

D. Monroe

Case No. 07A537416

Dept No. VIII

07A537416  
NOAS  
Notice of Appeal  
2058073



Electronically Filed  
Dec 12 2012 09:40 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

*Tracie K. Lindeman*  
CLERK OF COURT

### Notice of Appeal

Notice is hereby given that Daimon Monroe

defendant above named hereby Appeals to the Supreme

Court of Nevada from the Final Judgment

From the order motion for Summary Judgment

entered in this action on the 27th day of November

2012

Dated this 3 day of December 2012

argument

2.) The court lacked Jurisdiction due

to Supreme court case 61616 and was told

that case was pending.

2.) The court Lied about defendants

Receiving a search warrant on the day of

Nov 6 2006, Its a lie to say anyone received

a search warrant absolute lie

3.) The money's was taken from my home

1) Cash 14,000 dollars and 25,000 in my  
2) Bank so He lied to say it was all taken  
3) From my attorney, it was not,  
4) 4.) Stewart & Bell Signed and Back dated  
5) those warrants for Sandra Disicomo and R.O.P  
6) absolutely so the court lied and said we  
7) were given the original that is a outright  
8) Lie.  
9) So we told the court that money's was taken  
10) From our person's and not our attorney's  
11) the court never addressed this, the court  
12) was told of a pending appeal and the  
13) Jurisdictional defects, And once again  
14) There never was a warrant and we can  
15) prove it, The court lied to say we ever  
16) got the original it's a Lie absolutely  
17) 6.) The money's taken was not all taken from  
18) my lawyers and the court did not address  
19) this, nor the warrant, I can prove Beyond  
20) a doubt that Stewart & Bell Signed and  
21) Back dated those for Sandra Disicomo  
22) and R.O.P. we have a Right to prove this  
23) This money was Illegally taken we  
24) Have a Right to prove that, The  
25) Court lied to say we ever Received

- 1) a warrant that's alive, and the district <sup>3</sup>
- 2) court lacked Jurisdiction to
- 3) Rule pending my appeal before this court
- 4)

Respectfully

Submitted Dae

7)

8)

9)

10)

11)

12)

13)

14) Under penalty of perjury, Pursuant

15) to M.R.S 208.165 Et Seq the undersigned

16) declares he is the petitioner named above

17) the contents thereof that the pleadings are

18) true and correct to the best of his

19) recollection.

20)

21)

22)

dated 12-3-12

Daimon Monroe

Dimonroe #38299  
H-D-5-P  
P.O. Box 650  
Indian Springs, Nev, 89070

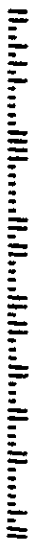
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copy

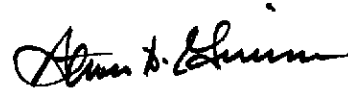
DEC 20 2012 PM 4 L



~~TO OFFICE~~  
TO ACCOUNTY (C) CENTER  
REGIONAL JUSTICE CENTER  
200 LEWIS AVE  
LAS VEGAS, NEV, 89101

89101530000





CLERK OF THE COURT

1 ASTA

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3  
4 **DISTRICT COURT**  
5 **CLARK COUNTY, NEVADA**  
6

7 LAS VEGAS METROPOLITAN POLICE  
8 DEPARTMENT,

9 Plaintiff(s),

10 vs.

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

12 Defendant(s).  
13

Case No: 07A537416  
Dept No: VIII

14  
15 **CASE APPEAL STATEMENT**

16 1. Appellant(s): Daimon Monroe

17 2. Judge: Doug Smith

18 3. Appellant(s): Daimon Monroe

19 Counsel:

20 Daimon Monroe #38299  
21 P.O. Box 650  
Indian Springs, NV 89070

22 4. Respondent (s): Las Vegas Metropolitan Police Department

23 Counsel:

24 Steven B. Wolfson, District Attorney  
25 200 Lewis Ave.  
26 Las Vegas, NV 89155-2212

27 5. Respondent's Attorney Licensed in Nevada: Yes

28 6. Appellant Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

1  
2 8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: Yes, November 13, 2012  
3 \*\*Expires 1 year from date filed

4 9. Date Commenced in District Court: March 9, 2007

5 10. Brief Description of the Nature of the Action: Unknown

6 Type of Judgment or Order Being Appealed: Summary Judgment

7 11. Previous Appeal: Yes

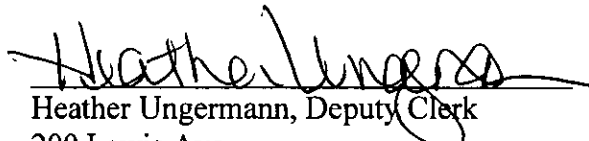
8 Supreme Court Docket Number(s): 60547, 60809, 61094, 61616

9 12. Child Custody or Visitation: N/A

10 13. Possibility of Settlement: Unknown

11 Dated This 10 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  
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DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. 07A537416**

**Las Vegas Metropolitan Police Dept**  
**vs**  
**U S Currency \$281,656.73**

§  
§  
§  
§  
§  
§  
§  
§

Location: **Department 8**  
Judicial Officer: **Smith, Douglas E.**  
Filed on: **03/09/2007**  
Case Number History:  
Conversion Case Number: **A537416**  
Supreme Court No.: **60547**  
**60809**  
**61094**  
**61616**

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**CASE INFORMATION**

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**Statistical Closures**

12/06/2012    Summary Judgment  
11/03/2009    Dismissed (with or without prejudice)

Case Type: **Other Civil Filing**  
Subtype: **Other Civil Matters**  
Case Flags: **Appealed to Supreme Court**  
**In Forma Pauperis Granted**  
*For Robert Holmes for Daimon*  
*Monroe Expitres Feb 2013*

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**DATE**

**CASE ASSIGNMENT**

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**Current Case Assignment**

Case Number	07A537416
Court	Department 8
Date Assigned	12/28/2008
Judicial Officer	Smith, Douglas E.

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**PARTY INFORMATION**

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<b>Plaintiff</b>	<b>Las Vegas Metropolitan Police Dept</b>	<b>Wolfson, Steven B</b> <i>Retained</i> 702-671-2700(W)
<b>Defendant</b>	<b>U S Currency \$281,656.73</b>	
<b>Also Known As</b>	<b>Ferguson, J B</b> <b>Holmes, Bobby</b> <b>Holmes, Robert</b> <b>Hoyt, Daimon D</b>	
<b>Conversion Extended Connection Type</b>	<b>No Convert Value @ 07A537416</b> Removed: 04/24/2009 Converted From Blackstone	
<b>Other</b>	<b>Trevarthen, Tonya M</b>	
<b>Other Defendant</b>	<b>Ferguson, Bryan M</b> <b>Holmes III, Robert</b> <b>Monroe, Daimon</b>	

**Pro Se**

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**DATE**

**EVENTS & ORDERS OF THE COURT**

**INDEX**









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03/09/2007     Complaint  
COMPLAINT FILED Fee \$0.00

07A5374160001.tif pages

07A5374160002.tif pages

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**CASE NO. 07A537416**










03/20/2007	 Affidavit Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>AFFIDAVIT OF SERVICE</i>	
03/20/2007	Affidavit Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>AFFIDAVIT OF SERVICE</i>	07A5374160003.tif pages
03/20/2007	 Summons Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>SUMMONS ISSUED ONLY</i>	07A5374160004.tif pages
03/20/2007	Summons Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>SUMMONS ISSUED ONLY</i>	07A5374160005.tif pages
03/20/2007	Summons Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>SUMMONS ISSUED ONLY</i>	07A5374160006.tif pages
03/20/2007	Summons Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>SUMMONS ISSUED ONLY</i>	07A5374160007.tif pages
03/20/2007	Summons Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>SUMMONS ISSUED ONLY</i>	07A5374160008.tif pages
03/27/2007	 Order for Service by Publication Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>ORDER FOR PUBLICATION OF FORFEITURE ACTION</i>	07A5374160009.tif pages
03/27/2007	 Affidavit Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>AFFIDAVIT FOR ORDER OF PUBLICATION</i>	07A5374160010.tif pages
03/28/2007	 Affidavit of Mailing Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>AFFIDAVIT OF MAILING</i>	07A5374160011.tif pages
03/28/2007	 Acceptance of Service Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>ACCEPTANCE OF SERVICE</i>	07A5374160013.tif pages
03/28/2007	Acceptance of Service Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>ACCEPTANCE OF SERVICE</i>	07A5374160014.tif pages
03/28/2007	Acceptance of Service Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>ACCEPTANCE OF SERVICE</i>	07A5374160015.tif pages
03/28/2007	 Affidavit Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>AFFIDAVIT OF SERVICE</i>	07A5374160016.tif pages
03/29/2007	 Answer	07A5374160012.tif pages



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	Filed By: Other Defendant Holmes III, Robert <i>ANSWER</i>	
03/29/2007	 Initial Appearance Fee Disclosure Filed By: Other Defendant Holmes III, Robert <i>INITIAL APPEARANCE FEE DISCLOSURE</i>	<i>07A5374160017.tif pages</i>
04/05/2007	 Answer Filed By: Other Defendant Monroe, Daimon <i>FORMAL ANSWER TO COMPLAINT</i>	<i>07A5374160018.tif pages</i>
04/05/2007	 Motion Filed By: Other Defendant Monroe, Daimon <i>MOTION TO STAY PROCEEDINGS</i>	<i>07A5374160019.tif pages</i>
04/05/2007	 Order to Proceed In Forma Pauperis Granted for: Other Defendant Monroe, Daimon <i>ORDER TO PROCEED IN FORMA PAUPERIS</i>	<i>07A5374160020.tif pages</i>
04/05/2007	 Application to Proceed in Forma Pauperis Filed By: Other Defendant Monroe, Daimon <i>APPLICATION TO PROCEED IN FORMA PAUPERIS</i>	<i>07A5374160021.tif pages</i>
04/10/2007	 Answer Filed By: Other Defendant Fergason, Bryan M <i>ANSWER TO COMPLAINT FOR FORFEITURE</i>	<i>07A5374160022.tif pages</i>
04/10/2007	 Initial Appearance Fee Disclosure Filed By: Other Defendant Fergason, Bryan M <i>INITIAL APPEARANCE FEE DISCLOSURE</i>	<i>07A5374160024.tif pages</i>
04/12/2007	 Amended Answer Filed By: Other Defendant Holmes III, Robert <i>AMENDED ANSWER</i>	<i>07A5374160025.tif pages</i>
04/13/2007	 Motion <i>DEFT MONROE'S MTN OF CLAIMENTS FAILURE TO VERIFY ANSWER /1</i>	<i>07A5374160023.tif pages</i>
04/17/2007	 Motion <i>MONROE'S NOTICE OF HEARING/MOTION TO STAY PROCEEDINGS /2 VC 5/16/07</i>	<i>07A5374160026.tif pages</i>
04/23/2007	 Motion <i>CLAIMANT'S MTN FOR STAY OF FORFEITURE CASE/3 VJ 5/16/07</i>	<i>07A5374160027.tif pages</i>
04/23/2007	 Receipt of Copy Filed by: Other Defendant Fergason, Bryan M <i>RECEIPT OF COPY</i>	<i>07A5374160028.tif pages</i>
04/26/2007	 Response Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>PLTFS RESPONSE TO CLAIMANTS MOTION FOR STAY OF FORFEITURE PROCEEDINGS</i>	<i>07A5374160029.tif pages</i>
05/08/2007		<i>07A5374160030.tif pages</i>

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	 Affidavit of Publication <i>AFFIDAVIT OF PUBLICATION</i>	
05/16/2007	<b>Motion</b> (8:30 AM) Events: 04/13/2007 Motion <i>DEFT MONROE'S MTN OF CLAIMENTS FAILURE TO VERIFY ANSWER /1 Relief</i> <i>Clerk: Carole D'Aloia Reporter/Recorder: Renee Vincent Heard By: Stewart Bell</i>	
05/18/2007	 Three Day Notice of Intent to Default Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>THREE DAY NOTICE OF INTENT TO TAKE DEFAULT</i>	<i>07A5374160031.tif pages</i>
05/21/2007	<b>CANCELED Motion to Stay</b> (8:30 AM) Events: 04/17/2007 Motion <i>Vacated</i>	
05/21/2007	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>NOTICE OF ENTRY OF ORDER</i>	<i>07A5374160032.tif pages</i>
05/30/2007	<b>CANCELED Motion to Stay</b> (8:30 AM) Events: 04/23/2007 Motion <i>Vacated</i>	
06/01/2007	 Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>MOTION FOR PARTIAL JUDGMENT BY DEFAULT</i>	<i>07A5374160033.tif pages</i>
06/01/2007	 Default Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>PARTIAL DEFAULT</i>	<i>07A5374160034.tif pages</i>
06/19/2007	 Change of Address Filed By: Also Known As Holmes, Robert <i>CHANGE OF ADDRESS</i>	<i>07A5374160035.tif pages</i>
08/20/2008	 Motion <i>SULLIVAN'S MTN TO WITHDRAW AS COUNSEL /04 VI 9-18-08</i>	<i>07A5374160039.tif pages</i>
08/21/2008	 Certificate of Mailing Filed By: Other Defendant Holmes III, Robert <i>CERTIFICATE OF MAILING</i>	<i>07A5374160040.tif pages</i>
09/22/2008	<b>CANCELED Motion to Withdraw as Counsel</b> (3:00 AM) (Judicial Officer: Cadish, Elissa F.) Events: 08/20/2008 Motion <i>Vacated</i>	
10/29/2009	 Order to Statistically Close Case	
05/13/2010	 Notice of Motion Filed By: Other Defendant Holmes III, Robert	
06/11/2010	 <b>Motion</b> (8:33 AM) (Judicial Officer: Smith, Douglas E.) Events: 05/13/2010 Notice of Motion	

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*Deft. Robert Holmes III's Motion For Return of Illegally Seized Preoperty and Money*

10/26/2011	 Notice Filed By: Other Defendant Monroe, Daimon <i>Notice to the Court</i>
11/30/2011	 Motion to Reconsider Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Motion and Motion to Reconsider Court Statistically Closing Case</i>
12/19/2011	 Notice Filed By: Other Defendant Monroe, Daimon <i>Notice to Court</i>
01/03/2012	 Notice of Motion Filed By: Other Defendant Holmes III, Robert
01/09/2012	 <b>Motion to Reconsider</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Plaintiff's Motion to Reconsider Court Statistically Closing Case</i>
01/24/2012	 Order Granting Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order Granting Plaintiff's Motion to Reconsider Statistically Closing Case</i>
02/06/2012	 <b>Motion</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) <b>02/06/2012, 02/21/2012, 02/28/2012</b> Events: 01/03/2012 Notice of Motion <i>Defendant's Motion for Enlargement of time to Respond to Plaintiff's Motion to Reconsider Court Statistically Closing Case</i>
02/06/2012	 Motion to Dismiss Filed By: Other Defendant Holmes III, Robert <i>Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case</i>
02/06/2012	 Notice of Motion <i>Notice of Motion</i>
02/09/2012	 Supplement Filed by: Other Defendant Holmes III, Robert <i>Supplement to Motion to Dismiss Plaintiff's Motion to Reconsider Court Statiscally Closing Case</i>
02/10/2012	 Notice of Motion Filed By: Other Defendant Holmes III, Robert
02/22/2012	 Opposition to Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Opposition to Claimant's Motion to Dismiss Planitiff's Motion to Reconsider Court Statistically Closing Case</i>
02/28/2012	<b>Motion to Dismiss</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 02/06/2012 Notice of Motion <i>Deft's Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case</i>
02/28/2012	














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	 <b>All Pending Motions</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Deft's Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case; Defendant's Motion for Enlargement of time to Respond to Plaintiff's Motion to Reconsider Court Statistically Closing Case</i>
03/05/2012	 Notice of Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Motion and Motion to Lift Stay</i>
03/09/2012	 Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order RE Hearing Held January 28, 2012</i>
03/12/2012	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Entry of Order</i>
03/15/2012	 Motion Filed By: Other Defendant Holmes III, Robert <i>Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative for Appearance by Telephone or Video Conference</i>
03/15/2012	 Supplement Filed by: Other Defendant Holmes III, Robert <i>Second Supplement to Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case</i>
03/26/2012	 Notice of Appeal (criminal) Party: Other Defendant Holmes III, Robert
03/27/2012	 Opposition to Motion Filed By: Other Defendant Holmes III, Robert <i>Opposition to Plaintiff's Motion to Lift Stay</i>
03/27/2012	 Case Appeal Statement
03/28/2012	 Response Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>Response to Opposition to Motion to Lift Stay</i>
03/30/2012	 Motion Filed By: Other Defendant Monroe, Daimon <i>Motion of Specific Facts and to Ask Court Consider Leaving Stay</i>
04/09/2012	 <b>Motion</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Plaintiff's Motion to Lift Stay</i>
04/16/2012	 Reply Filed by: Other Defendant Holmes III, Robert <i>Reply to Response to Opposition to Motion to Lift Stay</i>
04/27/2012	 Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order Granting Motion to Lift Stay</i>

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04/27/2012	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Entry of Order</i>
05/01/2012	 Motion for Summary Judgment Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Motion and Motion for Summary Judgment</i>
05/01/2012	 Notice of Appeal Filed By: Other Defendant Holmes III, Robert
05/04/2012	 Case Appeal Statement
05/08/2012	 Notice of Appeal Filed By: Other Defendant Holmes III, Robert
05/10/2012	 Case Appeal Statement
05/11/2012	 Motion to Strike Filed By: Other Defendant Monroe, Daimon <i>Notice of Motion and Motion to Strike Summary Judgment by Plaintiff</i>
05/22/2012	 Opposition to Motion Filed By: Other Defendant Holmes III, Robert <i>Climant Robert Holmes' Opposition to Plaintiff's Motion for Summary Judgment</i>
06/05/2012	 <b>Motion for Summary Judgment</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) <b>06/05/2012, 08/07/2012, 11/13/2012</b> Events: 05/01/2012 Motion for Summary Judgment <i>Plaintiff's Motion for Summary Judgment</i>
06/07/2012	 Application to Proceed in Forma Pauperis
06/08/2012	 Opposition to Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Plaintiff's Opposition to Motion to Strike Summary Judgment</i>
06/11/2012	 Order for Production of Inmate <i>Robert Holmes BAC #1034184</i>
06/12/2012	 Affidavit of Mailing Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Affidavit of Mailing</i>
06/14/2012	 Notice of Appeal Filed By: Other Defendant Holmes III, Robert
06/14/2012	 Designation of Record on Appeal Filed By: Other Defendant Holmes III, Robert
06/19/2012	 Case Appeal Statement

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06/21/2012	 Order to Proceed In Forma Pauperis Granted for: Other Defendant Holmes III, Robert <i>Order to Proceed In Forma Pauperis</i>
06/22/2012	 Motion to Strike <i>Defendant's Motion to Strike Plaintiff's Motion to Opposition to Strike Summary Judgment</i>
06/25/2012	 Order for Production of Inmate Party: Plaintiff Las Vegas Metropolitan Police Dept <i>Order for Production of Inmate Daimon Monroe, BAC#38299</i>
06/26/2012	 Order to Withdraw as Attorney of Record Filed by: Defendant U S Currency \$281,656.73 <i>Order to Withdraw</i>
06/29/2012	 Order for Production of Inmate Party: Plaintiff Las Vegas Metropolitan Police Dept <i>Order for Production of Inmate Bryan M. Fergason, BAC#59427</i>
07/09/2012	 Motion to Withdraw As Counsel Filed By: Defendant U S Currency \$281,656.73 <i>Motion to Withdraw as Counsel</i>
07/23/2012	 <b>Motion to Withdraw as Counsel</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Cynthia L. Dustin, Esq's Motion to Withdraw as Counsel</i>
08/07/2012	<b>Motion to Strike</b> (8:00 AM) (Judicial Officer: Bonaventure, Joseph T.) Events: 05/11/2012 Motion to Strike <i>Defendant, Daimon Monroe's Pro Per Notice of Motion and Motion to Strike Summary Judgment by Plaintiff</i>
08/07/2012	 <b>All Pending Motions</b> (8:00 AM) (Judicial Officer: Bonaventure, Joseph T.) <i>Plaintiff's Motion for Summary Judgment; Defendant Daimon Monroe's Pro Per Motion to Strike Summary Judgment by Plaintiff</i>
08/07/2012	 Affidavit of Mailing Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Affidavit of Mailing</i>
08/16/2012	 Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order RE Hearing Held August 7, 2012</i>
08/16/2012	 Order for Production of Inmate Party: Plaintiff Las Vegas Metropolitan Police Dept <i>Order for Production of Inmate Bryan M. Fergason, BAC #96803</i>
08/16/2012	 Order for Production of Inmate Party: Plaintiff Las Vegas Metropolitan Police Dept <i>Order for Production of Inmate Robert Holmes, BAC #1034184</i>
08/16/2012	 Order for Production of Inmate Party: Plaintiff Las Vegas Metropolitan Police Dept

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**CASE NO. 07A537416**

*Order for Production of Inmate Daimon Monroe, BAC #38299*







08/16/2012	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Entry of Order</i>
08/21/2012	 Affidavit for Order of Publication Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Affidavit for Order of Publication of Summons</i>
08/28/2012	 Notice of Appeal Filed By: Other Defendant Monroe, Daimon
08/30/2012	 Case Appeal Statement Filed By: Other Defendant Monroe, Daimon <i>Case Appeal Statement</i>
08/30/2012	 Order for Publication Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order for Publication of Summons</i>
08/30/2012	 Affidavit of Mailing Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Affidavit of Mailing</i>
09/07/2012	 Motion Filed By: Other Defendant Monroe, Daimon <i>Motion For Return of Seized Property and Suppresion of Evidence</i>
09/18/2012	 Notice of Motion Filed By: Other Defendant Monroe, Daimon <i>Motion for Material Evidence</i>
09/21/2012	 Opposition Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Plaintiff's Opposition To Claimant Daimon Monroe's Motion For Return Of Seized Property And Suppression Of Evidence</i>
09/21/2012	 Motion for Summary Judgment Filed By: Other Defendant Monroe, Daimon
10/04/2012	 Opposition to Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Plaintiff's Opposition to Claimant Daimon Monroe's Motion for Material Evidence</i>
10/04/2012	 Opposition to Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Plaintiff's Opposition to Claimant Daimon Monroe's Motion for Summary Judgment and to Strike Plaintiff's Motion for Summary Judgment</i>
10/05/2012	 Affidavit of Publication Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Affidavit of Publication</i>

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10/05/2012	 Opposition to Motion For Summary Judgment Filed By: Other Defendant Fergason, Bryan M <i>Opposition to Motion for Summary Judgment and Other Relief</i>
10/05/2012	 Opposition to Motion For Summary Judgment Filed By: Other Defendant Holmes III, Robert <i>Claimant Robert Holmes III (First) Supplement and Opposition to Plaintiff's Motion for Summary Judgment</i>
10/08/2012	 <b>Motion</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 09/07/2012 Motion <i>Defendant, Daimon Monroe's Pro Per Motion For Return of Seized Property and Suppresion of Evidence</i>
10/09/2012	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>
10/09/2012	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>
10/09/2012	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>
10/09/2012	<b>Clerk's Certificate</b> (Judicial Officer: Smith, Douglas E.) Debtors: Las Vegas Metropolitan Police Dept (Plaintiff) Creditors: Robert Holmes (Also Known As) Judgment: 10/09/2012, Docketed: 10/16/2012 Comment: #60547 Order these Appeals Dismissed
10/09/2012	<b>Clerk's Certificate</b> (Judicial Officer: Smith, Douglas E.) Debtors: Las Vegas Metropolitan Police Dept (Plaintiff) Creditors: Robert Holmes (Also Known As) Judgment: 10/09/2012, Docketed: 10/16/2012 Comment: #60809 Order these appeals Dismissed
10/09/2012	<b>Clerk's Certificate</b> (Judicial Officer: Smith, Douglas E.) Debtors: Las Vegas Metropolitan Police Dept (Plaintiff) Creditors: Robert Holmes (Also Known As) Judgment: 10/09/2012, Docketed: 10/16/2012 Comment: #61094 Order These Appeals Dismissed
10/22/2012	 <b>Motion</b> (3:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 09/18/2012 Notice of Motion <i>Defendant, U.S. Currency \$281,656.73 Motion for Material Evidence</i>
11/09/2012	 Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order</i>
11/13/2012	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Entry of Order</i>
11/13/2012	<b>Motion for Summary Judgment</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 09/21/2012 Motion for Summary Judgment  <i>Defendant's Motion for Summary Judgment and to strike Plaintiff's Motion for Summary</i>



DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. 07A537416**

	<i>Judgment</i>	
11/13/2012	 <b>All Pending Motions</b> (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Defendant's Motion for Summary Judgment and to Strike Plaintiff's Motion for Summary Judgment; Plaintiff's Motion for Summary Judgment</i>	
11/28/2012	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Findings of Fact, Conclusions of Law and Order</i>	
11/28/2012	<b>Summary Judgment</b> (Judicial Officer: Smith, Douglas E.) Debtors: Daimon Monroe (Other Defendant), Daimon D Hoyt (Also Known As), Bryan M Ferguson (Other Defendant), J B Ferguson (Also Known As), Tonya M Trevarthen (Other), Robert Holmes III (Other Defendant), Bobby Holmes (Also Known As), Robert Holmes (Also Known As) Creditors: Las Vegas Metropolitan Police Dept (Plaintiff) Judgment: 11/28/2012, Docketed: 12/05/2012	
11/29/2012	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Entry of Order</i>	
12/06/2012	 Order to Statistically Close Case <i>Civil Order to Statistically Close Case</i>	
12/07/2012	 Notice of Appeal Filed By: Other Defendant Monroe, Daimon	
12/10/2012	 Case Appeal Statement Filed By: Other Defendant Monroe, Daimon <i>Case Appeal Statement</i>	

DATE	FINANCIAL INFORMATION	
	<b>Conversion Extended Connection Type</b> No Convert Value @ 07A537416	
	Total Charges	202.00
	Total Payments and Credits	202.00
	<b>Balance Due as of 12/10/2012</b>	<b>0.00</b>
	<b>Plaintiff</b> Las Vegas Metropolitan Police Dept	
	Total Charges	0.00
	Total Payments and Credits	0.00
	<b>Balance Due as of 12/10/2012</b>	<b>0.00</b>

# ORIGINAL

## CIVIL COVER SHEET

Clark County, Nevada

Case No.

(Assigned by Clerk's Office)

*A 88746*

*VII*

### I. Party Information

Plaintiffs: **Las Vegas Metropolitan Police Department**

Defendants: **U.S. CURRENCY \$281,656.73**

Attorney: **RANDALL F. WEED  
Chief Deputy District Attorney  
Nevada Bar #000082**

Attorney:

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

☐ Arbitration Requested

### Civil Cases

Real Property	Torts	
<input type="checkbox"/> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> <b>Title to Property</b> <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> <b>Condemnation/Eminent Domain</b> <input type="checkbox"/> <b>Other Real Property</b> <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> <b>Negligence</b> <input type="checkbox"/> <b>Negligence - Auto</b> <input type="checkbox"/> <b>Negligence - Medical/Dental</b> <input type="checkbox"/> <b>Negligence - Premises Liability</b> (Slip/Fall) <input type="checkbox"/> <b>Negligence - Other</b>	<input type="checkbox"/> <b>Product Liability</b> <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> <b>Intentional Misconduct</b> <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> <b>Employment Torts</b> (Wrongful Termination) <input type="checkbox"/> <b>Other Torts</b> <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
<input type="checkbox"/> <b>Summary Administration</b> <input type="checkbox"/> <b>General Administration</b> <input type="checkbox"/> <b>Special Administration</b> <input type="checkbox"/> <b>Set Aside Estates</b> <input type="checkbox"/> <b>Probate Trust/Conservatorship</b> <input type="checkbox"/> <b>Other Probate</b>	<input type="checkbox"/> <b>Construction Defect</b> <input type="checkbox"/> <b>Breach of Contract</b> <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> <b>Civil Petition for Judicial Review</b> <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Employer's Insurance of Nevada	<input type="checkbox"/> <b>Appeal from Lower Court</b> (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> <b>Civil Writ</b> <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment - Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input checked="" type="checkbox"/> Other Civil Matters

### III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only).

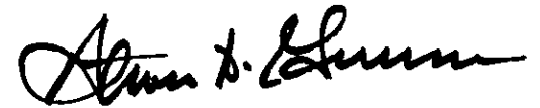
<input type="checkbox"/> NRS Chapters 78-88	<input type="checkbox"/> Investments (NRS 104B)	<input type="checkbox"/> Enhanced Case Mgmt/Business
<input type="checkbox"/> Commodities (NRS 90)	<input type="checkbox"/> Deceptive Trade Practices (NRS 598)	<input type="checkbox"/> Other Business Court Matters
<input type="checkbox"/> Securities (NRS 90)	<input type="checkbox"/> Trademarks (NRS 600A)	

*8 March 07*

Date

*[Signature]*

Signature of initiating party or representative



CLERK OF THE COURT

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

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

10 LAS VEGAS METROPOLITAN POLICE  
11 DEPARTMENT,

12 Plaintiff,

CASE NO: 07A537416  
DEPT NO: VIII

13 -VS-

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

15 Defendant.

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

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

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

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

3 **FINDINGS OF FACT**

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

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

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

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

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

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

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

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

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

## CONCLUSIONS OF LAW

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

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

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

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

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

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

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

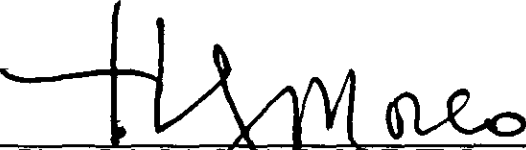
3 **ORDER**

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

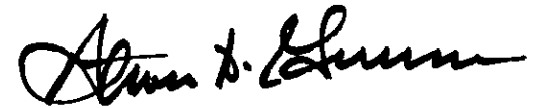
9 DATED this 27th day of November, 2012.

10   
11 DISTRICT JUDGE *TG*

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

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

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



CLERK OF THE COURT

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

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 LAS VEGAS METROPOLITAN POLICE  
10 DEPARTMENT,

11 Plaintiff,

12 -vs-

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

CASE NO: 07A537416

DEPT NO: VIII

14 **NOTICE OF ENTRY OF ORDER**

15 TO: BRYAN M. FERGASON  
16 Claimant In Proper Person

17 TO: ROBERT HOLMES, III  
18 Claimant In Proper Person

19 TO: DAIMON MONROE  
20 Claimant In Proper Person

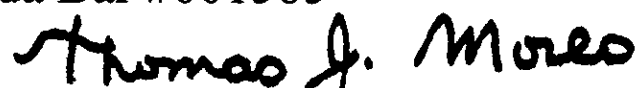
21 TO: TONYA TREVARTHEN  
22 Claimant In Proper Person

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

26 DATED this 29<sup>th</sup> day of November, 2012.

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

BY



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



1 CERTIFICATE OF MAILING

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

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

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

10 DAIMON MONROE (BAC #38299)  
11 High Desert State Prison  
12 P.O. Box 650  
Indian Springs, NV 89070-0650

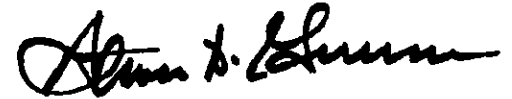
13 TONYA TREVARTHEN  
14 aka Tonya Issa  
15 1409 Hermitage Drive  
Round Rock, Texas 78681-1924  
(via certified mail, return receipt)

16 TONYA TREVARTHEN  
17 aka Tonya Issa  
18 807 David Curry Drive  
Round Rock, Texas 78664  
(via certified mail, return receipt)

19  
20  
21 BY

  
22 Jessica Daniels, Legal Secretary  
23 District Attorney's Office  
24  
25  
26  
27

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



CLERK OF THE COURT

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

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

10 LAS VEGAS METROPOLITAN POLICE  
11 DEPARTMENT,

12 Plaintiff,

CASE NO: 07A537416  
DEPT NO: VIII

13 -vs-

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

15 Defendant.

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

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

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

1 documents on file herein, now therefore, the Court makes the following findings of fact and  
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10 3. Cynthia L. Dustin, Esq., filed an Answer to the Complaint for Forfeiture on  
11 behalf of BRYAN M. FERGASON on April 10, 2007.

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

14 5. In April of 2007, DAIMON MONROE filed a Motion to Stay Proceedings in  
15 this forfeiture matter pending the outcome in Case Nos. C228752 and 06F18594. In respect  
16 to DAIMON MONROE's Motion for Stay pending the outcome in the criminal case, Case  
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20 Commit Burglary and one (1) count Possession of Stolen Property. On January 5, 2009, a  
21 Judgment of Conviction was filed as to Claimant ROBERT HOLMES, III, wherein he  
22 entered a plea of guilty to one (1) count of Conspiracy to Possess Stolen Property and/or  
23 Commit Burglary and two (2) counts of Possession of Stolen Property. Claimants DAIMON

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1 MONROE and BRYAN M. FERGASON were brought to trial in the Eighth Judicial District  
2 Court under Case No. C228752. A jury found DAIMON MONROE guilty of one (1) count  
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8 6. Further, as to Claimant DAIMON MONROE'S Motion for Stay, he also  
9 referenced the outcome in the pending criminal case, Case No. 06F18594X. This case was  
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11 M. FERGASON were brought to trial and a jury found them guilty of two (2) counts of  
12 Burglary, one (1) count of Grand Larceny, and one (1) count of Possession of Burglary  
13 Tools. An Amended Judgment of Conviction was filed in Case No. C227874 on August 4,  
14 2008, as to Claimant DAIMON MONROE. A Second Amended Judgment of Conviction  
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16 7. On April 23, 2007, BRYAN M. FERGASON, through his attorney Cynthia L.  
17 Dustin, filed a Motion to Stay Proceedings in this forfeiture matter pending the outcome in  
18 Case No. C208321. In respect to BRYAN M. FERGASON's Motion for Stay he referenced  
19 the pending outcome in the criminal case, Case No. C208321. On June 29, 2011, a Second  
20 Amended Judgment of Conviction was filed wherein BRYAN M. FERGASON entered a  
21 plea of guilty to Attempt Burglary.

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## CONCLUSIONS OF LAW

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

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

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

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

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


3 **ORDER**

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

9 DATED this 22nd day of November, 2012.

10  
11   
DISTRICT JUDGE TG

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

14  
15 BY   
16 THOMAS J. MOREO  
Chief Deputy District Attorney  
17 Nevada Bar #002415

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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

COURT MINUTES

May 16, 2007

07A537416 Las Vegas Metropolitan Police Dept  
vs  
U S Currency \$281,656.73

**May 16, 2007                      8:30 AM                      Motion**

HEARD BY: COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Weed, Randall F. Attorney

## JOURNAL ENTRIES

- Court noted that Claimants Monroe and Furgason have filed motions to stay these proceedings, which is mandated by statute. COURT ORDERED, motions GRANTED, PROCEEDINGS STAYED until such time Claimants' criminal case is tried or they enter pleas, Mr. Weed to prepare and submit appropriate order. COURT FURTHER ORDERED, th 5/21/07 and 5/30/07 dates VACATED.

**07A537416**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

COURT MINUTES

September 22, 2008

07A537416 Las Vegas Metropolitan Police Dept  
vs  
U S Currency \$281,656.73

September 22, 2008      3:00 AM      Motion to Withdraw as Counsel

HEARD BY: Cadish, Elissa F.

COURTROOM: RJC Courtroom 15B

COURT CLERK:

RECORDER:

REPORTER:

PARTIES  
PRESENT:

## JOURNAL ENTRIES

- There being no opposition, COURT ORDERED, motion GRANTED; moving party to submit the order.

CLERK'S NOTE: The above minute order has been Distributed to: Sean P. Sullivan (Kelly & Sullivan LTD.)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Civil Filing

## COURT MINUTES

June 11, 2010

07A537416 Las Vegas Metropolitan Police Dept  
vs  
U S Currency \$281,656.73

June 11, 2010

8:33 AM

## Motion

## Deft. Robert Holmes III's Motion For Return of Illegally Seized Preoperty and Money

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER:

REPORTER:

PARTIES  
PRESENT:

## JOURNAL ENTRIES

- Pursuant to EDCR 2.20, no points and authorities being filed and the motion not being served on interested parties, COURT ORDERED, motion DENIED.

CLERK'S NOTE: The above minute order has been distributed to: Robert Holmes III #1034184, c/o Southern Department Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 06/11/10 kls

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

COURT MINUTES

January 09, 2012

07A537416 Las Vegas Metropolitan Police Dept  
vs  
U S Currency \$281,656.73

January 09, 2012	3:00 AM	Motion to Reconsider	Plaintiff's Motion to Reconsider Court Statistically Closing Case
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HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER:

REPORTER:

PARTIES

**PRESENT:**

## JOURNAL ENTRIES

- Having considered the moving papers, COURT ORDERED, motion GRANTED.

CLERK'S NOTE: The above minute order has been distributed to: Thomas J. Moreo, Chief Deputy District Attorney. 01/10/12 kls

February 06, 2012

Minutes Date: May 16, 2007

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Civil Filing

## COURT MINUTES

February 21, 2012

07A537416 Las Vegas Metropolitan Police Dept  
vs  
U S Currency \$281,656.73

February 21, 2012	8:00 AM	Motion	Defendant's Motion for Enlargement of time to Respond to Plaintiff's Motion to Reconsider Court Statistically Closing Case
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HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES  
PRESENT:

## JOURNAL ENTRIES

- There being no parties present, COURT ORDERED, matter CONTINUED. Law Clerk to notify parties.

02-28-12 8:00 AM DEFENDANT'S MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO PLAINTIFF'S MOTION TO RECONSIDER COURT STATISTICALLY CLOSING CASE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 28, 2012

07A537416                      Las Vegas Metropolitan Police Dept  
   vs  
   U S Currency \$281,656.73

February 28, 2012	8:00 AM	All Pending Motions	Deft's Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case; Defendant's Motion for Enlargement of time to Respond to Plaintiff's Motion to Reconsider Court Statistically Closing Case
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HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

**PARTIES**

PRESENT: Moreo, Thomas Joseph Attorney

**JOURNAL ENTRIES**

- Court advised case had been closed in error. Counsel gave a history of this case and Defendant Holmes. Counsel advised they are filing a Motion to Lift Stay and will be requesting a trial setting. Court stated its findings and ORDERED, Defendant's Motion for Enlargement of Time is OFF CALENDAR as Moot and Defendant's Motion to Dismiss, originally set for March 13, 2012 is DENIED. Mr. Moreo to prepare the order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

COURT MINUTES

April 09, 2012

07A537416	Las Vegas Metropolitan Police Dept vs U S Currency \$281,656.73
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April 09, 2012

3:00 AM

## Motion

## Plaintiff's Motion to Lift Stay

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

RECORDER:

REPORTER:

PARTIES  
PRESENT:

## JOURNAL ENTRIES

- Having reviewed the moving papers, COURT ORDERED, motion GRANTED.

CLERK'S NOTE: The above minute order has been distributed to: Thomas J. Moreo Deputy District Attorney, Civil Division. 04/13/12 kls

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

June 05, 2012

07A537416	Las Vegas Metropolitan Police Dept
	vs
	U S Currency \$281,656.73

June 05, 2012

8:00 AM

## Motion for Summary Judgment

## Plaintiff's Motion for Summary Judgment

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT: Moreo, Thomas Joseph Attorney

## JOURNAL ENTRIES

- Colloquy regarding opposition being filed by Defendant who is incarcerated. Counsel advised Mr. Holmes is incarcerated in Southern Desert Correctional Center and Mr. Monroe is incarcerated in High Desert State Prison. COURT ORDERED, matter CONTINUED. Mr. Moreo to prepare the order.

08-07-12 8:00 AM Plaintiff's Motion for Summary Judgment

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

COURT MINUTES

July 23, 2012

07A537416	Las Vegas Metropolitan Police Dept vs U S Currency \$281,656.73
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July 23, 2012	3:00 AM	Motion to Withdraw as Counsel	Cynthia L. Dustin, Esq's Motion to Withdraw as Counsel
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HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

**COURT CLERK:** Katherine Streuber

RECORDER:

REPORTER:

PARTIES  
PRESENT:

## JOURNAL ENTRIES

- There being no opposition, COURT ORDERED, motion GRANTED.

CLERK'S NOTE: The above minute order has been distributed to: Cynthia Dustin Esq. 08/09/12 kls



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

August 07, 2012

07A537416                      Las Vegas Metropolitan Police Dept  
   vs  
   U S Currency \$281,656.73

<b>August 07, 2012</b>	<b>8:00 AM</b>	<b>All Pending Motions</b>	<b>Plaintiff's Motion for Summary Judgment; Defendant Daimon Monroe's Pro Per Motion to Strike Summary Judgment by Plaintiff</b>
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HEARD BY: Bonaventure, Joseph T.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Debbie Winn

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Ferguson, Bryan M	Other Defendant
	Holmes III, Robert	Other Defendant
	Monroe, Daimon	Other Defendant
	Moreo, Thomas Joseph	Attorney

**JOURNAL ENTRIES**

- Colloquy regarding Defendant Trevarthen's service and whether summary judgment should be granted as to her at this time. Mr. Moreo advised Defendant had moved to Texas and all documents came back, noted all parties had been served. Defendant Ferguson believed his attorney was handling the case and now understands she is not. Mr. Moreo advised all Defendants have no attorneys and all were served. Court advised in all fairness to Defendant Ferguson, it will allow time for Defendant to file a response to the Motion for Summary Judgment. Mr. Moreo advised he had nothing further to add and would not like to hear this matter twice. Statement by the Court. Arguments by Defendants. Court stated its findings and ORDERED, Defendant Monroe's Motion to Strike is DENIED. FURTHER, Motion for Summary Judgment is CONTINUED. State to prepare Order to transport for all three Defendants.

**07A537416**

11-13-12 8:00 AM PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Civil Filing

## COURT MINUTES

October 08, 2012

07A537416 Las Vegas Metropolitan Police Dept  
vs  
U S Currency \$281,656.73

October 08, 2012      3:00 AM      Motion

**Defendant, Daimon  
Monroe's Pro Per  
Motion For Return of  
Seized Property and  
Suppression of  
Evidence**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER:

REPORTER:

PARTIES

**PRESENT:**

## JOURNAL ENTRIES

- Having reviewed all the moving papers, FINDS that all of the issues brought by the Claimant in his motion s have been resolved in prior proceedings, THEREFORE, COURT ORDERED, motion is DENIED as motion is improperly before the Court.

CLERK'S NOTE: The above minute order has been distributed to: D.D.A. Thomas J. Moreo, Civil Division. 10/19/12 kls

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

# COURT MINUTES

October 22, 2012

07A537416 Las Vegas Metropolitan Police Dept  
vs  
U S Currency \$281,656.73

October 22, 2012	3:00 AM	Motion	Defendant, U.S. Currency \$281,656.73 Motion for Material Evidence
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HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER:

REPORTER:

PARTIES

**PRESENT:**

## JOURNAL ENTRIES

- Having reviewed all the moving papers and the State's Opposition FINDS that Defendant's motion has been resolved by way of trial or at the Nevada Supreme Court level. Therefore, COURT ORDERED, motion DENIED. Mr. Moreo to prepare the order.

CLERK'S NOTE: The above minute order has been distributed to: Thomas J. Moreo D.D.A., Civil Division. 10/25/12 kls

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Civil Filing

## COURT MINUTES

November 13, 2012

07A537416	Las Vegas Metropolitan Police Dept
	vs
	U S Currency \$281,656.73

November 13, 2012	8:00 AM	All Pending Motions	Defendant's Motion for Summary Judgment and to Strike Plaintiff's Motion for Summary Judgment; Plaintiff's Motion for Summary Judgment
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HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

## PARTIES

PRESENT:	Ferguson, Bryan M	Other Defendant
	Holmes III, Robert	Other Defendant
	Monroe, Daimon	Other Defendant
	Moreo, Thomas Joseph	Attorney

## JOURNAL ENTRIES

- Court advised it had read both motions and inquired if any of the Defendants wished to add anything. Defendant Monroe advised matter being on appeal regarding denial of motion in this case. Court advised it did not have jurisdiction. Argument by Defendant Monroe regarding lack of search warrant when items were taken. Defendant Monroe's Motion to Proceed in Forma Pauperis FILED IN OPEN COURT and Order SIGNED by the Court. Defendant Holmes argued closure/ dismissal of instant case in October of 2009. Court advised case was closed administratively due to no movement. Further argument by Defendant Holmes. Court advised it would look into the timing. Further argument by Defendant Holmes. Defendant Ferguson advised it did not receive response to his motion. Argument by Mr. Moreo regarding search warrant having been resolved at trial and noted

PRINT DATE: 12/10/2012

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Minutes Date:

May 16, 2007

monies were never in possession of Defendants. Further arguments by Defendants. Court advised it would review the criminal case and noted it would have to RESERVE its ruling pending the appeal. Further arguments by Defendants. COURT SO NOTED.

# 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; DESIGNATION OF RECORD ON APPEAL; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT,

Plaintiff(s),

vs.

U.S. CURRENCY \$281,656.73,

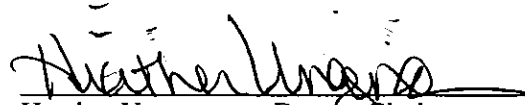
Defendant(s).

Case No: A537416  
Dept No: VIII

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 10 day of December 2012.

Steven D. Grierson, Clerk of the Court

  
Heather Ungermann, Deputy Clerk