSMISSION</i>	06C228460-20018.tif pages
04/16/2007	Motion to Compel (8:30 AM) <i>STATE'S MTN TO COMPEL BUCCAL SWABS /6 Court Clerk: Pamela Humphrey Reporter/Recorder: Richard Kangas Heard By: Halverson, Elizabeth</i>	
04/18/2007	Motion to Compel (8:30 AM) <i>STATE'S MTN TO COMPEL BUCCAL SWABS /6 Court Clerk: Pamela Humphrey Reporter/Recorder: Denice Lopez Heard By: Halverson, Elizabeth</i>	
04/20/2007	Motion to Compel (8:30 AM) <i>STATE'S MTN TO COMPEL BUCCAL SWABS /6 Court Clerk: Pamela Humphrey Reporter/Recorder: Pamela Humphrey Heard By: Elizabeth Halverson</i>	
04/20/2007	 Order <i>ORDER TO COMPEL IMMEDIATE PRODUCTION OF PRELIMINARY HEARING TRANSCRIPTS - RELATED PARTYID: 06C228460_0002</i>	06C228460-20019.tif pages
04/24/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PRELIMINARY HEARING</i>	06C228460-20020.tif pages
04/25/2007	 Expert Witness List <i>NOTICE OF EXPERT WITNESS</i>	06C228460-20021.tif pages
04/25/2007	 Expert Witness List <i>NOTICE OF WITNESSES</i>	06C228460-20022.tif pages
04/25/2007	 Expert Witness List <i>SUPPLEMENTAL NOTICE OF EXPERT WITNESS</i>	06C228460-20023.tif pages
05/02/2007	Calendar Call (8:30 AM) <i>CALENDAR CALL Heard By: David Barker</i>	
05/02/2007	Calendar Call (8:30 AM) <i>CALENDAR CALL Heard By: David Barker</i>	
05/02/2007	Calendar Call (8:30 AM)	






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	<i>CALENDAR CALL CONTINUED Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David</i>	
05/02/2007	 Order <i>ORDER</i>	<i>06C228460-20026.tif pages</i>
05/02/2007	 Expert Witness List <i>SUPPLEMENTAL NOTICE OF WITNESSES</i>	<i>06C228460-20027.tif pages</i>
05/04/2007	Calendar Call (8:30 AM) <i>CALENDAR CALL CONTINUED Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker</i>	
05/07/2007	Jury Trial (1:00 PM) <i>TRIAL BY JURY Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David</i>	
05/07/2007	 Supplement <i>SUPPLEMENTAL NOTICE OF WITNESS</i>	<i>06C228460-20028.tif pages</i>
05/07/2007	 Order <i>STIPULATION AND ORDER</i>	<i>06C228460-20035.tif pages</i>
05/08/2007	Jury Trial (10:00 AM) <i>TRIAL BY JURY Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David</i>	
05/08/2007	 Media Request and Order <i>MEDIA REQUEST AND ORDER</i>	<i>06C228460-20030.tif pages</i>
05/08/2007	 Order <i>ORDER</i>	<i>06C228460-20031.tif pages</i>
05/08/2007	 Media Request and Order <i>MEDIA REQUEST TO COURT PROCEEDINGS</i>	<i>06C228460-20033.tif pages</i>
05/08/2007	 Jury List <i>DISTRICT COURT JURY LIST</i>	<i>06C228460-20034.tif pages</i>
05/08/2007	 Brief <i>BENCH BRIEF - RELATED PARTYID: 06C228460_0002</i>	<i>06C228460-20041.tif pages</i>
05/09/2007	Jury Trial (9:30 AM) <i>TRIAL BY JURY Relief Clerk: Chanel West (1:05PM -2:05PM) Reporter/Recorder: Richard Kangas/Francesca Haak Heard By: Barker, David</i>	
05/09/2007	 Opposition <i>STATES CONSOLIDATED OPPOSITION TO DEFENDANTS MOTIONS IN LIMINE</i>	<i>06C228460-20042.tif pages</i>
05/09/2007	 Proposed Jury Instructions Not Used At Trial <i>PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL</i>	<i>06C228460-20043.tif pages</i>

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05/10/2007	Jury Trial (9:30 AM) <i>TRIAL BY JURY Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David</i>	
05/10/2007	 Subpoena Duces Tecum <i>SUBPOENA DUCES TECUM - RELATED PARTYID: 06C228460_0002</i>	06C228460-20036.tif pages
05/10/2007	 Subpoena Duces Tecum <i>SUBPOENA DUCES TECUM - RELATED PARTYID: 06C228460_0002</i>	06C228460-20037.tif pages
05/10/2007	 Subpoena Duces Tecum <i>SUBPOENA DUCES TECUM</i>	06C228460-20038.tif pages
05/10/2007	 Subpoena Duces Tecum <i>SUBPOENA DUCES TECUM - RELATED PARTYID: 06C228460_0002</i>	06C228460-20039.tif pages
05/10/2007	 Subpoena Duces Tecum <i>SUBPOENA DUCES TECUM - RELATED PARTYID: 06C228460_0002</i>	06C228460-20040.tif pages
05/11/2007	Jury Trial (9:30 AM) <i>TRIAL BY JURY Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker</i>	
05/11/2007	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY</i>	06C228460-20044.tif pages
05/11/2007	Conversion Case Event Type <i>SENTENCING (VL 6/25/07)</i>	06C228460-20047.tif pages
05/11/2007	 Judgment <i>VERDICT</i>	06C228460-20048.tif pages
05/11/2007	 Judgment <i>VERDICT</i>	06C228460-20049.tif pages
05/11/2007	 Proposed Jury Instructions Not Used At Trial <i>DEFENDANTS PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL</i>	06C228460-20051.tif pages
05/14/2007	 Order <i>ORDER APPOINTMENT COUNSEL - RELATED PARTYID: 06C228460_0001</i>	06C228460-20045.tif pages
05/14/2007	 Amended Jury List <i>AMENDED CRIMINAL JURY LIST</i>	06C228460-20050.tif pages
05/21/2007	 Motion <i>DEFT'S MTN FOR NEW TRIAL /9</i>	06C228460-20052.tif pages
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05/23/2007	 Certificate <i>CERTIFICATE OF MAILING - RELATED PARTYID: 06C228460_0002</i>	20053.tif pages
06/01/2007	 Opposition <i>STATES OPPOSITION TO DEFENDANTS MOTION FOR A NEW TRIAL</i>	06C228460-20054.tif pages
06/04/2007	Motion for New Trial (8:30 AM) Events: 05/21/2007 Motion <i>DEFT'S MTN FOR NEW TRIAL /9 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David</i>	
06/07/2007	 Application <i>EX PARTE APPLICATION FOR ADDITIONAL INVESTIGATIVE FEES - RELATED PARTYID: 06C228460_0002</i>	06C228460-20055.tif pages
06/07/2007	 Order <i>ORDER - RELATED PARTYID: 06C228460_0002</i>	06C228460-20056.tif pages
06/08/2007	Motion for New Trial (8:15 AM) <i>DEFT'S MTN FOR NEW TRIAL /9 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: Barker, David</i>	
06/12/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PORTION OF JURY TRIAL DAY 5</i>	06C228460-20057.tif pages
06/18/2007	Sentencing (8:30 AM) Events: 05/11/2007 Conversion Case Event Type <i>SENTENCING (VL 6/25/07)</i>	
06/25/2007	Conversion Case Event Type <i>SENTENCING</i>	06C228460-20059.tif pages
06/25/2007	Conversion Case Event Type <i>SENTENCING</i>	06C228460-20060.tif pages
07/02/2007	Sentencing (8:15 AM) <i>SENTENCING (VL 6/25/07)</i>	
07/02/2007	Motion for New Trial (8:15 AM) <i>DEFT'S MTN FOR NEW TRIAL /9 Heard By: David Barker</i>	
07/09/2007	Motion for New Trial (8:15 AM) <i>DEFT'S MTN FOR NEW TRIAL /9 Heard By: David Barker</i>	
07/09/2007	Sentencing (8:15 AM) Events: 06/25/2007 Conversion Case Event Type <i>SENTENCING Heard By: David Barker</i>	
07/09/2007	Sentencing (8:15 AM) Events: 06/25/2007 Conversion Case Event Type <i>SENTENCING Heard By: David Barker</i>	
07/09/2007	All Pending Motions (8:15 AM) <i>ALL PENDING MOTIONS (07-09-07) Relief Clerk: Carol Donahoo Reporter/Recorder: Richard Kangas Heard By: David Barker</i>	

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*REPLY TO STATES OPPOSITION TO MOTION FOR NEW TRIAL - RELATED PARTYID:
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06C228460-
20062.tif pages

07/09/2007

Disposition (Judicial Officer: User, Conversion)

1. CONSPIRACY TO COMMIT A CRIME
Guilty

07/09/2007

Disposition (Judicial Officer: User, Conversion)

07/09/2007

Disposition (Judicial Officer: User, Conversion)

1. MURDER.
Guilty

07/09/2007

Disposition (Judicial Officer: User, Conversion)

1. DEGREES OF MURDER
Guilty

07/09/2007

Disposition (Judicial Officer: User, Conversion)

1. MURDER.
Guilty

07/09/2007

Disposition (Judicial Officer: User, Conversion)

2. DEGREES OF MURDER
Guilty

07/09/2007

Disposition (Judicial Officer: User, Conversion)

07/09/2007

Disposition (Judicial Officer: User, Conversion)

2. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.
Guilty

07/09/2007

Disposition (Judicial Officer: User, Conversion)

3. ATTEMPT.
Guilty

07/09/2007

Disposition (Judicial Officer: User, Conversion)

07/09/2007

Disposition (Judicial Officer: User, Conversion)

3. MURDER.
Guilty

07/09/2007

Disposition (Judicial Officer: User, Conversion)

3. DEGREES OF MURDER
Guilty

07/09/2007

Disposition (Judicial Officer: User, Conversion)

3. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME.
Guilty

07/09/2007

Disposition (Judicial Officer: User, Conversion)

4. ATTEMPT.
Guilty

07/09/2007

Disposition (Judicial Officer: User, Conversion)

07/09/2007

Disposition (Judicial Officer: User, Conversion)

4. MURDER.
Guilty

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07/09/2007	Disposition (Judicial Officer: User, Conversion) 4. DEGREES OF MURDER Guilty
07/09/2007	Disposition (Judicial Officer: User, Conversion) 4. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Guilty
07/09/2007	Disposition (Judicial Officer: User, Conversion) 5. ATTEMPT. Guilty
07/09/2007	Disposition (Judicial Officer: User, Conversion)
07/09/2007	Disposition (Judicial Officer: User, Conversion) 5. MURDER. Guilty
07/09/2007	Disposition (Judicial Officer: User, Conversion) 5. DEGREES OF MURDER Guilty
07/09/2007	Disposition (Judicial Officer: User, Conversion) 5. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Guilty
07/09/2007	Disposition (Judicial Officer: User, Conversion) 6. UNLAWFUL POSSESSION, MANUFACTURE OR DISPOSITION OF SHORT-BARRELED RIFLE Guilty
07/09/2007	Disposition (Judicial Officer: User, Conversion)
07/09/2007	Disposition (Judicial Officer: User, Conversion) 7. CONSPIRACY TO COMMIT A CRIME Guilty
07/09/2007	Disposition (Judicial Officer: User, Conversion)
07/09/2007	Disposition (Judicial Officer: User, Conversion) 7. ROBBERY Guilty
07/09/2007	Disposition (Judicial Officer: User, Conversion) 8. ROBBERY Guilty
07/09/2007	Disposition (Judicial Officer: User, Conversion)
07/09/2007	Disposition (Judicial Officer: User, Conversion) 8. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Guilty
07/09/2007	Disposition (Judicial Officer: User, Conversion) 9. ROBBERY Guilty
07/09/2007	Disposition (Judicial Officer: User, Conversion)
07/09/2007	Disposition (Judicial Officer: User, Conversion)

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	9. USE OF A DEADLY WEAPON OR TEAR GAS IN COMMISSION OF A CRIME. Guilty
07/09/2007	Disposition (Judicial Officer: User, Conversion) 10. ASSAULT WITH A DEADLY WEAPON (5024) Guilty
07/09/2007	Disposition (Judicial Officer: User, Conversion)
07/09/2007	Disposition (Judicial Officer: User, Conversion) 11. ASSAULT WITH A DEADLY WEAPON (5024) Guilty
07/09/2007	Disposition (Judicial Officer: User, Conversion)
07/09/2007	Sentence (Judicial Officer: User, Conversion) 1. CONSPIRACY TO COMMIT A CRIME Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 26 Months to Maximum 120 Months Placement: NSP Converted Disposition: Sentence# 0002: CREDIT FOR TIME SERVED Minimum 300 Days to Maximum 300 Days Converted Disposition: Sentence# 0003: DNA FEE/GENETIC MARKERS ANALYSIS Amount: \$150.00 Converted Disposition: Sentence# 0004: ADMINISTRATION FEE Amount: \$25.00
07/09/2007	Sentence (Judicial Officer: User, Conversion) 2. DEGREES OF MURDER Adult Adjudication Converted Disposition: Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0001 and Sentence#: 0001 Converted Disposition: Sentence# 0002: LIFE WITH POSSIBILITY OF PAROLE Cons/Conc: Consecutive w/Charge Item: 0001 and Sentence#: 0001
07/09/2007	Sentence (Judicial Officer: User, Conversion) 3. ATTEMPT. Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 48 Months to Maximum 240 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0005 and Sentence#: 0001 Converted Disposition: Sentence# 0002: Minimum 48 Months to Maximum 240 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0007 and Sentence#: 0001









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07/09/2007	<p>Sentence (Judicial Officer: User, Conversion)</p> <p>4. ATTEMPT.</p> <p>Adult Adjudication</p> <p>Converted Disposition:</p> <p>Sentence# 0001:</p> <p>Minimum 48 Months to Maximum 240 Months</p> <p>Placement: NSP</p> <p>Cons/Conc: Concurrent</p> <p>w/Charge Item: 0007</p> <p>and Sentence#: 0001</p> <p>Converted Disposition:</p> <p>Sentence# 0002:</p> <p>Minimum 48 Months to Maximum 240 Months</p> <p>Placement: NSP</p> <p>Cons/Conc: Consecutive</p> <p>w/Charge Item: 0011</p> <p>and Sentence#: 0001</p>
07/09/2007	<p>Sentence (Judicial Officer: User, Conversion)</p> <p>5. ATTEMPT.</p> <p>Adult Adjudication</p> <p>Converted Disposition:</p> <p>Sentence# 0001:</p> <p>Minimum 48 Months to Maximum 240 Months</p> <p>Placement: NSP</p> <p>Cons/Conc: Concurrent</p> <p>w/Charge Item: 0011</p> <p>and Sentence#: 0001</p> <p>Converted Disposition:</p> <p>Sentence# 0002:</p> <p>Minimum 48 Months to Maximum 240 Months</p> <p>Placement: NSP</p> <p>Cons/Conc: Consecutive</p> <p>w/Charge Item: 0015</p> <p>and Sentence#: 0001</p>
07/09/2007	<p>Sentence (Judicial Officer: User, Conversion)</p> <p>6. UNLAWFUL POSSESSION, MANUFACTURE OR DISPOSITION OF SHORT-BARRELED RIFLE</p> <p>Adult Adjudication</p> <p>Converted Disposition:</p> <p>Sentence# 0001:</p> <p>Minimum 12 Months to Maximum 48 Months</p> <p>Placement: NSP</p> <p>Cons/Conc: Concurrent</p> <p>w/Charge Item: 0015</p> <p>and Sentence#: 0001</p>
07/09/2007	<p>Sentence (Judicial Officer: User, Conversion)</p> <p>7. CONSPIRACY TO COMMIT A CRIME</p> <p>Adult Adjudication</p> <p>Converted Disposition:</p> <p>Sentence# 0001:</p> <p>Minimum 12 Months to Maximum 72 Months</p> <p>Placement: NSP</p> <p>Cons/Conc: Concurrent</p> <p>w/Charge Item: 0019</p> <p>and Sentence#: 0001</p> <p>Converted Disposition:</p> <p>Sentence# 0002:</p> <p>Minimum 12 Months to Maximum 72 Months</p> <p>Placement: NSP</p> <p>Cons/Conc: Consecutive</p> <p>w/Charge Item: 0020</p>

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	and Sentence#: 0001	
07/09/2007	Sentence (Judicial Officer: User, Conversion) 8. ROBBERY Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 40 Months to Maximum 180 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0020 and Sentence#: 0001 Converted Disposition: Sentence# 0002: Minimum 40 Months to Maximum 180 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0022 and Sentence#: 0001	
07/09/2007	Sentence (Judicial Officer: User, Conversion) 9. ROBBERY Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 40 Months to Maximum 180 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0022 and Sentence#: 0001 Converted Disposition: Sentence# 0002: Minimum 40 Months to Maximum 180 Months Placement: NSP Cons/Conc: Consecutive w/Charge Item: 0024 and Sentence#: 0001	
07/09/2007	Sentence (Judicial Officer: User, Conversion) 10. ASSAULT WITH A DEADLY WEAPON (5024) Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 16 Months to Maximum 72 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0024 and Sentence#: 0001	
07/09/2007	Sentence (Judicial Officer: User, Conversion) 11. ASSAULT WITH A DEADLY WEAPON (5024) Adult Adjudication Converted Disposition: Sentence# 0001: Minimum 16 Months to Maximum 72 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0026 and Sentence#: 0001	
07/11/2007	Motion <i>ALL PENDING MOTIONS (07-09-07)</i>	06C228460- 20061.tif pages



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07/17/2007	 Judgment <i>JUDGMENT OF CONVICTION/ADMIN ASSESSMENT</i>	06C228460-20064.tif pages
07/17/2007	Judgment <i>JUDGMENT OF CONVICTION/RESTITUTION</i>	06C228460-20065.tif pages
07/17/2007	Judgment <i>JUDGMENT OF CONVICTION/GENETIC TESTING</i>	06C228460-20066.tif pages
07/17/2007	 Judgment <i>JUDGMENT OF CONVICTION/ADMIN ASSESSMENT</i>	06C228460-20067.tif pages
07/17/2007	Judgment <i>JUDGMENT OF CONVICTION/GENETIC TESTING</i>	06C228460-20068.tif pages
07/30/2007	 Notice of Appeal <i>NOTICE OF APPEAL (SC 49947) - RELATED PARTYID: 06C228460_0001</i>	06C228460-20069.tif pages
08/06/2007	 Statement <i>CASE APPEAL STATEMENT - RELATED PARTYID: 06C228460_0001</i>	06C228460-20070.tif pages
08/17/2007	 Notice of Appeal <i>NOTICE OF APPEAL (SC 50052) - RELATED PARTYID: 06C228460_0002</i>	06C228460-20071.tif pages
08/17/2007	 Statement <i>CASE APPEAL STATEMENT - RELATED PARTYID: 06C228460_0002</i>	06C228460-20072.tif pages
09/17/2007	 Order <i>ORDER - RELATED PARTYID: 06C228460_0002</i>	06C228460-20073.tif pages
10/08/2007	 Order <i>NUNC PRO TUNC ORDER OF APPOINTMENT - RELATED PARTYID: 06C228460_0002</i>	06C228460-20074.tif pages
01/24/2008	Hearing <i>DEFT'S REQUEST STATUS CHECK: CUSTODY</i>	06C228460-20075.tif pages
01/28/2008	Request (8:15 AM) Events: 01/24/2008 Hearing <i>DEFT'S REQUEST STATUS CHECK: CUSTODY Relief Clerk: Tia Everett/te Reporter/Recorder: Richard Kangas Heard By: Barker, David</i>	
02/01/2008	Request (8:15 AM) <i>DEFT'S REQUEST STATUS CHECK: CUSTODY Relief Clerk: Tia Everett/te Reporter/Recorder: Richard Kangas Heard By: David Barker</i>	
03/10/2008	Hearing <i>AT REQ OF SUPREME COURT: APPOINTMENT OF COUNSEL/14</i>	06C228460-20076.tif pages 06C228460-





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03/12/2008	 Order <i>ORDER FOR PRODUCTION OF INMATE</i>	20077.tif pages
03/26/2008	Request of Court (8:15 AM) Events: 03/10/2008 Hearing <i>AT REQ OF SUPREME COURT: APPOINTMENT OF COUNSEL/14 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker</i>	
03/26/2008	Hearing <i>STATUS CHECK: CONFIRMATION OF COUNSEL (J. PARRIS)</i>	06C228460-20078.tif pages
03/26/2008	Hearing <i>STATUS CHECK: FURTHER PROCEEDINGS</i>	06C228460-20079.tif pages
03/28/2008	All Pending Motions (8:00 AM) <i>ALL PENDING MOTIONS 03-28-08 Court Clerk: Sandra Anderson Reporter/Recorder: Richard Kangas Heard By: David Barker</i>	
03/28/2008	Status Check (8:15 AM) Events: 03/26/2008 Hearing <i>STATUS CHECK: CONFIRMATION OF COUNSEL (J. PARRIS) Heard By: David Barker</i>	
03/28/2008	Status Check (8:15 AM) Events: 03/26/2008 Hearing <i>STATUS CHECK: FURTHER PROCEEDINGS</i>	
03/28/2008	Motion <i>ALL PENDING MOTIONS 03-28-08</i>	06C228460-20080.tif pages
04/07/2008	 Order <i>ORDER APPOINTING COUNSEL - RELATED PARTYID: 06C228460_0001</i>	06C228460-20083.tif pages
06/13/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT STATES MOTION TO COMPEL BUCCAL SWABS</i>	06C228460-20084.tif pages
07/11/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY 1</i>	06C228460-20085.tif pages
07/11/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY 3</i>	06C228460-20086.tif pages
07/11/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY 5</i>	06C228460-20087.tif pages
07/11/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY 2</i>	06C228460-20088.tif pages
07/11/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT JURY TRIAL DAY 4</i>	06C228460-20089.tif pages
07/11/2008		06C228460-

DEPARTMENT 18
CASE SUMMARY
CASE NO. 06C228460-2

	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFTS MTN FOR NEW TRIAL JEMAR MATTHEWS SENTENCING JEMAR MATTHEWS SENTENCING PIERRE JOSHLIN MATTHEWS SENTENCING PIERRE JOSHLIN</i>	<i>20090.tif pages</i>
07/11/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT CALENDAR CALL</i>	<i>06C228460- 20091.tif pages</i>
07/11/2008	 Reporters Transcript <i>REPORTER'S TRANSCRIPT DEFENDANTS MOTION FOR A NEW TRIAL</i>	<i>06C228460- 20092.tif pages</i>
07/14/2008	 Certificate <i>CERTIFICATE OF MAILING</i>	<i>06C228460- 20093.tif pages</i>
08/30/2008	 Petition <i>PETITION FOR WRIT OF HABEAS CORPUS - RELATED PARTYID: 06C228460_0001</i>	<i>06C228460- 20094.tif pages</i>
09/11/2008	Hearing <i>SUPREME COURT REMAND: APPOINT NEW APPELLET COUNSEL/18</i>	<i>06C228460- 20095.tif pages</i>
09/24/2008	Request of Court (8:15 AM) Events: 09/11/2008 Hearing <i>SUPREME COURT REMAND: APPOINT NEW APPELLET COUNSEL/18 Court Clerk: Sharon Chun Relief Clerk: Carol Donahoo/cd Reporter/Recorder: Richard Kangas Heard By: David Barker</i>	
10/09/2008	 Order <i>ORDER FOR CONFIRMATION OF APPOINTMENT OF COUNSEL - RELATED PARTYID: 06C228460_0001</i>	<i>06C228460- 20096.tif pages</i>
07/14/2009	 Hearing <i>DEFT'S PRO PER REQUEST FOR RECORDS/COURT CASE/19</i>	<i>06C228460- 20099.tif pages</i>
07/23/2009	 Opposition <i>STATES OPPOSITION TO DEFTS PRO PER REQUEST FOR RECORDS - COURT CASE DOCUMENTS DOCUMENTS</i>	<i>06C228460- 20100.tif pages</i>
07/27/2009	Request (8:15 AM) Events: 07/14/2009 Hearing <i>DEFT'S PRO PER REQUEST FOR RECORDS/COURTCASE/19 Relief Clerk: Tia Everett/te Reporter/Recorder: Richard Kangas Heard By: Barker, David</i>	
11/30/2009	Request (8:15 AM) <i>DEFT'S PRO PER REQUEST FOR RECORDS/COURTCASE/19 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker</i>	
12/09/2009	Conversion Case Event Type <i>INACTIVE CASE</i>	<i>06C228460- 20101.tif pages</i>
12/18/2009	 Motion <i>DEFT'S PROPER MTN FOR THE APPT OF CNSL & REQ FOR EVID HRG /20</i>	<i>06C228460- 20103.tif pages</i>










DEPARTMENT 18
CASE SUMMARY
CASE NO. 06C228460-2

12/18/2009	 Motion <i>DEFT'S PROPER MTN FOR LEAVE TO PROCEED IN FORMA PAUPERIS /21</i>	06C228460-20104.tif pages
12/18/2009	 Affidavit in Support <i>AFFIDAVIT IN SUPPORT OF MTN TO PROCEED IN FORMA PAUPERIS - RELATED PARTYID: 06C228460_0002</i>	06C228460-20108.tif pages
12/21/2009	 Judgment <i>CLERK'S CERTIFICATE/JUDGMENT AFFIRMED</i>	06C228460-20105.tif pages
12/21/2009	Judgment <i>CLERK'S CERTIFICATE/REHEARING DENIED</i>	06C228460-20106.tif pages
12/21/2009	Judgment <i>CLERK'S CERTIFICATE/PETITION DENIED</i>	06C228460-20107.tif pages
12/29/2009	 Response <i>STATES RESPONSE TO DEFTS MTN FOR THE APPOINTMENT OF COUNSEL</i>	06C228460-20109.tif pages
01/04/2010	Motion (8:15 AM) Events: 12/18/2009 Motion <i>DEFT'S PROPER MTN FOR THE APPT OF CNSL & REQ FOR EVID HRG /20</i>	
01/04/2010	Motion (8:15 AM) Events: 12/18/2009 Motion <i>DEFT'S PROPER MTN FOR LEAVE TO PROCEED IN FORMA PAUPERIS /21</i>	
01/06/2010	Motion (8:15 AM) <i>DEFT'S PROPER MTN FOR THE APPT OF CNSL & REQ FOR EVID HRG /20</i>	
01/06/2010	Motion (8:15 AM) <i>DEFT'S PROPER MTN FOR LEAVE TO PROCEED IN FORMA PAUPERIS /21</i>	
01/06/2010	All Pending Motions (8:15 AM) <i>ALL PENDING MOTIONS OF 1/6/10 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker</i>	
01/06/2010	Hearing <i>STATUS CHECK: CONFIRMATION OF APPOINTED COUNSEL</i>	06C228460-20110.tif pages
01/06/2010	Motion <i>ALL PENDING MOTIONS OF 1/6/10</i>	06C228460-20111.tif pages
01/15/2010	Motion (8:15 AM) <i>DEFT'S PROPER MTN FOR THE APPT OF CNSL & REQ FOR EVID HRG /20</i>	
01/15/2010	Motion (8:15 AM) <i>DEFT'S PROPER MTN FOR LEAVE TO PROCEED IN FORMA PAUPERIS /21</i>	
01/15/2010	Status Check (8:15 AM) Events: 01/06/2010 Hearing <i>STATUS CHECK: CONFIRMATION OF APPOINTED COUNSEL</i>	

DEPARTMENT 18
CASE SUMMARY
CASE NO. 06C228460-2

01/15/2010	All Pending Motions (8:15 AM) <i>ALL PENDING MOTIONS Relief Clerk: Shelly Landwehr/sl Reporter/Recorder: Richard Kangas Heard By: David Barker</i>	
01/15/2010	Motion <i>ALL PENDING MOTIONS</i>	06C228460-20112.tif pages
04/09/2010	 Judgment <i>CLERK'S CERTIFICATE JUDGMENT AFFIRMED</i>	06C228460-20113.tif pages
04/28/2010	 Request <i>MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS - RELATED PARTYID: 06C228460_0001</i>	06C228460-20114.tif pages
04/28/2010	 Motion <i>DEFT'S PRO PER MTN FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HRG</i>	06C228460-20116.tif pages
05/12/2010	Motion (8:15 AM) Events: 04/28/2010 Motion <i>DEFT'S PRO PER MTN FOR APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HRG Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker</i>	
05/12/2010	Hearing <i>STATUS CHECK: CONFIRMATION OF COUNSEL (THRU D.CHRISTENSEN)</i>	06C228460-20117.tif pages
05/12/2010	Hearing <i>STATUS CK: SET EVIDENTIARY HEARING RE INEFFECTIVE ASSISTANCE OF COUNSEL</i>	06C228460-20118.tif pages
05/28/2010	Status Check (8:15 AM) Events: 05/12/2010 Hearing <i>STATUS CHECK: CONFIRMATION OF COUNSEL (THRU D.CHRISTENSEN)</i>	
05/28/2010	Status Check (8:15 AM) Events: 05/12/2010 Hearing <i>STATUS CK: SET EVIDENTIARY HEARING RE INEFFECTIVE ASSISTANCE OF COUNSEL Heard By: David Barker</i>	
05/28/2010	All Pending Motions (8:15 AM) <i>ALL PENDING MOTIONS 5/28/10 Court Clerk: Sharon Chun Reporter/Recorder: Richard Kangas Heard By: David Barker</i>	
05/28/2010	Hearing <i>STATUS CK: SET EVID HRG RE DEFT'S POST- CONV CLAIM OF INEFFECTIVE ASSIS COUNSEL</i>	06C228460-20119.tif pages
05/28/2010	Motion <i>ALL PENDING MOTIONS 5/28/10</i>	06C228460-20120.tif pages
06/08/2010	 Order <i>ORDER FOR PRODUCTION OF INMATE</i>	06C228460-20121.tif pages

DEPARTMENT 18
CASE SUMMARY
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07/16/2010	Status Check (8:15 AM) Events: 05/28/2010 Hearing <i>STATUS CK: SET EVID HRG RE DEFT'S POST- CONV CLAIM OF INEFFECTIVE ASSIS COUNSEL Relief Clerk: Billie Jo Craig Reporter/Recorder: Richard Kangas Heard By: David Barker</i>	
07/16/2010	Hearing <i>STATUS CHECK: SET EVID HRG RE DEFT'S POST-CONV CLAIM (FROM 7/16/10)</i>	06C228460-20122.tif pages
07/21/2010	Status Check (8:15 AM) Events: 07/16/2010 Hearing <i>STATUS CHECK: SET EVID HRG RE DEFT'S POST-CONV CLAIM (FROM 7/16/10) Court Clerk: Sharon Chun Relief Clerk: Billie Jo Craig/bjc Reporter/Recorder: Richard Kangas Heard By: David Barker</i>	
07/21/2010	Hearing <i>EVIDENTIARY HEARING</i>	06C228460-20123.tif pages
12/08/2010	 Criminal Order to Statistically Close Case <i>Criminal Order to Statistically Close Case</i>	
12/14/2010	 Petition for Writ of Habeas Corpus Filed by: Plaintiff State of Nevada	
12/16/2010	 Order for Petition for Writ of Habeas Corpus	
03/23/2011	CANCELED Evidentiary Hearing (10:00 AM) (Judicial Officer: Barker, David) <i>Vacated - Case Closed hearing as to co-defendant</i>	
01/13/2012	 Motion Filed By: Defendant Matthews, Jemar D <i>Motion for Appointment of Counsel Pursuant to NRS 34.750</i>	
01/19/2012	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion for Appointment of Counsel</i>	
01/23/2012	 Motion (8:15 AM) (Judicial Officer: Barker, David) 01/23/2012, 02/06/2012 Events: 01/13/2012 Motion <i>Deft's Pro Per Motion for Appointment of Counsel Pursuant to NRS 34.750</i>	
06/11/2012	 Status Check (8:15 AM) (Judicial Officer: Barker, David) <i>Status Check: Briefing Schedule</i>	
07/09/2012	 Supplemental Filed by: Defendant Matthews, Jemar D <i>Supplemental Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction)</i>	
07/10/2012	 Supplemental Filed by: Defendant Matthews, Jemar D <i>Amended Supplemental Points and Authorities In Support of Petition for Writ of Habeas</i>	

DEPARTMENT 18
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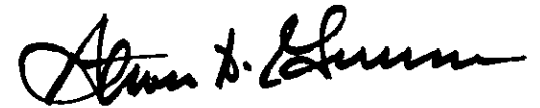
Corpus (Post-Conviction) Amended Only to Repaginate and Add Missing Test to Page 5

08/28/2012	 Order for Production of Inmate <i>Order for Production of Inmate, Jemar Matthews, aka Jemar Demon Matthews, BAC #1014654</i>
08/31/2012	 Order for Production of Inmate <i>Order for Production of Inmate Jemar Matthews, Bac # 1014654</i>
09/10/2012	 Response <i>State's Response To Defendant's Supplemental Points And Authorities In Support Of Petition For Writ Of Habeas Corpus</i>
09/24/2012	 Reply Filed by: Defendant Matthews, Jemar D <i>Reply to State's Response to Defendant's Supplemental Points and Authorities in Support of Petition for Writ of Habeas Corpus (Post-Conviction)</i>
10/12/2012	 Hearing (9:00 AM) (Judicial Officer: Barker, David)
11/05/2012	 Motion Filed By: Defendant Matthews, Jemar D <i>Motion to Place on Calendar</i>
11/06/2012	 Certificate of Service by Facsimile Filed by: Defendant Matthews, Jemar D <i>Certificate of Facsimile Transmission</i>
11/13/2012	 Finding of Fact and Conclusions of Law <i>Findings of Fact, Conclusions of Law and Order</i>
11/19/2012	 Motion (8:15 AM) (Judicial Officer: Barker, David) <i>Def't's Motion to Place on Calendar Re: Appointment of Appellant Counsel</i>
11/20/2012	 Notice of Entry Filed By: Plaintiff State of Nevada <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
12/04/2012	 Notice of Appeal (criminal) Party: Defendant Matthews, Jemar D
12/05/2012	 Case Appeal Statement Filed By: Defendant Matthews, Jemar D <i>Case Appeal Statement</i>

DATE

FINANCIAL INFORMATION

Defendant Matthews, Jemar D	
Total Charges	175.00
Total Payments and Credits	0.00
Balance Due as of 12/5/2012	175.00



CLERK OF THE COURT

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
SAMUEL BATEMAN
Chief Deputy District Attorney
Nevada Bar #008764
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

JEMAR MATTHEWS,
#1975205

Defendant.

CASE NO: 06C228460-2

DEPT NO: XVIII

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

DATE OF HEARING: OCTOBER 12, 2012

TIME OF HEARING: 9:00 A.M.

THIS CAUSE having come on for hearing before the Honorable JUDGE DAVID BARKER, District Judge, on the 12th day of October, 2012, the Petitioner being present and represented by his attorney, CARMINE COLUCCI, Esq., the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through SAMUEL BATEMAN, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, the testimony of Defendant's former attorney DAYVID FIGLER, documents on file herein, and arguments of counsel, now therefore, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. An Information was filed on December 7, 2006 charging Defendant as follows:
COUNT 1 – Conspiracy to Commit Murder (Felony – NRS 199.480, 200.010, 200.030);

1 COUNT 2 – Murder with Use of a Deadly Weapon (Felony – NRS 200.010, 200.030,
2 193.165); COUNTS 3-5 – Attempt Murder with use of a Deadly Weapon (Felony – NRS
3 200.010, 200.030, 193.330, 193.165); COUNT 6 – Possession of Short Barreled Rifle
4 (Felony – NRS 202.275); COUNT 7 – Conspiracy to Commit Robbery (Felony – NRS
5 199.480, 200.380); COUNTS 8-9 – Robbery With Use of a Deadly Weapon (Felony – NRS
6 200.380, 193.165) and COUNTS 10-11 – Assault with a Deadly Weapon (Felony – NRS
7 200.471).

8 2. Following a jury trial, Defendant was convicted on all counts on May 11,
9 2007.

10 3. On May 21, 2007, Defendant filed a Motion for New Trial. The State filed its
11 Opposition on June 1, 2007. Defendant filed a Reply on July 9, 2007. The District Court
12 denied the Motions on July 9, 2007 and filed its Order September 17, 2007.

13 4. In addition to a \$25.00 Administrative Assessment Fee and a \$150.00 DNA
14 Analysis Fee, Defendant was sentenced on July 9, 2007, to the Nevada Department of
15 Corrections as follows: as to COUNT 1, to a minimum of TWENTY-SIX (26) MONTHS
16 and a maximum of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department
17 of Corrections (NDC); as to COUNT 2 to Life With The Possibility Of Parole after
18 TWENTY (20) YEARS, plus an equal and consecutive term for use of a deadly weapon; as
19 to COUNT 3, to a minimum of FORTY-EIGHT (48) MONTHS and a maximum of TWO
20 HUNDRED FORTY (240) MONTHS in the NDC, plus an equal and consecutive minimum
21 of FORTY-EIGHT (48) MONTHS and a maximum of TWO HUNDRED FORTY (240)
22 MONTHS for use of a deadly weapon; as to COUNT 4 to a minimum of FORTY-EIGHT
23 (48) MONTHS and a maximum of TWO HUNDRED FORTY (240) MONTHS in the NDC,
24 plus an equal and consecutive minimum of FORTY-EIGHT (48) MONTHS and a maximum
25 of TWO HUNDRED FORTY (240) MONTHS for use of a deadly weapon; as to COUNT 5,
26 to a minimum of FORTY-EIGHT (48) MONTHS and a maximum of TWO HUNDRED
27 FORTY (240) MONTHS in the NDC, plus an equal and consecutive minimum of FORTY-
28 EIGHT (48) MONTHS and a maximum of TWO HUNDRED FORTY (240) MONTHS for

1 use of a deadly weapon; as to COUNT 6, to a minimum of FORTY-EIGHT (48) MONTHS
2 with a minimum parole eligibility of TWELVE (12) MONTHS; as to COUNT 7, to a
3 minimum of TWELVE (12) MONTHS and a maximum of SEVENTY-TWO (72) MONTHS
4 in the NDC; as to COUNT 8, to a minimum of FORTY (40) MONTHS and a maximum of
5 ONE HUNDRED EIGHTY (180) MONTHS in the NDC, plus an equal and consecutive
6 minimum of FORTY (40) MONTHS and a maximum of ONE HUNDRED EIGHTY (180)
7 MONTHS for use of a deadly weapon; as to COUNT 9, to a minimum of FORTY (40)
8 MONTHS and a maximum of ONE HUNDRED EIGHTY (180) MONTHS in the NDC, plus
9 an equal and consecutive minimum of FORTY (40) MONTHS and a maximum of ONE
10 HUNDRED EIGHTY (180) MONTHS for use of a deadly weapon; all counts to run
11 CONCURRENT with each other. Defendant was granted THREE HUNDRED (300) DAYS
12 credit for time served.

13 5. Judgment of Conviction was filed July 17, 2007.

14 6. Defendant filed a Notice of Appeal on August 17, 2007. The Nevada Supreme
15 Court filed its Order of Affirmance on June 30, 2009. Matthews v. State of Nevada, Case
16 Number 50052, 6/30/2009. Remittitur issued December 15, 2009.

17 7. Defendant filed his Petition for Writ of Habeas Corpus (Post-Conviction) on
18 December 14, 2010. The Court appointed Carmine Colucci, Esq., as post-conviction counsel
19 for Defendant on February 6, 2012. On July 9, 2012 Defendant filed a Supplemental
20 Petition for Writ of Habeas Corpus (Post-Conviction). The State filed a Response on
21 September 10, 2012 and the matter was addressed by the District Court on October 12, 2012.

22 8. Defendant did not establish that severance of his trial from his co-defendant
23 was warranted.

24 9. Defendant failed to establish that the evidence at trial was significantly greater
25 against one defendant than another.

26 10. Even to the extent evidence of guilt was greater against one defendant than
27 another, Defendant's trial counsel, Dayvid Figler, Esq., testified that there existed no legal
28 basis for severance of Defendant's trial.

1 11. Any motion for severance would have been futile.

2 12. Defendant received effective assistance of trial counsel.

3 **CONCLUSIONS OF LAW**

4 1. In order to assert a claim for ineffective assistance of counsel, a defendant
5 must prove that he was denied “reasonably effective assistance” of counsel by satisfying the
6 two-prong test set forth in Strickland v. Washington, 466 U.S. 668, 686-87, 104 S.Ct. 2052,
7 2063-64 (1984). Under this test, the defendant must show: first, that his counsel’s
8 representation fell below an objective standard of reasonableness, and second, that but for
9 counsel’s errors, there is a reasonable probability that the result of the proceedings would
10 have been different. See Strickland, 466 U.S. at 687–688, 694, 104 S.Ct. at 2065, 2068.
11 “Effective counsel does not mean errorless counsel, but rather counsel whose assistance is
12 ‘[w]ithin the range of competence demanded of attorneys in criminal cases.’” Jackson v.
13 Warden, Nevada State Prison, 91 Nev. 430, 432, 537 P.2d 473, 474 (1975), *quoting*
14 McMann v. Richardson, 397 U.S. 759, 771, 90 S.Ct. 1441, 1449 (1970).

15 2. The court begins with the presumption of effectiveness and then must
16 determine whether the defendant has demonstrated by a preponderance of the evidence that
17 counsel was ineffective. Means v. State, 120 Nev. 1001, 103 P.3d 35 (2004). This analysis
18 does not indicate that the court should “second guess reasoned choices between trial tactics,
19 nor does it mean that defense counsel, to protect himself against allegations of inadequacy,
20 must make every conceivable motion no matter how remote the possibilities are of success.”
21 Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711 (1978). In essence, the court must
22 “judge the reasonableness of counsel’s challenged conduct on the facts of the particular case,
23 viewed as of the time of counsel’s conduct.” Strickland, 466 U.S. at 690, 104 S.Ct. at 2066.

24 3. Even if a defendant can demonstrate that his counsel’s representation fell
25 below an objective standard of reasonableness, he must still demonstrate prejudice and show
26 a reasonable probability that, but for counsel’s errors, the result of the trial would have been
27 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999), *citing*
28

1 Strickland, 466 U.S. at 687, 104 S.Ct. at 2064. “A reasonable probability is a probability
2 sufficient to undermine confidence in the outcome.” Id.

3 4. Counsel cannot be deemed ineffective for failing to make a futile motion.
4 Ennis v. State, 122 Nev. 694, 137 P.3d 1095 (2006).

5 5. A trial judge may sever a joint trial if “it appears that a defendant...is
6 prejudiced by a joinder of ...defendants...for trial together.” NRS 174.165(1); Chartier v.
7 State, 124 Nev. 760, 191 P.3d 1182 (2008). Moreover, a district court should grant a
8 severance only where there exists a serious risk that “a joint trial would compromise a
9 specific trial right of one of the defendants, or prevent the jury from making a reliable
10 judgment about guilt or innocence.” Id., citing Zafiro v. United States, 506 U.S. 534, 539,
11 113 S.Ct. 933 (1993). The decision to grant a severance rests solely within the discretion of
12 the trial court. Buff v. State, 114 Nev. 1237, 1245, 970 P.2d 564, 569 (1998), citing Amen v.
13 State, 106 Nev. 749, 755-756, 801 P.2d 1354, 1359 (1990).

14 6. In determining whether any action is warranted pursuant to NRS 174 .165(1), a
15 district court must look at the facts of each case. Chartier, 124 Nev. at 765, 191 P.3d at 1185.
16 Demonstrating spill-over prejudice alone is not sufficient to demonstrate substantial
17 prejudice. See Lisle v. State, 113 Nev. 679, 689-90, 941 P.2d 459, 466 (1997), *overruled on*
18 *other grounds by* Middleton v. State, 114 Nev. 1089, 1117 n. 9, 968 P.2d 296, 315 n. 9
19 (1998). In looking at the facts, the district court should grant a severance “ ‘only if there is a
20 serious risk that a joint trial would compromise a specific trial right of one of the defendants,
21 or prevent the jury from making a reliable judgment about guilt or innocence.’ “ Chartier,
22 124 Nev. at 765, 191 P.3d at 1185 (quoting Marshall v. State, 118 Nev. 642, 647, 56 P.3d
23 376, 379 (2002)).

24 7. Since Defendant failed to illustrate any specific right that a joint trial would
25 have compromised or any circumstances that would have prevented the jury from making a
26 reliable judgment about guilt or innocence, there was no ground upon which a severance
27 could have been granted. Moreover, since the post-conviction writ was the basis for
28 severance, and this Court found that it would not have granted a motion for severance had it

1 been brought before trial, any motion seeking severance would have been futile and cannot
2 provide Defendant relief.

3 **ORDER**

4 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction
5 Relief shall be, and it is, hereby denied.

6 DATED this 7th day of November, 2012.

7
8 
DISTRICT JUDGE RS

9
10 STEVEN B. WOLFSON
11 Clark County District Attorney
Nevada Bar #001565

12
13 BY 

SAMUEL BATEMAN
Deputy District Attorney
Nevada Bar #008764

14
15
16 **CERTIFICATE OF SERVICE**

17 I certify that on the 6th day of November, 2012, I mailed a copy of the foregoing
18 proposed Findings of Fact, Conclusions of Law, and Order to: Carmine J. Colucci, Esq., 629
19 South Sixth Street, Las Vegas, Nevada 89101, for his review.

20
21 BY: 

22 R. JOHNSON
23 Secretary for the District Attorney's Office
24
25
26
27

28 RS/SB/rj/M-1


CLERK OF THE COURT

NEO

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JEMAR D. MATTHEWS,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No: 06C228460-2

Dept No: XVIII

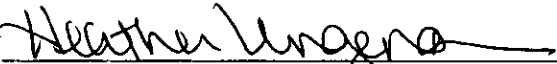
**NOTICE OF ENTRY OF FINDINGS OF
FACT, CONCLUSIONS OF LAW AND
ORDER**

PLEASE TAKE NOTICE that on November 13, 2012, the court entered a decision or order in this matter,
a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is
mailed to you. This notice was mailed on November 20, 2012.

STEVEN D. GRIERSON, CLERK OF THE COURT

By:


Heather Ungermann, Deputy Clerk

CERTIFICATE OF MAILING

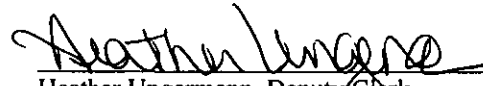
I hereby certify that on this 20 day of November 2012, I placed a copy of this Notice of Entry of Decision
and Order in:

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

☒ The United States mail addressed as follows:

Jemar Matthews # 1014654
P.O. Box 650
Indian Springs, NV 89070

Carmine J. Colucci, Esq.
629 S. Sixth St.
Las Vegas, NV 89101


Heather Ungermann, Deputy Clerk


CLERK OF THE COURT

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
SAMUEL BATEMAN
Chief Deputy District Attorney
Nevada Bar #008764
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

JEMAR MATTHEWS,
#1975205

Defendant.

CASE NO: 06C228460-2

DEPT NO: XVIII

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

DATE OF HEARING: OCTOBER 12, 2012
TIME OF HEARING: 9:00 A.M.

THIS CAUSE having come on for hearing before the Honorable JUDGE DAVID BARKER, District Judge, on the 12th day of October, 2012, the Petitioner being present and represented by his attorney, CARMINE COLUCCI, Esq., the Respondent being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through SAMUEL BATEMAN, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, the testimony of Defendant's former attorney DAYVID FIGLER, documents on file herein, and arguments of counsel, now therefore, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. An Information was filed on December 7, 2006 charging Defendant as follows:
COUNT 1 - Conspiracy to Commit Murder (Felony - NRS 199.480, 200.010, 200.030);

1 COUNT 2 – Murder with Use of a Deadly Weapon (Felony – NRS 200.010, 200.030,
2 193.165); COUNTS 3-5 – Attempt Murder with use of a Deadly Weapon (Felony – NRS
3 200.010, 200.030, 193.330, 193.165); COUNT 6 – Possession of Short Barreled Rifle
4 (Felony – NRS 202.275); COUNT 7 – Conspiracy to Commit Robbery (Felony – NRS
5 199.480, 200.380); COUNTS 8-9 – Robbery With Use of a Deadly Weapon (Felony – NRS
6 200.380, 193.165) and COUNTS 10-11 – Assault with a Deadly Weapon (Felony – NRS
7 200.471).

8 2. Following a jury trial, Defendant was convicted on all counts on May 11,
9 2007.

10 3. On May 21, 2007, Defendant filed a Motion for New Trial. The State filed its
11 Opposition on June 1, 2007. Defendant filed a Reply on July 9, 2007. The District Court
12 denied the Motions on July 9, 2007 and filed its Order September 17, 2007.

13 4. In addition to a \$25.00 Administrative Assessment Fee and a \$150.00 DNA
14 Analysis Fee, Defendant was sentenced on July 9, 2007, to the Nevada Department of
15 Corrections as follows: as to COUNT 1, to a minimum of TWENTY-SIX (26) MONTHS
16 and a maximum of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department
17 of Corrections (NDC); as to COUNT 2 to Life With The Possibility Of Parole after
18 TWENTY (20) YEARS, plus an equal and consecutive term for use of a deadly weapon; as
19 to COUNT 3, to a minimum of FORTY-EIGHT (48) MONTHS and a maximum of TWO
20 HUNDRED FORTY (240) MONTHS in the NDC, plus an equal and consecutive minimum
21 of FORTY-EIGHT (48) MONTHS and a maximum of TWO HUNDRED FORTY (240)
22 MONTHS for use of a deadly weapon; as to COUNT 4 to a minimum of FORTY-EIGHT
23 (48) MONTHS and a maximum of TWO HUNDRED FORTY (240) MONTHS in the NDC,
24 plus an equal and consecutive minimum of FORTY-EIGHT (48) MONTHS and a maximum
25 of TWO HUNDRED FORTY (240) MONTHS for use of a deadly weapon; as to COUNT 5,
26 to a minimum of FORTY-EIGHT (48) MONTHS and a maximum of TWO HUNDRED
27 FORTY (240) MONTHS in the NDC, plus an equal and consecutive minimum of FORTY-
28 EIGHT (48) MONTHS and a maximum of TWO HUNDRED FORTY (240) MONTHS for

1 use of a deadly weapon; as to COUNT 6, to a minimum of FORTY-EIGHT (48) MONTHS
2 with a minimum parole eligibility of TWELVE (12) MONTHS; as to COUNT 7, to a
3 minimum of TWELVE (12) MONTHS and a maximum of SEVENTY-TWO (72) MONTHS
4 in the NDC; as to COUNT 8, to a minimum of FORTY (40) MONTHS and a maximum of
5 ONE HUNDRED EIGHTY (180) MONTHS in the NDC, plus an equal and consecutive
6 minimum of FORTY (40) MONTHS and a maximum of ONE HUNDRED EIGHTY (180)
7 MONTHS for use of a deadly weapon; as to COUNT 9, to a minimum of FORTY (40)
8 MONTHS and a maximum of ONE HUNDRED EIGHTY (180) MONTHS in the NDC, plus
9 an equal and consecutive minimum of FORTY (40) MONTHS and a maximum of ONE
10 HUNDRED EIGHTY (180) MONTHS for use of a deadly weapon; all counts to run
11 CONCURRENT with each other. Defendant was granted THREE HUNDRED (300) DAYS
12 credit for time served.

13 5. Judgment of Conviction was filed July 17, 2007.

14 6. Defendant filed a Notice of Appeal on August 17, 2007. The Nevada Supreme
15 Court filed its Order of Affirmance on June 30, 2009. Matthews v. State of Nevada, Case
16 Number 50052, 6/30/2009. Remittitur issued December 15, 2009.

17 7. Defendant filed his Petition for Writ of Habeas Corpus (Post-Conviction) on
18 December 14, 2010. The Court appointed Carmine Colucci, Esq., as post-conviction counsel
19 for Defendant on February 6, 2012. On July 9, 2012 Defendant filed a Supplemental
20 Petition for Writ of Habeas Corpus (Post-Conviction). The State filed a Response on
21 September 10, 2012 and the matter was addressed by the District Court on October 12, 2012.

22 8. Defendant did not establish that severance of his trial from his co-defendant
23 was warranted.

24 9. Defendant failed to establish that the evidence at trial was significantly greater
25 against one defendant than another.

26 10. Even to the extent evidence of guilt was greater against one defendant than
27 another, Defendant's trial counsel, Dayvid Figler, Esq., testified that there existed no legal
28 basis for severance of Defendant's trial.

11. Any motion for severance would have been futile.

12. Defendant received effective assistance of trial counsel.

CONCLUSIONS OF LAW

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

2. The court begins with the presumption of effectiveness and then must determine whether the defendant has demonstrated by a preponderance of the evidence that counsel was ineffective. Means v. State, 120 Nev. 1001, 103 P.3d 35 (2004). This analysis does not indicate that the court should "second guess reasoned choices between trial tactics, nor does it mean that defense counsel, to protect himself against allegations of inadequacy, must make every conceivable motion no matter how remote the possibilities are of success." Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711 (1978). In essence, the court must "judge the reasonableness of counsel's challenged conduct on the facts of the particular case, viewed as of the time of counsel's conduct." Strickland, 466 U.S. at 690, 104 S.Ct. at 2066.

3. Even if a defendant can demonstrate that his counsel's representation fell below an objective standard of reasonableness, he must still demonstrate prejudice and show a reasonable probability that, but for counsel's errors, the result of the trial would have been different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999), citing

1 Strickland, 466 U.S. at 687, 104 S.Ct. at 2064. "A reasonable probability is a probability
2 sufficient to undermine confidence in the outcome." Id.

3 4. Counsel cannot be deemed ineffective for failing to make a futile motion.
4 Ennis v. State, 122 Nev. 694, 137 P.3d 1095 (2006).

5 5. A trial judge may sever a joint trial if "it appears that a defendant...is
6 prejudiced by a joinder of ...defendants...for trial together." NRS 174.165(1); Chartier v.
7 State, 124 Nev. 760, 191 P.3d 1182 (2008). Moreover, a district court should grant a
8 severance only where there exists a serious risk that "a joint trial would compromise a
9 specific trial right of one of the defendants, or prevent the jury from making a reliable
10 judgment about guilt or innocence." Id., citing Zafiro v. United States, 506 U.S. 534, 539,
11 113 S.Ct. 933 (1993). The decision to grant a severance rests solely within the discretion of
12 the trial court. Buff v. State, 114 Nev. 1237, 1245, 970 P.2d 564, 569 (1998), citing Amen v.
13 State, 106 Nev. 749, 755-756, 801 P.2d 1354, 1359 (1990).

14 6. In determining whether any action is warranted pursuant to NRS 174.165(1), a
15 district court must look at the facts of each case. Chartier, 124 Nev. at 765, 191 P.3d at 1185.
16 Demonstrating spill-over prejudice alone is not sufficient to demonstrate substantial
17 prejudice. See Lisle v. State, 113 Nev. 679, 689-90, 941 P.2d 459, 466 (1997), *overruled on*
18 *other grounds by* Middleton v. State, 114 Nev. 1089, 1117 n. 9, 968 P.2d 296, 315 n. 9
19 (1998). In looking at the facts, the district court should grant a severance " 'only if there is a
20 serious risk that a joint trial would compromise a specific trial right of one of the defendants,
21 or prevent the jury from making a reliable judgment about guilt or innocence.' " Chartier,
22 124 Nev. at 765, 191 P.3d at 1185 (quoting Marshall v. State, 118 Nev. 642, 647, 56 P.3d
23 376, 379 (2002)).

24 7. Since Defendant failed to illustrate any specific right that a joint trial would
25 have compromised or any circumstances that would have prevented the jury from making a
26 reliable judgment about guilt or innocence, there was no ground upon which a severance
27 could have been granted. Moreover, since the post-conviction writ was the basis for
28 severance, and this Court found that it would not have granted a motion for severance had it

1 been brought before trial, any motion seeking severance would have been futile and cannot
2 provide Defendant relief.

3 **ORDER**

4 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction
5 Relief shall be, and it is, hereby denied.

6 DATED this 7th day of November, 2012.

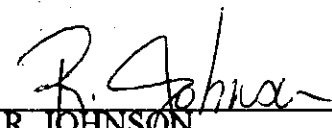
7
8 
DISTRICT JUDGE 28

9
10 STEVEN B. WOLFSON
11 Clark County District Attorney
Nevada Bar #001565

12 BY 
13 SAMUEL BATEMAN
14 Deputy District Attorney
Nevada Bar #008764

15
16 **CERTIFICATE OF SERVICE**

17 I certify that on the 6th day of November, 2012, I mailed a copy of the foregoing
18 proposed Findings of Fact, Conclusions of Law, and Order to: Carmine J. Colucci, Esq., 629
19 South Sixth Street, Las Vegas, Nevada 89101, for his review.

20
21 BY: 
22 R. JOHNSON
23 Secretary for the District Attorney's Office
24
25
26
27

28 RS/SB/rj/M-1

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 11, 2006

06C228460-2

The State of Nevada vs Jemar D Matthews

December 11, 2006

10:30 AM

Initial Arraignment

INITIAL
ARRAIGNMENT
Court Clerk: Sandra
Anderson Relief
Clerk: Phyllis Irby/pi
Reporter/Recorder:
Kiara Schmidt Heard
By: Kevin Williams

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Bawa, Ravindar N.

Attorney

Bunin, Daniel M.

Attorney

Matthews, Jemar D

Defendant

JOURNAL ENTRIES

- AS TO DEFT. JOSHLIN: DEFT. JOSHLIN ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial.

AS TO DEFT. MATTHEWS: DEFT. MATTHEWS ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT ORDERED, matter set for trial.

CUSTODY (BOTH)

2-07-07 9:00 AM CALENDAR CALL (DEPT. XVIII)(BOTH)

2-12-07 1:30 PM JURY TRIAL (DEPT. XVIII) (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 07, 2007**

06C228460-2

The State of Nevada vs Jemar D Matthews

February 07, 2007**9:00 AM****Calendar Call****CALENDAR CALL****Court Clerk:****Katherine Streuber****Reporter/Recorder:****Richard Kangas****Heard By: Elizabeth****Halverson****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Figler, Dayvid J.

Attorney

Lewis, Linda Y.

Attorney

Matthews, Jemar D

Defendant

JOURNAL ENTRIES

- Ms. Lewis advised they had not received Preliminary Hearing transcript and requested a continuance of trial. COURT ORDERED, trial date VACATED and RESET.

CUSTODY (BOTH)

05-02-07 8:30 AM CALENDAR CALL (BOTH)

05-07-07 10:30 AM TRIAL BY JURY (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 16, 2007**

06C228460-2

The State of Nevada vs Jemar D Matthews

April 16, 2007**8:30 AM****Motion to Compel****STATE'S MTN TO
COMPEL BUCCAL
SWABS /6 Court
Clerk: Pamela
Humphrey
Reporter/Recorder:
Richard Kangas
Heard By: Halverson,
Elizabeth****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Figler, Dayvid J.

Attorney

Lewis, Linda Y.

Attorney

Matthews, Jemar D

Defendant

JOURNAL ENTRIES

- Mr. Figler advised Mr. Singer is supposed to be Mr. Joshlin's counsel of record, however, counsel advised Mr. Singer informed him he withdrew from this matter. Court noted and stated no order has been submitted. Mr. Figler further made representation as to there being a PD conflict if appointed. Deft. Matthews made representation and Mr. Figler stated he still needs a copy of the preliminary transcript. There being no appearance by Mr. Singer, COURT ORDERED, matter CONTINUED for Mr. Singer to appear; Motion and Trial STAND.

CUSTODY (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 18, 2007

06C228460-2

The State of Nevada vs Jemar D Matthews

April 18, 2007

8:30 AM

Motion to Compel

STATE'S MTN TO
COMPEL BUCCAL
SWABS /6 Court
Clerk: Pamela
Humphrey
Reporter/Recorder:
Denice Lopez Heard
By: Halverson,
Elizabeth

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Figler, Dayvid J.

Attorney

Lewis, Linda Y.

Attorney

Matthews, Jemar D

Defendant

JOURNAL ENTRIES

- Mr. Singer advised he has been in contact with the Public Defender's office and the deft's family and was advised deft. and his family want the matter to be reassigned to PD's office as there is no conflict. Further, counsel stated Mr. Reed was on the matter and have discovery. Mr. Imlay stated he was advised there was a conflict with the PD's office because of a witness and stated he will request Mr. Reed appear next date to advise Court of conflict.

Mr. Figler stated there are some genetic materials recovered that can be connected to Mr. Joshlin and there is a red knit glove found in the pathway of the person who fled. There was no genetic material found on this glove. State opposed and stated the glove has been tested and DNA was found. State lodged with Court a report as to the DNA genetic material found on the glove. Following arguments, COURT ORDERED, matter CONTINUED and Mr. Reed to APPEAR next date. COURT FURTHER ORDERED, Motion STAYED and Trial STANDS. FURTHER, COURT ADMONISHED, Mr. Figler to

06C228460-2

get expedited transcript as to preliminary hearing to Court IMMEDIATELY.
CUSTODY (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 20, 2007

06C228460-2

The State of Nevada vs Jemar D Matthews

April 20, 2007

8:30 AM

Motion to Compel

STATE'S MTN TO
COMPEL BUCCAL
SWABS /6 Court
Clerk: Pamela
Humphrey
Reporter/Recorder:
Pamela Humphrey
Heard By: Elizabeth
Halverson

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Figler, Dayvid J.

Attorney

Lewis, Linda Y.

Attorney

Matthews, Jemar D

Defendant

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Norman Reed, Clark County Homicide Team, also present.

Mr. Reed advised the Court his office checked and learned there is a conflict and, therefore, can't take this case. COURT SO NOTED, and ORDERED, Mr. Singer APPOINTED. Mr. Figler argued as to the buccal swabs stating any testing done on the red glove should be limited. Mr. Figler further stated the results of the testing will be entered into a data base which will be used to search for other crime matches. Mr. Figler stated if State finds other crimes, counsel doesn't want other crimes brought into this case and that the search should be limited to determining the DNA profile as to the red glove. Ms. Lewis argued the type of testing that will be done is standard and the results of the testing has to be entered into the database accordingly. Further, Ms. Lewis noted the red glove have DNA profile and State is trying to see if it matches the deft. Mr. Figler stated deft. wants the transcripts and want 21 days to file writ and to invoke speedy trial. Following arguments, COURT ORDERED, Motion

GRANTED and if results are entered into database, NO EVIDENCE from other crimes can be brought into this case, and TRIAL STANDS.

**DISDISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 02, 2007

06C228460-2

The State of Nevada vs Jemar D Matthews

May 02, 2007

8:30 AM

Calendar Call

CALENDAR CALL
CONTINUED Court
Clerk: Sharon Chun
Reporter/Recorder:
Richard Kangas
Heard By: Barker,
David

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Figler, Dayvid J.

Attorney

Lewis, Linda Y.

Attorney

Matthews, Jemar D

Defendant

JOURNAL ENTRIES**- CALENDAR CALL: JOSLIN & MATTHEWS**

Both Mr. Singer and Mr. Figler stated they were prepared to start trial on 5/7/07 and want to go forward.

Ms. Lewis stated that on 4/20/07 Judge Halverson Granted the State's Motion To Compel Buccal Swabs. She had submitted the Order to Judge Halverson, but, has not yet received the signed Order. She inquired if this Court will sign a new Order for preparation of the buccal swab, because this evidence is of an urgent matter and the results could take up to a couple of weeks. COURT SIGNED the State's Order, it was conformed and FILED IN OPEN COURT.

COURT NOTED this case is eighteen months old, both Defts are in custody, and both have Invoked, so this case has a priority trial status. Mr. Figler stated he thinks that both defense counsel may be able to "work out some type of stipulation" with Ms. Lewis.

COURT ORDERED, CALENDAR CALL CONTINUED to Friday. All counsel acknowledged they will be present at that time.

06C228460-2

CUSTODY (BOTH)

CONTINUED TO 5/4/07 8:30 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 04, 2007

06C228460-2

The State of Nevada vs Jemar D Matthews

May 04, 2007

8:30 AM

Calendar Call

CALENDAR CALL
CONTINUED Court
Clerk: Sharon Chun
Reporter/Recorder:
Richard Kangas
Heard By: David
Barker

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Bateman, Samuel G.

Attorney

Bunin, Daniel M.

Attorney

Figler, Dayvid J.

Attorney

Lewis, Linda Y.

Attorney

Matthews, Jemar D

Defendant

JOURNAL ENTRIES

- COURT ADVISED that jury selection will begin at 1:00 PM on Monday, May 7, 2007. Both parties confirmed they expected the trial to complete in five days, and, there may not be a penalty phase, that is still being discussed. Ms. Lewis noted the State has twenty witnesses with one from Texas.

Mr. Figler moved to strike any expert witnesses disclosed within twenty-one days of this trial.

Arguments ensued by Ms. Lewis and Mr. Figler; Ms. Lewis reiterated that she could not disclose the experts until she did because of continuances delays by Defense for the buccal swabs. She also noted she had filed the State's Notice of Witnesses on 4/25/07 and the Supplemental Notice of Witnesses filed on 5/2/07. Ms. Lewis reiterated that she needed the buccal swabs before the DNA testing could be performed and the DNA expert is coming in on Saturday to share the results. COURT STATED that issue of late disclosure of witnesses will be determined on a case-by-case basis at trial.

Mr. Figler renewed his argument that the DNA evidence is too late. COURT STATED it agrees with

the State that the evidence can come in, but, ORDERED, it may not come in during the State's Case-In-Chief, it was not properly noticed.

Ms. Lewis stated she may need a couple of extra days before trial start so the Report can be prepared. She also requested any Motions in Limine to be submitted in writing, so as not to discuss the issues during trial. COURT STATED it will not limit Defendants. COURT ORDERED, trial to go forward as scheduled on Monday with a 1:00 P.M. start.

Mr. Figler noted that this case was transferred from Dept XXIII to this Department, but, Defense never received a formal findings or reasons why the case was transferred from one to the other. He also noted that this Judge was employed by the District Attorney's Office and he respectfully requests this Judge if he knows of any conflicts to disclose. COURT ADVISED that it reviewed every criminal file and has been recusing if there is a possible conflict. COURT STATED there is no potential conflict and this Court has no memory of this case, it was never on his "track". COURT ADVISED that Judge Bell is willing to try this case if counsel have any doubt as to potential conflicts. Mr. Figler stated he just wanted to make a record. COURT INQUIRED if either counsel had any information that this Judge was conferenced in this case.

Ms. Lewis interjected that she has been directly assigned this case and that the only one to help her was Mr. Bateman, and when this case was reassigned, and this Judge was never involved in this case. COURT DIRECTED counsel to advise the Court if they wanted to send this trial to Overflow, Judge Bell. Mr. Figler stated he will do so.

COURT REITERATED, TRIAL BEGINS Monday, 5/7/07 at 1:00 P.M.

CUSTODY (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 07, 2007**

06C228460-2

The State of Nevada vs Jemar D Matthews

May 07, 2007**1:00 PM****Jury Trial****TRIAL BY JURY**
Court Clerk: Sharon
Chun
Reporter/Recorder:
Richard Kangas
Heard By: Barker,
David**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Bateman, Samuel G.

Attorney

Figler, Dayvid J.

Attorney

Lewis, Linda Y.

Attorney

Matthews, Jemar D

Defendant

JOURNAL ENTRIES

- TRIAL CONVENED before Jury Panel was seated.

Ms. Lewis stated that the Information should include Deft Jemar Matthews' name on page 1, Line 21, but, due to a clerical error it was not included. COURT ORDERED the INFORMATION INTERLINEATED to insert Jemar Matthews and the AMENDED INFORMATION was FILED IN OPEN COURT.

COURT NOTED there appeared to be issues re witnesses. Ms. Lewis explained that three or four names have been added to the State's Witnesses and Mr. Figler was given the names. Mr. Figler objected to any DNA evidence based on Notice requirements; no reports were submitted to Defense. Mr. Bateman noted the buccal swabs were tested and the State wants to include that information. COURT EXPRESSED concern re the Brady issue. Mr. Figler argued that any exculpatory evidence must be turned over by the State and inquired if there was a formalized document regarding the Offer of Proof if it were to be admissible. No ruling yet made by the Court.

COURT INQUIRED of Mr. Figler about his concern that this Judge was with the District Attorney's Office prior to being appointed to the Bench and any possibility of conflict. Mr. Figler noted that Defense only received notice of the case transfer from Dept XXIII to this Department on the Friday prior to Calendar Call, and, there was no explanation given as to why Judge Halverson was not still on this case. He also stated that since he had an initial concern that this Judge was with the District Attorney's he made an Oral Motion for this Court to reveal any conflicts and a record made that this Court was not involved with this case. Mr. Figler stated that this Court has satisfied the requirements by Defense and there is no conflict; Defense is ready to proceed to trial. COURT REITERATED that it has no memory or knowledge of this case. Mr. Bateman interjected that all of Judge Halverson's criminal cases were transferred to this Court, not just this case.

COURT STATED that neither the location for the trial, nor the schedule is yet firm, but, counsel will be apprised on a day-to-day basis.

Discussion held regarding jury selection and alternates. COURT ADVISED that the SECRET ALTERNATES will be seated in Seat 13 & 14. COURT ALSO ORDERED, re the Peremptory Challenges for Alternates, the State will be allowed one challenge and the Defense will be allowed two between them.

Discussion held regarding potential penalty phase. Ms. Lewis stated that the State will waive the penalty phase and the Court may sentence Deft. Mr. Figler and Mr. Singer both stated they will also waive the penalty phase of the trial.

Mr. Figler requested that the State does not disclose statements as to gunshot discharging too soon. COURT ORDERED, that issue must wait for proper foundation.

JURY PANEL SEATED AT 2:00 P.M., the first fourteen members being seated in the jury box.

COURT PRESENTED opening remarks and made introductions of the court staff and all counsel.

Introductions made by Mr. Bateman, Mr. Figler, and Mr. Singer. ROLL CALL conducted by the Clerk. Following additional remarks by the Court, Jury Panel was administered the voir dire oath.

General voir dire conducted by the Court with the COURT THANKING and EXCUSING Jury Panel members for cause. Individual panel members were further voir dired by counsel. Peremptory Challenges were conducted. COURT THANKED and EXCUSED additional Panel members for cause during the Challenges.

OUTSIDE PRESENCE OF JURORS: Stipulation and Order regarding the Penalty Hearing, FILED IN OPEN COURT. PANEL SEATED, all present per stipulation of counsel. Peremptory challenges concluded. COURT THANKED and EXCUSED those Panel Members not selected as final Jurors.

FOURTEEN JURORS WERE PLACED UNDER OATH and SEATED.

COURT ADMONISHED JURORS and ORDERED them RECESSED until 10:00 A.M. tomorrow.

There being nothing to come before the Court at this time, COURT ORDERED, EVENING RECESS; TRIAL CONTINUED TO 10:00 A.M. on 5/8/07.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 08, 2007**

06C228460-2

The State of Nevada vs Jemar D Matthews

May 08, 2007**10:00 AM****Jury Trial****TRIAL BY JURY**
Court Clerk: Sharon
Chun
Reporter/Recorder:
Richard Kangas
Heard By: Barker,
David**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Bateman, Samuel G.

Attorney

Figler, Dayvid J.

Attorney

Lewis, Linda Y.

Attorney

Matthews, Jemar D

Defendant

JOURNAL ENTRIES**- JURY TRIAL - DAY 2**

OUTSIDE PRESENCE OF JURY: Both Mr. Singer and Mr. Figler mentioned that members of the jury had spoken to them outside the courtroom, and, although counsel told them they weren't allowed to speak to them, they suggested the Court give jurors the admonishment re conversations with officers of the Court. **COURT STATED** it will do so again this morning. All parties agreed that there was no other resolutions needed.

FILED IN OPEN COURT: Deft Jamar Matthews, **BENCH BRIEF.** Court **REVIEWED** and inquired if Mr. Figler were raising Motions in Limine at this late time? He responded that he is reiterating past issues of concern. Mr. Bateman confirmed the State will "do our best to avoid any references to gangs."

Mr. Figler again raised the question of foundation for the gunshot residue test and argued that no discovery has been presented by the State per date and cited "notice violation." Ms. Lewis argued

that the State is not required to provide discovery re an impound report and noted she had given Defense the names of every single person who will testify. However, when questioned who will testify as to the gunshot residue, she stated she was not sure, but, thought his name was Mr. McPhail. COURT DIRECTED Ms. Lewis to give a copy of any reports to Defense and ORDERED that Mr. McPhail is to be made available to Defense before he takes the stand to testify. Mr. Figler reiterated that the evidence was tested without a report and without impounding it, and, Mr. McPhail does not show up on the Pltf's Witness List. He also reiterated that the Notice was faxed to his office yesterday at 11:24 A.M. COURT STATED IT WILL RESERVE RULING on foundation, it goes to weight of admissibility and is okay for Pltf to use in their Opening. Ms. Lewis confirmed that Mr. McPhail was not referred to in other reports. Mr. Figler renewed his objection, citing a Discovery Rule Violation, further testing needs to be done before admission, there is no time frame, there is a transference issue re the gunshot residue, there is an absence of reports, and it is prejudicial to Defense. Plaintiff should not be allowed to reference the gunshot residue test in their opening. Ms. Lewis argued that the Pltf is now required to provide a report. COURT ORDERED, Plaintiff allowed to proceed with foundation, and is to provide to Deft any exhibits for examination. Mr. Figler cited "notice violation". COURT STATED there is sufficient information and notice for Deft to proceed. Mr. Singer stated he joins in Mr. Figler's objection. Mr. Figler inquired of Ms. Lewis if that was all the added witnesses; Ms. Lewis responded, yes.

JURORS SEATED AT 10:27 A.M. and all counsel stipulated to presence of all. COURT PRESENTED comments and admonishment to Jurors and the Information was read by the Clerk. COURT ADVISED JURORS re evidence and directed them as to any Juror questions.

During the Opening Statements made by Ms. Lewis, objections were raised by either Mr. Figler or Mr. Singer. COURT ORDERED, OBJECTIONS OVER-RULED. Mr. Figler presented his opening statement, followed by Mr. Singer.

State's first witness called forth, was sworn, and testified; exhibits presented. (Please see Witness List and Exhibit Lists.)

OUTSIDE PRESENCE OF JURORS a record was made of Defense's objections to photo(s) shown during the State's opening remarks. Mr. Figler stated the photos were prejudicial; Mr. Singer noted his client was shown in "shackles" and that Ms. Lewis misrepresented the charges. COURT STATED that Defense can raise those questions during closing arguments. Ms. Lewis stated there was no purposeful design, she only showed the photo because that's the only one available. Following a brief recess, Mr. Figler noted that he has the Report and Declaration now. COURT SO NOTED. JURORS SEATED, all present per stipulation of all counsel. Bench Conference held, wherein the Bailiff advised the Court that Juror #13's Juror Notebook could not be found after lunch. Another was provided temporarily. Later it was returned to Juror, the COURT EXPLAINED that during the lunch recess there was a meeting in the courtroom and one of the attendees had inadvertently picked it up and carried it off with him/her. Jurors confirmed everything in the notebook was as it was before.

State continued with additional witnesses and exhibits. Witnesses identified Deft(s) at various times during testimonies. Mr. Figler and Mr. Singer noted for the record that the witnesses identified the Defendants who were sitting next to their counsel during the trial.

COURT ORDERED, JURORS RECESSED at 5:14 P.M. and TRIAL NOTED TO CONTINUE TOMORROW at 10:30 A.M. in Courtroom 15-B.

OUTSIDE JURORS: COURT DIRECTED counsel to confer about Jury Instructions so they can be addressed. Counsel so confirmed. Mr. Figler noted that one of the jurors, #2, was nodding off during trial.

Mr. Figler made an Oral Motion for Mistrial because Mr. Bateman's reference to Deft's "SCOPE" and that it was waived before the face of a witness as though an official document, and a witness could have seen it. He also stated that no cautionary instruction can remedy that. Mr. Bateman argued that "we can all have a SCOPE" and that it was not prejudicial. COURT ORDERED, UNDER ADVISEMENT, a ruling will be made tomorrow on this issue. COURT ORDERED, EVENING RECESS.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 09, 2007

06C228460-2

The State of Nevada vs Jemar D Matthews

May 09, 2007

9:30 AM

Jury Trial

TRIAL BY JURY
Relief Clerk: Chanel
West (1:05PM -
2:05PM)
Reporter/Recorder:
Richard
Kangas/Francesca
Haak Heard By:
Barker, David

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Bateman, Samuel G.
Bunin, Daniel M.
Figler, Dayvid J.
Lewis, Linda Y.
Matthews, Jemar D

Attorney
Attorney
Attorney
Attorney
Defendant

JOURNAL ENTRIES

- DAY 3 OF TRIAL

TRIAL RECONVENED, OUTSIDE PRESENCE OF JURORS. COURT ADDRESSED the Defts' Motions for Mistrial. COURT STATED it had researched the matter and DETERMINES that "SCOPE" is a neutral term and that is had minimum impact to jurors. COURT NOTED that the Deft does not want to have a curative instruction presented to jurors. COURT ORDERED, Motion For Mistrial, DENIED.

Mr. Figler renewed his argument that Defense had not received notice that a gunshot residue test had been performed until the day of trial and had not received the Evidence Impound Report until last night. He argued that the results of the gunshot residue test failed to reveal the mix of three

elements, and because only two were found and that admissibility is disallowed across the country. He requested he be allowed to voir dire Mr. McPhail and that the State is penalized by not allowing testing notice, "the Defense was sandbagged". Ms. Lewis argued that they noticed witnesses. COURT INQUIRED if the third person is an exculpatory witness? Ms. Lewis responded, no. COURT STATED IT DOES NOT FIND A BRADY VIOLATION. COURT FURTHER noted that this can be taken up further outside the jury during examination of Mr. McPhail.

JURORS SEATED, all present per stipulation of all counsel. Plaintiff called forth additional witnesses with testimonies under oath; exhibit presented. (Please see Witness and Exhibit Lists.) During identification of Deft by witness, Mr. Figler noted that both Defts are seated by their respective counsel.

JURY PRESENT: (CHANEL WEST-RELIEF CLERK at 1:05 P.M.) Testimony and exhibits presented (See worksheet.) Court excused the Jury for an afternoon recess.

OUTSIDE THE PRESENCE: Upon Court's inquiry, State advised the Court of the number of remaining witnesses and indicated they intend to rest tomorrow. Court requested Jury Instructions from counsel and Mr. Figler advised counsel is currently working on them. Court made reference to evidence previously not admitted in front of the Jury and STATED FINDINGS pursuant to statute that could possibly allow its admission. Mr. Figler submitted objection. Ms. Lewis made request to re-move for its submission in front of the Jury and COURT SO ORDERED. Further, COURT ADVISED, it is limiting this ruling. Colloquy regarding evidence. COURT STATED FURTHER FINDINGS and ADVISED it would reserve the ruling as to this evidence. Court noted the issue of the gun-shot residue and noted its receipt of Points and Authorities and the State's opposition as to Motions in Limine. Mr. Phillips moved for Joinder to Motions in Limine. Testimony and exhibits continued (See worksheet.) Mr. Figler, Mr. Bunin, and Mr. Singer submitted an objection that they have never received a curriculum vitae and Mr. Figler requested the State provide a copy. Argument submitted by Mr. Bateman. Mr. Figler agreed to proceed with the trial and advised he would follow-up to ensure he receives the copies. Mr. Figler and Mr. Bunin submitted further objections that they have not received a full copy of the reports. Upon Court's inquiry, State advised they didn't have that information today. Court advised testimony would continue. During testimony, Mr. Figler submitted an objection as to the testimony and record referenced to by the witness.

(CLERK PRESENT at 2:25 P.M.) STILL OUTSIDE PRESENCE OF JURORS, voir dire of Crystina Vachon continued. When she was excused from the witness stand, Mr. Figler argued that Ms. Vachon is not an authority, has no scholarly works, and he could have brought in Ph.D. experts and scholars to testify had he known about this test. He reiterated that the documents were not provided to Defense before yesterday. And, he argued Mr. McPhail can provide no guarantees on non-contamination. Mr. Figler again requested a dismissal of the case because the evidence has major prejudicial impact. Or, in the alternative, Mr. Figler requested a trial continuance to "get our experts for the gunshot residue "experts".

COURT ORDERED, Mr. Figler's Motion for Dismissal of Trial With Prejudice, DENIED. COURT INQUIRED if Deft now wants to continue the trial two weeks? Mr. Figler stated he needs a continuance or he'll be ineffective because he didn't know that the gunshot residue test was done. Mr. Bateman argued that Defense is not prejudiced because "they didn't do their work, as of May 3 they had the results." He noted he has proof of the transmittal. Mr. Singer argued that a fax was sent yesterday to their office, but, of course was not received because he was here in court yesterday. Mr.

Singer also argued that he could have scheduled experts, had he known and argued that even Mr. McPhail stated that the original report was not found and the print-out was only received yesterday. Following additional arguments and colloquy, Mr. Figler referred the Court to the Plaintiff's reference to "firearms analysis", there was no mention of gunshot residue tests. All counsel noted a two week continuance would be possible. COURT STATED that a two-week continuance is appropriate. Mr. Figler stated that neither Deft has waived his right to a speedy trial. Following a brief recess. Ms. Lewis stated there is a stipulation that the State can proceed with mention of a residue examination of the black and red gloves, but, will make no mention of the hands being examined for residue. Mr. Figler confirmed there is to be no evidence re gunshot residue, only testimony about the gloves, and with that stipulation he withdraws his motion for continuance of the trial. Ms. Lewis stated she wants Mr. Figler to state that he is ready to cross-examine this witness based upon the agreement of gloves, and she reiterated that the State never saw the 180 page report until Ms. Vachon noted it. COURT ORDERED RECESS.

TRIAL RECONVENED, STILL OUTSIDE PRESENCE OF JURORS. Mr. Bateman stated that the State will not introduce the gunshot residue test on the hands of co-defendants, but, only will bring in the red and two black gloves, so Mr. McPhail will not need to testify. Mr. Figler confirmed he withdraws his motion to continue trial. Mr. Singer inquired if Defense can argue about the gloves. COURT RESPONDED, "yes."

JURORS SEATED, all present per stipulation of all counsel. State's next witnesses were placed under oath and testified; exhibits presented.

COURT ORDERED, EVENING RECESS; TRIAL CONTINUED tomorrow at 9:30 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 10, 2007

06C228460-2

The State of Nevada vs Jemar D Matthews

May 10, 2007

9:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Sharon
Chun
Reporter/Recorder:
Richard Kangas
Heard By: Barker,
David

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Bateman, Samuel G.

Attorney

Bunin, Daniel M.

Attorney

Figler, Dayvid J.

Attorney

Lewis, Linda Y.

Attorney

Matthews, Jemar D

Defendant

JOURNAL ENTRIES

- DAY 4 OF TRIAL

COURT RECONVENED OUTSIDE PRESENCE OF JURORS. COURT NOTED there is a stipulation regarding the evidence chain-of-custody from the victim to Det. Krylo, Exhibit #165. Also, State's Consolidated Opposition to Defendant's Motions In Limine, FILED IN OPEN COURT.

JURORS SEATED at 10:03 A.M., all present per stipulation of all counsel. The State called forth its next witness, designated as an expert. Mr. Singer objected to testimony regarding microscopic analysis; COURT NOTED he can cross-examine regarding that issue. The Questions from Jurors were brought to the attention of the Bench, counsel approached to discuss, and the Juror Questions were marked as Court's Exhibits. (Please see Court's Exhibit List.) Fred Boyd designated as expert witness and testified as to microscopic examination of the bullets.

OUTSIDE PRESENCE OF JURORS: Regarding Juror Question, marked as Court's Exhibit #2, Mr.

PRINT DATE: 12/05/2012

Page 20 of 49

Minutes Date:

December 11, 2006

Singer requested the Court to ask the Juror Question in a different manner than it was written. The Court presented the alternative which was approved by Mr. Singer before being asked of the witness. COURT CANVASSED DEFT MATTHEWS re his Fifth Amendment Rights. Deft Matthews stated he will not take the stand to testify. Mr. Figler requested a Jury Instruction given regarding fact that the Deft is not compelled to testify.

COURT ALSO CANVASSED DEFT JOSH LIN as to his Fifth Amendment Rights. Deft Joshlin stated he will not take the stand to testify. Mr. Singer also requested a Jury Instruction regarding the fact that the Deft is not compelled to testify.

Following a full recess, OUTSIDE PRESENCE OF JURY, Mr. Figler stated that several parties were present in the courtroom during the trial, and as they were leaving the court room they said, "they killed my baby." He requested the Court to admonish all present about comments made. COURT STATED it didn't hear the comments. At request of Plaintiff, Court's Exhibit #3 was marked.

JURORS SEATED, all present as before per stipulation of all counsel. THE STATE ANNOUNCED IT RESTED ITS CASE at 12:31 P.M. COURT ORDERED, Jurors recessed for lunch.

OUTSIDE PRESENCE OF JURORS, Mr. Singer made an Oral Motion to Dismiss Count 5 against Deft Joshlin, stating his argument on the record. The State argued in opposition. COURT ORDERED, DEFT JOSH LIN'S MOTION TO DISMISS COUNT 5, DENIED. Arguments re final Jury Instructions continued. Deft's Proposed Jury Instructions Not Used At Trial, FILED IN OPEN COURT.

JURORS SEATED at 1:24 P.M., all present per stipulation of all counsel. Mr. Figler presented the first Defense witness, who was sworn and testified; exhibits presented. (Please see Witness and Exhibit Lists.) COURT ORDERED, JURORS RECESSED at 6:00 P.M. and ORDERED to return tomorrow at 9:30 A.M.

OUTSIDE PRESENCE OF JURORS, discussion held regarding tomorrow's schedule. COURT ORDERED, EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 11, 2007

06C228460-2

The State of Nevada vs Jemar D Matthews

May 11, 2007

9:30 AM

Jury Trial

TRIAL BY JURY
Court Clerk: Sharon
Chun
Reporter/Recorder:
Richard Kangas
Heard By: David
Barker

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Bateman, Samuel G.

Attorney

Bunin, Daniel M.

Attorney

Figler, Dayvid J.

Attorney

Lewis, Linda Y.

Attorney

Matthews, Jemar D

Defendant

JOURNAL ENTRIES

- DAY 5 OF TRIAL

TRIAL RECONVENED OUTSIDE PRESENCE OF JURORS. Arguments re Jury Instructions continued on the record. Final Jury Instructions accepted and numbered by the Court. Deft's Jury Instructions Offered But Not Used, FILED IN OPEN COURT. All counsel stipulated to the reading of the Jury Instructions prior to closing arguments. The State confirmed it will call no rebuttal witnesses; Defense stated no sur-rebuttal witnesses will be called.

JURORS SEATED, all present per stipulation of all counsel. COURT READ Jury Instructions and Verdict forms to the Jurors, each provided their own copy.

Closing arguments made by all counsel. COURT ANNOUNCED the Alternate Jurors to be Jurors #13 and #14. The Bailiff and Judicial Executive Assistant were sworn to take charge of the Jurors and

Alternates. COURT ORDERED JURORS TO DELIBERATION AT 2:24 p.m.

VERDICT REACHED AT APPROXIMATELY 6:10 P.M.

TRIAL RECONVENED at 6:35 P.M. with all twelve jurors present per stipulation of all counsel.

FOREPERSON was announced to be Juror #8. At direction of the Court the Clerk announced the Verdicts, as follows:

VERDICT FOR DEFT PIERRE JOSH LIN: GUILTY OF COUNT 1 - CONSPIRACY TO COMMIT MURDER; COUNT 2 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON; COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (MYNIECE COOK); COURT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (MICHEL-LE TOLEFREE); COUNT 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (MAURICE HICKMAN); COUNT 7 - CONSPIRACY TO COMMIT ROBBERY; COUNT 8 - ROBBERY WITH USE OF A DEADLY WEAPON (GEISHE M. ORDUNO); and COUNT 9 - ROBBERY WITH USE OF A DEADLY WEAPON (MELVIN BOLDEN).

VERDICT RE DEFT JEMAR MATTHEWS GUILTY OF: COUNT 1 - CONSPIRACY TO COMMIT MURDER; COUNT 2 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON; COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (MYNIECE COOK); COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (MICHEL-LE TOLEFREE); COUNT 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (MAURICE HICKMAN); COUNT 6 - POSSESSION OF SHORT BARRELED RIFLE; COUNT 7 - CONSPIRACY TO COMMIT ROBBERY; COUNT 8 - ROBBERY WITH USE OF A DEADLY WEAPON (GEISHE M. ORDUNO); COUNT 9 - ROBBERY WITH USE OF A DEADLY WEAPON (MELVIN BOLDEN); COUNT 10- ASSAULT WITH USE OF A DEADLY WEAPON (BRADLEY CUPP); and COUNT 11- ASSAULT WITH USE OF A DEADLY WEAPON (BRIAN WALTERS)

At request of Defense counsel, COURT ORDERED, JURORS POLLED as to if those were their verdicts as read. All twelve Jurors answer in the affirmative.

COURT THANKED AND EXCUSED JURORS.

OUTSIDE PRESENCE OF JURORS, COURT ORDERED, matter referred to the Division of Parole and Probation (P & P) for both defendants, and set for sentencing.

Mr. Figler made an Oral Motion for A New Trial Based On Cumulative Prosecutorial Misconduct. COURT ORDERED, DENIED.

FILED IN OPEN COURT: Verdicts and Jury Instructions.

COURT ORDERED, JURY TRIAL ADJOURNED.

CUSTODY (BOTH)

6/18/07 8:30 AM SENTENCING (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 04, 2007

06C228460-2

The State of Nevada vs Jemar D Matthews

June 04, 2007

8:30 AM

Motion for New Trial

DEFT'S MTN FOR
NEW TRIAL /9 Court
Clerk: Sharon Chun
Reporter/Recorder:
Richard Kangas
Heard By: Barker,
David

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Bawa, Ravindar N.

Attorney

Figler, Dayvid J.

Attorney

Matthews, Jemar D

Defendant

JOURNAL ENTRIES

- Upon stipulation of both counsel, COURT ORDERED, Motion CONTINUED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 08, 2007

06C228460-2

The State of Nevada vs Jemar D Matthews

June 08, 2007

8:15 AM

Motion for New Trial

DEFT'S MTN FOR
NEW TRIAL /9 Court
Clerk: Sharon Chun
Reporter/Recorder:
Richard Kangas
Heard By: Barker,
David

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Figler, Dayvid J.

Attorney

Lewis, Linda Y.

Attorney

Matthews, Jemar D

Defendant

JOURNAL ENTRIES

- COURT STATED it read the Motion and reviewed the video-tape, but, requires more time to review in detail. COURT ORDERED, MOTION CONTINUED TO 7/2/07.

Mr. Figler requested additional transcripts prepared, including Bunin's closing and the rebuttal. Mr. Kangas advised they may possibly be back in a week, once ordered. COURT ORDERED, TRANSCRIPT TO BE PREPARED ON EXPEDITED BASIS.

COURT FURTHER ORDERED, the 6/18/07 Sentencing of both Joshlin & Matthews, CONTINUED to 7/2/07 as well.

CUSTODY

7/2/07 8:15 AM SENTENCING (JOSHLIN & MATTHEWS)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 09, 2007

06C228460-2

The State of Nevada vs Jemar D Matthews

July 09, 2007

8:15 AM

All Pending Motions

ALL PENDING
MOTIONS (07-09-07)
Relief Clerk: Carol
Donahoo
Reporter/Recorder:
Richard Kangas
Heard By: David
Barker

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Bunin, Daniel M.

Attorney

Figler, Dayvid J.

Attorney

Lewis, Linda Y.

Attorney

Matthews, Jemar D

Defendant

JOURNAL ENTRIES

- DEFT.'S MOTION FOR NEW TRIAL (MATTHEWS)...SENTENCING (JOSHLIN)...SENTENCING (MATTHEWS)

Deft.'s Reply to State's Opposition to Motion for New Trial FILED IN OPEN COURT. Court noted it reviewed the video tape of the trial. Arguments by counsel. Court stated its findings and ORDERED, Motion DENIED.

PIERRE JOSHLIN: Pursuant to the Jury's verdict, DEFT. JOSHLIN ADJUDGED GUILTY of COUNT 1 - CONSPIRACY TO COMMIT MURDER (F), COUNT 2 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F), COUNTS 3, 4, 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F), COUNT 7 - CONSPIRACY TO COMMIT ROBBERY (F), and COUNTS 8, 9 - ROBBERY WITH USE OF A DEADLY WEAPON (F). Sworn statement by victim's mother, Cora Williams, and victim's sister, Danielle Matison. COURT ORDERED, in addition to the \$25.00 Administrative

Assessment fee and the \$150.00 DNA Analysis fee including testing to determine genetic markers and \$418.85 Restitution, as to COUNT 1, Deft. SENTENCED to a MINIMUM of TWENTY-SIX (26) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 2, Deft. SENTENCED to LIFE WITH the possibility of parole after TWENTY (20) YEARS, plus an equal and CONSECUTIVE term for use of a deadly weapon; as to COUNT 3, Deft. SENTENCED to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM OF FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS for use of a deadly weapon; as to COUNT 4, Deft. SENTENCED to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM OF FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS for use of a deadly weapon; as to COUNT 5, Deft. SENTENCED to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM OF FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS for use of a deadly weapon; as to COUNT 7, Deft. SENTENCED to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 8, Deft. SENTENCED to a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS for use of a deadly weapon; as to COUNT 9, Deft. SENTENCED to a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS for use of a deadly weapon; all COUNTS to run CONCURRENT with each other, with THREE HUNDRED (300) DAYS credit for time served; BOND, if any, EXONERATED.

JEMAR D. MATTHEWS: Pursuant to the Jury's verdict, DEFT. MATTHEWS ADJUDGED GUILTY of COUNT 1 - CONSPIRACY TO COMMIT MURDER (F), COUNT 2 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F), COUNTS 3, 4, 5 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F), COUNT 6 - POSSESSION OF SHORT BARRELED RIFLE (F), COUNT 7 - CONSPIRACY TO COMMIT ROBBERY (F), COUNTS 8, 9 - ROBBERY WITH USE OF A DEADLY WEAPON (F), COUNTS 10, 11 - ASSAULT WITH USE OF A DEADLY WEAPON (F). Sworn statement by victim's mother, Cora Williams, and victim's sister, Danielle Matison. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and the \$150.00 DNA Analysis fee including testing to determine genetic markers, as to COUNT 1, Deft. SENTENCED to a MINIMUM of TWENTY-SIX (26) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 2, Deft. SENTENCED to LIFE WITH the possibility of parole after TWENTY (20) YEARS, plus an equal and CONSECUTIVE term for use of a deadly weapon; as to COUNT 3, Deft. SENTENCED to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM OF FORTY-EIGHT

(48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS for use of a deadly weapon; as to COUNT 4, Deft. SENTENCED to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM OF FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS for use of a deadly weapon; as to COUNT 5, Deft. SENTENCED to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM OF FORTY-EIGHT (48) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS for use of a deadly weapon; as to COUNT 6, Deft. SENTENCED to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 7, Deft. SENTENCED to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 8, Deft. SENTENCED to a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS for use of a deadly weapon; as to COUNT 9, Deft. SENTENCED to a MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus an equal and CONSECUTIVE MINIMUM of FORTY (40) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS for use of a deadly weapon; as to COUNT 10, Deft. SENTENCED to a MINIMUM of SIXTEEN (16) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 11, Deft. SENTENCED to a MINIMUM of SIXTEEN (16) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC); all COUNTS to run CONCURRENT with each other, with THREE HUNDRED (300) DAYS credit for time served; BOND, if any, EXONERATED.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 28, 2008**

06C228460-2

The State of Nevada vs Jemar D Matthews

January 28, 2008

8:15 AM

Request

DEFT'S REQUEST
STATUS CHECK:
CUSTODY Relief
Clerk: Tia Everett/te
Reporter/Recorder:
Richard Kangas
Heard By: Barker,
David

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Clowers, Shanon
Figler, Dayvid J.
Matthews, Jemar D

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Mr. Figler advised the Defendant has been sentenced in this case and a Judgment of Conviction has been signed by the Court; however, he has yet to be transported to the Nevada Department of Corrections. Court Directed State to look into this matter and COURT ORDERED, matter CONTINUED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 01, 2008

06C228460-2

The State of Nevada vs Jemar D Matthews

February 01, 2008

8:15 AM

Request

DEFT'S REQUEST
STATUS CHECK:
CUSTODY Relief
Clerk: Tia Everett/te
Reporter/Recorder:
Richard Kangas
Heard By: David
Barker

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Bateman, Samuel G.
Matthews, Jemar D

Attorney
Defendant

JOURNAL ENTRIES

- Court noted, he has spoken with the Clark County Detention Center (CCDC) who has advised the Defendant has been placed on the correct list in order for him to be transported to Nevada Department of Corrections. COURT ORDERED, MATTER OFF CALENDAR.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 26, 2008

06C228460-2

The State of Nevada vs Jemar D Matthews

March 26, 2008

8:15 AM

Request of Court

AT REQ OF
SUPREME COURT:
APPOINTMENT OF
COUNSEL/14 Court
Clerk: Sharon Chun
Reporter/Recorder:
Richard Kangas
Heard By: David
Barker

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Clowers, Shanon

Attorney

JOURNAL ENTRIES

- Deft incarcerated in NDC and not present. Mr. Singer appeared and stated he has not been appointed as counsel in this matter. COURT ORDERED, JOHN PARRIS APPOINTED as counsel and matter SET for status check on Friday. Deft so agreed.

NDC

3/28/08 8:15 AM STATUS CHECK: FURTHER PROCEEDINGS...STATUS CHECK:
CONFIRMATION OF COUNSEL (JOHN PARRIS)

CLERK'S NOTE: Mr. Parris has been notified of the appointment via email this date.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 28, 2008**

06C228460-2

The State of Nevada vs Jemar D Matthews

March 28, 2008**8:00 AM****All Pending Motions****ALL PENDING
MOTIONS 03-28-08
Court Clerk: Sandra
Anderson
Reporter/Recorder:
Richard Kangas
Heard By: David
Barker****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Krusey, Amanda K.

Attorney

JOURNAL ENTRIES

- STATUS CHECK: FURTHER PROCEEDINGS...STATUS CHECK: CONFIRMATION OF COUNSEL COURT ORDERED, Mr. Parris confirmed as attorney of record. Mr. Parris advised the Court he would contact Mr. Singer for Discovery.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 24, 2008**

06C228460-2

The State of Nevada vs Jemar D Matthews

September 24, 2008**8:15 AM****Request of Court****SUPREME COURT
REMAND: APPOINT
NEW APPELLET
COUNSEL/18 Court
Clerk: Sharon Chun
Relief Clerk: Carol
Donahoo/cd
Reporter/Recorder:
Richard Kangas
Heard By: David
Barker****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Nance, Aaron M.

Attorney

JOURNAL ENTRIES

- Defendant/ Appellant Joshlin incarcerated in the Nevada Department of Corrections (NDC) and not present.

Court noted this matter has been remanded to District Court by the Supreme Court for the limited purpose of securing counsel for Appellant. Ms. Roys CONFIRMED as counsel of record on behalf of Karen Connolly, Esq.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 27, 2009**

06C228460-2

The State of Nevada vs Jemar D Matthews

July 27, 2009

8:15 AM

Request

DEFT'S PRO PER
REQUEST FOR
RECORDS/COURTC
ASE/19 Relief Clerk:
Tia Everett/te
Reporter/Recorder:
Richard Kangas
Heard By: Barker,
David

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Figler, Dayvid J.

Attorney

Matthews, Jemar D

Defendant

Ponticello, Frank M.

Attorney

JOURNAL ENTRIES

- Mr. Figler informed the Court although the Nevada Supreme Court has affirmed the prior conviction, counsel has filed a petition for re-hearing; however, should the motion be denied counsel will file for enbanc consideration and should all requests be denied then the Defendant will be in need of his file. Further, Mr. Figler requested the request be continued while counsel exhaust all of his options. COURT ORDERED, matter CONTINUED based on the state of appeal.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 30, 2009**

06C228460-2

The State of Nevada vs Jemar D Matthews

November 30, 2009**8:15 AM****Request****DEFT'S PRO PER
REQUEST FOR
RECORDS/COURTC
ASE/19 Court Clerk:
Sharon Chun
Reporter/Recorder:
Richard Kangas
Heard By: David
Barker****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Figler, Dayvid J.
Small, Shelly L.Attorney
Attorney**JOURNAL ENTRIES**

- COURT NOTED THAT Deft is in custody at the Nevada Department of Corrections. Mr. Figler stated the final denial of appeal has been received and the Court should receive the Remittent any day now. Mr. Figler noted that he had sent two banker's boxes of records to Deft at NSP and all the Court Transcripts were sent to him also. Mr. Figler requested to be retained for any post-conviction relief and thinks there should be a stay until the remittitur.

COURT NOTED that Mr. Figler has confirmed that the full records have been sent to Deft; therefore, Deft's Request is MOOT. COURT IS WAITING for the Supreme Court Remittitur before further consideration of Mr. Figler's withdrawal.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 06, 2010

06C228460-2

The State of Nevada vs Jemar D Matthews

January 06, 2010

8:15 AM

All Pending Motions

ALL PENDING
MOTIONS OF 1/6/10
Court Clerk: Sharon
Chun
Reporter/Recorder:
Richard Kangas
Heard By: David
Barker

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Botelho, Agnes M.
Figler, Dayvid J.
Kochevar, Brian J.

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- DEFT'S PRO PER MOTION FOR THE APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING...DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

COURT NOTED Deft is in custody at NDC and Deft needs to articulate the grounds for an appointment of counsel. Mr. Figler stated he received a copy of the NV Supreme Court's remittitur and Deft's issue is ineffective assistance of counsel, therefore, withdrawal would seem appropriate. COURT STATED that appointment of counsel will have to be assigned through Drew Christensen and SET status check for confirmation of counsel.

FOLLOWING CALENDAR, COURT ORDERED BOTH DEFT'S MOTIONS CONTINUED TO 1/15/10 as well.

NDC

1/15/10 8:15 AM STATUS CHECK: CONFIRMATION OF COUNSEL...DEFT'S PRO PER MOTION

PRINT DATE: 12/05/2012

Page 36 of 49

Minutes Date:

December 11, 2006

FOR THE APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING...DEFT'S
PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

cc: D. Figler, Esq.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 15, 2010

06C228460-2

The State of Nevada vs Jemar D Matthews

January 15, 2010

8:15 AM

All Pending Motions

ALL PENDING
MOTIONS Relief
Clerk: Shelly
Landwehr/sl
Reporter/Recorder:
Richard Kangas
Heard By: David
Barker

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Ford, Christopher
Matthews, Jemar D
Thomas, Michelle L.

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- DEFT'S PRO PER MOTION FOR THE APPOINTMENT OF COUNSEL AND REQUEST FOR EVIDENTIARY HEARING...DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS...STATUS CHECK: CONFIRMATION OF APPOINTED COUNSEL

Chris Ford present on behalf of Luke Ciciliano. Colloquy regarding appointment of counsel to represent Deft. in these proceedings. Mr. Ford CONFIRMED as counsel. Colloquy regarding Deft's motions. COURT NOTED, Mr. Figler made a good record. Matter OFF CALENDAR.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 12, 2010

06C228460-2

The State of Nevada vs Jemar D Matthews

May 12, 2010

8:15 AM

Motion

DEFT'S PRO PER
MTN FOR
APPOINTMENT OF
COUNSEL AND
REQUEST FOR
EVIDENTIARY HRG
Court Clerk: Sharon
Chun
Reporter/Recorder:
Richard Kangas
Heard By: David
Barker

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Kochevar, Brian J.

Attorney

JOURNAL ENTRIES

- Mr. Vitale appeared on behalf of K. Connolly, Esq. and stated his office represented Deft Joshlin through Appeal, but, new counsel needs to be appointed for him for this post-conviction request for relief. COURT NOTED that the Supreme Court gave direction that counsel should be appointed for claims of ineffective assistance of counsel, and, ORDERED. COUNSEL TO BE APPOINTED through Drew Christensen's Office. COURT FURTHER ORDERED, MATTER SET FOR STATUS CHECK RE CONFIRMATION.

NDC

5/28/10 8:15 AM STATUS CHECK: CONFIRMATION OF COUNSEL (THROUGH D. CHRISTENSEN'S OFFICE)...STATUS CHECK: SET EVID HEARING RE INEFFECTIVE ASSISTANCE OF COUNSEL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 28, 2010

06C228460-2

The State of Nevada vs Jemar D Matthews

May 28, 2010

8:15 AM

All Pending Motions

ALL PENDING
MOTIONS 5/28/10
Court Clerk: Sharon
Chun
Reporter/Recorder:
Richard Kangas
Heard By: David
Barker

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Graham, Stephanie

Attorney

JOURNAL ENTRIES

- STATUS CHECK: CONFIRMATION OF COUNSEL...STATUS CHECK: SET EVIDENTIARY
HEARING RE INEFFECTIVE ASSISTANCE OF COUNSEL

COURT ADVISED that Michael Schwarz, Esq. was appointed counsel through Drew Christensen's
Office, and ORDERED, STATUS CHECK CONTINUED re setting of the Post-Conviction claim of
ineffective assistance of counsel. COURT NOTED that a Transport Order will be required for Deft's
presence at that time.

NDC

7/16/10 8:15 AM STATUS CHECK: SET EVIDENTIARY HEARING RE INEFFECTIVE ASSISTANCE
OF COUNSEL

CLERK'S NOTE: A copy of this minute order has been provided to Mr. Schwarz.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 16, 2010

06C228460-2

The State of Nevada vs Jemar D Matthews

July 16, 2010

8:15 AM

Status Check

STATUS CK: SET
EVID HRG RE
DEFT'S POST-
CONV CLAIM OF
INEFFECTIVE ASSIS
COUNSEL Relief
Clerk: Billie Jo Craig
Reporter/Recorder:
Richard Kangas
Heard By: David
Barker

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Iskan, Ercan E
Roger, David J.

Attorney
Attorney

JOURNAL ENTRIES

- Court noted defendant had been transported and Mr. Schwarz was not present. Mr. Schwarz was to advise the Court if supplemental briefing was necessary. Court noted Mr. Schwarz not present. Court stated its findings, and ORDERED, matter CONTINUED for counsel to be present. Court advised defendant need not be present at the next Court date and a copy of the Minutes from the next Court date to be provided to the defendant.

NDC

CONTINUED TO: 7/21/10 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 21, 2010

06C228460-2

The State of Nevada vs Jemar D Matthews

July 21, 2010

8:15 AM

Status Check

STATUS CHECK:
SET EVID HRG RE
DEFT'S POST-
CONV CLAIM
(FROM 7/16/10)
Court Clerk: Sharon
Chun Relief Clerk:
Billie Jo Craig/bjc
Reporter/Recorder:
Richard Kangas
Heard By: David
Barker

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Graham, Stephanie
 Roger, David J.

Attorney
 Attorney

JOURNAL ENTRIES

- Colloquy regarding status of case. COURT ORDERED, a briefing schedule set as follows:
 Defendant's Motion Due: 11/24/10 State's Response Due: 2/23/11 Defendant's Reply Due: 3/9/11
 EVIDENTIARY HEARING: 3/23/10 10:00 AM
 COURT ORDERED, matter SET for Evidentiary Hearing.
 NDC
 3/23/11 10:00 AM EVIDENTIARY HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 23, 2012

06C228460-2

The State of Nevada vs Jemar D Matthews

January 23, 2012

8:15 AM

Motion

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:

Lavell, Maria
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- Court noted conviction affirmed by Supreme Court, Mr. Ciciliano appointed to assist in any post conviction efforts, Mr. Ciciliano has indicated he cannot continue, Mr. Christensen contacted to no avail and COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 2/6/12 8:15 AM

CLERK'S NOTE: Mr. Christensen e-mailed and advised of the Court's order. 1/23/12 aw

CLERK'S NOTE: The above minute order has been distributed to: Jemar Matthews #1014654, WSCC, P.O. Box 7007, Carson City, NV 89702.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 06, 2012

06C228460-2

The State of Nevada vs Jemar D Matthews

February 06, 2012

8:15 AM

Motion

Deft's Pro Per Motion
for Appointment of
Counsel Pursuant to
NRS 34.750

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES**PRESENT:**

Botelho, Agnes M.
Colucci, Carmine J.
State of Nevada

Attorney
Attorney
Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Colucci advised he will accept appointment. COURT ORDERED, motion GRANTED. Further, Mr. Colucci advised he has sent letter to previous counsel requesting discovery and requested a 120 day status check. FURTHER ORDERED, matter SET for status check.

NDC

6/11/12 8:15 AM STATUS CHECK: BRIEFING SCHEDULE

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 11, 2012**

06C228460-2

The State of Nevada vs Jemar D Matthews

June 11, 2012**8:15 AM****Status Check****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**

Colucci, Carmine J.

Attorney

Lavell, Maria

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Colucci stated he has reviewed entire file, will be filing supplemental to the petition and requested a briefing schedule be set. COURT ORDERED, the following briefing schedule: Deft's Supplemental brief due by July 9, 2012, State's Opposition due by September 10, 2012, Deft's Reply due by September 24, 2012, and matter SET thereafter for hearing.

NDC

10/12/12 9:00 AM HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 12, 2012**

06C228460-2

The State of Nevada vs Jemar D Matthews

October 12, 2012**9:00 AM****Hearing****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**

Bateman, Samuel G.

Attorney

Colucci, Carmine J.

Attorney

Matthews, Jemar D

Defendant

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Mr. Bateman stated just for clarification, Deft. argued motion to sever should of been filed, included legal reasons for a severance and the State believes this is a legal matter for the Court. The Court needs to decide legal reasons for severance motion, believes it is a matter of law and no need for hearing. Mr. Colucci stated there is a lot of other factors involved. Further, earlier in case, Mr. Figler filed bench brief indicating there may be Bruton issues and the purpose of closing arguments was to connect this Deft. with the other Deft. Additionally, State argued both Defts' acted in concert, not charged with conspiracy and wants to know if it was a strategic decision. Court noted on Order of Affirmance, there was a conspiracy charge. Mr. Colucci stated even with conspiracy issue, argued no evidence there was a conspiracy to commit murder.

Dayvid Figler, sworn and testified.

Mr. Colucci argued evidence against Deft. was not as strong as it was against the Co-Deft. Further, rebuttal argument was both Defts' together and by repeating the words "they and them", State lumped together with no distinction between the charges. Additionally, the spill over effect was huge, Deft's counsel knew both Defts' would be linked together, possible Bruton issues and motion to sever should of been filed. Mr. Bateman argued no red flag during trial in regards to Mr. Singer's issues and actions. Further, no law presented that deficient performance by Co-Deft's counsel would

be basis for severance. Additionally, Mr. Bateman argued evidence was sufficient, at no time was it brought up there was insufficient evidence against this Deft., no specific trial right precluded shown here, does not believe Deft's trial counsel fell to such a level to be deficient, prejudice prong not met and ineffective assistance of counsel not shown. Further argument by Mr. Colucci. Court stated issue addresses whether or not trial conduct of Deft's counsel was deficient. Further, Court FINDS issue of severance is a matter of law, if brought pre trial, it would of been denied based on theories presented. Additionally, the Court does not question Mr. Figler's efforts even with the spill over argument were met. Based upon that fact, anything seen, heard or briefed on would indicate his efforts were factually or legally deficient and ORDERED, petition DENIED. State to prepare findings of fact and conclusions of law.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 19, 2012**

06C228460-2

The State of Nevada vs Jemar D Matthews

November 19, 2012**8:15 AM****Motion****Deft's Motion to
Place on Calendar Re:
Appointment of
Appellant Counsel****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**

Burns, J Patrick

Attorney

Colucci, Carmine J.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Court noted there seems to be some conflict as to the findings of facts and conclusions of law. Mr. Colucci advised all that has been worked out with the State. Further, Mr. Colucci stated Deft. needs new counsel and not him. Court further noted this is the third level of post conviction, needs reason and factual basis stated, Deft. does not have right to counsel and ORDERED, motion DENIED. Mr. Colucci requested to withdraw as counsel without prejudice. COURT SO ORDERED.

NDC

Exhibit List

Case: 06C228460-2 Party: Sort Order: Status Defendant Name: Matthews, Jemar D DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
PJ	Plaintiff			JUSTICE COURT EXHIBITS		State of Nevada	District Court Criminal/Civil 12/04/2006	Evidence Vault
		Comment: ExhibitID : 118091						
P4A	Plaintiff			SPEED .45 CASINGS- ITMES 1-3		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
		Comment: ExhibitID : 133195						
P93	Plaintiff			PHOTOGRAPH		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
		Comment: ExhibitID : 133220						
P99-	Plaintiff			101) PHOTO		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
		Comment: ExhibitID : 133223						
P103-	Plaintiff			105) PHOTO		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
		Comment: ExhibitID : 133225						
P125	Plaintiff			PHOTO ARM & HAND IN HANDCUFF		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
		Comment: ExhibitID : 133227						
P161	Plaintiff			PHOTO OF CHAMBER OF GUN ENLARGED		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
		Comment: ExhibitID : 133238						

Exhibit List

Case: 06C228460-2 Party: Sort Order: Status Defendant Name: Matthews, Jemar D DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
P163	Plaintiff			CERTIFIED DOCUMENT - EVENT SEARCH		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 133240 OBJECTION								
P164	Plaintiff			BAG		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 133241								
P164A-	Plaintiff			C) GUN SHOT RESIDUE KITS		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 133242								
P167	Plaintiff			PLASTIC BAG VARIOUS EXHIBITS		State of Nevada	District Court Criminal/Civil 01/01/1900	Evidence Vault
Comment: ExhibitID : 133246								
P1	Plaintiff	Admitted 05/08/2007		PACKAGE 5223-1 (.45 CARTRIDGES)		State of Nevada	District Court Criminal/Civil 05/08/2007	Evidence Vault
Comment: ExhibitID : 133164 NO OBJECTION								
P1A	Plaintiff	Admitted 05/10/2007		9 MM CASING - ITEM 1 & 2		State of Nevada	District Court Criminal/Civil 05/10/2007	Evidence Vault
Comment: ExhibitID : 133165 NO OBJECTION								