

- D. Limited items of personal property which would tend to establish a possessory interest in the items seized pursuant to this search warrant, such as person identification, photographs, utility company receipts or addressed envelopes.

That said property constitutes the assets of Bryan Fergason and are funds representing proceeds derived in whole or in part from commercial burglaries and the illegal theft of and sales of stolen property in violation of Chapter 205 of the Nevada Revised Statutes.

A statement of Probable Cause, attached hereto and incorporated herein sets forth the facts and circumstances upon which affiant relies, in believing that the described property is subject to seizure and forfeiture pursuant to sections 205.060, 205.275, 179.121, subsection 2, and 179.1165 of the Nevada Revised Statutes.

In support of your affiant's assertion to constitute the existence of probable cause, the following facts are offered:

On 11/06/06, a search warrant was served at 1504 Cutler Drive, Las Vegas, Clark County, Nevada, 89117. This warrant is attached hereto and hereinafter incorporated by reference to this documents as Exhibit A. The warrant authorized officers to search for items of stolen property and burglary tools. Officers found a significant amount of stolen property, a large amount of U.S. currency and other items. Det. M. Mauntel P# 5318 located documents in a hutch in the dining room. The documents were rental documents for a storage unit at 8265 W. Sahara # B106. The storage unit was rented to one of the known targets of the investigation under an alias.

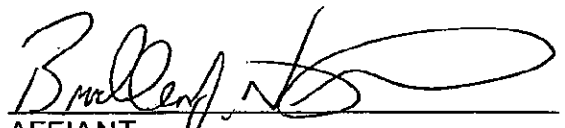
On 11/07/06, a search warrant was served at the storage unit at 8265 W. Sahara # B106. This warrant is attached hereto and hereinafter incorporated by reference to this documents as Exhibit B. This search warrant also authorized officers to search for items of stolen property and burglary tools. During the service of this search warrant a significant amount of stolen property was located. Also during the service of this warrant, Det. J Giannone P# 6225 found several documents inside a torn trash bag. Some of the documents were banking documents that had the name of Bryan Fergason on them. These documents

were from Bank of America and showed several different account numbers on them referring to Bryan Ferguson.

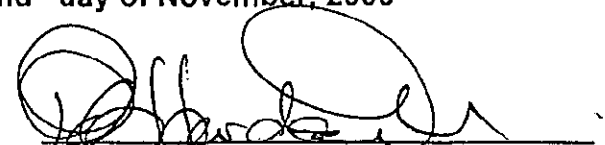
In your affiant's opinion based on personal experience and having worked as a police officer for the past 14 years and having attended training seminars, having interacted on a professional basis with numerous police detectives that many people who are engaged in committing commercial burglaries and sales of stolen property make a significant amount of profits from said activities. It is common for these criminals to take proceeds from these crimes and deposit them into financial institutions. The records of these accounts and associated transactions more often than not aid law enforcement in conducting a financial background on these individuals which assists in the criminal prosecution at a later date. These types of records also enable law enforcement in the identification of co-conspirators and people known as "fences". These records should include bank statements, deposit records, withdrawal records, cancelled checks, etc...

Your affiant prays that the honorable court authorize the seizure of said assets and property located as set forth in this affidavit. Also, said financial institutions will, within ten days remove the assets from the accounts named herein and transfer said assets to the Las Vegas Metropolitan Police Department. Failure to comply with said order will be deemed as contempt of court and can subject said institution/representative to a fine and/or incarceration.

WHEREFORE, Affiant requests that a search & Seizure Warrant be issued directing a search for and seizure of the aforementioned assets and property at the location set forth herein.


AFFIANT

SUBSCRIBED and SWORN to before me this 22ndth day of November, 2006


JUDGE

SEARCH & SEIZURE WARRANT

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

The State of Nevada, to any Peace Officer in the County of Clark, proof by Affidavit having been made before me by Detective B. Nickell P# 4311, said Affidavit attached hereto and incorporated herein by reference, that there is probable cause to believe certain property, namely:

- A. U.S. Currency and Proceeds contained within the account of Bryan Fergason, derived from commercial burglaries and the illegal theft of and sales of stolen property.
- B. Documents pertaining to the accumulation of assets derived from commercial burglaries and the illegal theft of and sales of stolen property.
- C. Bank and Financial Institution documents showing the movement and expenditure of U.S. currency derived from commercial burglaries and the illegal theft of and sales of stolen property.
- D. Limited items of personal property which would tend to establish a possessory interest in the items seized pursuant to this search warrant, such as person identification, photographs, utility company receipts or addressed envelopes.

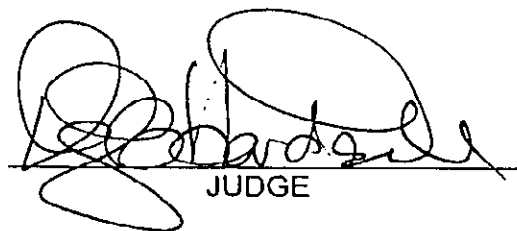
is presently located at::

Bank of America, 300 South 4th Street, Las Vegas, Clark County, Nevada.
Owner of record; Bryan Ferguson DOB-06/03/75, SS# 620-05-4024, account
#0049-6835-7325, account # 0049-6742-9568, Certificate of Deposit #
91000085226481, Certificate of Deposit # 91000085177145 and/or any other
accounts associated with the above listed tax identification numbers.

**And as I am satisfied that there is probable cause to believe that said assets
and property is located as set forth above and that based upon the Affidavit
attached hereto there are sufficient grounds for the issuance of the search
warrant. Also, said financial institutions will, within ten days remove the assets
from the accounts named herein and transfer said assets to the Las Vegas
Metropolitan Police Department. Failure to comply with said order will be
deemed as contempt of court and can subject said institution/representative to
a fine and/or incarceration.**

You are hereby commanded to search forthwith said premises for said property,
serving this warrant between the hours of 7A.M. and 7 P.M., and if the assets and
property is there to seize it, prepare a written inventory of the assets and
property seized, and make a return to me within ten days.

DATED THIS 22nd day of , 2006.


JUDGE

ORIGINAL

27

DFLT

DISTRICT COURT
CLARK COUNTY, NEVADA

FILED

2007 JUN -1 P 3: 36

LAS VEGAS METROPOLITAN POLICE)
DEPARTMENT)

Plaintiff,

-VS-

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

Case No. A537416

Dept No. VII

CLERK OF THE COURT

PARTIAL
DEFAULT

It appearing from the files and records in the above entitled action that TONYA M. TREVARTHEN, aka Tonya Michelle Trevarthen, Claimant herein, duly being served with a copy of the Complaint for Forfeiture Action and Summons served by Publication on March 30, April 6, 13, 20, and 27, 2007; that more than 20 days, exclusive of the day of service, having expired since service upon the Claimant; that no answer or other appearance having been filed and no further time having been granted, the Partial Default of the above-named Claimant for failing to answer or otherwise plead to Plaintiff's Complaint is hereby entered.

The undersigned hereby requests
and directs the entry of Partial Default.

DAVID ROGER
Clark County District Attorney
Nevada Bar #002781

CHARLES J. SHORT, Clerk of Court


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

BY


DEPUTY CLERK
MICHELLE MCCARTHY

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/cm

RECEIVED

MAY 31 2007

CLERK OF THE COURT

INFORFEITDEFAULT2007060924-0418TREVARTHEN, T. (Partial).doc

ORIGINAL

1 Sean P. Sullivan, Esq.
2 KELLY & SULLIVAN, LTD.
3 Nevada Bar # 4768
4 330 South Third St., Suite 990
5 Las Vegas, Nevada 89101
6 (702) 385-7270
7 Attorney for Claimant
8 ROBERT HOLMES, III

FILED

JUN 19 2 49 PM '07

DISTRICT COURT CLERK OF THE COURT

CLARK COUNTY, NEVADA

* * *

9 THE LAS VEGAS METROPOLITAN)
10 POLICE DEPARTMENT,)

11 Plaintiff,)

Case No. A537416
Dept. No. VII

12 vs.)

13 U.S. CURRENCY \$281,656.73,)

14 Defendants.)

15 PLEASE TAKE NOTICE that the new physical and mailing
16 address for the Law Offices of Kelly & Sullivan, Ltd., Attorney
17 for Claimant ROBERT HOLMES in the above-captioned case, will be
18 330 South Third Street, Suite 990, Las Vegas, Nevada 89101. The
19 telephone and facsimile numbers remain the same.

20 Claimant's counsel hereby requests all future mailings
21 to the above-cited address.

22 DATED this 18th day of June, 2007.

23 KELLY & SULLIVAN, LTD.

24 
25 SEAN P. SULLIVAN, ESQ.
26 Nevada Bar # 4768
27 330 S. Third St., #990
28 Las Vegas, Nevada 89101
Attorney for Claimant
Robert Holmes

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JUN 19 2007
CLERK OF THE COURT

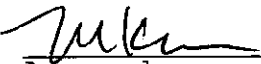
CERTIFICATE OF MAILING

I hereby certify that I am an employee of KELLY & SULLIVAN, LTD., and that on the 18 day of June, 2007, I deposited a true and correct copy of the CHANGE OF ADDRESS in the United States mails, first class postage prepaid thereon, addressed to the following:

Randall F. Weed,
Chief Deputy District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155-2211

Cynthia L. Dustin, Esq.
601 S. Sixth St.
Las Vegas, Nevada 89101

Daimon Monroe
Clark County Detention Center
330 S. Casino Center Blvd.
Las Vegas, NV 89101


An employee of
KELLY & SULLIVAN, LTD.

ORIGINAL

FILED

2008 AUG 20 P 2:05

CLERK OF THE COURT

SEAN P. SULLIVAN, ESQ.
KELLY & SULLIVAN, LTD.
Nevada Bar # 4768
330 S. Third St., #990
Las Vegas, Nevada 89101
(702) 385-7270
Attorney for Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

* * *

THE LAS VEGAS METROPOLITAN
POLICE DEPARTMENT,

Plaintiff,

vs.

U.S. CURRENCY \$281,656.73

Respondent.

Case No. A537416
Dept. No. VII

MOTION TO WITHDRAW

COMES NOW, SEAN P. SULLIVAN, ESQ., and respectfully
moves this Court to allow him to withdraw as attorney of record
for Defendant, Robert Holmes.

This Motion is made and based upon the papers and
pleadings on file herein and the attached Affidavit of counsel.

DATED this 19th day of August, 2008.

KELLY & SULLIVAN, LTD.

SEAN P. SULLIVAN, ESQ.
Nevada Bar # 4768
330 S. Third St., #990
Las Vegas, Nevada 89101

CLERK OF THE COURT

CLERK OF THE COURT

KELLY & SULLIVAN, LTD.
ATTORNEYS AT LAW
330 S. THIRD ST., STE. 990
LAS VEGAS, NEVADA 89101
(702) 385-7270
FAX: (702) 385-7282

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TO: Their respective counsel of record:

YOU WILL PLEASE TAKE NOTICE that the undersigned counsel will bring the above and foregoing MOTION TO WITHDRAW on for hearing before the above entitled Court on the 22 day of Sept ~~August~~, 2008 at the hour of ~~_____~~ **CHAMBERS** A.M., or as soon thereafter as counsel can be heard.

DATED this 19th day of August, 2008.

KELLY & SULLIVAN, LTD.

SEAN P. SULLIVAN, ESQ.
Nevada Bar # 4768
330 S. Third St., #990
Las Vegas, Nevada 89101

1 AFFIDAVIT OF SEAN P. SULLIVAN, ESQ.
2 IN SUPPORT OF MOTION TO WITHDRAW

3 STATE OF NEVADA)
4) ss.
5 COUNTY OF CLARK)

6 SEAN P. SULLIVAN, ESQ., being first duly sworn, deposes
7 and says:

8 1. That Affiant is an attorney duly licensed and
9 authorized to practice law in the State of Nevada with offices
10 located at 330 South Third Street, Suite 990, Las Vegas, Nevada,
11 89101 and the attorney of record for Defendant, ROBERT HOLMES
12 herein;

13 2. That Defendant HOLMES retained the offices of Kelly
14 & Sullivan, Ltd. for representation regarding two separate
15 criminal matters and the instant matter of Forfeiture;

16 3. That an Order was granted for the Stay of Forfeiture
17 Proceedings, until a final resolution of the criminal case
18 C228752.

19 4. A Trial was scheduled in case number C228752 for
20 Monday, May 12, 2008 at the hour of 10:00 a.m., wherein Defendant
21 HOLMES failed to appear for trial despite informing affiant that
22 he would be ready for said trial.

23 5. That as a result of Defendant HOLMES failing to
24 appear for either hearing, bench warrants were issued. That
25 Defendant Holmes was subsequently remanded to custody at the Clark
26 County Detention Center, until his November 17, 2008 Trial
27 hearing.

28 6. That Defendant Holmes has retained the services of
 Attorney Kirk Kennedy, for Criminal case number C228752.

1 7. That affiant no longer represents Defendant Holmes
2 on any legal matters.

3 8. That Affiant would respectfully request the Court to
4 allow him to withdraw as attorney of record for the Defendant for
5 the reasons stated herein.

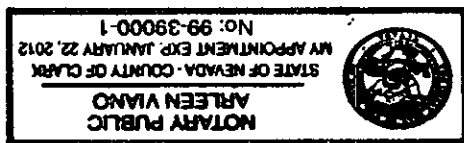
6 9. This motion is made in good faith and not for
7 purposes of delay.

8 FURTHER affiant sayeth not.

9
10
11 
12 SEAN P. SULLIVAN, ESQ.

13
14 SUBSCRIBED AND SWORN to before me
15 this 19th day of August, 2008.

16 
17 NOTARY PUBLIC in and for said
18 County and State



SEAN P. SULLIVAN, ESQ.
KELLY & SULLIVAN, LTD.
Nevada Bar # 4768
330 S. Third St., #990
Las Vegas, Nevada 89101
(702) 385-7270

FILED

AUG 21 2 31 PM '08

DISTRICT COURT

Chris Ellis
CLERK OF THE COURT

CLARK COUNTY, NEVADA

* * *

THE LAS VEGAS METROPOLITAN)
POLICE DEPARTMENT,)
)
Plaintiff,)
)
vs.)
)
U.S. CURRENCY \$281,656.73)
)
Respondent.)
)

Case No. A537416
Dept. No. VII

CERTIFICATE OF MAILING

I hereby certify that I am an employee of KELLY &
SULLIVAN, LTD., and that on the 20th day of August, 2008, I
deposited a true and correct copy of the MOTION TO WITHDRAW in the
United States mails, first class postage prepaid thereon,
addressed to the following:

DDA Randall F. Weed
200 Lewis Avenue
Las Vegas, NV 89155

Robert Holmes, Inmate
CCDC
330 S. Casino Center
Las Vegas, NV 89101

Daimon Monroe, ID # 715429
CCDC
330 S. Casino Center Blvd.
Las Vegas, NV 89101

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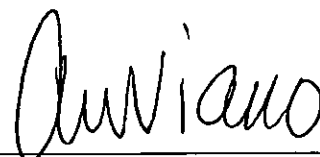
AUG 21 2008

CLERK OF THE COURT

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Cynthia L. Dustin, Esq.
601 S. Sixth Street
Las Vegas, NV 89101
Attorney for Fergason



An employee of
KELLY & SULLIVAN, LTD.

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FILED

OCT 29 2009

Alvin L. Blum
CLERK OF COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE

CASE NO.: 07A537416

DEPT

DEPARTMENT 8

VS

U S CURRENCY \$281,656.73

07A537416
493351



ORDER TO STATISTICALLY CLOSE CASE

Upon review of this matter and good cause appearing,

IT IS HEREBY ORDERED that the Clerk of the Court is hereby directed to statistically close this case for the following reason:

DISPOSITIONS:

- ☐ Voluntary Dismissal
- ☐ Transferred (before/during trial)
- ☐ Involuntary (statutory) Dismissal
- ☐ Judgment on Arbitration Award
- ☐ Stipulated Dismissal
- ☐ Stipulated Judgment
- ☐ Default Judgment
- ☐ Motion to Dismiss (by Defendant)
- ☐ Summary Judgment
- ☐ Non-Jury (bench) Trial
- ☐ Jury Trial

FINAL DISPOSITIONS:

- ☐ Time Limit Expired
- ☒ Dismissed (with or without prejudice)
- ☐ Judgment Satisfied/Paid in Full

DATED this 28th day of October, 2009.

D. E. Smith

DOUGLAS E. SMITH
DISTRICT COURT JUDGE

RECEIVED

OCT 29 2009

CLERK OF THE COURT

1 Robert Holmes III
2 / In Propria Personam
3 Post Office Box ~~208~~ 208
4 Indian Springs, Nevada ~~89070~~ 89070
5 SPCC Post Box 208

FILED
MAY 13 2010
Clerk of Court
CLERK OF COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

6
7
8
9 State of Nevada
10 Plaintiff
11 vs. Robert Holmes III
12 1034184 Back #
13 Defendant

Case No. A537416
Dept No. VII
Docket _____

NOTICE OF MOTION

YOU WILL PLEASE TAKE NOTICE, that _____

MC
will come on for hearing before the above-entitled Court on the 21 day of June, 2010
at the hour of CHAMBERS o'clock 8 M. In Department 8 of said Court.

CC:FILE

DATED: this _____ day of _____, 20____.

BY: Robert Holmes III
Robert Holmes III #1034184
/In Propria Personam

07A537416
NOTM
Notice of Motion
790488



RECEIVED
MAY 13 2010
CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

I, Robert Holmes III, hereby certify, pursuant to NRCP 5(b), that on this 1
day of May, 2010, I mailed a true and correct copy of the foregoing, "Motion
for illegally seized Money and Property"
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

CC: FILE

DATED: this ____ day of _____, 20__.

Robert Holmes III
Robert Holmes III # 1034184
/In Propria Personam
Post Office box 205 SDCC
Indian Springs, Nevada 89070
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

(Title of Document)

filed in District Court Case number _____

☐ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

Signature

Date

Print Name

Title

①

For case
A537416

Affidavit of Robert Holmes III

IOE and Metropolitan Police forced me and my family to give them \$75,000 of money we got loans off our homes. 11-30-06 my Attorney Sean P. Sullivan ^{Bar 4768} advised me to give IOE and Metro my \$75,000 which Sean P. Sullivan said that this was the FBI and Metro which i told Sean i never received any stolen money or any money from Terza Trevarthen he told me i would get my money back after my cases were over. All along i told Sean i did not want to give up my \$75,000 i ~~was~~ had raised from my line of credits and loans from my homes and my mother home. My mother gave me ~~her~~ her home in exchange for me to buy her a home in Alabama. My Lawyer stated in court that the FBI will seize my 3 homes if i dont give them \$75,000 on Jan 4, 2007 in Michelle Levitt Court Room. All along Sean P. Sullivan ^{Bar 4768} From Kelly & Sullivan knew that IOE and Metro illegally seized my money and my cases 247085 & case 228752 were illegally false cases without probable cause and without a victim.

(2)

For Case
A537416

Affidavit

ON January 4, ²⁰⁰⁶ in the Honorable Judge
Michelle Levitt court room Sean P Sullivan
Bar 4768 stated the FBI said if i dont
give them \$70,000 they will seize my 3 homes
and sean p sullivan advised me to give
Metro and the FBI my \$70,000
and sean p sullivan also stated that i never
admitted to receiving money from Tonga Trevarthen
But all along Sean P Sullivan ^{Bar} 4768
knew Ice was not the FBI and
He told Ice and Metro that i told
him that i spent ~~my~~ \$145,000 on Bills
which never happend i never received
any money from Tonga Trevarthen
These were false statements from
Sean P Sullivan and false statements
from Tonga Trevarthen Judge Bell
stated at my sentencing ~~that~~ December 30,
2008 that Tonga Trevarthen was caught
in Texas with stolen money and
Judge Bell stated that i voluntarily
gave up \$70,000 through my first attorney
Sean P Sullivan Bar 4768 which my attorney
Sean P Sullivan advised me to give Metro and
Ice \$70,000 without probable cause to be at
my home illegally without warrants and probable
cause. ON January 4, 2006 Marc DiGiuseppe
the DA stated that Tonga Trevarthen

③

for case
A537416

Transferred money into my bank account
which is also false statements.

I am asking the Courts with the
respect for the return of my illegally
seized \$70,000 and ~~the~~ ^{my} illegally seized
property that was seized 9-20-2006
9-8-2006 11-6-2006 which my
Home was searched 5 times illegally
without probable cause and there was
~~only~~ one item only to be seized
9-20-2006 which Metro Tourist Safety
Division seized my Viking Fridge my
computers my music equipment
without probable cause my co Defendant
Darrion Moore and Bryan Ferguson
were pulled over and arrested 9-24-06
my Home was searched 9-20-06
without probable cause; cashed
3 voucher Market Tickets for
my friend Jimmy Wignaga which
the state has 3 video's showing Terrace
Watanabe giving my friend these
Market tips 3 times 8-23-06, 8-24-06
9-3-06 which I showed my ID to
cash my friend TIP all 3 times.
My friend Jimmy Wignaga was
the Wynn Slots supervisor he was assigned
to MR Terrace Watanabe.

(4)

for case
A537416

I also have cell and telephone records showing Jimmy Wighiaga called me on the dates that ~~Mr~~ Terrance Watanabe gave him these tips ~~8-23-06~~ for \$10,000 8-24-06 for \$25,000 and 9-3-06 for \$9,950 I also have the Wynn Records that shows MR Terrance Watanabe took out \$750,000 worth of ~~Master~~ ^{off} 8-24-06. Which the state Sandra Digiacomo gave copies of these videos to Sean P Sullivan ^{But} 4768 Sean P Sullivan gave the state Sandra Digiacomo 2 years of continuances for Metro to search my home 5 times illegally. Jimmy Wighiaga was never charged with any crime But i was charged illegally and Race played a major role i never stole or took any tickets Jimmy Wighiaga was never charged He called me up and asked me to cash his ticket tips. The Application for the search of my home ~~Warrant~~ ^{presented to} on 9-20-06 was signed ~~By~~ Judge Brennan 9-26-06 But the search Warrant was signed By Judge ~~Mr~~ Brennan 9-20-06 was illegal search and seizure.

Robert Holmes III 1234124
Defendant / in propria personam
Post office Box 208 SD00
Indian Springs Nevada 89070

District Court
Clark County, Nevada

State of Nevada
Plaintiff

Case No A537416

vs

Dept No VII

Robert Holmes III
1234124 Back #
876216 Defendant

Docket

Comes now Defendant Robert Holmes III
herein above respectfully moves this Honorable
Court for an Hearing in pro se for the
return of illegally seized Property and
illegally seized Money NRS 179.335

This Motion is made and based upon the accompanying
Memorandum of Points and Authorities and
attached Affidavit of Defendant

Dated this day of April 27, 2010

RECEIVED

Y 14 2010

By Robert Holmes III
Robert Holmes
1234124
Defendant / in propria personam

NOTIC

Daimon Monroe
Pro Per

FILED

OCT 26 2011

John L. Blum
CLERK OF COURT

District Court
Clark County, Nevada

07A537418
NOTICE
Notice
1672827



Case No. 07-A-537416-C

Dept No. VI

Notice to the Court

- 1.) h.v.m.p. d
- 2.) - VS- Plaintiff
- 3.) 284,656
- 4.) Defendant
- 5.)
- 6.)
- 7.)
- 8.) Comes Now Daimon Monroe to Give Notice to this Court
- 9.) That he NOR MR. Holmes or MR Ferguson have been notified of
- 10.) any proceedings on the above entitled case That Mr. Monroe is in
- 11.) complete Isolation and has been for years with no access to newspapers
- 12.) or t.v so That the F.B.I is currently investigating Judge Stewart
- 13.) Bell, Sandra Disiacomo, and other officials for criminal conduct
- 14.) in the petitioner's case, That Fraudulent Searchwarrants where
- 15.) made and into the record to deprive Mr. Monroe, Mr. Holmes
- 16.) and Mr. Ferguson of there Freedom, property and money. That the
- 17.) F.B.I is conducting current investigations on the d.A's
- 18.) Office, Judge Stewart Bell, and numerous police for there
- 19.) actions and participations for trying to cover up never
- 20.) having a Search warrant, And illegal seizures of person's
- 21.) and property, and the money in this case. We are now waiting
- 22.) for the F.B.I who is conducting these investigations to arrest
- 23.) these officials. And the State will be responsible for every day
- 24.) These persons where incarcerated, any property missing or damaged
- 25.) and any money taken. I respect this Court, and what I'm
- 26.) saying is true, Stewart Bell signed and Back Dated Search
- 27.) Warrants to keep Sandra Disiacomo and ROP from being in

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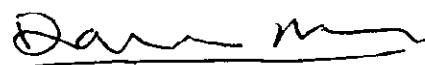
OCT 25 2011

CLERK OF THE COURT

- 1.) trouble, then they all tried to cover it up by setting Petitioner
- 2.) up over & over and as this went on I forwarded info to the F.B.I
- 3.) Officer Greg Naglich turned his evidence over also to the F.B.I and
- 4.) received a Federal accommodation and we have waited for years a
- 5.) The F.B.I gather's more evidence and proof. This investigation
- 6.) is being conducted with the H.O.A case. But Mr. Monroe, Holmes
- 7.) and Ferguson have a right to return of all there money involved
- 8.) in this case. 02-A-537416-C.

Verification

- 9.) Under penalty of Perjury, Pursuant to N.R.S 208.165
- 10.) Et. Seq. The undersigned declares he is petitioner named
- 11.) and knows the contents thereof, that the pleading is
- 12.) true and correct of his own personal knowledge.

13.) 
 14.) Daimon Monroe
 H-D-S-P #38299
 P.O BOX 650
 15.) Indian Springs, Nev, 89020

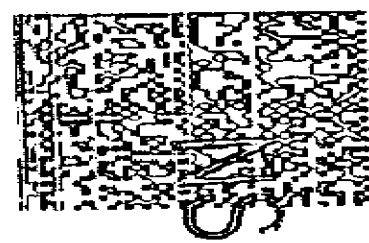
- 16.) I Daimon Monroe hereby certify to N.R.S.P 5(b) that
- 17.) on this Oct, 3, 2001 I mailed a true copy of the
- 18.) foregoing notice to the court, to:
- 19.) Regional Justice Center
 200 Lewis Ave
 Las Vegas, Nev, 89101
- 20.) Randall weed
 200 Lewis Ave
 Las Vegas, Nev, 89155-2011

- 21.)
- 22.)
- 23.) Daimon Monroe
- 24.) H-D-S-P
- 25.) P.O BOX 650
- 26.) Indian Springs, Nev 89020
- 27.)


 Daimon Monroe

Antonio Fernandez
H-D-S-P #1036251
P.O. Box 650
Indian Springs, Nev 89020

PRESORTED
FIRST CLASS



Haster

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SWCZ

10/20/2011

Mailed From 89101

US POSTAGE

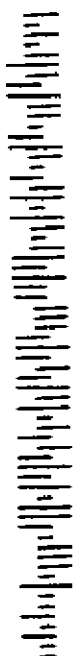
Attention Clerk

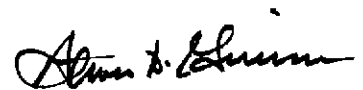
To: Regional Justice Center

200 Lewis Ave

Las Vegas, Nev, 89101

30 HPSFN11 89101





CLERK OF THE COURT

MRCN
DAVID ROGER
DISTRICT ATTORNEY
Nevada Bar #002781
THOMAS J. MOREO
Nevada Bar #002415
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Plaintiff,

vs.

U.S. CURRENCY \$281,656.73,

Defendant.

Case No. 07A537416

Dept No. VIII

NOTICE OF MOTION AND MOTION TO RECONSIDER COURT

STATISTICALLY CLOSING CASE

DATE OF HEARING: _____

TIME OF HEARING: _____

COMES NOW, the State of Nevada, by DAVID ROGER, District Attorney,
through THOMAS J. MOREO, Deputy District Attorney, and files this NOTICE OF
MOTION AND MOTION TO RECONSIDER COURT'S ORDER STATISTICALLY
CLOSING CASE.

This Motion is made and based upon all the papers and pleadings on file
herein, the attached points and authorities in support hereof, and oral argument at the time of
hearing, if deemed necessary by this Honorable Court.

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DATED this 30th day of November, 2011

BY /S/ T J MOREO

DATED this 30th day of November, 2011

BY /S/ T J MOREO

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

1 CERTIFICATE OF MAILING

2 I hereby certify that service of the NOTICE OF MOTION AND MOTION TO
3 RECONSIDER COURT'S ORDER STATISTICALLY CLOSING CASE, was made this
4 30th day of November, 2011, by depositing a copy in the U.S. Mail, postage pre-paid,
5 addressed to:

6 CYNTHIA L. DUSTIN, ESQ.
7 324 S. 3rd Street, #1
8 Las Vegas, NV 89101
Attorney for BRYAN M. FERGASON

9 ROBERT HOLMES, III
10 2364 Ray Kanel
Las Vegas, NV 89115

11 Daimon Monroe (BAC #38299)
12 High Desert State Prison
13 P.O. Box 650
Indian Springs, NV 89070-0650.

14 BY: /s/ L Staples
15 LINDA STAPLES, Legal Secretary
16 Clark County District Attorney's Office
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Chaf
CLERK OF THE COURT

1 NEOJ
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 RANDALL F. WEED
6 Chief Deputy District Attorney
7 Nevada Bar #000082
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2211
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

10 THE LAS VEGAS METROPOLITAN
11 POLICE DEPARTMENT,

Plaintiff,

Case No. A537416

-vs-

Dept No. VII

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

15 Defendant.

NOTICE OF ENTRY OF ORDER

17 TO: DAIMON MONROE, (ID #715429)
18 aka Daimon Devi Hoyt
19 Claimant, In Proper Person

20 TO: CYNTHIA L. DUSTIN, ESQ.
21 Attorney for Claimant, BRYAN M. FERGASON
22 aka Bryan Michael Fergason, aka J.B.

23 TO: SEAN P. SULLIVAN, ESQ.
24 Attorney for Claimant, ROBERT HOLMES, III.
25 aka Bobby Holmes, aka Robert Holmes

CLERK OF THE COURT

RECEIVED
MAY 21 2007

EXHIBIT " 1 "

1 YOU WILL PLEASE TAKE NOTICE that an Order was entered in the
2 above-entitled action, a copy of which is attached hereto.

3 DATED this 21st day of May, 2007.

4 DAVID ROGER
5 Clark County District Attorney
6 Nevada Bar #002781

7 BY

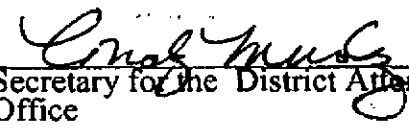
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9 RANDALL F. WEED
10 Chief Deputy District Attorney
11 Nevada Bar #000082

12 CERTIFICATE OF MAILING

13 I hereby certify that service of the NOTICE OF ENTRY OF ORDER was made the
14 21st day of May, 2007, by depositing a copy in the U.S. Mail, postage prepaid,
15 addressed to:

16 DAIMON MONROE, (ID #715429)
17 aka Daimon Devi Hoyt, In Proper Person
18 Clark County Detention Center
19 330 South Casino Center Blvd.
20 Las Vegas, Nevada 89101

21 BY

22 
23 Secretary for the District Attorney's
24 Office

25 CERTIFICATE OF FACSIMILE TRANSMISSION

26 I hereby certify that service of NOTICE OF ENTRY OF ORDER was made this
27 21st day of May, 2007, by facsimile transmission to:

28 ALLEN & DUSTIN, LLC
CYNTHIA L. DUSTIN, ESQ.
Attorney for Claimant Bryan M. Fergason
FAX #: (702) 385-5351


Secretary for District Attorney's Office

1 I hereby certify that service of NOTICE OF ENTRY OF ORDER was made this
2 21st day of May, 2007, by facsimile transmission to:

3
4 KELLY & SULLIVAN, LTD.
5 SEAN P. SULLIVAN, ESQ.
6 Attorney for Claimant for Robert Holmes III
7 FAX #: (702) 385-7282

8 
9 Secretary for District Attorney's Office

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28 Event No.060924-0418/cm

FILED

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CRF
CLERK OF THE COURT

ORDR

DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
RANDALL F. WEED
Chief Deputy District Attorney
Nevada Bar #000082
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,**

Plaintiff,

-vs-

U.S. CURRENCY \$281,656.73

Defendant.

Case No. A537416
Dept No. VII

**ORDER GRANTING MOTION FOR STAY
OF FORFEITURE PROCEEDINGS**

**DATE OF HEARING: 05/16/2007
TIME OF HEARING: 8:30 A.M.**

THIS MATTER having come on for hearing before the above entitled Court on the 16th day of May, 2007, the Claimants not being present, and Claimants' Counsel not being present, the Plaintiff being represented by DAVID ROGER, District Attorney, through RANDALL F. WEED, Chief Deputy District Attorney, and the Court having heard the arguments of counsel and good cause appearing therefor,

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///

1 IT IS HEREBY ORDERED that the Motion for Stay of the Forfeiture Proceeding:
2 shall be, and it is Granted.

3 IT IS FURTHER ORDERED that upon the final resolution of Criminal Cas
4 C208321 by trial or by negotiation that this Stay shall be automatically lifted and th
5 forfeiture proceeding may resume.

6 DATED this 17 day of May, 2007.

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STEWART L. BELL
DISTRICT JUDGE

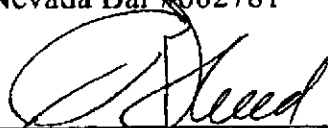
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11 DAVID ROGER
12 DISTRICT ATTORNEY
13 Nevada Bar #002781

13

14


15 RANDALL F. WEED
16 Chief Deputy District Attorney
17 Nevada Bar #000082

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LVMPD EV#060924-0418/cm

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ORDR

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FILED

OCT 29 2009

John J. Williams
CLERK OF COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE

CASE NO.: 07A537416

DEPT

DEPARTMENT 8

VS

U S CURRENCY \$281,656.73

07A537416
493351



ORDER TO STATISTICALLY CLOSE CASE

Upon review of this matter and good cause appearing,

IT IS HEREBY ORDERED that the Clerk of the Court is hereby directed to
statistically close this case for the following reason:

DISPOSITIONS:

- ☐ Voluntary Dismissal
- ☐ Transferred (before/during trial)
- ☐ Involuntary (statutory) Dismissal
- ☐ Judgment on Arbitration Award
- ☐ Stipulated Dismissal
- ☐ Stipulated Judgment
- ☐ Default Judgment
- ☐ Motion to Dismiss (by Defendant)
- ☐ Summary Judgment
- ☐ Non-Jury (bench) Trial
- ☐ Jury Trial

FINAL DISPOSITIONS:

- ☐ Time Limit Expired
- ☒ Dismissed (with or without prejudice)
- ☐ Judgment Satisfied/Paid in Full

DATED this 28th day of October, 2009.

D. E. Smith

DOUGLAS E. SMITH
DISTRICT COURT JUDGE

EXHIBIT " 2 "

CLERK OF THE COURT

RECEIVED
OCT 29 2009

Notc

CLERK OF THE COURT

DEC 15 2011

RECEIVED

FILED

DEC 19 2011

CLERK OF COURT

District Court Clark County, Nevada

1.)

2.)

3.) I.V.M.P. D

4.) U.S. - Plaintiff

5.) U.S. currency

6.) 281,656,73

7.)

Cube No. 07A537416

Dept No. 8

07A537416
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Notice
1722186



RECEIVED

DEC 19 2011

CLERK OF THE COURT

Notice to Court

- 8.) Your Honor, I have sent numerous letters and documents
9.) to other courts, notifying them that there is a
10.) current F.B.I. investigation on Stewart Bell
11.) Sandra diGiaco, Brad Nickell's and others, due for
12.) starters on Nov 6 2006 Nickell's and diGiaco
13.) had no search warrants for my home and storages
14.) They arrested person's illegally, and seized and
15.) gave away huge amounts of property illegally, I
16.) ask to see the warrants 8 to 10 months after the
17.) illegal search and seizure they ask Stewart
18.) Bell to sign and back date warrants which
19.) he did and a whole bunch of other stuff.
20.) Anyways Metro Police who were involved had
21.) collected evidence on that and many other
22.) things and turned it over to the F.B.I which
23.) is now and has been conducting investigations
24.) on these officials and others. The money was
25.) illegally seized, I'm sure thru computer entries
26.) and other safety procedures u can see for y

1.) U'r SELF. Sir ask NOREEN NYKOS, Judge Herndon
2.) if im lying. There are alot OF OFFICIALS in
3.) trouble over this, The State is already on the
4.) line for everyday and every piece of property mis-
5.) ing. There is so much I could tell u, Sir Just check
6.) it out The State has already made ~~g~~ enough
7.) mistakes in all this. And these OFFICIALS have
8.) already caused ENUFF damage to ^{the} Systems int-
9.) eg ruty, I Sent a letter to MR moreo also, I just dont
10.) want anyone to Be able to Say they didnt know or
11.) Where not notified of this wrong doing which is
12.) Criminal, These are OFFICIALS committing Felonies
13.) Which are depriving Persons, & there Freedom, and rights
14.) to there property. SIR this isnt a Big deal its a
15.) Huge deal. and all 100% true, I Am not trying to make
16.) a mockery of U'r court, I know I cant get the Feels to tell
17.) U whats going on But if u check U'll see Im telling the
18.) truth. Sincerely
19.) D. Monroe I Also notified
20.) D. A Thomas J. Moreo

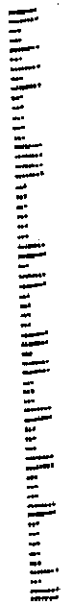
21.)
22.) Dated this 12th day of december 2001
23.) I Daimon Monroe do Solemnly swear, under penalty
24.) OF Perjury that the above Notice to the court is accurate
25.) Correct and true to the best of my knowledge, NRS. 171.102
26.) and NRS 208.165 Respectfully Daimon Monroe
Dependant

Manloy
Daimon #715429
Clark County Detention Center
330 S. Casino Center Blvd.
Las Vegas, NV 89101

**LEGAL
MAIL**

Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

8310136300



LAS VEGAS NV 89101
13 DEC 2011 PM 3:1



Robert Holmes III #1034184

FILED

Please send
stamp file
copy

S.D.C.C. PO Box 208

JAN 3 10 41 AM '12

INDIAN SPRINGS NV 89070

in proper person

Anna L. Johnson
CLERK OF THE COURT

District Court

Clark County, Nevada

Las Vegas Metropolitan

Case No. 07A537416

Police Department
Plaintiff

Dept No. VIII

VS

U.S. Currency #281,656.73

Defendant

Notice of Motion

Please Take Notice That a Hearing of Motion for 's

"Enlargement of Time Motion"

CHAMBERS

Will be heard on 6 day of February ²⁰¹² at 10:00 AM in

Department

Dated: this 22 day of December, 2011

Submitted by: Robert Holmes III

Robert Holmes III #1034184

in proper person

6

07A537416
NOTM
Notice of Motion
1732704



Robert Holmes III ID NO. 1034184

SOUTHERN DESERT CORRECTIONAL CTN.
20825 COLD CREEK RD.
P.O. BOX 208
INDIAN SPRINGS, NV 89018

District Court

Clark County, Nevada

Las Vegas Metropolitan
Police Department
Plaintiff

U.S. Currency \$28,656.73

Defendant

CASE NO.: 07 A537416

DEPT. NO.: VIII

DOCKET:

Defendant's Motion For
Enlargement of time to Respond
To Plaintiff's Motion to Reconsider Court
Statistically Closing Case

COMES NOW, Robert Holmes III in pro se Real party, herein above respectfully
^{in interest}
moves this Honorable Court for an Enlargement of time of 90 days
Due to District Attorney's office failing to send notice
of Motion and Motion to the current address Certificate of Mailing
shows Defendant Rental address Defendant is currently at SDEC

This Motion is made and based upon the accompanying Memorandum of Points and
Authorities,

DATED: this 22 day of December, 20 11

BY: Robert Holmes III

Robert Holmes III # 1034184
Defendant/In Proper Personam

1 Defendant Holmes in prose is asking this Honorable
2 Court for a Enlargement of time Due to the District
3 Attorney's' office sending this motion to the wrong address
4 Defendant Real party in interest is currently incarcerated at
5 SMC P.O. Box 208 Indian Springs Nevada 89070 Defendant
6 Holmes needs 90 days to respond to this motion to
7 Reconsider court statutorily closing case. Defendant needs 90
8 Days to Research and Respond to this motion.
9 See Exhibit A Certificate of Mailing LN 9 Robert Holmes III
10 2364 Raykanel Las Vegas Nevada 89115 this is the
11 address that the District Attorney's office sent this
12 Reconsider Motion to Defendant Holmes is also asking
13 this Honorable Court for the Honorable Judge Douglas
14 E. Smith Notice of order that was rendered on October 29, 2009
15 which Defendant Holmes has never received a full order of
16 the Judgement, Defendant has a Due process under the
17 14th Amendment to the Minutes and the full order,
18 which he needs to Respond to this motion to Reconsider.

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CERTIFICATE OF SERVICE BY MAILING

I, Robert Holmes III, hereby certify, pursuant to NRCP 5(b), that on this 22
day of December, 2011, I mailed a true and correct copy of the foregoing, "Motion
for Enlargement of Time in Regards to Metropolitan Police"
Reconsider Motion"
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

DPi Office David Lopez
200 Lewis Avenue
Las Vegas, Nevada 89155

CC: FILE

DATED: this 22 day of December, 2011.

Robert Holmes III
Robert Holmes III # 1934/84
/In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Motion For Enlargement of Time
(Title of Document)

filed in District Court Case number 07 A537416

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

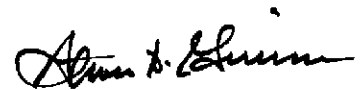
B. For the administration of a public program or for an application
for a federal or state grant.

Robert Holmes III
Signature

12-22-2011
Date

Robert Holmes III
Print Name

Pro Se
Title



CLERK OF THE COURT

1 **ORDR**
2 MARY-ANNE MILLER
3 Interim Clark County District Attorney
4 Nevada Bar #001419
5 THOMAS J. MOREO
6 Nevada Bar #002415
7 200 Lewis Avenue
8 Las Vegas, Nevada 89155-2212
9 (702) 671-2500
10 Attorney for Plaintiff

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 LAS VEGAS METROPOLITAN POLICE
11 DEPARTMENT,

12 Plaintiff,

13 -vs-

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

15 Defendant.

CASE NO: 07A537416

DEPT NO: VIII

16 ORDER GRANTING PLAINTIFF'S MOTION TO RECONSIDER STATISTICALLY
17 CLOSING CASE

18 DATE OF HEARING: January 9, 2012

19 THIS MATTER having been noticed for January 9, 2012 and the Court having
20 reviewed all documents and good cause appearing;

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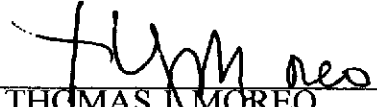
1 IT IS HEREBY ORDERED that the Plaintiff's Motion, shall be, and it is Granted.

2 DATED this 19th day of January, 2012.

3
4 
5 DISTRICT JUDGE *RA*

6 MARY-ANNE MILLER
7 Interim Clark County District Attorney
8 Nevada Bar #001419

9 BY


10 THOMAS J. MOREO
11 Chief Deputy District Attorney
12 Nevada Bar #002415
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28 LVMPD EVENT #060924-0418/jd

1 Robert Holmes III ID NO. 1034184

2 SOUTHERN DESERT CORRECTIONAL CTN.
3 20825 COLD CREEK RD.
4 P.O. BOX 208
5 INDIAN SPRINGS, NV 89018

FILED

FEB 6 3 18 PM '12

Ann A. Quinn
CLERK OF THE COURT

6 District Court

7 Clark County, Nevada

8 Las Vegas Metropolitan
9 Police Department

10 State of Nevada
11 Plaintiff

12 v.

13 U.S. Currency #281656.73

14 Robert Holmes III
15 Defendant

CASE NO.: 07 A537416

DEPT. NO.: V.I.I

DOCKET: _____

16 Motion To Dismiss Plaintiff's
17 Motion to Reconsider Court Statistically
18 Closing Case

19 COMES NOW, Robert Holmes III Defendant in proper, herein above respectfully
20 moves this Honorable Court for an Hearing to Dismiss plaintiff's
21 Motion to Reconsider Court Statistically Closing Case

22 This Motion is made and based upon the accompanying Memorandum of Points and
23 Authorities,

24 DATED: this 24 day of January, 2012

25 RECEIVED

26 FEB 06 2012

27 CLERK OF THE COURT

28 BY: Robert Holmes III

Robert Holmes III # 1034184
Defendant/In Proper Personam

07A537416
MDSM
Motion to Dismiss
1762748



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Memorandum of points And Authorities
I. Introduction

Nature of Motion

ON October 29, 2009 the Honorable Judge Douglas E. Smith
Dismissed this instant Forfeiture case A537416
(with or without prejudice) ON November 23, 2011 the State of
Nevada and Metropolitan Police Department who are the
Plaintiffs in this instant case. The Plaintiff's Filed a notice
of Motion and Motion to Reconsider Court Statistically closing
case. The Final order of Dispositions was that this instant
case was Dismissed with or without prejudice ON October 29
2009. Holmes was never sent or served with this 2009 order
Dated and stamped Filed October 29, 2009. ON November 30, 2011
the Clark County District D.A. Attorney's Office
Failed to correctly send Holmes a copy of this motion to Holmes
Current and true address Southern Desert Correctional Center,
Po Box 208 Indian Springs, NV 89070. However the Clark County
District Attorney's Office legal secretary sent this motion to
Reconsider Court Statistically closing case to Holmes Rental address
at 2364 Raykanel or Las Vegas NV 89115. Holmes has been
Incarcerated since July 15, 2008 the D.A. office should have
known this critical mistake which has prejudice Holmes who has
a Due process under the 14th and 5th Amendment in regards
to his \$70,000 in currency. soon after Holmes family told
him about this untimely motion that was sent to 2364
Raykanel or Holmes Filed a enlargement of time motion.
The Plaintiff has filed a untimely motion that has prejudiced
Holmes in this instant forfeiture case.

1 The Nature of this instant Motion is to ask this Honorable
2 Court for this case to stay Dismissed and to ask this Honorable
3 Court for a Dismissal in Regards to Plaintiff's Motion of Motion
4 and Motion to Reconsider Court Statistically Closing Case.
5 This instant Motion is a opposition to Plaintiff's Reconsideration
6 Motion in this Foreclosure Case. Holmes was Mislead By
7 U.S. Immigration and Customs Enforcement (ICE) and Metropolitan
8 Police Department. Lumped-Repeat Offender Program Detective
9 B. Nickell P#4311 Detective D. Frank P#3794 Lumped-Repeat
10 Offender Program Detective P. Fielding P#3051 Lumped -
11 U.S. Immigration and Customs Enforcement (ICE) Task Force
12 Special Agent S. Samfile U.S. Immigration and Customs Enforcement
13 (ICE) Senior Special Agent J. Kramarz U.S. Immigration and
14 Customs Enforcement (ICE) Special Agent B. Fulmer
15 U.S. Immigration and Customs Enforcement (ICE) these
16 Federal officers alleged that they were the FBI
17 and Mislead Holmes to give them \$170,000
18 Sena Sullivan of Kelly & Sullivan also Mislead Holmes.
19 By stating that the FBI is going to seize Holmes
20 House's. See Exhibit 3 Attached Here to 1-5-2007 Court Minutes
21

21 The Back Ground

22 On November 29, 2006 U.S. Immigration and Metropolitan
23 Police Department went to Holmes Residence at 6177 Risque^{ed}
24 alleging to be the FBI. ICE U.S. Immigration and Customs
25 Enforcement (ICE) Threatened Holmes Family By stating
26 that they are going to seize all of Holmes Houses and Property
27 Due to Tenya Trevarthen statements that she alleged that
28

1 she gave MR Holmes \$145,000 in cash.
2 The Agents then had Holmes wife Princess Holmes
3 call Holmes on his cell phone and Holmes wife told
4 Holmes the FBI stated to her that all 3 of their Houses
5 is going to be seized Due to these allegations. Holmes
6 wife then handed the phone to the ICE agent and he stated
7 that he needed to speak in person with Holmes. The ICE
8 Agent who alleged to being the (FBI) stated to Holmes
9 that he would assure Holmes that he would not arrest him.
10 Holmes then called his Attorney Sean P Sullivan and explained
11 to MR Sullivan that the FBI wanted to speak with him
12 and that he needed to go home because the Agents wanted to
13 talk with him in regards to Tonga Trevarthen statement and
14 false allegations. Holmes told Sean Sullivan that he did not
15 receive any money from Tonga Trevarthen. MR Sullivan told Holmes
16 to stay put and that he would call the agents at Holmes home
17 and see why they were at Holmes House. About 20 minutes later
18 MR Sullivan called Holmes back and stated to Holmes that the
19 FBI is going to seize all 3 of Holmes Houses within 24 hours
20 unless Holmes can come up with some type of money. Holmes then
21 asked Sean Sullivan how can his homes be seized if he never received
22 any money from Tonga Trevarthen. Attorney Sean Sullivan then advised
23 Holmes that he needed \$75,000 in cash and he stated the FBI
24 can seize all of your homes until they get to the bottom
25 of these allegations. Sean Sullivan then assured Holmes if you
26 turn this \$75,000 over to the FBI I will get you \$75,000
27 back after this case is resolved. I do not have a written.

1 ON November 30, 2006 Holmes met his Attorney Sean Sullivan
2 at the 7th store on W. 1st Ave and gave Sean his
3 \$70,000. Holmes then followed his Attorney Sean to 4750
4 W. Conkey the Federal FBI Building. When Holmes
5 entered the FBI Building MR Sean Sullivan already
6 had Holmes \$70,000 in cash. MR Sullivan advised Holmes
7 to sit down and stay put then MR Sullivan went into
8 the back office for about 30 minutes then MR Sullivan
9 returned and stated to Holmes the FBI is going to come
10 out here and speak to you about your \$70,000. Do not speak
11 Just listen and we will get your money back. SEE Exhibit 1
12 Las Vegas Metropolitan Police Department Officer's Report
13 Attached Hereto which shows U.S. Immigration and Customs (ICE)
14 Task Force and I/MPD Repeat Offender program SEE Exhibit
15 2 Holmes sentencing Transcript for case 222752 December 30, 2008
16 The Honorable Judge Bell stated they caught Tenger Trevarthen
17 in Texas pg 2 IN 20 and IN 17 when Metro went to seize
18 the money out of the Bank accounts of MR Monroe, \$145,000
19 of it was unaccountable the court and the state is please
20 stating Metro ^{and} not ICE or FBI. SEE Exhibit 3 Attached Hereto
21 Criminal Minutes 1-5-07 pg 3 MR Sullivan Argued Holmes
22 Never admitted to taking the money. Further argued Holmes
23 Had equity line's opened prior to all of this. MR Sullivan
24 Further Argued Holmes was advised all of his homes and
25 property would be seized and counsel advised Holmes to
26 give what ever money he had to Metro and the FBI.
27 Additionally, MR Sullivan argued Deft Holmes has provided

1 Sufficient proof as to where money is coming from.
2 See Exhibit 4 Attached Hereto WaMu Equity Line
3 Statement for \$94,090.17 See Exhibit 5 Attached Hereto
4 Equity Line for \$34,000 Wells Fargo Also See Exhibit 6 Attached
5 Hereto Equity Line for \$18,700 Wells Fargo Also Holmes wife
6 is still currently making payments to all of these line of credits
7 and Equity lines. See Exhibit 7 attached Hereto Affidavit of
8 Holmes wife, Princess Holmes. See Exhibit 8 Attached Hereto
9 Affidavit Holmes Mother Statement
10 Ernestine Holmes. Also See Exhibit 9 attached Here to
11 Affidavit Holmes Father Statement See Exhibit 10 Attached Hereto
12 Affidavit Holmes Mother in Law Statement Felty Tetero. All statements
13 are notarized. See Exhibit 11 Holmes Bank Account with
14 Wells Fargo also See Exhibit 12 Holmes Bank Account
15 with Wells Fargo. also See Exhibit 13 Attached Hereto
16 Holmes Bank Account with Wells Fargo MAY of 2006
17 Total Deposits \$46,787.40 See EX 11 See EX 13
18 Total Deposits \$53,608.39 JUNE 28 through JUL 7 28
19 2005. Also See EX 14 attached Hereto The D.A.
20 is stating that Holmes has some kind of agreement
21 with the FBI IN 3 also the D.P states
22 that Holmes had \$75,000 in cash that was
23 transferred to him out of MR MONROES Bank Account
24 which is false allegations

1
2 III. ARGUMENT

3 Holmes is Entitled To Return
4 Of His \$70,000

5 Because Holmes was Mislead By

6 I.C.E., Metro and Attorney Sean Sullivan

7 to Give them His \$70,000 Under False Pretense

8 Holmes Did not have a Federal Case.

9 Holmes is Entitled to His Family's \$70,000 Back

10 and the state and Metropolitan police Department

11 Reconsideration motion should be Denied Due to being

12 untimely Filed Filed pursuant to N.R.C.P. 54 (b)

13 although titled a motion for Reconsideration pursuant to

14 59 (e) N.R.C.P. Must be filed within 10 days after

15 receipt of notice of contested order. Because motion

16 was filed after 10-day deadline motion should have

17 been dismissed, this is 2 years later that this motion

18 has been filed for Reconsideration this is untimely

19 Clint Hurt + Assoc. v. Silver State Oil & Gas Co. 111 Nev

20 1086, 901 p.2d 703 (1995).

21
22 Final and Unreviewable on Appeal Due to expiration

23 of period within which to file Appeal. Also the state

24 Failed to send Defendant Holmes This Consideration

25 Motion to the correct address See EX 15 Attached

26 Herein: Stamp file Envelope addressed 2364 Reginald Dr LUNN 89015

1 Holmes is currently in prison at SDJC Southern Desert Corr. CTR.
2 P.O. Box 208 Indian Springs NV 89070. Also see Exhibit 16 attached
3 Hereto Las Vegas Metropolitan Police Department & The
4 State's Notice of Motion and Motion to Reconsider Court
5 Statistically Closing Case 07 A537416 see pg 3 Affidavit of
6 Mailing which shows Holmes Rental address 2364 Parkway Dr
7 Las Vegas NV 89145 also see pg 2 which states on November 23, 2011
8 While checking the status of the Criminal Case Motion scheduled
9 for November 23, 2011, and the forfeiture case, it was discovered
10 that on October 29, 2009 the Honorable Douglas E. Smith
11 had the forfeiture case A537416 Dismissed (with or without
12 prejudice) Also see Exhibit 17 attached Hereto Order
13 To Statistically close Case Final Dispositions
14 Filed Date October 29, 2009 Order signed By the
15 Honorable Judge Douglas E. Smith. ICE and Metro
16 did not have legal authority to seize Holmes \$70,000
17 Holmes did not have a Federal Case Holmes had been on
18 His Job at the Bionics Horse Show for 14 years and
19 Holmes had two printing businesses Holmes can
20 prove his \$70,000 was legal. His and it was mis
21 lead By ICE, Metro and His Attorney Sean Sullivan.
22 one Day after Sean Sullivan, Attorney Kevin Kelly
23 Had a Meeting with Holmes Kevin Kelly asked Sean
24 why Did you advise Holmes to give you \$70,000
25 when he did not even have a Federal Case MR Kevin Kelly
26 was very Mad that Sean advised Holmes to give him \$70,000
27 in cash. MR Kelly went on to say that there is certain
28 procedures that FBI has to do before they can just seize Holmes
properties.

1 IV. Conclusion

2 For the foregoing reason Holmes request that
3 this Honorable Court issue an order directing ~~the~~
4 the state to Return Holmes \$70,000 in currency
5 and Denie plaintiff's Motion to Reconsider Court
6 Statistically Closing Case.

7 Dated this day of January 2012

8 By: Robert Holmes III

9 Robert Holmes III

Exhibit 2

EX-1

EX-1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
OFFICER'S REPORT

EVENT #: 061129-1719

Tonya Trevarthen Interview and
Crime Proceeds Seizure Investigation

SUBJECT

DIVISION REPORTING: Investigative Services

DIVISION OF OCCURRENCE: Investigative Services

DATE AND TIME
OCCURRED: 11/29/06; 1400hrs

LOCATION OF
OCCURRENCE: 6177 Risepine Ct
Las Vegas, NV 89110

Suspect Involved:

Holmes, Robert III (aka "Bobby")
DOB-07/13/70
SS# 283-65-9604
ID# 876216
6177 Risepine Ct LVN 89110

Other Suspects:

Monroe, Daimon (aka Hoyt, Daimon)
DOB-06/28/68
SS# 530-43-2091
ID# 715429
1504 Cutler Drive LVN 89117

Trevarthen, Tonya
DOB-10/23/80
SS# 588-87-1411
ID# 1760548
1504 Cutler Drive LVN 89117

Law Enforcement Personnel:

Detective B. Nickell P# 4311
LVMPD - Repeat Offender Program

Detective D. Franc P# 3794
LVMPD - Repeat Offender Program

Detective P. Fielding P# 3081
LVMPD - U.S. Immigration and Customs Enforcement (ICE) Task Force

Special Agent S. Sampilo
U.S. Immigration and Customs Enforcement (ICE)

Senior Special Agent J. Kramarczyk
U.S. Immigration and Customs Enforcement (ICE)

Special Agent B. Fulmer
U.S. Immigration and Customs Enforcement (ICE)

Date and Time of Report: 11/30/06; 1436hrs

Officer: Detective B. Nickell P#: 4311

Approved: _____ Officer: _____ P#: _____

LVMPD 82 (REV. 8/01) - AUTOMATED/MP12

SIGNATURE: B. Nickell

EX-1

EX-1

Exhibit ~~111~~ ~~112~~

B/M/H/A 2

EX 1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/Event Number: 061129-1719

Page 2 of 3

Items impounded: (700) \$100 bills totaling \$70,000 in U.S. currency (seizure)

Details:

On 11/22/06, Chief District Judge Kathy Hardcastle signed a search and seizure warrant for bank accounts belonging to Tonya Trevarthen. The seizure was due to the funds being proceeds of criminal activity, specifically commercial burglaries and the sales of stolen property. The monies in question had been illegally obtained by Trevarthen's boyfriend, Daimon Monroe (aka Daimon Hoyt).

Later on 11/22/06, Detective P. Fielding and I served the warrant at the Bank of America at 300 S. 4th Street. Assistant Banking Center Manager Devan Thorns is the bank officer who assisted us with the service of the warrant. Ms. Thorns also informed Detective Fielding and I that there had been several large transfers and withdrawals during the previous several days. Follow up on that information led to the discovery that Trevarthen had withdrawn a large sum of money well over \$100,000 in cash during that time. (See my Officer's Report submitted under EV#s 061122-1205 & 061122-1835 for further details).

On 11/27/06 I was contacted via telephone by Trevarthen. I told Trevarthen that I knew she had an attorney already and that she needed to consult her attorney if she needed to speak to me. Trevarthen told me that she had already done so and that she wanted to speak to me anyway without her attorney and against his advice. Trevarthen voluntarily met me at the LVMPD Investigative Services Division building at 4750 W. Oakey at approximately 1347hrs on 11/27/06.

I gave Trevarthen an admonition that she was not under arrest and that she could get up and leave at any point during the contact and nobody would stop her. I further advised Trevarthen that she did not have to speak to me and told her that I thought it would be in her best interests to have her attorney present during the interview. Trevarthen acknowledged my admonition and decided to speak with me anyway. (See transcription of Tonya Trevarthen's interview for complete details of the information provided).

One of the things that Trevarthen told me during the interview was that she had given \$20,000 cash to Robert "Bobby" Holmes during the week prior to Thanksgiving week and another \$125,000 cash to Holmes on 11/20/06. Holmes is a known associate and co-defendant of Trevarthen's boyfriend Monroe. Trevarthen told me that she trusted Holmes to hold the money for her and that she believed he would return it when she asked for it. These monies that were given to Holmes were from the bank account(s) that Judge Hardcastle had ordered the seizure of. The monies would have been seized on 11/22/06 if they had still remained in the account.

Ultimately, Trevarthen confessed to her knowledge and limited involvement in the commercial burglary ring that involved Monroe, Holmes and other suspects. I told Trevarthen that her next move would be to consult her attorney and that it would be in her best interests to retrieve the money from Holmes and surrender it for seizure. Trevarthen called me later that night and told me that she had met with Holmes downtown near the California Hotel and that Holmes refused to give her the money and told her that he wanted to talk to his attorney before he did anything.

On 11/29/06, Detective Fielding, Special Agent S. Samplio, Senior Special Agent J. Kramarczyk and I went to Holmes' residence at 8177 Risepine to speak with him. We were greeted at the door by Holmes' wife, Princess Holmes, DOB-03/31/71. Princess told us that Holmes was not there and let us into the house to speak with her. Princess put me into telephone contact with Robert Holmes and I told him that we were at his house to speak with him and we were not there to arrest him. I asked Holmes to come home so we could talk. Holmes agreed and said he would be there in 20 minutes.

After Holmes delayed his arrival for approximately 45 minutes, Holmes' attorney Sean Sullivan called and I spoke to him over the phone. I informed Mr. Sullivan that we were there to see if Holmes would surrender the \$145,000. I told Mr. Sullivan that if Holmes did so, the ICE Agents would agree not to look into indicting Holmes for Federal crimes involving money laundering. Mr. Sullivan told me that Holmes advised him that he only had \$70,000 left of the \$145,000. Holmes said that he had used the missing money to pay bills and did not go into much detail. Mr. Sullivan

EX 1

Exhibit ~~111~~ ~~112~~

EX 1

Exhibit 1

Grown

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/Event Number: 061129-1719

Page 3 of 3

advised me that he and Holmes would meet with me at 1800hrs at my office to surrender the remaining money. Holmes was advised through Mr. Sullivan that he would still have to recoup the missing \$75,000 and surrender it within exactly 3 months for the arrangement to be complete. At approximately 1740hrs, Mr. Sullivan called me on the phone and advised that Holmes could not get the money that night. We agreed to meet on 11/30/06 at 1000hrs at my office.

On 11/30/06, Mr. Sullivan met Detective Fielding, Special Agent S. Sampilo, Special Agent B. Fulmer and I at 4750 W. Oakey. Mr. Sullivan brought exactly \$70,000 cash in \$100 bills into the meeting and said that it was from Holmes. Mr. Sullivan said that Holmes was very reluctant to meet in person because he was "freaked out" over the whole thing. Detective Fielding and I counted all of the money in Mr. Sullivan's presence. After counting the money, Mr. Sullivan told me that Holmes was in the lobby of the building. I asked Mr. Sullivan if we could speak to Holmes briefly and basically give him an admonishment and that I was not asking for his client to give me any information. Mr. Sullivan agreed.

Special Agent S. Sampilo and I met with Holmes with Mr. Sullivan present and we introduced ourselves. I told Holmes that I wanted to make it clear to him that he needed to recoup the remaining \$75,000 within three months for the arrangement to stand, meaning that the ICE Agents would not seek a Federal indictment involving money laundering on Holmes. Holmes acknowledged the agreement by stating "Yes, sir." The contact was then ended.

Detective Fielding and I then re-counted the money together, photographed the money and detailed the amount on an LVMPD Money Accounting Form. Sgt. F. Hernandez P# 4651 verified the count. I placed the money in an evidence bag and sealed it. Detective Fielding and I then deposited the money into the evidence chute located in the same building.

DETECTIVE B. NICKELL P# 4311
REPEAT OFFENDER PROGRAM

1 Exhibit

EX 1

Exhibit A

COPY

DEC 31 11 45 AM '09
CLERK OF COURT

TRAN EX2

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

CASE NO. C228752

DEPT. VII

ROBERT HOLMES,

Defendant.

BEFORE THE HONORABLE STEWART L. BELL,
DISTRICT COURT JUDGE
TUESDAY, DECEMBER 30, 2008

TRANSCRIPT OF SENTENCING

APPEARANCES:

For the State:

SANDRA DIGIACOMO
Deputy District Attorney

For Defendant:

KIRK KENNEDY, ESQ.

RECORDED BY: RENEE VINCENT, COURT RECORDER
TRANSCRIBED BY: ON TIME TRANSCRIPTS

EX2

1 Tuesday, December 30, 2008 at 8:21 a.m.

2 THE COURT: State of Nevada versus Robert Holmes. Case C228752.
3 Holmes present in custody; Kirk Kennedy; Sandy DiGiacomo.

4 This is the time set for entry of judgment imposition of sentence. Any
5 reason judgment should not be imposed?

6 MR. KENNEDY: No.

7 THE COURT: In accordance with the Defendant's pleas he is hereby
8 adjudged guilty. Mrs. DiGiacomo.

9 MRS. DIGIACOMO: Your Honor, I'm not going to argue. I know you've
10 heard the other two Co-Defendants' trials, you've heard the case multiple times
11 and you know the facts intimately. With regard to Mr. Holmes, one thing I would do
12 -- bring out is he still has \$75,000.00 of stolen money that was --

13 THE COURT: No, I think he paid that to lawyers I'm thinking.

14 MRS. DIGIACOMO: Well, if I may continue. I'm going to ask you to
15 impose that as part of the judgment because what happened was, I know we didn't
16 go into it in great detail in the trials, but when we went to -- or not we, but when
17 Metro went to seize the money out of the bank accounts of Mr. Monroe,
18 \$145,000.00 of it was unaccountable --

19 THE COURT: I know. Trevarthen took it over at over at Monroe's
20 request, gave it to Holmes. Holmes had it, they caught her in Texas. They came
21 back, talked to Holmes through his prior lawyer --

22 MRS. DIGIACOMO: Right.

23 THE COURT: He arranged and voluntarily gave back all but 75 which I
24 think had already gone to retainers to lawyers and he didn't have.

25 MRS. DIGIACOMO: Right. But it's not his money and so I think that this

1 Court should award it as part of the restitution in this case.

2 THE COURT: And he's going to pay that how?

3 MRS. DIGIACOMO: It doesn't matter, Your Honor. We would still like it
4 in the Judgment of Conviction.

5 THE COURT: Okay.

6 MRS. DIGIACOMO: If you look at what he put -- he's got an income of
7 \$5,000 per month working at Binion's Horseshoe Casino. I've got his employment
8 records. He makes \$10.54 an hour as a busboy. There is no way he's bringing in
9 \$5,000 a month if he's not doing something illegal like, you know, as we've alleged
10 here that he's -- offense in this case.

11 I mean, look at what he's got in assets. \$700,000.00. It's because of
12 his criminal history with Mr. Hoyt that he's got all these possessions and he's got
13 the money because he's been doing this, as you know, since 1991 when they were
14 co-defendants and he picked up his first case.

15 Your Honor, he got a really good deal in this case. He has pled to two
16 PSPs, one to tens. The State is going to ask you to run them consecutive. I know
17 you already know what you are going to do with the sentence itself, but he should
18 get consecutive time just like the other two Co-Defendants did. And I'll submit it.

19 THE COURT: Mr. Kennedy.

20 MRS. DIGIACOMO: Judge, obviously I have an objection to a
21 \$75,000.00 restitution --

22 THE COURT: Don't worry about it.

23 MR. KENNEDY: If you're not going there I won't have to object to that. I
24 don't know, maybe -- I'd like to let Mr. Holmes go first and get his statement first.

25 THE COURT: Yeah. And I'm not -- I understand that he was conduit at

1 the time, but I think that went to buy lawyers for four different defendants and blah,
2 blah, blah.

3 MRS. DIGIACOMO: No, actually, Your Honor, we went in and we got
4 the money back from all of the attorneys either voluntarily or in their client trust
5 account. So, the attorneys did not get paid with stolen money.

6 THE COURT: Oh, okay. Go ahead Mr. Holmes.

7 DEFENDANT HOLMES: Thank you. Your Honor, I'm asking for your
8 mercy for me and my family. I'm a sinner, but now I have God in my life. I'm sorry
9 for ever being friends with Mr. -- Mr. Monroe and the bad choices I have made.
10 I've hurt my family, my five year old son and my six year old daughter, my fourteen
11 year old son and my wife. My mother and my father, my mother-in-law and my
12 father-in-law which are sickly and we help take care of them.

13 The homes -- the homes that I have, the homes that me and wife own
14 were purchased from working. I've been working on the same job for fourteen
15 years. My wife about the same amount of time too. My -- let me see, my mother
16 and my father gave me one of the houses that I own. I also have a small printing
17 shop. I print signs and banners and business cards. I am asking for a chance at
18 probation because I know I could do it with no -- with the opportunity.

19 I just want to get back to work and help my family. I'm very, very sorry
20 for ever being friends with Mr. Monroe. And I'm sorry to you, Your Honor, for
21 making a bad choice. Being locked up; away from my family and kids like is the
22 hardest thing that I ever had to do.

23 I'm just asking for a chance to get back to my little kids and my wife. I
24 promise you I won't even get a -- I won't even get a traffic ticket if you give me a
25 chance at probation. I suffered a stroke in September, '07 worrying about my

1 case. You know, I'm very sorry for the choice that I made. May you have mercy
2 on me and my family.

3 THE COURT: Mr. Kennedy.

4 MR. KENNEDY: Judge, I think it would be incorrect to say that each and
5 every dollar in the Holmes' household was from this enterprise. Mrs. Holmes, who
6 is here, she makes \$4,000 to \$5,000.00 per month --

7 THE COURT: I don't -- I don't think anybody would say that.

8 MR. KENNEDY: you know, and they do have substantial assets. They
9 did, it's a dichotomy. You have on the one side, he is making money, his wife is
10 making money, they have a lot of family income coming in. They did buy some
11 investment properties. They have a home. To say that each and every thing they
12 own came from this enterprise is patently incorrect.

13 Judge, when you look at his record, when I see this and, you know,
14 look at his criminal history, he's got one prior felony from 16 years ago. Now, of
15 course, the State would say that maybe it's one ongoing criminal enterprise ever
16 since then. I don't think the evidence necessarily proves that. But on paper, Your
17 Honor, with his residence in the community, his work history, his family ties and the
18 criminal history, which is one prior felony with two misdemeanors all from the early
19 1990's, on paper he presents himself as a candidate for probation. And then you
20 balance that with, of course, there is a lengthy history in this case with Co-
21 Defendants who received life sentences. A snitch who received six months
22 probation and a lot of victims in this case.

23 THE COURT: Well, not -- she was a witness, but more importantly the
24 involvement of her paled by comparison to the involvement of the other people. I
25 mean it is abundantly clear that the most culpable is Daimon Monroe. The second

1 most culpable is Fergason. The third most culpable is Holmes and then here is a
2 gap about this big between them and Ms. Trevarthen who didn't do anything
3 overtly, but did take advantage of the fact that they lived pretty good on stolen
4 property.

5 MR. KENNEDY: Sure. They had a good apparent lifestyle. I've read
6 her testimony from the grand jury. Your Honor, on that -- the issues of levels of
7 culpability, there is absolutely no evidence that Mr. Holmes was burglarizing
8 residences or commercial properties here in Las Vegas. If you look at that level of
9 culpability -- of what's the more dangerous. What Mr. Fergason and Mr. Monroe
10 were doing was clearly the more dangerous enterprise that could have resulted in
11 harm to individuals if they were home or in the businesses. Fortunately it did not.

12 I am asking you to consider here a case, considering the totality of the
13 case and the nature of his involvement compared with the Co-Defendants and the
14 idea of parity in sentencing and --

15 THE COURT: Well, he can't get as much as they got.

16 MR. KENNEDY: Well, certainly not. I understand. Again, the deal we
17 took. But I am asking --

18 THE COURT: But if he had gone to trial and got convicted of all that stuff,
19 he would have got real close.

20 MR. KENNEDY: He would have. He would have. And certainly, you
21 know, when I got into this case in the summer, you know, looking at a negotiation
22 was definitely something that I thought was in his best interests. And I do think this
23 negotiation is --

24 THE COURT: It was.

25 MR. KENNEDY: all things considered. But on behalf of Mr. Holmes, he

1 is asking for the Court's consideration for a five year fix probationary term with one
2 year in CCDC and two years of house arrest following that, with a suspended
3 sentence of three to six years concurrent hanging over his head. Any restitution
4 figure the Court deems appropriate. He has all of the necessary factors to
5 successfully complete probation. He did it before back in '92. He could do it again
6 now.

7 THE COURT: Not a chance. I mean --

8 MR. KENNEDY: Judge, I have to make this argument and --

9 THE COURT: You certainly may --

10 MR. KENNEDY: he does qualify for it --

11 THE COURT: but he was an integral part of the most prolific criminal
12 enterprise in the history of Clark County. Period. Without any doubt. Big part.

13 MR. KENNEDY: Your Honor, if you are obviously, you know, if you're
14 not going to consider probation. A question of incarceration, you know -- I would
15 ask the Court to -- the recommendation from P&P, you know. I actually was part of
16 this interview which is not something I normally do on a State case, and the officer
17 who interviewed Mr. Holmes was the same officer who interviewed Ferguson and
18 Monroe. So he had -- he brought all of that to the table with his report.

19 If you are going to consider incarceration, Your Honor, I would ask
20 you to impose a sentence of two to five on each Counts II and III, running
21 concurrent. And the concurrent Count on the gross misdemeanor in this case.
22 This is not a case where Mr. Holmes needs to go sit in prison four or five years on
23 this matter.

24 The six months that he has spent in CCDC has done enormous
25 things for his -- to recognize what he did in this case; his involvement. And has

1 had an enormous impact and a negative impact on his family. And I would you ask
2 you to consider that in this case.

3 THE COURT: \$25 AA; \$150.00 DNA fee plus testing. Mr. Holmes, you
4 were a significant part of the biggest criminal enterprise in Las Vegas history. It
5 merits a severe sentence.

6 Count I - 12 months Clark County Detention Center.

7 Count II - 48 to 120 concurrent to Count I.

8 Count III - 24 to 120 consecutive to Count II.

9 How much time served?

10 MRS. DIGIACOMO: Your Honor, I need to figure that out because the
11 PSI is wrong --

12 THE COURT: Nope. The PSI is wrong. He's been in jail since --

13 MRS. DIGIACOMO: He was remanded --

14 THE COURT: he was remanded.

15 MR. KENNEDY: July 15th.

16 MRS. DIGIACOMO: And he was remanded on July 15th, so --

17 THE COURT: All right. Let me figure it out. 16 plus 31 plus 30 plus 31
18 plus 30 plus 30. 168. Now, he was in jail a little bit before that.

19 MRS. DIGIACOMO: No. He bonded out I believe the same day.

20 THE COURT: Well, you've got to have at least a day.

21 MRS. DIGIACOMO: Well, I --

22 THE COURT: How long were you in jail the first time?

23 MRS. DIGIACOMO: He bonded out the same day, so one day.

24 DEFENDANT HOLMES: I was in jail a couple (inaudible) times, 15 days.
25 Two or three days, one time I think like two days in jail --

CRIMINAL COURT MINUTES

06-C-228752-C STATE OF NEVADA

vs Holmes, Robert

CONTINUED FROM PAGE: 00

and has two equity lines of credit. One from one home and one from another. Further colloquy. Ms. DiGiacomo stated Deft. accepted \$145,000.00 of settlement money on November 17, 2006, which \$70,000.00 was returned two weeks later. However, agreement with Deft. that he would pay back \$75,000.00 in three months to the Metropolitan Police Department (Metro) and the FBI. Ms. DiGiacomo advised Deft. Trevarthen was withdrawing the money from their accounts Friday before source hearing and all was traced except for the \$145,000.00 which Deft. Trevarthen stated she gave to Deft. Holmes. Deft. Trevarthen told Metro she attempted to get money back and Deft's Holmes refused to give money back. Further, the State is concerned as to where the \$75,000.00 as counsel is not sure what happened to it at this point. Mr. Sullivan argued Deft. Holmes never admitted to taking the money. Further, equity lines where opened prior to all of this. Mr. Sullivan further argued Deft. was advised all of his homes and property would be seized and counsel advised Deft. to give what ever money had to Metro and the FBI. ← Additionally, Mr. Sullivan argued Deft. has provided sufficient proof as to where money is coming from. Court stated she is concerned as to where the money will be coming from as to paying payments towards the balance of the bond. Deft. advised he father is also helping to pay the bond company as well. Mr. Sullivan stated Deft. works full time at the Horseshoe and argued he has legitimate means to pay. Court further stated it appears Deft. can post the bond. Further, Deft. can come in and prove the source of the money as to the payments to the bond company. Mr. Sullivan also advised Deft. has ownership of two vehicles. Colloquy. Ms. DiGiacomo advised Deft. also owns a 27 foot cargo truck and a Suburban.. COURT ORDERED, Deft. RELEASED ON BOND once posted and matter set for status check for Deft. to provide paper trail of where money is coming from. Colloquy regarding the \$13,000.00 already posted in Justice Court.

BOND

2/8/07 9:30 AM STATUS CHECK: BAIL BOND

CONTINUED ON PAGE: 00
MINUTES DATE: 01/05/0

PRINT DATE: 02/25/09

PAGE: 003

Exhibit
5

[Signature]

Account Statement

Statement Date: August 31, 2007

Page 1 of 5

017711671998

4,941

(CO650)



ROBERT HOLMES III
PRINCESS V. HOLMES
6177 RISEPINE CT
LAS VEGAS NV 89110-1810

Customer Service

Telephone
888-667-6059

Online Banking
www.wellsfargo.com

Correspondence
Wells Fargo Bank, N.A.
PO Box 4233
Portland, Or 97208-4233

Do not send payment to this address

Payments

By mail
Wells Fargo Bank, N.A.
P O Box 54780
Los Angeles, Ca 90054-0780

Overnight mail
Wells Fargo Bank, N.A.
Attn: Payment Services
2324 Overland Dr.
Billings, MT 59102-6401

EquityLine with FlexAbilitySM

Robert Holmes III

Princess V. Holmes

Account Number: 650 1771167 1998

Activity summary

Approved line of credit

Credit in use:

Line 650 1771167 1998

Total credit in use

Available credit

Beginning balance owed**

Ending balance owed**

**These balances include unpaid finance charges and other unpaid fees and charges.

The Ending balance owed is not a payoff amount. Please contact Customer Service for an accurate payoff.

\$34,000.00

1100

\$33,894.47

\$33,894.47

\$105.53

\$34,173.63

\$34,173.63

Exhibit

EX5

EX5



*045CNO311000*8810110510101011*

(2)

Exhibit ~~1111~~
6

for ground
~~1111~~



Account Statement

Statement Date: August 31, 2007

Page 1 of 4

50 2121778 1998

12,469 (CO650)



ROBERT HOLMES III
PRINCESS V. HOLMES
6177 RISEPINE CT
LAS VEGAS NV 89110-1810

Customer Service

Telephone
888-867-8059

Online Banking
www.wellsfargo.com

Correspondence
Wells Fargo Bank, N.A.
PO Box 4233
Portland, Or 97208-4233

Do not send payment to this address

Payments

By mail
Wells Fargo Bank, N.A.
PO Box 54780
Los Angeles, Ca 90054-0780

Overnight mail
Wells Fargo Bank, N.A.
Attn: Payment Services
2324 Overland Dr.
Billings, MT 59102-8401

EquityLine with FlexAbility™

Robert Holmes III
Princess V. Holmes
Account Number: 850 2121778 1998

Activity summary

Approved line of credit	\$18,700.00
Credit in use:	
Line 650 2121778 1998	\$18,679.84
Total credit in use	\$18,679.84
Available credit	\$20.16
Beginning balance owed**	\$18,838.49
Ending balance owed**	\$18,838.49

**These balances include unpaid finance charges and other unpaid fees and charges.
The Ending balance owed is not a payoff amount. Please contact Customer Service for an accurate payoff.

2344

Exhibit ~~1111~~

EX 6

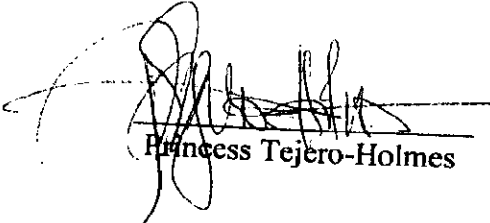


00A52M031100275810110410101010

Dear your honor,

My name is Princess Holmes my husband name is Robert Holmes III. My husband is illegally in prison on things he has never done. He was charge with twenty-four charges from his friend's house, which I know he never took anything. I don't understand how my husband could posses things that he never took. These things were discovered at 1504 Cutler avenue which my husband does not live or have access to Mr. Monroe Hoyt's home or Tonya Trevarthen's home and he does not have access to Bryan Ferguson house or any of there storage units and my husband is not-even friends with Bryan Ferguson and he has never been to Bryan Ferguson house. His name is not on their lease or their house note. Tonya Trevarthen said in the grand jury indictment hearing that my husband Robert Holmes never took anything or stole anything with Damion Monroe Hoyt or Bryan Ferguson. All these storage units had Tonya Trevarthen name Bryan ferguson name Ashton Monroe not one had Robert Holmes's III name. Now also my husband was alleged and claimed to have cashed three tickets for his ex-friend. But I looked at the paper work and read the complaint which stated that my husband showed his ID I don't understand; this is not a burglary. My husband did not commit a burglary he showed his ID and get a players card cashed the ticketewith his ID. Metro searched our home five times in 2006 to 2007 my husband was arrested four times at his work the Binions Horseshoe. Our kids go-kart was taken illegally, our computers where taken illegally, all our property was taken illegally. All of my husband studio equipment was taken illegally, metro said that they where in our home because of these Wynn Casino tito tickets that my husband cashed which he showed his ID and his ex-friend Jimmy Uriguiaga was never charged with a crime. They took all of our kids TV's all our electronics, which me and my husband had both paid for. We have been working on our job's for over fourteen years, plus my husband had two businesses. My mother in-law and father in-law worked a deal with us, which they gave us their home in exchange for us to buy a home in Alabama for my mother in-law, Ernestine Holmes this was to take place in 2007 when my mother in-law was to turn 62, but Metro and the feds came to our house and said that they will seize our house if my husband does not give them \$145,000, which they are claiming my husband received some stolen money from his ex-friend girlfriend Tonya Trevarthen, which my husband never received and money from this girl. Judge Bell stated at my husband's sentence that Metro and the feds caught Tonya Trevarthen in Texas with stolen money. They tried to lie on my husband and say he received \$145,000 if he had received

this money why would we have to use all of our line of credits and all the money that we got loans on our homes and my mother in-law's house. Metro and the feds forced my husband to give them \$70,000, which was suppose to be for my mother in-law's home in Alabama. This money was illegally taken from us by force which Sean P. Sullivan advised my husband to give up our money because he said Metro and the fed's are going to seize our home's with in twenty-four hours. Sean P. Sullivan also told my husband we will get our money and our property back, because we have proof and statements where our money came from. We have talked to some attorneys and they have told us to file a motion in District Court first for return of illegally seized property and money. Before filling this motion in the supreme court and before going to the supreme court we must address this issue in District Court first. Every time Metro searched our home, not once did we ever see any search warrants. My husband was taken to jail every other week at the Binions Horseshoe where he worked for fourteen years at his sentencing the District Attorney stated that my husband is a bus boy and he makes \$10 an hours, which is a false statement, my husband has never been a bus boy at the Binions Horseshoe, which he has worked in the pantry for many of years at the Binions Horseshoe, also Judge Bell stated that my husband voluntary gave our \$70,000 to Metro and the feds, but court record's show, that we were forced by Metro and the feds and we also have court records that Mr. Digiacommo stated that Tonya Trevarthen transferred money into our bank account which had never happened. Metro and the feds threaten to seize our three homes. This money that was taken from us was, done by force caused us to go and get another loan because of what Metro and the feds did to us. We are asking the court for our \$70,000 plus interest. We have the paper work from the banks showing the interest and the payments that we are making. All of these things where done to our family illegally. There is no statement from Terrance (Terry) Watanabe the Wynn Hotel highroller. We have three kids, ages, six, seven, and fifteen and my husband was illegally put in prison on false claims. We have provided all of our paper work for this illegally seized money.


Princess Tejero-Holmes

State of NV, County of Clark.
Signed before me on this 3 day
of 03 2013 by princess tejero.
Notary Public Ana Hernandez.



Dear Judge,

My name is Ernestine Holmes. My son is Robert Holmes III. My son is in prison on things, he did not do. Me and my husband gave my son our house in exchange, for my son Robert Holmes III to buy me a home in Alabama.

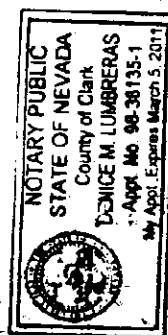
Now this was to take place in 2007 when I turned 62 years old. I gave my son the house. He took out loans on the house. That was given to him by me and my husband.

In 2006 Metro and the Feds made and forced my son to give them \$70,000. Which is money that was taken off of my home. That I gave to my son in exchange for him to buy me a home in Alabama.

His Lawyer Sean Sullivan advised him to give these police and the feds the money that was suppose to be for my home in Alabama. We are getting ready to file law suits on this money that was taken illegally from my son. My son is filing a motion DC & SC.

x Ernestine Holmes

notary Public
x Denice M. Lumberas



To: Judge

from: Robert Holmes Jr

Re: Robert Holmes III

This letter is regarding the illegal imprisonment of my son Robert Holmes III. He has been imprisoned on things that he hasn't done. Myself and my wife Erceline Holmes gave my son our house in exchange for Robert to buy my wife in Alabama in 2006 my son Robert Holmes was forced by the Metro police department and the F.B.I to give them \$70,000. They said if he doesn't they would seize his house and his make our families leave our properties. Metro and the F.B.I lied on my son by saying a girl transferred stolen money into my sons bank account which never happened. My son Robert Holmes III never recieved any money.

EX9

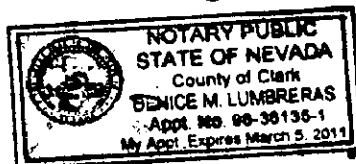
from this girl. Robert was advised by his former lawyer Sean Sullivan to give Metro and the F.B.I. the money for my wifes house in Alabama.

I have written and spoken to Rev. Al Sharpton and Rev Jesse Jackson regarding my son's case. This is our first step in district court to retrieve our money. Sean Sullivan told my son Robert Holman III that once my son's case was over we would receive our money back.

Please look in to this further for this is our first attempt at taking action.

X Robert Holman III

Notary Public
X Benice M. Lumberras



Dear your Honor,

my name is Mrs. Fely Tejaro, I am Robert Holmes mother in law. Metro searched our home at 6177 Pinepine Ct. 5 times in 2006 to 2007. We never recieved a search warrant or show to us everytime they come ~~in~~ to ~~the~~ our house even we asked for a search warrant instead they said they dont need a search warrant. Metro said they were at our house because Robert Holmes cashed 3 tito tickets for Jimmy Urquiza which was his friend, he had worked with at the Bonanza Horseshoe for 11 years. The first time our home was searched Metro took my son in law safe and his suit jacket and impounded his 1995 Chevy Suburban and they put on hold on his truck for 3 months. My son-in-law paid \$2,600 to get his truck out of impound. The ~~2~~ second time our home was searched they took some equipment from his room Metro broke his master bedroom door. The 3rd time they searched our home they took the refrigerator out of our garage, they also took his computer. But Metro is saying that they are searching our home for the Wynn ticket case that my son in law showed his ID to cash these tickets. They also took his microphone and CD burner ~~of~~ out of his studio.

EX-10

The 4th time our Home was searched Metro took some of his speakers, and his mixing equipment. But all this time they are searching for Wynn tickets but they are taking electronics out of our house.

The 5th time our home was searched all of my grandkids TV's were taken off the walls all electronics, my grand kids 2 motor cycles ~~and~~ and go ~~carte~~ were taken and ~~all~~ my son in law tools were taken, this happen every other week. Everytime our home was searched my son in law is not home. a few months later Metro and Federal agent came by our home saying they will seize our house and still they don't have any search warrant. They were claiming my son in law received some stolen money which my son in law never received any stolen money. They forced my son in law to give them \$70,000 and they said if he doesn't, everyone has to leave our home. His lawyer Sean Sullivan advised my son ~~in~~ in law to give the Metro and the Federal agents the \$70,000 they're asking which atty. Sean Sullivan said after my son in law case is over he will get his \$70,000 back. This money is ~~supposed to be~~ my son in law mother's that supposed to buy his mother a house in Alabama, because his mother

EX10

I gave my son in law and my daughter Princess Tejro-Holmes her house in exchange for them to buy her a house in Alabama. This money that was taken by Nitro and the Feds was borrowed on my son in law mother's House. These was forced by Nitro and the Feds to give up their money illegally.

Thankyou
Mrs. Lily V. Tejro

State of NV County of Clark
Signed before me on this 3 day
of 03 2013 by Fay Tejro
Notary Public Chatham



EX10

Exhibit 11

Ground

Activity detail

Deposits

Date	Description	\$ Amount
06/01	Hacly Section 8 Cash Trans 5552 Tejero-Holmes,Princess	897.00
06/05	Deposit	44,990.40
06/20	Online Transfer Ref #IBEQDT4C8F From 2683319Xxx On 06/20/06	100.00
06/20	Online Transfer Ref #Ibefpnltnk From 2683319Xxx On 06/20/06	700.00
06/22	Online Transfer From Other WF Customer -Turing Ref #IBEFPNQS45	100.00
Total deposits		\$46,787.40

Withdrawals

Other withdrawals

Date	Description	\$ Amount
06/01	Bill Pay Service Fee On 06-01	6.95
06/01	Online Transfer Ref #IBE7Wjmrst To 2683319Xxx On 06/01/06	900.00
06/06	Withdrawal Made In A Branch/Store	5,000.00
06/09	Withdrawal Made In A Branch/Store	1,300.00
06/12	Withdrawal Made In A Branch/Store	2,500.00
06/13	Withdrawal Made In A Branch/Store	6,000.00
06/16	Bill Pay Wells Fargo Home On-Line 0036073Xxx On 06-16	1,724.29
06/20	Wells Fargo Bank Loan Pmt 060619 505021217781998Holmes III Robe	65.19
06/21	Withdrawal Made In A Branch/Store	7,000.00
06/23	Withdrawal Made In A Branch/Store	600.00
06/26	POS Purchase -06/24 Mach ID 000000 Crawford Oil Inc Crawford Oas Vegas Nv 2925 ?MCC=5541 321270742DA	64.84
06/27	Withdrawal Made In A Branch/Store	250.00
Total other withdrawals		\$25,411.27

Daily balance summary

Date	\$ Balance	Date	\$ Balance	Date	\$ Balance
05/25	78.18	06/12	36,258.63	06/22	22,369.15
06/01	68.23	06/13	30,258.63	06/23	21,769.15
06/05	45,058.63	06/16	28,534.34	06/26	21,704.31
06/06	40,058.63	06/20	29,269.15	06/27	21,454.31
06/09	38,758.63	06/21	22,269.15		

Exhibit 11

Continued on next page

EX11

Account Statement
June 28 through July 28, 2005

Account Number: 768-0688079
Page 1 of 3

Exhibit 12

Ground 1

PRINCESS V TEJERO-HOLMES
ROBERT HOLMES III
6177 RISEPINE CT
LAS VEGAS NV 89110-1810

Thank you for banking with Wells Fargo. For assistance, call: 800-869-3557 (1-800-TO-WELLS), TDD number (for the hearing impaired only) 1-800-877-4833. Or write: WELLS FARGO BANK, N.A., P.O. BOX 6995, PORTLAND, OR 97228-6995.

When you link your Checking, Savings or Credit Card accounts to your Wells Fargo Check Card, you can quickly and conveniently access your accounts at the ATM. Check balances, make withdrawals, and transfer money between eligible accounts - all at the ATM.

Talk to a banker or call 1-800-869-3557 to link your accounts today.

There is no fee for this service.

Wells Fargo Free Checking
Princess V Tejero-Holmes
Robert Holmes III
Account Number: 768-0688079

Activity summary

Balance on 06/27	
Deposits	\$112.14
Withdrawals	53,608.39
	- 2,378.45
Balance on 07/28	\$51,342.08

When calling Wells Fargo Phone Bank, remember to use your ATM Card or Check Card PIN. This will help ensure security in accessing your account information and allow you to take advantage of our automated Touch-Tone Banking Service to check balances, transfer funds, order checks, and more. Using your ATM Card or Check Card PIN will also allow Phone Bankers to provide you with faster service for all your account servicing needs.

Exhibit 12

EX 12

June 28 through July 28, 2005

Account Number: 768-0688079

Page 2 of 3

Exhibit 13

Activity detail

Deposits

Date	Description	Amount
07/08	Online Transfer Ref #IBEMH7Mmvk From 2683319Xxx On 07/08/05	\$300.00
07/20	Ing Life Insuran Alahg 050719 0002679034 Princess Tejero Holmes	5,000.00
07/22	Trial Deposit Ptejero-Ho 050722 3876239 Princess V Tejero-Ho	0.14
07/22	Trial Deposit Ptejero-Ho 050722 3876241 Princess V Tejero-Ho	0.60
07/28	WT Fed#00580 First American Tru /Org=first American Title Company Of Nv Srf# 20052090244800 Trn#050728033442 Rfb#	48,307.65
Total deposits		\$53,608.39

Withdrawals

Checks Number	Date	\$ Amount	Number	Date	\$ Amount
2014	07/12	50.00	2015	07/11	300.00
Total checks					\$350.00

Other withdrawals

Date	Description	\$ Amount
06/29	POS Purchase - 06/29 Mach ID 000000 Crawford Oil Incrawford Olas Vegas Nv 2909 ?MCC=5541 321270742DA	11.95
07/20	Wells Fargo Bank Loan Pmt 050719 505021217781998 Holmes III Robe	119.12
07/25	Online Transfer Ref #IBET9C9F5B To 2683319Xxx On 07/22/05	300.00
07/25	Online Transfer Ref #IBE23X95Lq To 2683319Xxx On 07/22/05	1,400.00
07/25	POS Purchase - 07/23 Mach ID 000000 Arco Paypoint Arco Paypolas Vegas Nv 2909 ?MCC=5541 321270742DA	40.38
07/28	Wire Trans Svc Charge - Sequence: 050728033442 Srf# 20052090244800 Trn#050728033442 Rfb#	10.00
07/28	ATM Withdrawal - 07/27 Mach ID LK239482 380 Santa Monica Pacific Pasanta Monica Ca 2909	143.00
07/28	Non-Wells Fargo ATM Transaction Fee	2.00
07/28	Phone Banker Call 07/07	2.00
Total other withdrawals		\$2,028.45
Total withdrawals		\$2,378.45

Exhibit 13

EX 13

(126)
EX 14

EX 14

Exhibit
14

1 THE COURT: For what?

EX 14

2 MR. SULLIVAN: It was for attempt theft, Your Honor. It's not a crime of
3 violence and it wasn't robbery with use or anything like that.

4 THE COURT: And, Mr. DiGiacomo?

5 MR. DIGIACOMO: Yes, Judge, and just so you'll know, I'll start first with the
6 prior. His prior for attempt theft, I believe his codefendant was by the name of
7 Daimon Monroe. So the Court is aware that is the -- well, I won't say the main
8 player in this because they're all main players. So the Court has some idea of the
9 nature of this case. I know they said he's a fence or this is just a stolen property
10 case. This is not your average stolen property case. Mr. Ferguson and Mr. Monroe
11 were originally arrested for burglarizing a home. Based upon that, a search warrant
12 was executed at where Mr. Monroe -- burglarizing a business, I apologize. A search
13 warrant was executed where Mr. Monroe lived and everything in the house was
14 stolen. Millions of dollars worth of property in the house was stolen.

15 It turns out that we didn't charge every piece of property, we charged
16 the victims individually that we could find related to that property. It turns out that
17 originally on the search warrant they took everything in the house with the exception
18 of the master bedroom because they didn't believe that that furniture was stolen but
19 they photographed it and later determined that was stolen too. And they went back
20 in the house with a search warrant and recovered that.

21 During that time period, there was an indication that the State was
22 looking for the proceeds from all the stolen property because we certainly didn't
23 recover all the stolen property that was taken, we just recovered some of it in this
24 house. There was well over \$150,000 in a bank account, 145,000 of that was
25 transferred to Mr. Holmes here who spent, allegedly, 75,000 of it by the time the FBI

EX 14

Exhibit
14

EX/14
(27)

EXhibit 14
14
HEN BREWER 10/30
MURDER OF MARTIN LUTHER KING, JR.
TRIAL OF JAMES EARL RAY

1 got to him, and he gave up the other \$70,000 in cash through Mr. Sullivan. But he
2 still owes \$75,000 in stolen property and apparently has some sort of agreement
3 with the FBI to return that \$75,000 in cash that was transferred to him out of Mr.
4 Monroe's bank account, Judge. *Never ~~did~~ received ANY MONEY*
from Tanya or Damon Monroe Hest

5 What he's asking this Court to do is, one, Mr. Sullivan argued this exact
6 motion before Judge Hardcastle at the Indictment return. He was given notice, he
7 showed up, he argued the exact same argument. The State asked for \$250,000
8 considering the massive amount of money that's involved in this case besides that
9 his wife, I believe, is a Filipino -- is Filipino. He's still currently in possession of his
10 passport, my understanding is, I know that there's going to be a request even if he
11 should post that we would request that his passport be given to the Court. We'd
12 also request any sort of source hearing. But Judge Hardcastle, hearing arguments
13 about the entire case, and just so the Court's aware, I'm not the deputy on the case.
14 Ms. DiGiacomo's the deputy on the case, I just know about the case through her.

15 Judge Hardcastle set it at 150,000 and she agreed that the 13,000 that
16 was part of the Justice Court case -- this Justice Court case should be transferred,
17 but that he still owed a hundred and thirty-seven five. Now Mr. Sullivan is rearguing
18 to another court the exact same arguments that he made to Judge Hardcastle and
19 there's been no showing that there's been any change whatsoever in the status of
20 Mr. Holmes.

21 And so for a variety of reasons, we'd request that you deny his request
22 to either reduce or O/R him. Two, that you require any source hearing on any funds
23 that you think he's going to post considering he has \$75,000 in cash somewhere
24 that's missing. And, three, Judge, require his passport to be turned over should he
25 post anything. And then, four, we'd ask you to remand him because he has not

EX/14
EXhibit 14

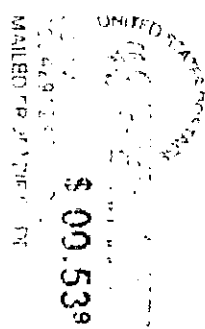
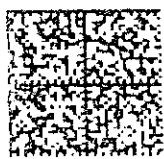
EX 15



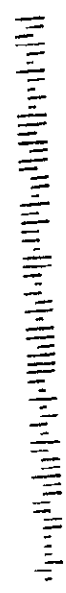
DAVID ROGER, District Attorney
Office of the District Attorney
200 LEWIS AVENUE
P.O. BOX 552212
LAS VEGAS, NV 89155-2212

ROBERT HOLMES, III
2364 Ray Kanel
Las Vegas, NV 89115

PRESORTED
FIRST CLASS



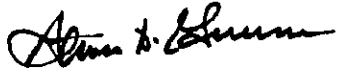
146 JPD F11 89155



EX 15

EX 16

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11/30/2011 06:35:05 AM


CLERK OF THE COURT

1 **MRCN**
2 **DAVID ROGER**
3 **DISTRICT ATTORNEY**
4 Nevada Bar #002781
5 **THOMAS J. MOREO**
6 Nevada Bar #002415
7 200 Lewis Avenue
8 Las Vegas, Nevada 89155-2212
9 (702) 671-2500
10 Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

10 **LAS VEGAS METROPOLITAN POLICE**
11 **DEPARTMENT,**

11 Plaintiff,

Case No. 07A537416

12 vs.

Dept No. VIII

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

16 **NOTICE OF MOTION AND MOTION TO RECONSIDER COURT**
17 **STATISTICALLY CLOSING CASE**

18 **DATE OF HEARING:** _____

19 **TIME OF HEARING:** _____

20 COMES NOW, the State of Nevada, by DAVID ROGER, District Attorney,
21 through THOMAS J. MOREO, Deputy District Attorney, and files this NOTICE OF
22 MOTION AND MOTION TO RECONSIDER COURT'S ORDER STATISTICALLY
23 CLOSING CASE.

24 This Motion is made and based upon all the papers and pleadings on file
25 herein, the attached points and authorities in support hereof, and oral argument at the time of
26 hearing, if deemed necessary by this Honorable Court.

27 ///

28 ///

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EX 16

EX 16

EX 16

NOTICE OF HEARING

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing motion on for setting before the above entitled Court, in Department VIII thereof, on 1-9-12 In Chambers, ~~2011, at 9:00 A.M.~~ or as soon thereafter as counsel may be heard

DATED this 30th day of November, 2011

DAVID ROGER
DISTRICT ATTORNEY
Nevada Bar #002781

BY /S/ T J MOREO
THOMAS J. MOREO
Chief Deputy District Attorney
Nevada Bar #002415

In April of 2007, Claimants filed a Motion to Stay Proceedings was granted by the Honorable Stewart Bell until such time Claimants' criminal case is tried or they enter pleas on May 16, 2007. (See Exhibit 1)

On November 23, 2011, while checking the status of the criminal case Motion scheduled for November 28, 2011, and the forfeiture case, it was discovered that on October 29, 2009 the Honorable Douglas E. Smith had the forfeiture case A537416 Dismissed (with or without prejudice). (See Exhibit 2).

WHEREFORE, since the Forfeiture Case was stayed pending the outcome of the criminal case, Plaintiff Las Vegas Metropolitan Police Department respectfully pays that this Court reconsider its Order issued October 29, 2009, and reopen the Forfeiture Case.

DATED this 30th day of November, 2011

DAVID ROGER
DISTRICT ATTORNEY
Nevada Bar #002781

BY /S/ T J MOREO
THOMAS J. MOREO
Chief Deputy District Attorney
Nevada Bar #002415

EX 16

EX 16

CERTIFICATE OF MAILING

I hereby certify that service of the NOTICE OF MOTION AND MOTION TO RECONSIDER COURT'S ORDER STATISTICALLY CLOSING CASE, was made this 30th day of November, 2011, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

CYNTHIA L. DUSTIN, ESQ.
324 S. 3rd Street, #1
Las Vegas, NV 89101
Attorney for BRYAN M. FERGASON

ROBERT HOLMES, III
2364 Ray Kanel
Las Vegas, NV 89115

Daimon Monroe (BAC #38299)
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070-0650.

BY: /s/ L Staples

LINDA STAPLES, Legal Secretary
Clark County District Attorney's Office

LVMPD EV #060924-0418/lks

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EX 16

EX 17

EX 17

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ORDER

ORIGINAL

FILED

OCT 29 2009

Ch. J. Williams
CLERK OF COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE

CASE NO.: 07A537416

DEPT

DEPARTMENT 8

VS

U S CURRENCY \$281,656.73

07A537416
493351



ORDER TO STATISTICALLY CLOSE CASE

Upon review of this matter and good cause appearing,

IT IS HEREBY ORDERED that the Clerk of the Court is hereby directed to statistically close this case for the following reason:

DISPOSITIONS:

- ☐ Voluntary Dismissal
- ☐ Transferred (before/during trial)
- ☐ Involuntary (statutory) Dismissal
- ☐ Judgment on Arbitration Award
- ☐ Stipulated Dismissal
- ☐ Stipulated Judgment
- ☐ Default Judgment
- ☐ Motion to Dismiss (by Defendant)
- ☐ Summary Judgment
- ☐ Non-Jury (bench) Trial
- ☐ Jury Trial

FINAL DISPOSITIONS:

- ☐ Time Limit Expired
- ☒ Dismissed (with or without prejudice)
- ☐ Judgment Satisfied/Paid in Full

DATED this 28th day of October, 2009.

D. E. Smith

DOUGLAS E. SMITH
DISTRICT COURT JUDGE

EXHIBIT " 2 "

RECEIVED
OCT 29 2009
CLERK OF THE COURT

EX 17

EX 17

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically
Closing case (Title of Document)

filed in District Court Case number _____

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

Robert Holmes III
Signature

1-24-2012
Date

Robert Holmes III
Print Name

Pro per
Title

CERTIFICATE OF SERVICE BY MAILING

I, Robert Holmes III, hereby certify, pursuant to NRCp 5(b), that on this 24
day of January, 2012, I mailed a true and correct copy of the foregoing, "Motion
to Dismiss Plaintiff's Motion to Reconsider Court Statistically"
Closing Case
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

D.A. Office
David Roger
200 Lewis Avenue
89155-2212

CC: FILE

DATED: this 24 day of January, 2012.

Robert Holmes III # 1234184
Robert Holmes III # 1234184
/In Propria Personam
Post Office box 208 SDCC
Indian Springs Nevada 89018
IN FORMA PAUPERIS

Robert Holmes III 1034184
/ In Propria Personam
Post Office Box 208 S.D.C.C.
Indian Springs, Nevada 89018

FILED

FEB 6 3 39 PM '12

Ann L. Johnson
CLERK OF THE COURT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

*Las Vegas Metropolitan
Police Department
State of Nevada
Plaintiff*

V.

*U.S. Currency #281,656.73
Robert Holmes III
Defendant*

Case No. 07 A537416

Dept No. VII

Docket _____

NOTICE OF MOTION

YOU WILL PLEASE TAKE NOTICE, that Robert Holmes III

*Defendant in pro per Motion to Dismiss Plaintiff's Motion to Reconsider
Court Statistically Closing Case*

will come on for hearing before the above-entitled Court on the 13 day of MARCH, 2012,
at the hour of 8 o'clock A. M. In Department 8, of said Court.

CC:FILE

DATED: this 24 day of January, 2012.

BY: Robert Holmes III
Robert Holmes III # 1034184
/In Propria Personam

RECEIVED

FEB 06 2012

CLERK OF THE COURT

07A537416
NOTM
Notice of Motion
1762702



RECEIVED
FEB 02 2012
CLERK OF THE COURT

Robert Holmes III 1034184
5000 Bobcat 208
Indian Springs Nevada 89070

JAN 26 2012

LAW LIBRARY

CONFIDENTIAL

REGAL MAIL

Steven D. Glendon
Client of the Court
200 Lewis Avenue
3rd Floor
Las Vegas NV 89155-1160

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US POSTAGE

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MAIL CENTER

SEP 27 2012

OUTGOING
MAIL

1 Robert Holmes III ID NO. #1034184

2 SOUTHERN DESERT CORRECTIONAL CTN.
3 20825 COLD CREEK RD.
4 P.O. BOX 208
5 INDIAN SPRINGS, NV 89018

please send
stamp file copy

FILED

FEB 09 2012

CLERK OF COURT

6 LAS Vegas Metropolitan
7 Police Department
8 State of Nevada
9 Plaintiff

District Court
Clark County, Nevada

10 Plaintiff

11 v.

12 US Currency #281,656.73

13 Robert Holmes III

14 Defendant

CASE NO.: 07 A537416

DEPT. NO.: VII

DOCKET: _____

15 SUPPLEMENT TO Motion to Dismiss
16 Plaintiff's Motion to Reconsider Court Statistically
17 Closing Case

18 COMES NOW, Robert Holmes III in pro se, herein above respectfully
19 moves this Honorable Court for an Supplement to Motion to Dismiss
20 Plaintiff's Motion to Reconsider Court Statistically Closing
21 Case Filed January 24, 2012

22 This Motion is made and based upon the accompanying Memorandum of Points and
23 Authorities,

24 DATED: this 30 day of January, 2012

25 BY: Robert Holmes III

26 Robert Holmes III # 1034184
27 Defendant/In Proper Personam
28

07A537416
SUPPL
Supplement
1706826



9

1 This Supplement is Made and based upon all
2 papers and pleadings on file in this case and the
3 following supplemental grounds and supporting facts
4 plus exhibits. Supplement To Ground 3 Legal Argument:
5 The Plaintiff's in this instant case are officers of the law
6 and officers of the Court. (A) (Supporting Facts) The state filed a untimely
7 Reconsider motion. On 11-30-2011 Had Holmes filed a
8 untimely Reconsider Motion 2 years after the
9 Honorable Judge Douglas E. Smith Dismissed this
10 instant case on October 29, 2009, the state would
11 have argued that Holmes Motion is untimely and should
12 be denied. This Reconsider motion would prejudice
13 Holmes if granted to the state. By The Honorable
14 Court due to the state waited 2 years to file a untimely
15 Reconsider motion. At some point a case has to come
16 to a final disposition, The Honorable Judge ruled on
17 this instant case on October 29, 2009 as the final
18 disposition. This instant case was dismissed by the
19 Honorable Judge Douglas E. Smith (with or without prejudice)
20 on October 29, 2009. The Honorable Eighth Judicial does
21 not retain jurisdiction due to the state failure to file
22 a timely appeal and or a timely Motion to Reconsider
23 which must be filed within 10 days to Reconsider.
24 Plaintiff's Motion should be denied, Holmes Motion
25 should be granted due to his 14th Amendment Rights
26 and his 5th Amendment Rights to Due process.
27 Pursuant to N.R.P. 54 (b) although titled a Motion

1 For Reconsideration pursuant to 59(e) NRCIP
2 Must be filed within 10 days after receipt of
3 notice of contested order. Clint Hurt + Assoc's V.
4 Silver State Oil + Gas CO 111 NE 11 1086, 901 P.2d 703 (1995)
5 Metropolitan Police Department and (ICE) U.S. Immigration
6 and Customs Enforcement (ICE) conspired and
7 alleged to being the (FBI) and threatened to seize
8 all of Holmes 3 Houses and property. Unless Holmes
9 Give them \$70,000 which Holmes Attorney
10 Sean P. Sullivan advised and conspired also with
11 ICE and Metropolitan Police Department advising
12 Holmes that the FBI is going to seize all 3 of Holmes
13 House's within 24 hours unless Holmes Give them \$70,000
14 which Holmes was misled under false pretense.

15 Holmes Finally Gave His \$70,000 to Sean P. Sullivan
16 which Holmes told His Attorney that he did not
17 receive any money from Tenga Trevarthen, Holmes was
18 advised by Sean Sullivan that He would get Holmes
19 \$70,000 back after the FBI Got to the Bottom of this.

20 Holmes Did not at any time have a federal case.
21 Holmes' Attorney knew, to seize Holmes 3 House's the FBI
22 Has certain procedures that they have to follow and Sean also
23 knew that these Agents were not the FBI.

24 Holmes was misled and coerced by Mr Sean Sullivan
25 to Give Him his \$70,000 which was done under false pretense.

1 In addition to the basis ^{argued} stated in
2 Legal Argument of Holmes Motion to Dismiss Plaintiff's
3 Motion to Reconsider Court Statistically Closing Case
4 (B) Supplement to Holmes Argument in Motion
5 to Dismiss Plaintiff's Motion to Reconsider Court
6 Statistically Closing Case The Court is Without
7 Jurisdiction And Legal Authority to Grant
8 the State's Reconsider Motion Due to the State's
9 Untimely Filed Motion, Which Was Filed 2 Years
10 after the Honorable Judge Dismissed this instant
11 Case on October 29, 2009, Pursuant to 59(e) N.R.C.P.
12 Reconsider Motion Must be Filed Within 10 days after
13 Receipt of Notice of Contested order.
14 Holmes is Entitled to ^{his} \$79,000 Back Due to Metro
15 Tac and the State Did not have a Right to Holmes
16 \$79,000 Under the 14th Amendment and the 5th Amendment
17 Due process Holmes is asking this Honorable Court
18 for his Due process Under the 14th and 5th Amendment
19 Prior to this Holmes Had been Employed with
20 the Binion's Horseshoe for 14 years, and Holmes
21 Wife Princess Holmes is still Employed at the
22 Planet Hollywood, and Holmes's wife is currently
23 Making Payments on their \$79,000 to their
24 Equity lines and lines of credits there is
25 absolutely no evidence that Holmes Received any
26 Money from Tonya Tiplarthen.

1 These are Bare allegations and if
2 these allegations were true the Honorable Judge
3 Bell would have awarded the state who also alleged
4 that Holmes had another \$75,000 DA Digiacorne
5 was asking for the Judge to make Holmes pay
6 \$75,000 of Resitution on December 30, 2008 at
7 Holmes sentencing, these are false and Bare
8 allegations Judge Bell Denied Digiacorne Request
9 for Holmes to give the state \$75,000 due to these
10 false allegations Holmes Has been prejudice
11 under the 14th and 5th Amendment Due
12 process violations. See Exhibit 18 attached Hereto
13 Holmes signed Affidavit

1
2 AFFIDAVIT OF Robert Holmes III
3

4 State of Nevada

5 SS:

6 County of Clark
7

8 I, Robert Holmes III, being first duly
9 sworn, deposes and says:

10 1. I am the Defendant in Eighth Judicial
11 District Court Forfeiture Case at A537416

12 2. I was misled by (ICE) U.S. Immigration and Customs
13 Metropolitan Police Department and Attorney Sean Sullivan
14 from Kelly and Sullivan Law Office which I was told
15 that ICE was the (FBI) and my 3 Homes would be
16 seize if I don't give them \$70,000 in cash. I gave
17 Sean P. Sullivan \$70,000 in cash which this money
18 was suppose to be used to Buy my Mother a Home
19 in Alabama Because she gave me and my wife her
20 Home in exchange, we took out loans on our Home
21 so we could Buy my Mother Ernestine Holmes a Home
22 when she was to Retire at 60. Sean Sullivan advised
23 me that he will get my \$70,000 Back which he never
24 did, my wife Princess Holmes is still making
25 payments to our Equity loans, and line of credits.

26
27 Exhibit 18

1 3. Due to misleading me and alleging
2 that the (FBI) was going to seize my 3 Homes
3 IF it had not been for these false allegations
4 I would not have given Sean Sullivan and
5 I cc my \$70,000.

6 Executed at Southern Desert Correctional
7 center under penalty of perjury pursuant to
8 28 U.S.C. 1746 on this 30th day of January
9 2012

13 Btl: Robert Holmes III
14 Robert Holmes III

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Supplement To Motion to Dismiss plaintiff's Motion to Reconsider
Court Statistically Closing Case Title of Document) _____

filed in District Court Case number 07 A537416

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

Robert Holmes III
Signature

1-30-2012
Date

Robert Holmes III
Print Name

Pro se
Title

CERTIFICATE OF SERVICE BY MAILING

I, Robert Holmes III, hereby certify, pursuant to NRCP 5(b), that on this 30
day of January, 2012, I mailed a true and correct copy of the foregoing, "Supplement
To Motion to Dismiss Plaintiff's Motion to Reconsider Court"
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
statistically closing case.
addressed as follows:

D.A. David Payer
District Attorney Office
200 Lewis Avenue
Las Vegas NV 89155

CC: FILE

DATED: this 30 day of January, 2012.

Robert Holmes III 1/30/12
Robert Holmes III # 1234124
SDCC /In Propria Personam
Post Office box 208 SDCC
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

1 Robert Holmes III 1034184
2 / In Propria Personam
3 Post Office Box 208 S.D.C.C.
4 Indian Springs, Nevada 89018

Please
send stamp
file copy

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

FILED
FEB 09 2012
Clerk of Court
CLERK OF COURT

8 Las Vegas Metropolitan
9 Police Department
10 State of Nevada
11 Plaintiff
12 VS
13 US Currency \$281,656.73
14 Robert Holmes III
15 Defendant

Case No. 07 A537416
Dept No. VII
Docket _____

16 NOTICE OF MOTION

17 YOU WILL PLEASE TAKE NOTICE, that Robert Holmes III

18 in pro se Supplement to motion to Dismiss Plaintiff's motion
19 to Reconsider court statistically closing case
20 will come on for hearing before the above-entitled Court on the ____ day of _____, 20____,
21 at the hour of ____ o'clock ____ M. In Department ____, of said Court.

22 CC:FILE

23 DATED: this 30 day of January, 2012.

24 BY: Robert Holmes III 1034184
25 Robert Holmes III #1034184
26 /In Propria Personam

07A537416
NOTM
Notice of Motion
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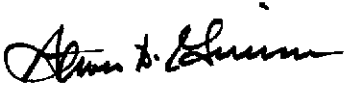
RECEIVED

FEB 06 2012

FEB 09 2012

CLERK OF THE COURT

CLERK OF THE COURT


CLERK OF THE COURT

1 **OPPS**
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,

13 -vs-

CASE NO: 07A537416

DEPT NO: VII

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

15 Defendant.

16 **OPPOSITION TO CLAIMANT'S MOTION TO DISMISS PLAINTIFF'S MOTION**
17 **TO RECONSIDER COURT STATISTICALLY CLOSING CASE**

18 DATE OF HEARING: 03/13/12
19 TIME OF HEARING: 8:00 A.M.

20 COMES NOW the Las Vegas Metropolitan Police Department, Plaintiff herein,
21 through its attorney STEVEN B. WOLFSON, District Attorney, Clark County, by
22 THOMAS J. MOREO, Chief Deputy District Attorney, and respectfully submits its
23 Opposition to Claimant's Motion to Dismiss Plaintiff's Motion to Reconsider Court
24 Statistically Closing Case.

25 In January 2012, this Honorable Court granted Plaintiff's Motion to Reconsider
26 Statistically Closing Case as there was a stay in effect in the forfeiture action pending the
27 outcome of the criminal proceedings.

28 ///

///

1 On February 6, 2012, Claimant ROBERT HOLMES, III, filed a Motion to Dismiss
2 Plaintiff's Motion to Reconsider Court Statistically Closing Case. Claimant's Motion to
3 Dismiss is, in fact, moot due to the Court acknowledging the forfeiture case was improperly
4 closed. Upon the Court's review of the case history and the pending stay of the forfeiture
5 action, the case was reopened by Order of the Court filed on January 24, 2012. (Exhibit "1")

6 Therefore, the Claimant's Motion to Dismiss should be denied.

7 DATED this 21st day of February, 2012.

8
9 Respectfully submitted,

10 MARY-ANNE MILLER
Interim Clark County District Attorney
11 Nevada Bar #001419

12 BY /s/ T J MOREO

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

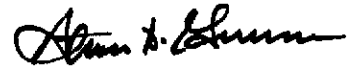
15
16 **CERTIFICATE OF MAILING**

17 I hereby certify that service of the above and foregoing was made this 21st day of
18 February, 2012, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:
19 ROBERT HOLMES, III, (ID#1034184), Southern Desert Correctional Center, 20825 Cold
20 Creek Road, P.O. Box 208, Indian Springs, NV 89070-0208.

21
22 /s/ Jessica Daniels

23 Jessica Daniels, Legal Secretary
24 District Attorney's Office

25
26
27
28 LVMPD EV#060924-0418/jd


CLERK OF THE COURT

ORDR
MARY-ANNE MILLER
Interim Clark County District Attorney
Nevada Bar #001419
THOMAS J. MOREO
Nevada Bar #002415
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Plaintiff,

-vs-

U.S. CURRENCY \$281,656.73,

Defendant.

CASE NO: 07A537416

DEPT NO: VIII

ORDER GRANTING PLAINTIFF'S MOTION TO RECONSIDER STATISTICALLY
CLOSING CASE

DATE OF HEARING: January 9, 2012

THIS MATTER having been noticed for January 9, 2012 and the Court having
reviewed all documents and good cause appearing;

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EXHIBIT " 1 "

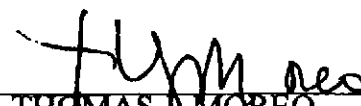
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IT IS HEREBY ORDERED that the Plaintiff's Motion, shall be, and it is Granted.
DATED this 19th day of January, 2012.

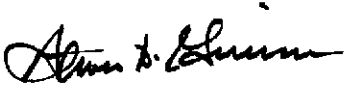


DISTRICT JUDGE *RA*

MARY-ANNE MILLER
Interim Clark County District Attorney
Nevada Bar #001419

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

LVMPD EVENT #060924-0418/jd


CLERK OF THE COURT

NOTM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
THOMAS J. MOREO
Chief Deputy District Attorney
Nevada Bar #002415
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE)
DEPARTMENT,)

Plaintiff,)

vs.)

U.S. CURRENCY \$281,656.72,)

Defendant.)

Case No. 07A537416

Dept No. VIII

NOTICE OF MOTION AND MOTION TO LIFT STAY

DATE OF HEARING: _____

TIME OF HEARING: _____ A.M.

COMES NOW, STEVEN B. WOLFSON, Clark County District Attorney, by and through THOMAS J. MOREO, Chief Deputy District Attorney, attorneys representing Plaintiff herein and respectfully moves this Honorable Court for an Order lifting the two Motions to Stay of Forfeiture Case herein filed on or about April 5, 2007 and April 23, 2007.

///

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///

///

1 This Motion is made and based upon the attached Points and Authorities and any
2 argument deemed appropriate at time of hearing.

3 Respectfully submitted
4 STEVEN B. WOLFSON
5 DISTRICT ATTORNEY
6 Nevada Bar #001565

7 BY /s/ T J MOREO
8 THOMAS J. MOREO
9 Chief Deputy District Attorney
10 Nevada Bar #002415
11 Attorney for Plaintiff

12 **NOTICE OF MOTION**

13 TO: CYNTHIA L. DUSTIN, ESQ.
14 324 S. 3rd Street, #1
15 Las Vegas, NV 89101
16 Attorney for BRYAN M. FERGASON

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

21 Daimon Monroe (BAC #38299)
22 High Desert State Prison
23 P.O. Box 650
24 Indian Springs, NV 89070-0650

25 YOU WILL PLEASE TAKE NOTICE that the Plaintiff will bring the foregoing
26 Motion on for hearing before the above entitled Court at the Clark County Courthouse, Las
27 Vegas, Nevada, on the 9 day of April, 2012, in **Department**
28 **VIII**, at the hour of In Chambers **a.m.** of that day, or as soon thereafter as counsel may be
heard.

23 Respectfully submitted
24 STEVEN B. WOLFSON
25 DISTRICT ATTORNEY
26 Nevada Bar #001565

27 BY /s/ T J MOREO
28 THOMAS J. MOREO
Chief Deputy District Attorney
Nevada Bar #002415

1 **POINTS AND AUTHORITIES**

2 **BACKGROUND**

3 Plaintiff the Las Vegas Metropolitan Police Department filed a Complaint for
4 Forfeiture in this forfeiture proceeding on March 9, 2007. Pursuant to NRS 170.1173, a stay
5 of these proceedings was entered pursuant to two Motions for Stay of Forfeiture Case.

6 Claimant, DAIMON MONROE, aka Daimon Devi Hoyt, in Proper Person, filed a
7 Motion for Stay of Forfeiture Case proceedings with the Clark County Clerk's Office on
8 April 5, 2007. In Claimant MONROE'S Motion, he requested a stay pending the outcome of
9 the criminal cases C228752 and 06F18594X.

10 Claimant, BRYAN M FERGASON, aka Bryan Michael Fergason, aka J.B., through
11 his attorney Cynthia L. Dustin, Esq., filed a Motion for Stay of Forfeiture Case with the
12 Clark County Clerk's office on April 23, 2007. In Claimant FERGASON's Motion, he
13 requested a stay pending the outcome of the criminal case C208321.

14 On April 24, 2007, in a telephone conversation with Sean P. Sullivan, Esq, attorney
15 for Claimant ROBERT HOLMES, III, aka Bobby Holmes, aka Robert Holmes, affirmed that
16 Claimant HOLMES joins in the two Motions for Stay of Proceedings.

17 Potential Claimant, TONYA TREVARTHEN, aka Tonya Michelle Trevarthen, who
18 resides out of state, was served with the Summons and Complaint in the forfeiture action by
19 publication in the Las Vegas Review Journal.

20 Plaintiff's representative, Thomas J. Moreo agreed to stay the forfeiture matter
21 pending the outcome of the criminal cases, which is based on the same evidence as the
22 forfeiture matter.

23 In respect to Claimant DAIMON MONROE's Motion for Stay pending criminal case,
24 C228752, all defendants have been adjudicated guilty by way of Judgments of Conviction.
25 As to Claimant TONYA TREVARTHEN, aka Tonya Michelle Trevarthen, a Judgment of
26 Conviction was filed in this matter on October 3, 2008. On January 5, 2009, a Judgment of
27 Conviction was filed as to Claimant ROBERT HOLMES, III, aka Bobby Holmes, aka
28 Robert Holmes. On April 6, 2009, an Amended Judgment of Conviction was filed in this

1 matter as to Claimant BRYAN FERGASON, aka Bryan Michael Fergason, aka J.B. Lastly,
2 as to Claimant DAIMON MONROE, aka Daimon Devi Hoyt, an Amended Judgment of
3 Conviction was filed in this case on September 17, 2010.

4 Further, in respect to Claimant DAIMON MONROE's Motion for Stay, he also
5 referenced the pending criminal case 06F18594X. This case was bound over to District
6 Court, Case No. C227874. Claimants, DAIMON MONROE and BRYAN FERGASON,
7 have been adjudicated guilty in Case No. C227874. An Amended Judgment of Conviction
8 was filed in Case No. C227874 on August 4, 2008, as to Claimant DAIMON MONROE, aka
9 Daimon Devi Hoyt. A Second Amended Judgment of Conviction was filed in Case No.
10 C227874 on March 3, 2010, as to Claimant BRYAN FERGASON, aka Bryan Michael
11 Fergason, aka J.B.

12 Lastly, in Claimant BRYAN FERGASON's Motion for Stay, he referenced the
13 pending criminal charges in Case No. C208321. On June 29, 2011, a Second Amended
14 Judgment of Conviction was filed in this matter as to Claimant BRYAN FERGASON.

15 **DISCUSSION**

16 NRS 170.1173 provides that a forfeiture case may be stayed during the pendency of
17 any underlying criminal case. In the subject case, the stay was properly granted pursuant to
18 this statute. However, the underlying criminal cases have since been bound over to District
19 Court, Case Numbers 06C228752, 06C227874, and 06C208321, and all parties have been
20 adjudicated guilty. As such, Plaintiff respectfully requests this Court to lift the stay
21 previously ordered in these proceedings.

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CONCLUSION

Based on the foregoing, Plaintiff the Las Vegas Metropolitan Police Department respectfully requests that this Court lift the stay in these proceedings.

DATED this 5th day of March, 2012.

Respectfully submitted,

STEVEN B. WOLFSON
DISTRICT ATTORNEY
Nevada Bar #001565

BY /s/ T J MOREO

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

LVMPD EV#060924-0418/jd

CERTIFICATE OF MAILING

I hereby certify that service of the NOTICE OF MOTION AND MOTION TO LIFT STAY, was made this 5th day of March, 2012, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

CYNTHIA L. DUSTIN, ESQ.
324 S. 3rd Street, #1
Las Vegas, NV 89101
Attorney for BRYAN M. FERGASON

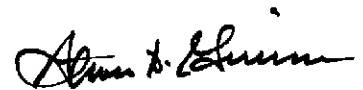
ROBERT HOLMES, III (BAC #1034184)
Southern Desert Correctional Center
P.O. Box 208
Indian Springs, NV 89070-0208

Daimon Monroe (BAC #38299)
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070-0650.

BY: /s/ Jessica Daniels

Jessica Daniels, Legal Secretary
Clark County District Attorney's Office

LVMPD EV#060924-0418/jd



CLERK OF THE COURT

ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
THOMAS J. MOREO
Nevada Bar #002415
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Plaintiff,

-vs-

U.S. CURRENCY \$281,656.73,

Defendant.

CASE NO: 07A537416

DEPT NO: VIII

ORDER RE HEARING HELD JANUARY 28, 2012

THIS MATTER having come on for hearing on the 28th day of February 28, 2012, on Defendant's Motion for Enlargement of Time to Respond to Plaintiff's Motion to Reconsider Court Statistically Closing Case; the Court having reviewed all documents and good cause appearing;

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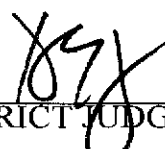
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1 IT IS HEREBY ORDERED that Defendant's Motion for Enlargement of Time is off
2 Calendar as Moot due to the Court closing the case in error.

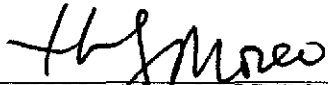
3 IT IS FURTHER ORDERED that Defendant's Motion to Dismiss, originally set for
4 March 13, 2012, is Denied.

5 DATED this 6th day of March, 2012.

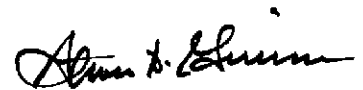
6
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8 
DISTRICT JUDGE *RA*

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

11
12 BY


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

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28 LVMPD EVENT #060924-0418/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**

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 **LAS VEGAS METROPOLITAN POLICE**
11 **DEPARTMENT,**

11 **Plaintiff,**

12 **-vs-**

CASE NO: 07A537416

DEPT NO: VIII

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

15 **NOTICE OF ENTRY OF ORDER**

16 **TO: CYNTHIA L. DUSTIN, ESQ.**
17 **Attorney for BRYAN M. FERGASON**

18 **TO: ROBERT HOLMES, III**
19 **Claimant in Proper Person**

20 **TO: Daimon Monroe**
21 **Claimant in Proper Person**

22 **YOU WILL PLEASE TAKE NOTICE that an Order was entered on the 9th day of**
23 **March, 2012, in the above-entitled action, a copy of which is attached hereto.**

24 **DATED this 12th day of March, 2012.**

25 **STEVEN B. WOLFSON**
26 **Clark County District Attorney**
27 **Nevada Bar #001565**

28 **BY**



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

CERTIFICATE OF MAILING

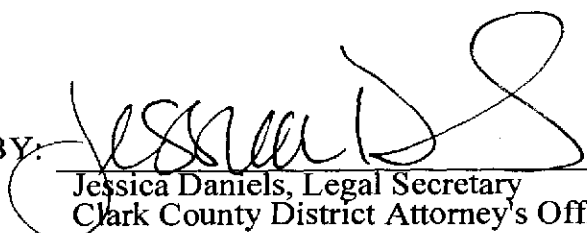
I hereby certify that service of the NOTICE OF ENTRY OF ORDER, was made this 12th day of March, 2012, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

CYNTHIA L. DUSTIN, ESQ.
324 S. 3rd Street, #1
Las Vegas, NV 89101
Attorney for BRYAN M. FERGASON

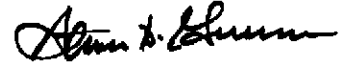
ROBERT HOLMES, III (BAC #1034184)
Southern Desert Correctional Center
P.O. Box 208
Indian Springs, NV 89070-0208

Daimon Monroe (BAC #38299)
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070-0650.

BY:


Jessica Daniels, Legal Secretary
Clark County District Attorney's Office

LVMPD EV#060924-0418/jd


CLERK OF THE COURT

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

DISTRICT COURT
CLARK COUNTY, NEVADA

11 LAS VEGAS METROPOLITAN POLICE
12 DEPARTMENT,

Plaintiff,

-vs-

CASE NO: 07A537416

DEPT NO: VIII

U.S. CURRENCY \$281,656.73,

Defendant.

ORDER RE HEARING HELD JANUARY 28, 2012

THIS MATTER having come on for hearing on the 28th day of February 28, 2012, on
Defendant's Motion for Enlargement of Time to Respond to Plaintiff's Motion to Reconsider
Court Statistically Closing Case; the Court having reviewed all documents and good cause
appearing;

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1 IT IS HEREBY ORDERED that Defendant's Motion for Enlargement of Time is off
2 Calendar as Moot due to the Court closing the case in error.

3 IT IS FURTHER ORDERED that Defendant's Motion to Dismiss, originally set for
4 March 13, 2012, is Denied.

5 DATED this 6th day of March, 2012.

6
7
8 
DISTRICT JUDGE *RA*

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

11
12 BY 
13 THOMAS J. MOREO
14 Chief Deputy District Attorney
Nevada Bar #002415

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28 LVMPD EVENT #060924-0418/jd

1 Robert Holmes III

2 NDOC No. ~~1034184~~ 1034184

FILED

3 Southern Desert Correctional CTN
4 20825 Cold Creek Rd. P.O. Box 208 Indian Springs
5 In proper person Nevada 89070

MAR 15 3 18 PM '12

Steven D. Schuman
CLERK OF THE COURT

6 IN THE Eighth JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE

8 COUNTY OF Clark County

9
10 Robert Holmes III)

11 U.S. Currency \$28,656.73)

12 Petitioner,)

13 v.)

14 Las Vegas Metropolitan)

15 Police Department)

16 State of Nevada)

Case No. 07 A537416

17 Dept. No. VII

18 Respondent.)

07A537416
MOT
Motion
1798984



20 MOTION AND ORDER FOR TRANSPORTATION

21 OF INMATE FOR COURT APPEARANCE

22 OR, IN THE ALTERNATIVE,

23 FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE

24
25 Petitioner, Robert Holmes III, proceeding pro se, requests
26 that this Honorable Court order transportation for his personal appearance or, in the
27 alternative, that he be made available to appear by telephone or by video conference
28 at the hearing in the instant case that is scheduled for 3-13-2012
29 at 8 AM RECEIVED

MAR 12 2012

CLERK OF THE COURT

RECEIVED

MAR 15 2012

CLERK OF THE COURT

1 In support of this Motion, I allege the following:

2 1. I am an inmate incarcerated at Southern Desert Correctional Inst.
3 My mandatory release date is 7-15-2015.

4
5 2. The Department of Corrections is required to transport offenders to and
6
7 from Court if an inmate is required or requests to appear before a Court in this state.
8

9 NRS 209.274 Transportation of Offender to Appear Before Court states:

10 "1. Except as otherwise provided in this section, when an offender is
11 required or requested to appear before a Court in this state, the
12 Department shall transport the offender to and from Court on the day
13 scheduled for his appearance.

14 2. If notice is not provided within the time set forth in NRS 50.215, the
15 Department shall transport the offender to Court on the date scheduled
16 for his appearance if it is possible to transport the offender in the usual
17 manner for the transportation of offenders by the Department. If it is
18 not possible for the Department to transport the offender in the usual
19 manner:

20 (a) The Department shall make the offender available on the date scheduled
21 for his appearance to provide testimony by telephone or by video conference,
22 if so requested by the Court.

23 (b) The Department shall provide for special transportation of the offender to
24 and from the Court, if the Court so orders. If the Court orders special
25 transportation, it shall order the county in which the Court is located to
26 reimburse the Department for any cost incurred for the special transportation.

27 (c) The Court may order the county sheriff to transport the offender to and
28 from the Court at the expense of the county."

29 3. My presence is required at the hearing because:

1 ☒ I AM NEEDED AS A WITNESS.

2 My petition raises substantial issues of fact concerning events in which I
3 participated and about which only I can testify. *See U.S. v. Hayman*, 342 U.S.
4 205 (1952) (District Court erred when it made findings of fact concerning
5 Hayman's knowledge and consent to his counsel's representation of a witness
6 against Hayman without notice to Hayman or Hayman's presence at the
7 evidentiary hearing).

8 ☐ THE HEARING WILL BE AN EVIDENTIARY HEARING.

9 My petition raises material issues of fact that can be determined only in my
10 presence. *See Walker v. Johnston*, 312 U.S. 275 (1941) (government's contention
11 that allegations are improbable and unbelievable cannot serve to deny the
12 petitioner an opportunity to support them by evidence). The Nevada
13 Supreme Court has held that the presence of the petitioner for habeas corpus
14 relief is required at any evidentiary hearing conducted on the merits of the
15 claim asserted in the petition. *See Gebers v. Nevada*, 118 Nev. 500 (2002).

16 4. The prohibition against ex parte communication requires that I be present
17 at any hearing at which the state is present and at which issues concerning the claims
18 raised in my petition are addressed. U.S. Const. amends. V, VI.

19 5. If a person incarcerated in a state prison is required or is requested to
20 appear as a witness in any action, the Department of Corrections must be notified in
21 writing not less than 7 business days before the date scheduled for his appearance in
22 Court if the inmate is incarcerated in a prison located not more than 40 miles from
23 Las Vegas. NRS 50.215(4). If a person is incarcerated in a prison located 41 miles or
24 more from Las Vegas, the Department of Corrections must be notified in writing not
25 less than 14 business days before the date scheduled for the person's appearance in
26 Court.

27 6. Southern Desert Correctional^{CH} is located approximately

28 35 miles from Las Vegas, Nevada.

1 7. If there is insufficient time to provide the required notice to the Department
2 of Corrections for me to be transported to the hearing, I respectfully request that this
3 Honorable Court order the Warden to make me available on the date of the
4 scheduled appearance, by telephone, or video conference, pursuant to NRS
5 209.274(2)(a), so that I may provide relevant testimony and/or be present for the
6 evidentiary hearing.

7 8. The rules of the institution prohibit me from placing telephone calls from
8 the institution, except for collect calls, unless special arrangements are made with
9 prison staff. Nev. Admin. Code DOC 718.01. However, arrangements for my
10 telephone appearance can be made by contacting the following staff member at my
11 institution: Southern Desert Correctional^{CDM}, Case Worker,
12 whose telephone number is _____

13
14 Dated this 1 day of March, 2012.

15
16 Robert Holmes III 1034184

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19 Robert Holmes III 1034184
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IN THE Eighth JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE

Robert Holmes III COUNTY OF Clark County
U.S. Currency 12,81,656.73

Petitioner,

v.

Las Vegas Metropolitan
Police Department
State of Nevada

Case No. 07-A537416

Dept. No. VII

Respondent.)

ORDER FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE
OR, IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE OR VIDEO
CONFERENCE

Based upon the above motion, I find that the presence of
Robert Holmes III is necessary for the hearing that is scheduled in this
case on the 13 day of March, 2012, at
8 AM.

THEREFOR, IT IS HEREBY ORDERED that,

☐ Pursuant to NRS 209.274, Warden Brian Williams
of SDCC Southern Desert Correctional is hereby commanded to have
Robert Holmes III transported to appear before me at a hearing
scheduled for March 13, 2012 at 8 AM at the
District Court County Courthouse. Upon completion of the hearing,

07A537416
LSF
Left Side Filing
1799008



CLERK OF THE COURT

MAR 15 2012

RECEIVED

1 Robert Holmes III is to be transported back to the above
2 named institution.

3
4 ☐ Pursuant to NRS 209.274(2)(a), Petitioner shall be made available for telephonic
5 or video conference appearance by his or her institution. My clerk will contact
6 _____ at _____ to make
7 arrangements for the Court to initiate the telephone appearance for the hearing.
8

9 Dated this _____ day of _____
10
11
12

13 _____
14 District Court Judge
15
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Robert Holmes III I.D. NO. 1034184

Southern Desert Correctional CTN.

20825 Cold Creek Rd.

P.O. Box 208

Indian Springs, NV 89018

FILED

please send
stamp file copy
MAR 13 4 08 PM '12
Clerk of the Court

District Court
Clark County Nevada

Las Vegas Metropolitan

Police Department

State of Nevada

Plaintiff

VS

U.S. Currency \$2.81, 1976-73

Robert Holmes III

Defendant

Case No: 07 A537416

Dept. No. VII

Docket:

07A537416
SUPPL
Supplement
1799028



Second Supplement to
Motion to Dismiss Plaintiff's
Motion to Reconsider Court
Statistically Closing Case

Comes now Robert Holmes III herein above respectfully
moves this Honorable Court for an Second Supplement to
Motion to Dismiss Plaintiff's Motion to Reconsider
Court Statistically Closing Case.

This Motion is made and based upon the accompanying
Memorandum of points and Authorities.

Dated: this day of 2012

By Robert Holmes III

Robert Holmes III 1034184
Defendant in proper person

1

(IN Violation of Defendant 5th and 14th
Amendments Rights Due process)
Memorandum of points And Authorities

This second supplement is made and based
upon all papers and Pleadings on file in this case and the following Grounds
and Supporting facts.

Nature of Motion

On December²² Holmes Mailed off His Motion for Enlargement
of time to Respond to plaintiffs Motion to Reconsider
Court Statistically closing case. Holmes mailing certificate
of service Dated December 22, 2011. The motion was
filed with the clerk of the court January 3, 2012 ^{see EX 19}
in regards to Holmes asking the Honorable District Court ^{see EX 20}
for a Enlargement of Time of 90 days Before
the Order Granting Plaintiff's Motion to Reconsider
Dated January 19, 2012. Holmes Motion for Enlargement
of time was to be Heard February 6, 2012 see EX 20
the District Court Granted the State's Motion to Reconsider
Before Holmes Enlargement of Time Motion was ever heard.
By the District Court and Holmes Motion was Filed January 3, 2012
and was put on calendar 2-21-2012 at 8 AM ^{AM} Court ordered
Matter Continued for 2-21-2012 see EX 21 also see
EX 23 Court's order Granting Plaintiff's Motion to
Reconsider statistically closing case see EX 23
Date of Hearing 1-9-2012 Date Motion was
Granted 1-19-2012 also see EX 22 opposition To Claimants motion

(Supplement To Ground 3 Legal Argument)

(C) Stay was Granted By the Honorable
Judge Bell May 17, 2007 until plea
or trial of the Criminal Case was Resolved
this stay shall be automatically lifted and
the forfeiture proceeding was to Resume. see EX 24

pg 2 INS 3-5 Cases was all
Resolved Before the Honorable Judge Smith
Dismissed this instant Forfeiture Case on October 29, 2009
also Case C208321 was already Resolved
Defendant Bryan Ferguson was found to be Guilty
of C208321 August 29, 2005 see EXS 25 and 26
the stay was Automatically lifted Due to
all of the Defendant's Cases were final and over.
The Honorable Judge Smith was well in His Right
to make a Final Decision and Final Disposition
in regards to this instant Forfeiture Case, which
was put on stay until all Defendants Criminal cases
were over. Defendants are the party that asked for
the stay. The state failed to Appeal and/or
file a timely motion to Reconsider the Honorable
Judge Smith Decision.

(D) When the Court Entered the order
Dismissing this instant Forfeiture Case
Plaintiff's was untimely towards
Challenging the Dismissal of this
instant Forfeiture Case

(5th and 14th Amendment Rights)
Violation Due process and Equal Protection
Plaintiff's failed
to follow Court procedure By filing
a untimely Reconsider Motion 2 years
after the Honorable ^{Judge} Douglas Smith Dismissed
3

(D) This instant forfeiture case on October 29, 2009 after all cases were resolved stay was automatically lifted see EX 24 also see EXS 25 and 26 attached Here to the Criminal case C208321 was Resolved August 29, 2005 See EX 25 attached Here to The state filed Notice of Motion To Reconsider Court Statistically Closing Case 11-30-2011 see EX 16 attached to Defendants Motion to Dismiss Plaintiff's Motion to Reconsider court Statistically Closing Case.

Civil procedures Rules (59 E) Rules (60 B) a Reconsider Motion must be filed within 10 days. Motion to alter or amend Judgement must be filed within 10 days. 5th and 14th Amendment Rights Violation Due process of Holmes were Violated By plaintiff's and a Violation of Equal Protections. This Honorable Court Dec's not have Jurisdiction Due to the Plaintiff's Untimely Reconsider Motion Filed 2 Years after the Dismissal of this Honorable Court.

(E) Plaintiff's Have fail to properly Raise the Challenge to the Courts Jurisdiction to Dismiss this instant Forfeiture Case. Plaintiff's have not Demonstrated why this Reconsideration Motion is not untimely.

Plaintiffs fail to sight
Case Law to support
their claims in their
opposition

Plaintiffs opposition is not
supported - BY ANY Case law
See EX 22 see Rule (59 E)
and (60 B)

Submitted BY
Robert Holmes III
Robert Holmes III
Date March 1, 2012

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding 2nd Supplement

to Dismiss Plaintiff's Motion to Reconsider Court Statistically
Closing case (Title of Document)

filed in District Court Case number ~~07~~ 07 A537416

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

Robert Holmes III
Signature

RAH
3-1-2012
3-1-2012
Date

Robert Holmes III
Print Name

pro se
Title

CERTIFICATE OF SERVICE BY MAILING

I, Robert Holmes III, hereby certify, pursuant to NRCP 5(b), that on this 2
day of March, 2012, I mailed a true and correct copy of the foregoing, "2nd
Supplement to Dismiss Plaintiff's Motion to Reconsider Court
Statistically Closing Case."
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

DA. Office
Steve WOLFSON
200 Lewis Avenue
PO Box 552212
Las Vegas Nevada 89155-2212

CC:FILE

DATED: this 21 day of March, 2012.

Robert HOLMES III 1034/184
Robert HOLMES III # 1034/184
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

CERTIFICATE OF SERVICE BY MAILING

I, Robert Holmes III, hereby certify, pursuant to NRCP 5(b), that on this 22
day of December, 2011, I mailed a true and correct copy of the foregoing, "Motion
for Enlargement of Time in regards to Metropolitan Police
Reconsider Motion"
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

DR. OFFICE David Rager
200 Lewis Avenue
Las Vegas, Nevada 89155

CC:FILE

DATED: this 22 day of December, 2011.

Robert Holmes III
Robert Holmes III # 1234184
/In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS.

EX 19

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Motion For Enlargement of Time
(Title of Document)

filed in District Court Case number 07 A537416

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

Robert Holmes III
Signature

12-22-2011
Date

Robert Holmes III
Print Name

Pro se
Title

1 Robert Holmes III ID NO. 1034184

2 SOUTHERN DESERT CORRECTIONAL CTN.
3 20825 COLD CREEK RD.
4 P.O. BOX 208
5 INDIAN SPRINGS, NV 89018

6 District Court
7 Clark County, Nevada

8 Las Vegas Metropolitan
9 Police Department
10 Plaintiff

11 U.S. Currency #28165673

12 Defendant

CASE NO.: 07 A537416

DEPT. NO.: VIII

DOCKET: _____

13 Defendant's Motion For
14 Enlargement of time to Respond
15 To Plaintiff's Motion to Reconsider Court
16 Statistically Closing Case

17 COMES NOW Robert Holmes III ^{IN INTEREST} in pro se. Real party, herein above respectfully
18 moves this Honorable Court for an Enlargement of time of 90 Days

19 Due to District Attorney's office failing to send notice
20 of Motion and Motion to the correct address Certificate of Mailing
21 Shows Defendant Rental address Defendant is currently at SDC

22 This Motion is made and based upon the accompanying Memorandum of Points and
23 Authorities,

24 DATED: this 22 day of December, 2011

25 BY: Robert Holmes III

26 Robert Holmes III # 1034184
27 Defendant In Proper Personam
28

1 Defendant Holmes in prose is asking this Honorable
2 Court for a Enlargement of time due to the District
3 Attorney's' Office sending this motion to the wrong address
4 Defendant Real Party in interest is currently incarcerated at
5 San Jo. Box 208 Indian Springs Nevada 89070 Defendant
6 Holmes needs 90 days to respond to this motion to
7 Reconsider Court Statistically Closing Case. Defendant needs 90
8 Days to Research and Respond to this motion.
9 See Exhibit 1 Certificate of Mailing LN 9 Robert Holmes JR
10 2364 Rayknewel Las Vegas Nevada 89115 this is the
11 address that the District Attorney's Office sent this
12 Reconsider Motion to Defendant Holmes is also asking
13 this Honorable Court for the Honorable Judge Douglas
14 E. Smith Notice of order that was Rendered on October 29, 2009
15 which Defendant Holmes has never received a full order of
16 the Judgement, Defendant has a Due process under the
17 14th Amendment to the minutes and the full order,
18 which he needs to Respond to this motion to Reconsider.

07A537416

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 06, 2012

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

February 06, 2012

3:00 AM

Motion

Defendant's Motion
for Enlargement of
time to Respond to
Plaintiff's Motion to
Reconsider Court
Statistically Closing
Case

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED to hearing calendar.

02-21-12 8:00 AM Defendant's Motion for Enlargement of time to Respond to Plaintiff's Motion to Reconsider Court Statistically Closing Case

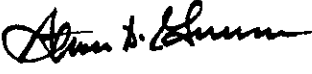
CLERK'S NOTE: The above minute order has been distributed to: Robert Holmes III #1034184 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89018 and Thomas J. Moreo, Chief Deputy District Attorney - Civil Division. 02/08/12 kls

PRINT DATE: 02/08/2012

Page 1 of 1

Minutes Date: February 06, 2012

EX 21


CLERK OF THE COURT

1 **OPPS**
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,

13 -vs-

CASE NO: 07A537416

DEPT NO: VII

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

16 **OPPOSITION TO CLAIMANT'S MOTION TO DISMISS PLAINTIFF'S MOTION**
17 **TO RECONSIDER COURT STATISTICALLY CLOSING CASE**

18 DATE OF HEARING: 03/13/12
19 TIME OF HEARING: 8:00 A.M.

20 COMES NOW the Las Vegas Metropolitan Police Department, Plaintiff herein,
21 through its attorney STEVEN B. WOLFSON, District Attorney, Clark County, by
22 THOMAS J. MOREO, Chief Deputy District Attorney, and respectfully submits its
23 Opposition to Claimant's Motion to Dismiss Plaintiff's Motion to Reconsider Court
24 Statistically Closing Case.

25 In January 2012, this Honorable Court granted Plaintiff's Motion to Reconsider
26 Statistically Closing Case as there was a stay in effect in the forfeiture action pending the
27 outcome of the criminal proceedings.

28 ///

///

EX 22

1 On February 6, 2012, Claimant ROBERT HOLMES, III, filed a Motion to Dismiss
2 Plaintiff's Motion to Reconsider Court Statistically Closing Case. Claimant's Motion to
3 Dismiss is, in fact, moot due to the Court acknowledging the forfeiture case was improperly
4 closed. Upon the Court's review of the case history and the pending stay of the forfeiture
5 action, the case was reopened by Order of the Court filed on January 24, 2012. (Exhibit "1")

6 Therefore, the Claimant's Motion to Dismiss should be denied.

7 DATED this 21st day of February, 2012.

8 Respectfully submitted,

9 MARY-ANNE MILLER
10 Interim Clark County District Attorney
11 Nevada Bar #001419

12 BY /s/ T J MOREO

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

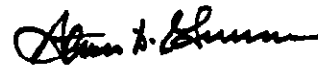
16 **CERTIFICATE OF MAILING**

17 I hereby certify that service of the above and foregoing was made this 21st day of
18 February, 2012, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:
19 ROBERT HOLMES, III, (ID#1034184), Southern Desert Correctional Center, 20825 Cold
20 Creek Road, P.O. Box 208, Indian Springs, NV 89070-0208.

21 /s/ Jessica Daniels

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

28 LVMPD EV#060924-0418/jd


CLERK OF THE COURT

1 **ORDR**
2 **MARY-ANNE MILLER**
3 **Interim Clark County District Attorney**
4 **Nevada Bar #001419**
5 **THOMAS J. MOREO**
6 **Nevada Bar #002415**
7 **200 Lewis Avenue**
8 **Las Vegas, Nevada 89155-2212**
9 **(702) 671-2500**
10 **Attorney for Plaintiff**

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 **LAS VEGAS METROPOLITAN POLICE**
11 **DEPARTMENT,**

12 **Plaintiff,**

13 **-vs-**

CASE NO: 07A537416

DEPT NO: VIII

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

15 **Defendant.**

16 **ORDER GRANTING PLAINTIFF'S MOTION TO RECONSIDER STATISTICALLY**
17 **CLOSING CASE**

18 **DATE OF HEARING: January 9, 2012**

19 **THIS MATTER having been noticed for January 9, 2012 and the Court having**
20 **reviewed all documents and good cause appearing;**

21 **///**

22 **///**

23 **///**

24 **///**

25 **///**

26 **///**

27 **///**

28 **///**

EXHIBIT 1

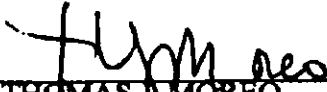
EX 23

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IT IS HEREBY ORDERED that the Plaintiff's Motion, shall be, and it is Granted.
DATED this 19th day of January, 2012.


DISTRICT JUDGE RA

MARY-ANNE MILLER
Interim Clark County District Attorney
Nevada Bar #001419

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

LVMPD EVENT #060924-0418/jd

FILED

MAY 18 12 45 PM '07

Chaf
CLERK OF THE COURT

1 **ORDR**
2 **DAVID ROGER**
3 **Clark County District Attorney**
4 **Nevada Bar #02781**
5 **RANDALL F. WEED**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #000082**
8 **200 Lewis Avenue**
9 **Las Vegas, NV 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

DISTRICT COURT
CLARK COUNTY, NEVADA

12 **LAS VEGAS METROPOLITAN POLICE**
13 **DEPARTMENT,**

Plaintiff,

-vs-

U.S. CURRENCY \$281,656.73

Defendant.

Case No. A537416
Dept No. VII

ORDER GRANTING MOTION FOR STAY
OF FORFEITURE PROCEEDINGS

DATE OF HEARING: 05/16/2007
TIME OF HEARING: 8:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 16th day of May, 2007, the Claimants not being present, and Claimants' Counsel not being present, the Plaintiff being represented by DAVID ROGER, District Attorney, through RANDALL F. WEED, Chief Deputy District Attorney, and the Court having heard the arguments of counsel and good cause appearing therefor,

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EX 24

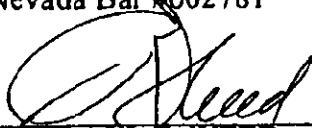
1 IT IS HEREBY ORDERED that the Motion for Stay of the Forfeiture Proceeding;
2 shall be, and it is Granted.

3 IT IS FURTHER ORDERED that upon the final resolution of Criminal Cas
4 C208321 by trial or by negotiation that this Stay shall be automatically lifted and th
5 forfeiture proceeding may resume.

6 DATED this 17 day of May, 2007.

7
8 STEWART L. BELL
9 DISTRICT JUDGE

10
11 DAVID ROGER
12 DISTRICT ATTORNEY
13 Nevada Bar #002781

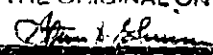
14 
15 RANDALL F. WEED
16 Chief Deputy District Attorney
17 Nevada Bar #000082
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LVMPD EV#060924-0418/cm

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TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

INFORFEITORDERS2007060924-0418MONROE, FERGASON, HOLMES (Ch
2

JUN 13 2010


CLERK OF THE COURT

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1 This page concerning the prior convictions hereinbelow set forth is to be considered
2 by the Court in its discretion ONLY after the finding of guilty of Defendant on the primary
3 charge herein.

4 That said Defendant BRYAN M. FERGUSON, has been five (5) times convicted of
5 crimes, which, under the laws of the situs of the crime and/or the State of Nevada, amount to
6 felonies, to-wit:

7 1. That on or about the 28th day of August, 1998, the Defendant was convicted in the
8 State of Nevada, County of Washoe, for the crime of Under the Influence of Controlled
9 Substance, in Case No. CR97-0066.

10 2. That on or about the 10th day of February, 1999, the Defendant was convicted in
11 the State of Nevada, County of Washoe, for the crime of Battery With Substantial Bodily
12 Harm, in Case No. CR98-2316.

13 3. That on or about the 14th day of October, 1998, the Defendant was convicted in the
14 State of Nevada, County of Washoe, for the crime(s) of Possession of Controlled Substance
15 and Under the Influence of a Controlled Substance, in Case No. CR98-2072.

16 4. That on or about the 28th day of August, 1998, the Defendant was convicted in the
17 State of Nevada, County of Washoe, for the crime of Using a Controlled Substance, in Case
18 No. C497-0067.

19 5. That on August 29, 2005, the Defendant was convicted in the Eighth Judicial
20 District Court, County of Clark, State of Nevada, for the crime Attempt Burglary, in Case
21 No. C208321.

22
23
24 BY

David Roger

DAVID ROGER
DISTRICT ATTORNEY
Nevada Bar #002781

25
26 **DO NOT READ TO THE JURY**

27 DA#06F18594A, B/m6
28 LVMPD EV#0609240418; 0609240427
CONSP; BURG; GL; PSP; PBT - GM/F
(TK8)

5-24-10
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TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

William L. Johnson
CLERK OF THE COURT

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EX 25

1 This page concerning the prior convictions hereinbelow set forth is to be considered
2 by the Court in its discretion ONLY after the finding of guilty of Defendant on the primary
3 charge herein.

4 That said Defendant BRYAN M. FERGUSON, has been five (5) times convicted of
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19 5. That on August 29, 2005, the Defendant was convicted in the Eighth Judicial
20 District Court, County of Clark, State of Nevada, for the crime Attempt Burglary, in Case
21 No. C208321.

22
23
24 BY

SANDRA K. DIGIACOMO
Deputy District Attorney
Nevada Bar #006204

25
26 **DO NOT READ TO THE JURY**

27 DA#06F18594A, B/dd

LVMPD EV#0609240418; 0609240427

28 CONSP; BURG; GL; PSP; PBT - GM/5-24-10
(TK8)

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John L. Sullivan
CLERK OF THE COURT

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IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Jun 07 2013 11:59 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

ROBERT HOLMES, III,
Appellant(s),
vs.

Case No: A537416
SC Case No: 62274

LAS VEGAS METROPOLITAN
POLICE DEPARTMENT,
Respondent(s),

RECORD ON APPEAL VOLUME 1

ATTORNEY FOR APPELLANT
ROBERT HOLMES, III #1034184
PROPER PERSON
P.O. BOX 208
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT
STEVEN B. WOLFSON, ESQ.
DISTRICT ATTORNEY
200 LEWIS AVENUE
LAS VEGAS, NV 89101

A537416 LAS VEGAS METROPOLITAN POLICE DEPARTMENT vs. U S
CURRENCY \$281,656.73

I N D E X

<u>VOLUME:</u>	<u>PAGE NUMBER:</u>
1	1 - 235
2	236 - 470
3	471 - 703
4	704 - 823

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER :</u>
4	12/18/2012	"FIRST PRO SE AMENDED NOTICE OF APPEAL AND APPEAL STATEMENT"	725 - 791
1	03/27/2007	AFFIDAVIT FOR ORDER OF PUBLICATION	12 - 14
3	08/21/2012	AFFIDAVIT FOR ORDER OF PUBLICATION	627 - 629
1	03/28/2007	AFFIDAVIT OF MAILING	17 - 18
3	06/12/2012	AFFIDAVIT OF MAILING	586 - 587
3	08/07/2012	AFFIDAVIT OF MAILING	613 - 614
3	08/30/2012	AFFIDAVIT OF MAILING	635 - 637
1	05/08/2007	AFFIDAVIT OF PUBLICATION	64 - 64
3	10/05/2012	AFFIDAVIT OF PUBLICATION	661 - 662
1	03/20/2007	AFFIDAVIT OF SERVICE	7 - 8
1	03/28/2007	AFFIDAVIT OF SERVICE	19 - 20
1	03/28/2007	AFFIDAVIT OF SERVICE	21 - 22
1	04/12/2007	AMENDED ANSWER	46 - 49
1	03/29/2007	ANSWER	23 - 25
1	04/10/2007	ANSWER TO COMPLAINT FOR FORFEITURE	42 - 44
1	04/05/2007	APPLICATION TO PROCEED IN FORMA PAUPERIS	28 - 30
3	06/07/2012	APPLICATION TO PROCEED IN FORMA PAUPERIS	577 - 580
4	01/16/2013	APPLICATION TO PROCEED IN FORMA PAUPERIS	812 - 816
2	03/27/2012	CASE APPEAL STATEMENT	263 - 264
2	05/04/2012	CASE APPEAL STATEMENT	435 - 436
2	05/10/2012	CASE APPEAL STATEMENT	443 - 444
3	06/19/2012	CASE APPEAL STATEMENT	594 - 595
3	08/30/2012	CASE APPEAL STATEMENT	631 - 632
4	12/10/2012	CASE APPEAL STATEMENT	716 - 717
4	12/11/2012	CASE APPEAL STATEMENT	723 - 724

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER :</u>
4	12/19/2012	CASE APPEAL STATEMENT	793 - 794
4	12/27/2012	CASE APPEAL STATEMENT	810 - 811
1	08/21/2008	CERTIFICATE OF MAILING	104 - 105
4	06/07/2013	CERTIFICATION OF COPY AND TRANSMITTAL OF RECORD	
1	06/19/2007	CHANGE OF ADDRESS	98 - 99
3	10/05/2012	CLAIMANT ROBERT HOLMES III (FIRST) SUPPLEMENT AND OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT	668 - 679
2	05/22/2012	CLIMANT ROBERT HOLMES' III OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (CONTINUED)	452 - 470
3	05/22/2012	CLIMANT ROBERT HOLMES' III OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (CONTINUATION)	471 - 576
1	03/09/2007	COMPLAINT FOR FORFEITURE	1 - 6
3	06/22/2012	DEFENDANT'S MOTION TO STRIKE PLAINTIFF'S MOTION TO OPPISION TO STRIKE SUMMARY JUDGMENT	598 - 603
3	06/14/2012	DESIGNATION OF RECORD ON APPEAL	591 - 593
4	12/18/2012	DESIGNATION OF RECORD ON APPEAL	792 - 792
4	06/07/2013	DISTRICT COURT MINUTES	
3	11/28/2012	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER	699 - 703
1	04/05/2007	FORMAL ANSWER TO COMPLAINT	31 - 37
1	05/13/2010	HEARING REQUEST (UNFILED)	114 - 114
1	03/29/2007	INITIAL APPEARANCE FEE DISCLOSURE (NRS CHAPTER 19)	26 - 27
1	04/10/2007	INITIAL APPEARANCE FEE DISCLOSURE (NRS CHAPTER 19)	45 - 45
1	03/15/2012	MOTION AND ORDER FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE OR, IN THE ALTERNATIVE, FOR	210 - 213

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER :</u>
		APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE	
1	06/01/2007	MOTION FOR PARTIAL JUDGMENT BY DEFAULT	74 - 96
1	04/23/2007	MOTION FOR STAY OF FORFEITURE CASE	56 - 58
1	04/13/2007	MOTION OF CLAIMANTS FAILURE TO VERIFY ANSWER	50 - 54
2	03/30/2012	MOTION OF SPECIFIC FACTS AND TO ASK COURT CONSIDER LEAVING STAY	304 - 310
1	02/06/2012	MOTION TO DISMISS PLAINTIFF'S MOTION TO RECONSIDER COURT STATISTICALLY CLOSING CASE	138 - 180
1	04/05/2007	MOTION TO STAY PROCEEDINGS	38 - 39
1	08/20/2008	MOTION TO WITHDRAW	100 - 103
3	07/09/2012	MOTION TO WITHDRAW AS COUNSEL	609 - 612
3	10/09/2012	NEVADA SUPREME COURT CLERK'S CERTIFICATE JUDGMENT - DISMISSED	680 - 684
3	10/09/2012	NEVADA SUPREME COURT CLERK'S CERTIFICATE JUDGMENT - DISMISSED	685 - 689
3	10/09/2012	NEVADA SUPREME COURT CLERK'S CERTIFICATE JUDGMENT - DISMISSED	690 - 694
4	03/25/2013	NEVADA SUPREME COURT CLERK'S CERTIFICATE JUDGMENT - DISMISSED	820 - 823
1	04/17/2007	NOTICE OF (HEARING/MOTION)	55 - 55
2	03/26/2012	NOTICE OF APPEAL	237 - 241
2	05/01/2012	NOTICE OF APPEAL	430 - 434
2	05/08/2012	NOTICE OF APPEAL	437 - 442
3	06/14/2012	NOTICE OF APPEAL	588 - 590
3	08/28/2012	NOTICE OF APPEAL	630 - 630
4	12/07/2012	NOTICE OF APPEAL	712 - 715
4	12/10/2012	NOTICE OF APPEAL	718 - 722
1	05/21/2007	NOTICE OF ENTRY OF ORDER	69 - 73
1	03/12/2012	NOTICE OF ENTRY OF ORDER	206 - 209

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER :</u>
2	04/27/2012	NOTICE OF ENTRY OF ORDER	322 - 325
3	08/16/2012	NOTICE OF ENTRY OF ORDER	623 - 626
3	11/13/2012	NOTICE OF ENTRY OF ORDER	696 - 698
4	11/29/2012	NOTICE OF ENTRY OF ORDER	704 - 710
1	05/13/2010	NOTICE OF MOTION	107 - 113
1	01/03/2012	NOTICE OF MOTION	130 - 135
1	02/06/2012	NOTICE OF MOTION	181 - 183
1	02/10/2012	NOTICE OF MOTION	193 - 193
3	09/07/2012	NOTICE OF MOTION	638 - 639
3	09/18/2012	NOTICE OF MOTION	640 - 646
3	09/21/2012	NOTICE OF MOTION	647 - 651
2	03/19/2012	NOTICE OF MOTION (UNFILED)	236 - 236
2	05/01/2012	NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT	326 - 429
1	03/05/2012	NOTICE OF MOTION AND MOTION TO LIFT STAY	198 - 203
1	11/30/2011	NOTICE OF MOTION AND MOTION TO RECONSIDER COURT STATISTICALLY CLOSING CASE	118 - 126
2	05/11/2012	NOTICE OF MOTION AND MOTION TO STRIKE SUMMARY JUDGEMENT BY PLAINTIFF	445 - 451
1	12/19/2011	NOTICE TO COURT	127 - 129
1	10/26/2011	NOTICE TO THE COURT	115 - 117
4	12/21/2012	NOTICE TO THE COURT / OR ALTERNATIVE NOTICE OF APPEAL	795 - 809
1	02/22/2012	OPPOSITION TO CLAIMANT'S MOTION TO DISMISS PLAINTIFF'S MOTION TO RECONSIDER COURT STATISTICALLY CLOSING CASE	194 - 197
3	10/05/2012	OPPOSITION TO MOTION FOR SUMMARY JUDGMENT AND OTHER RELIEF	663 - 667
2	03/27/2012	OPPOSITION TO PLAINTIFF'S MOTION TO LIFT STAY	242 - 262

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER :</u>
3	11/09/2012	ORDER	695 - 695
3	08/16/2012	ORDER FOR PRODUCTION OF INMATE BRYAN M. FERGASON, BAC #96803	617 - 618
3	06/29/2012	ORDER FOR PRODUCTION OF INMATE BRYAN M. FERGASON, BAC#59427	607 - 608
3	08/16/2012	ORDER FOR PRODUCTION OF INMATE DAIMON MONROE, BAC #38299	621 - 622
3	06/25/2012	ORDER FOR PRODUCTION OF INMATE DAIMON MONROE, BAC#38299	604 - 605
3	06/11/2012	ORDER FOR PRODUCTION OF INMATE ROBERT HOLMES BAC #1034184	584 - 585
3	08/16/2012	ORDER FOR PRODUCTION OF INMATE ROBERT HOLMES, BAC #1034184	619 - 620
1	03/27/2007	ORDER FOR PUBLICATION OF FORFEITURE ACTION	15 - 16
3	08/30/2012	ORDER FOR PUBLICATION OF FORFEITURE ACTION	633 - 634
1	03/15/2012	ORDER FOR TRANSPORTATION OF INMATE FOR COURT APPEARANCE OR, IN THE ALTERNATIVE, FOR APPEARANCE BY TELEPHONE OR VIDEO CONFERENCE, PROPOSED (UNFILED)	214 - 215
1	05/18/2007	ORDER GRANTING MOTION FOR STAY OF FORFEITURE PROCEEDINGS	67 - 68
2	04/27/2012	ORDER GRANTING MOTION TO LIFT STAY	320 - 321
1	01/24/2012	ORDER GRANTING PLAINTIFF'S MOTION TO RECONSIDER STATISTICALLY CLOSING CASE	136 - 137
3	08/16/2012	ORDER RE HEARING HELD AUGUST 7, 2012	615 - 616
1	03/09/2012	ORDER RE HEARING HELD JANUARY 28, 2012	204 - 205
1	04/05/2007	ORDER TO PROCEED IN FORMA PAUPERIS	40 - 41
3	06/21/2012	ORDER TO PROCEED IN FORMA PAUPERIS	596 - 597
4	02/01/2013	ORDER TO PROCEED IN FORMA PAUPERIS	817 - 819
1	10/29/2009	ORDER TO STATISTICALLY CLOSE CASE	106 - 106

I N D E X

<u>VOL</u>	<u>DATE</u>	<u>PLEADING</u>	<u>PAGE NUMBER :</u>
4	12/06/2012	ORDER TO STATISTICALLY CLOSE CASE	711 - 711
3	06/26/2012	ORDER TO WITHDRAW	606 - 606
1	06/01/2007	PARTIAL DEFAULT	97 - 97
3	10/04/2012	PLAINTIFF'S OPPOSITION TO CLAIMANT DAIMON MONROE'S MOTION FOR MATERIAL EVIDENCE	655 - 657
3	09/21/2012	PLAINTIFF'S OPPOSITION TO CLAIMANT DAIMON MONROE'S MOTION FOR RETURN OF SEZIED PROPERTY AND SUPPRESSION OF EVIDENCE	652 - 654
3	10/04/2012	PLAINTIFF'S OPPOSITION TO CLAIMANT DAIMON MONROE'S MOTION FOR SUMMARY JUDGMENT AND TO STRIKE PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT	658 - 660
3	06/08/2012	PLAINTIFF'S OPPOSITION TO MOTION TO STRIKE SUMMARY JUDGMENT	581 - 583
1	04/26/2007	PLAINTIFF'S RESPONSE TO CLAIMANT'S MOTION FOR STAY OF FORFEITURE PROCEEDINGS	60 - 63
1	04/23/2007	RECEIPT OF COPY	59 - 59
2	04/16/2012	REPLY TO RESPONSE TO OPPOSITION TO MOTION TO LIFT STAY	311 - 319
2	03/28/2012	RESPONSE TO OPPOSITION TO MOTION TO LIFT STAY	265 - 303
1	03/15/2012	SECOND SUPPLEMENT TO MOTION TO DISMISS PLAINTIFF'S MOTION TO RECONSIDER COURT STATISTICALLY CLOSING CASE	216 - 235
1	03/20/2007	SUMMONS	9 - 11
1	02/09/2012	SUPPLEMENT TO MOTION TO DISMISS PLAINTIFF'S MOTION TO RECONSIDER COURT STATISTICALLY CLOSING CASE	184 - 192
1	05/18/2007	THREE DAY NOTICE OF INTENT TO TAKE DEFAULT	65 - 66

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FILED

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CLERK OF THE COURT

COMP
DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
RANDALL F. WEED
Chief Deputy District Attorney
Nevada Bar #000082
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Plaintiff,

-vs-

U.S. CURRENCY \$281,656.73,

Defendant.

Case No. AJ37416
Dept No. VII
Priority Civil NRS 179.1173

Arbitration Exemption
Declaratory Relief NRS 30.030

COMPLAINT FOR FORFEITURE

Plaintiff alleges as follows:

I

This is a civil action for the forfeiture of Defendant U.S. CURRENCY pursuant to the provisions of NRS 179.1173, 179.1164(1a).

II

Plaintiff is a Metropolitan Police Department organized under the laws of Chapter 280 of the Nevada Revised Statutes, and officers of Plaintiff seized the Defendant U.S. CURRENCY sought to be forfeited herein.

III

That the only known prospective claimants to Defendant U.S. CURRENCY are DAIMON MONROE, (aka Daimon Devi Hoyt), whose last known address is 1504 Cutler Drive, Las Vegas, Nevada, 89117, BRYAN M. FERGASON, (aka Bryan Michael Fergason,

1 aka J.B.), whose last known address is 7400 Pirates Cove Road, #220, Las Vegas, Nevada,
2 89145, TONYA M. TREVARTHEN, (aka Tonya Michelle Trevarthen), whose last known
3 address is 1504 Cutler, Las Vegas, Nevada, 89117, and ROBERT HOLMES, III, (aka Bobby
4 Holmes aka Robert Holmes), whose last known address is 6177 Risepine Ct., Las Vegas,
5 Nevada 89110.

6 FIRST CAUSE OF ACTION
7 (179.1164(1))

8 I

9 On or between the 22nd day of November, 2006, and the 26th day of February, 2007,
10 while in the County of Clark, State of Nevada, the Defendant U.S. CURRENCY
11 \$281,656.73 was recovered from the actual and/or constructive possession of potential
12 claimants DAIMON MONROE (aka Daimon Devi Hoyt), BRYAN M. FERGASON (aka
13 Bryan Michael Fergason, aka J.B.), TONYA M. TREVARTHEN (aka Tonya Michelle
14 Trevarthen) and ROBERT HOLMES, III (aka Bobby Holmes, aka Robert Holmes) under
15 circumstances which would indicate that the said potential claimants had engaged in conduct
16 in violation of 179.1164(1a), and that said Defendant U.S CURRENCY \$281,656.73
17 represents proceeds attributable to the commission or the attempted commission of a felony,
18 to wit: BURGLARY (NRS 205.060) and/or GRAND LARCENY (NRS 205.220) and/or
19 POSSESSION OF STOLEN PROPERTY (NRS 205.275) and said U.S. CURRENCY is,
20 therefore, subject to forfeiture. The circumstances referred to herein include, but are not
21 limited to the following, to wit:

22 On September 24, 2006, officers of the Las Vegas Metropolitan Police Department
23 responded to a burglary call at 9837 West Tropicana in Las Vegas, Clark County, Nevada.
24 There they apprehended DAIMON MONROE, (aka Daimon Devi Hoyt) and BRYAN M.
25 FERGASON (aka Bryan Michael Fergason, aka J.B.) in a white Plymouth van with stolen
26 property inside the vehicle.

27 On September 24, 2006, as the result of an extended investigation, search warrants
28 were served at 15004 Cutler Drive, Las Vegas, Nevada, 89117. Officers found an enormous
amount of suspected stolen property. DAIMON MONROE, (aka Daimon Devi

1 Hoyt), BRYAN FERGASON, (aka Bryan Michael Fergason, aka J.B.) TONYA M.
2 TREVARTHEN, (aka Tonya Michelle Trevarthen), and ROBERT HOLMES, III (aka
3 Bobby Holmes, aka Robert Holmes) were charged with six (6) counts of Felony Possession
4 of Stolen Property and one (1) count of Conspiracy to Possess Stolen Property.

5 Between September 24, 2006, and October 23, 2006, police officers monitored
6 telephone calls to and from inmate DAIMON MONROE. (aka Daimon Devi Hoyt).
7 Through these conversations between DAIMON MONROE, (aka Daimon Devi Hoyt),
8 BRYAN FERGASON, (aka Bryan Michael Fergason, aka J.B.) TONYA M.
9 TREVARTHEN, (aka Tonya Michelle Trevarthen), and ROBERT HOLMES III, (aka
10 Bobby Holmes aka Robert Holmes), the officers learned that these persons had been and
11 were continuing to be involved in burglary, theft, and the storage of stolen property with use
12 of a specially manufactured hand tool, to gain entry into businesses without damaging the
13 locking mechanisms. These persons referred to this tool as "Matthew" during their
14 conversations.

15 Through information derived from these telephone conversations and through other
16 means of investigation, officers learned of residences and storage units under the control of
17 DAIMON MONROE, (aka Daimon Devi Hoyt), BRYAN FERGASON, (aka Bryan
18 Michael Fergason, aka J.B.), TONYA M. TREVARTHEN, (aka Tonya Michelle
19 Trevarthen), and ROBERT HOLMES III, (aka Bobby Holmes aka Robert Holmes).

20 Beginning on November 6, 2006, the officers executed search warrants at the
21 following addresses in Las Vegas, Clark County, Nevada: 1504 Cutler Drive, 7400 Pirates
22 Cove #220, 8100 W. Charleston A138, 5900 Smoke Ranch #174, 3250 North Buffalo #247
23 and #253, and 8265 West Sahara B106.

24 During these searches the officers were overwhelmed with high value stolen property.
25 The officers spent many hours researching serial numbers and property descriptions of
26 hundreds of stolen items to locate the legitimate owners. Simply transporting the stolen
27 property was an enormous undertaking. The officers estimated that the accumulated value of
28 the stolen property under the control of DAIMON MONROE, (aka Daimon Devi Hoyt),

1 BRYAN FERGASON, (aka Bryan Michael Fergason, aka J.B.), TONYA M.
2 TREVARTHEN, and ROBERT HOLMES III, (aka Bobby Holmes aka Robert Holmes)
3 amounted to several hundreds of thousands of dollars and possibly over one million dollars.

4 During the search of the residence at 1504 Cutler Drive, Las Vegas, Clark County,
5 Nevada, officers found U.S. CURRENCY \$13,825.00, mostly in \$100 bills, hidden inside
6 oven mitts. An additional U.S. CURRENCY \$1,040.22 in loose and rolled U.S. coins was
7 also found at that location. Through further investigation, officers learned of bank accounts
8 under the control of BRYAN FERGASON (aka Bryan Michael Fergason, aka J.B.), and
9 TONYA M. TREVARTHEN (aka Tonya Michelle Trevarthen). On November 22, 2006,
10 officers presented search and seizure warrants and seized U.S. CURRENCY \$124,216.36
11 from the account of BRYAN FERGASON, (aka Bryan Michael Fergason, aka J.B.), and
12 U.S. CURRENCY \$26,938.64 from the account of TONYA M. TREVARTHEN, (aka
13 Tonya Michelle Trevarthen) at Bank of America.

14 Additional investigation revealed that TONYA M. TREVARTHEN, (aka Tonya
15 Michelle Trevarthen) had been withdrawing large amounts of cash from her accounts.
16 Officers received voluntary admissions from TONYA M. TREVARTHEN, (aka Tonya
17 Michelle Trevarthen) after she was advised of her rights pursuant to the Miranda decision.
18 From those admissions, officers learned that she had given large amounts of cash to
19 ROBERT HOLMES III, (aka Bobby Holmes aka Robert Holmes). Through Attorney, Sean
20 Sullivan, representing ROBERT HOLMES III, (aka Bobby Holmes aka Robert Holmes),
21 U.S. CURRENCY \$70,000.00, was voluntarily surrendered to officers.

22 TONYA M. TREVARTHEN, (aka Tonya Michelle Trevarthen), also told the officers
23 that she had given money to AAA People's Choice Bail Bond Company on November 9,
24 2006, to pay the bail for DAIMON MONROE, (aka Daimon Devi Hoyt). Eventually the
25 officers used a search and seizure warrant to recover U.S. CURRENCY \$528.95 from the
26 account of As The Bail Turns and U.S. CURRENCY \$5,105.38 from the account of All Out
27 Bail Bonds representing a portion of the money paid for the bail of DAIMON MONROE,
28 (aka Daimon Devi Hoyt).

1 Officers learned that TONYA M. TREVARTHEN had transferred thousands of
2 dollars to Attorney Al Lasso between November 9, 2006, and November 20, 2006. Using a
3 search and seizure warrant the officers recovered U.S. CURRENCY \$26,502.18 from Al
4 Lasso's Client Trust Account.

5 Bank records also informed the officers that TONYA M. TREVARTHEN, (aka
6 Tonya Michelle Trevarten), had transferred U.S. CURRENCY \$3,500.00 to Attorney
7 Jonathan Lord for seizure proceedings. Mr. Lord voluntarily surrendered that amount to the
8 LVMPD officers.

9 It was also learned that TONYA M. TREVARTHEN, (aka Tonya Michelle
10 Trevarten), had transferred U.S. CURRENCY \$10,000.00 to Attorney Joel Mann for legal
11 services on behalf of DAIMON MONROE, (aka Daimon Hoyt). Mr. Mann voluntarily
12 surrendered that amount to the LVMPD officers.

13 A final total of U.S. CURRENCY \$281,656.73, was seized by LVMPD officers as
14 proceeds attributable to the commission or attempted commission of felonies by these named
15 claimants.

16 WHEREFORE PLAINTIFF Prays that this Honorable Court declare that this
17 Plaintiff, the Las Vegas Metropolitan Police Department, is the legal owner of Defendant
18 U.S. CURRENCY \$281,656.73; that this Honorable Court decree the forfeiture of Defendant
19 U.S. CURRENCY, free of all claims of all persons pursuant to the provisions of NRS
20 453.301(9), and Order said Defendant U.S. CURRENCY to be distributed in the manner set

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1 forth in NRS 179.1185 and 179.118; that Plaintiff recovers its costs and attorneys fees
2 against any party, person, or entity opposing the forfeiture of Defendant U.S. CURRENCY
3 as prayed for hercin; that Plaintiff has such other and further relief as the Court deems just
4 and proper.

5 DATED this 8th day of March, 2007.

6
7 DAVID ROGER
Clark County District Attorney
Nevada Bar #002781

8
9
10 BY


11 RANDALL P. WEED
Chief Deputy District Attorney
Nevada Bar #000082
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27 LVMPD EV#060924-0418; EV#061106-0453; EV#061122-1205; EV#061129-1719;
28 EV#061207-1290; EV#061207-1538; EV#061214-1544; EV#070226-0684/cm

ORIGINAL

1 AFFT

2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 RANDALL F. WEED
6 Chief Deputy District Attorney
7 Nevada Bar #000082
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

FILED

MAR 20 4 49 PM '07

Clara
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

10 LAS VEGAS METROPOLITAN POLICE)
11 DEPARTMENT,)

12 Plaintiff,

13 -vs-

14 U.S. CURRENCY \$281,656.73

15 Defendant.

Case No. A537416
Dept No. VII

16 AFFIDAVIT OF SERVICE

17 STATE OF NEVADA

18 COUNTY OF CLARK

19 Phillip [Signature], being first duly sworn deposes and says: That she/he
20 is and at all times hereinafter mentioned, a citizen of the United States, over the age of
21 eighteen years; that on the 19 day of March, 2007, at the hour of
22 9:15 o'clock A M. affiant served a copy of SUMMONS and COMPLAINT FOR
23 FORFEITURE issued in the above entitled action upon DAIMON MONROE, (aka Daimon
24 Devi Hoyt), 1504 Cutler Drive, Las Vegas, Nevada, 89117, or left said Summons and
25 Complaint with _____ who is a _____
26 of potential Claimant DAIMON MONROE, (aka Daimon Devi Hoyt) and is over the age of
27 18 years and resides at the same address.

///

RECEIVED
MAR 20 2007
CLERK OF THE COURT

1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed on 3-15-07
3 (Date)

Phil Stace
CLDC (Signature)
10 Th Floor

4
5 RECEIPT OF COPY

6 I, X Damon Monroe, hereby acknowledge receipt of the SUMMONS and
7 COMPLAINT FOR FORFEITURE in the above-entitled case on this 19 day of March,
8 2007.

9 I declare under penalty of perjury that the foregoing is true and correct.

10

11

12 Executed on 3-15-07
13 (Date)

X Damon Monroe
(Signature)

14

15

16

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

ORIGINAL

SUMM

DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
RANDALL F. WEED
Chief Deputy District Attorney
Nevada Bar #000082
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

FILED

MAR 20 4 49 PM '07

CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Plaintiff,

-vs-

U.S. CURRENCY \$281,656.73

Defendant.

Case No.

Dept No.

Priority Civil NRS

A 537416

VII

SUMMONS

TO: DAIMON MONROE, (aka Daimon Devi Hoyt)
1504 Cutler Drive
Las Vegas, Nevada, 89117

TO: BRYAN M. FERGASON, (Bryan Michael Fergason, aka J.B.)
7400 Pirates Cove Road, #220
Las Vegas, Nevada, 89145

TO: TONYA M. TREVARTHEN, (Tonya Michelle Trevarthen)
1504 Cutler Drive
Las Vegas, Nevada, 89117

TO: ROBERT HOLMES, III, (aka Bobby Holmes aka Robert Holmes)
6177 Risepine Ct.
Las Vegas, Nevada 89110

TO: ANY and ALL PERSONS who may claim an interest in Defendant U.S.
CURRENCY

NOTICE IS HEREBY GIVEN that on the ____ day of March, 2007, the Las Vegas
Metropolitan Police Department commenced proceedings seeking the forfeiture of the above
described Defendant, U.S. CURRENCY, EV#060924-0418; EV#061106-0453; EV#061122-

1 1205; EV#061129-1719; EV#061207-1290; EV#061207-1538; EV#061214-1544;
2 EV#070226-0684 pursuant to NRS 453.301(9).

3 A copy of the Complaint for Forfeiture is attached to this Summons.

4 1. If you intend to defend this forfeiture, you must, within twenty (20) days after
5 service upon you, exclusive of the day of service:

6 a. File with the Clerk of the Court, 200 Lewis Street, Las Vegas, Nevada
7 89155, a formal written Answer to the Complaint or the nature and
8 existence of any right, title or interest claimed by you in the Defendant
9 U.S. CURRENCY. **(Please Note: A filing fee is required by the
Clerk of the Court).**

b. Serve a copy of your response upon the attorney whose name and
address is shown above.

10 2. If you fail to answer within the time provided, Judgment by Default will be
11 entered against you for the relief demanded in the Complaint.

12 3. An attorney who represents you on criminal charges does not automatically
13 represent you in this forfeiture case. You do not have the right to appointed counsel in this
14 civil forfeiture case even if you cannot afford to hire an attorney. If you have a Public
15 Defender, they cannot represent you in this forfeiture proceeding.

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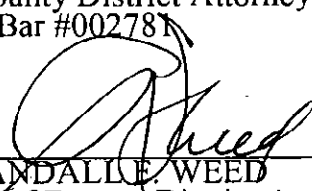
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1 **THEREFORE**, it is your responsibility, if you intend to defend this case, to
2 retain counsel or to file an Answer in the correct legal form with the Clerk of the
3 Court. Simply calling or writing to an attorney in the District Attorney's Office is not
4 considered an Answer and will not stop the entry of a Default Judgment against you.

5 DATED this 8th day of March, 2007.

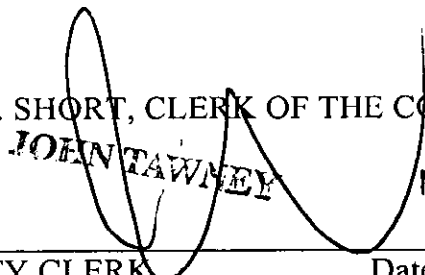
6
7 Submitted by:

8 DAVID ROGER
9 Clark County District Attorney
Nevada Bar #002781

10
11 BY 

RANDALL E. WEED
Chief Deputy District Attorney
Nevada Bar #000082

12
13
14
15 CHARLES J. SHORT, CLERK OF THE COURT

16
17 BY 

DEPUTY CLERK

Date

JOINTAWNEY
MAR 09 2007

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

ORIGINAL

FILED

MAR 27 1 20 PM '07

C. Raf. Shaw
CLERK OF THE COURT

1 **AFFP**
2 **DAVID ROGER**
3 **Clark County District Attorney**
4 **Nevada Bar #002781**
5 **RANDALL F. WEED**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #000082**
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,**

13 **-vs-**

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

15 **Defendant.**

Case No. A537416

Dept No. VII

17 **AFFIDAVIT FOR ORDER OF PUBLICATION**

18 **STATE OF NEVADA**
19 **COUNTY OF CLARK** } **ss:**

20 **RANDALL F. WEED, being first duly sworn, deposes and says that he is a Chief**
21 **Deputy District Attorney with the Clark County Nevada District Attorney's Office, and that**
22 **in said capacity is the attorney for Plaintiff in the above-entitled action.**

23 **That a Complaint for Forfeiture in the above entitled action was filed in the office of**
24 **the Clerk of the above entitled Court on the 9th day of March, 2007, and that a Summons**
25 **was issued on the 9th day of March, 2007, which Summons was directed to TONYA M.**
26 **TREVARTHEN, aka Tonya Michelle Trevarthen, 807 David Curry Drive, Round Rock,**
27 **Texas 78664.**

28 **///**

RECEIVED

MAR 27 2007

CLERK OF THE COURT

1 That this action is brought to forfeit all the right, title and interest in said U.S
2 CURRENCY as more fully appears from the Complaint for Forfeiture on file herein, which
3 Complaint is by reference, made a part hereto, and incorporated herein as though fully set
4 forth.

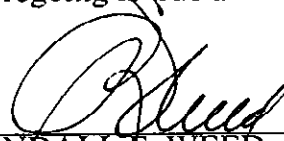
5 That attempts have been made to personally serve TONYA M. TREVARTHEN, aka
6 Tonya Michelle Trevarthen a copy of the Summons and Complaint for Forfeiture. See
7 attached hereto and incorporated herein by reference the Affidavit of Due Diligence of
8 Investigator's Name, of the District Attorney's Office.

9 That there is no known local address for TONYA M. TREVARTHEN, aka Tonya
10 Michelle Trevarthen and it is therefore, impossible to personally serve a copy of the
11 Complaint for Forfeiture and Summons upon TONYA M. TREVARTHEN, aka Tonya
12 Michelle Trevarthen.

13 That Affiant therefore prays for an Order of this Court directing that a copy of the
14 Complaint for Forfeiture, attached to a copy of the Summons be served on TONYA M.
15 TREVARTHEN, aka Tonya Michelle Trevarthen by publication thereof, and that copies of
16 same be mailed to her at her last known address as set forth herein.

17 I declare under penalty of perjury that the foregoing is true and correct.

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19 Executed on 22 March 07
20 (date)


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28 RANDALL F. WEED

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

CLARK COUNTY DISTRICT ATTORNEY'S OFFICE
FORFEITURE UNIT
CERTIFICATE OF DUE DILIGENCE

CLAIMANT: TONYA TREVARTEN

EVENT #: 060924-0418

CASE #: A 537416

DEPT. #: VII

I, PHILLIP STAHL, Investigator in the Clark County District Attorney's Office, do solemnly affirm and certify under the pains and penalties of perjury that I was unsuccessful in locating and serving the above listed witness with the attached Summons after diligently attempting service of same utilizing the following methods:

Copy mailed to last known address, to wit: SEE Below
Telephone contact: (Hm) NONE (Bus) NONE
Assessor's files checked: Site _____ Geta _____
Notice of Summons left at _____ without response.
Utilities checked: Nevada Power _____ Sprint Centel _____ City of Henderson _____
Custody Status: CCDC _____ LVCDC _____ NLVDC _____ NSP _____ Other _____
DMV: Local _____ Out of State _____ Flat-Rate People Locator _____ Cris-Cross _____
SCOPE/Work Card information checked.
Contact messages left with the following individuals:
Name: _____ Add: _____ Ph: _____
Name: _____ Add: _____ Ph: _____
Name: _____ Add: _____ Ph: _____

3-20 Other: PER HER ATTORNEY MR LORE AND A.T. SANDRA
DI GIACOMO. THE ABOVE IS NO LONGER INVOLVED IN THIS
CASE. SHE WENT TO TEXAS TO LIVE WITH A RELATIVE ADDRESS
PROVIDED BY MR LORE C/O MARY GOLDANTU, 807 DAVID CURRY
DRIVE ROUND ROCK TEX. 78664. NO PHONE. THE ABOVE HAS
ALSO RELINQUISHED ALL INTEREST IN THE FORFEITURE PROCEEDINGS

Dated this 20 day of MARCH, 20 07.

Signature: Phil Stahl

DISTRIBUTION:

WHITE - Secretary

CANARY - Investigator Copy

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FILED

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CRaf SPK
CLERK OF THE COURT

1 CC15
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 RANDALL F. WEED
6 Chief Deputy District Attorney
7 Nevada Bar #000082
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

12 LAS VEGAS METROPOLITAN POLICE)
13 DEPARTMENT)

Plaintiff,

-vs-

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

15 Defendant.
16

Case No. A537416

Dept No. VII

ORDER FOR PUBLICATION OF FORFEITURE ACTION

17 The Court having been presented with an Affidavit of Publication for Forfeiture
18 Action by RANDALL F. WEED, Counsel for Plaintiff, and it appearing therefrom that
19 personal service of process cannot be had as to U.S. CURRENCY \$281,656.73, on
20 prospective TONYA M. TREVARTHEN, aka Tonya Michelle Trevarthen whose last known
21 address is 807 David Curry Drive, Round Rock, Texas 78664 and for good cause appearing;
22

23 IT IS HEREBY ORDERED that the Summons be served on prospective claimant,
24 TONYA M. TREVARTHEN, aka Tonya Michelle Trevarthen, by publication thereof in the
25 Las Vegas Review Journal, and that said publication be made for a period of four
26 consecutive weeks and at least once a week for said period of time, for a total of five
27 printings.

RECEIVED

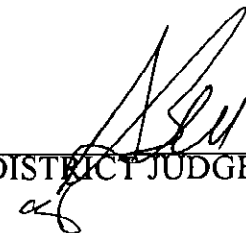
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MAR 27 2007

CLERK OF THE COURT

1 IT IS FURTHER ORDERED that a copy of the Complaint, together with a copy of
2 the Summons be forthwith deposited in a sealed envelope in the Post Office in the City of
3 Las Vegas, County of Clark, State of Nevada, directed to her, at her last known address.

4 DATED this 26th day of March, 2007.

5
6 
7 DISTRICT JUDGE
8
9

10 Submitted by:

11 DAVID ROGER
12 Clark County District Attorney
13 Nevada Bar #002781

14
15 BY 
16

17 RANDALL F. WEED
18 Chief Deputy District Attorney
19 Nevada Bar #000082
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28 LVMPD EV#060924-0418; EV#061106-0453; EV#061122-1205; EV#061129-1719;
EV#061207-1290; EV#061207-1538; EV#061214-1544/cm

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MAR 28 2 08 PM '07

Chaf
CLERK OF THE COURT

1 AFFT
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 RANDALL F. WEED
6 Chief Deputy District Attorney
7 Nevada Bar #000082
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

12 LAS VEGAS METROPOLITAN POLICE)
13 DEPARTMENT)

14 Plaintiff,

Case No. A537416

Dept No. VII

15 -vs-

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

17 Defendant.

AFFIDAVIT OF MAILING

18 STATE OF NEVADA }
19 COUNTY OF CLARK } ss:

20 Cynthia Mendez, being first duly sworn deposes and says that she is the affiant
21 herein, and was when the herein described mailing took place, a citizen of the United States,
22 over 21 years of age, and not a party to, nor interested in the within action; that on the
23 28th day of March, 2007, your affiant deposited in the Post Office located in
24 Las Vegas, Clark County, Nevada, a copy of Summons and Complaint for Forfeiture
25 enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to:
26 TONYA M. TREVARTHEN, aka Tonya Michelle Trevarten, 807 David Curry Drive,
27 Round Rock, Texas 78664 and that there is a regular communication by mail between the
28 place of mailing and the place so addressed.

///

CLERK OF THE COURT

RECEIVED
MAR 28 2007

1 I declare under penalty of perjury that the foregoing is true and correct.

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3 Executed on

3/28/07
(date)

Cynthia Mendez
Cynthia Mendez, Secretary
District Attorney's Office

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

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Cliff SRS
CLERK OF THE COURT

1 **AFFT**
2 **DAVID ROGER**
3 Clark County District Attorney
4 Nevada Bar #002781
5 **RANDALL F. WEED**
6 Chief Deputy District Attorney
7 Nevada Bar #000082
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 **LAS VEGAS METROPOLITAN POLICE**
15 **DEPARTMENT,**

16 **Plaintiff,**

17 **-vs-**

18 **U.S. CURRENCY \$281,656.73,**

19 **Defendant.**

Case No. A537416

Dept No. VII

20 **AFFIDAVIT OF SERVICE**

21 **STATE OF NEVADA)**
22 **COUNTY OF CLARK)ss:**

23 *Phil Stahl*, being first duly sworn deposes and says: That
24 he/she is and at all times hereinafter mentioned, a citizen of the United States, over the age
25 of eighteen years; that on the 26 day of March, 2007, at the hour of 9
26 o'clock A M. affiant served copies of SUMMONS and COMPLAINT FOR FORFEITURE
27 issued in the above entitled action upon SEAN P. SULLIVAN, ESQ. at 302 E. Carson
28 Avenue, Suite 600, Las Vegas, Nevada 89101, who stated he/she is authorized to accept said
documents on behalf of ROBERT HOLMES, III, (aka Bobby Holmes, aka Robert Holmes),

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 3-26-07
(Date)

Phil Stahl
PHIL STAHL, DA INVESTIGATOR

CLERK OF THE COURT

MAR 28 2007

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Dated this 21st day of March, 2007.

By:

SEAN P. SULLIVAN, ESQ.
Nevada Bar #004768
302 E. Carson Ave., Suite 600
Las Vegas, Nevada 89101
Attorney for Robert Holmes, III.

2

16

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MAR 28 2 06 PM '07

[Signature]
CLERK OF THE COURT

1 AFFT
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 RANDALL F. WEED
6 Chief Deputy District Attorney
7 Nevada Bar #000082
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

10 LAS VEGAS METROPOLITAN POLICE)
11 DEPARTMENT,)

12 Plaintiff,

Case No. A 537416

Dept No. VII

13 -vs-

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

15 Defendant.

16 AFFIDAVIT OF SERVICE

17 STATE OF NEVADA

18 COUNTY OF CLARK

} ss:

19 Phyllis Stark, being first duly sworn deposes and says: That
20 she/he is and at all times hereinafter mentioned, a citizen of the United States, over the age
21 of eighteen years; that on the 26 day of march, 2007, at the hour of
22 9¹⁰ o'clock A M. affiant served a copy of SUMMONS and COMPLAINT FOR
23 FORFEITURE issued in the above entitled action upon BRYAN M. FERGASON, (aka
24 Bryan Michael Ferguson, aka J.B.), 7400 Pirates Cove Road, #220, Las Vegas, Nevada,
25 89145, or left said Summons and Complaint with _____ who is a
26 _____ of potential Claimant BRYAN M. FERGASON, (Bryan Michael
27 Ferguson, aka J.B.) and is over the age of 18 years and resides at the same address.

28 ///

CLERK OF THE COURT

MAR 28 2007

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on 3-26-07
(Date)

Phil Stille
(Signature)
CCDC 6TH FLOOR

RECEIPT OF COPY

I, Bryan Ferguson, hereby acknowledge receipt of the SUMMONS and COMPLAINT FOR FORFEITURE in the above-entitled case on this 26 day of MARCH, 2007.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 3-26-07
(Date)

Bryan Ferguson
(Signature)

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/cm

FILED

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CLERK OF THE COURT

Sean P. Sullivan, Esq.
KELLY & SULLIVAN, LTD.
Nevada Bar No. 4768
302 E. Carson Ave., Suite 600
Las Vegas, Nevada 89101
(702) 385-7270
Attorney for Real Party in
Interest, Robert Holmes, III

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

LAS VEGAS METROPOLITAN POLICE	)	
DEPARTMENT,	)	
	)	
Plaintiff,	)	Case No. A537416
	)	Dept. No VII
vs.	)	
	)	
U.S. CURRENCY \$281,656.73,	)	
	)	
Defendants.	)	

ANSWER

COMES NOW, the Defendant/Real Party in Interest, ROBERT HOLMES, III, by and through his attorney, SEAN P. SULLIVAN, ESQ., and for his answer to the Plaintiff's Complaint on file herein, denies, admits and alleges as follows:

1. Answering Paragraphs I and II of Plaintiff's Complaint, Defendant admits each and every allegation contained therein.

2. Answering Paragraph III of Plaintiff's Complaint, Defendant denies each and every allegation contained therein.

FIRST CAUSE OF ACTION

3. Answering Paragraph I of the First Cause of Action of Plaintiff's Complaint, Defendant denies each and every

CLERK OF THE COURT

MAR 29 2007

RECEIVED

1 allegation contained therein.

2 4. That it has been necessary for the Defendant to
3 employ the services of an attorney to defend this action and a
4 reasonable sum should be allowed Defendant as and for attorney's
5 fees, together with his costs expended in this action.

6 **AFFIRMATIVE DEFENSES**

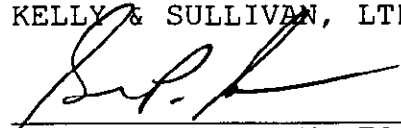
7 1. Defendant alleges that the allegations contained in
8 the Plaintiff's Complaint fails to state a cause of action against
9 Defendant upon which relief can be granted.

10 2. Plaintiffs by their own acts and/or admissions, are
11 estopped from declaring any claims for damages.

12 WHEREFORE, the Defendant demands judgment that the
13 Plaintiffs take nothing by way of the Complaint on file herein and
14 that they go hence with their costs herein and that Defendant be
15 awarded reasonable attorneys fees and costs incurred herein.

16 DATED this 29th day of March, 2007.

17 KELLY & SULLIVAN, LTD.

18
19 By: 

20 SEAN P. SULLIVAN, ESQ.
21 Nevada Bar No. 4768
22 302 E. Carson Ave. 600
23 Las Vegas, Nevada 89101
24 Attorney for Defendant/
25 Real Party in Interest
26 ROBERT HOLMES, III
27
28

CERTIFICATE OF MAILING

I hereby certify that I am an employee of KELLY & SULLIVAN, LTD., and that on the 29 day of March, 2007, I deposited a true and correct copy of the ANSWER in the United States mails, first class postage prepaid thereon, addressed to the following:

Randall F. Weed,
Chief Deputy District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155


An employee of
KELLY & SULLIVAN, LTD.

ORIGINAL

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Sean P. Sullivan, Esq.
KELLY & SULLIVAN, LTD.
Nevada Bar No. 4768
302 E. Carson Ave., Suite 600
Las Vegas, Nevada 89101
(702) 385-7270
Attorney for Defendant/
Real Party in Interest
ROBERT HOLMES

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

LAS VEGAS METROPOLITAN POLICE)
DEPARTMENT,)

Plaintiff,)

Case No. A537416

Dept. No VII

vs.)

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

Defendants.)

INITIAL APPEARANCE FEE DISCLOSURE
(NRS CHAPTER 19)

Pursuant to NRS Chapter 19, as amended by Senate Bill
106, filing fees are submitted for parties in the above entitled
action as indicated below:

ROBERT HOLMES : \$101.00

TOTAL REMITTED : \$101.00

DATED this 29th day of March, 2007.

KELLY & SULLIVAN, LTD.

By:

SEAN P. SULLIVAN, ESQ.
302 E. Carson Ave., #600
Las Vegas, NV 89101
Attorney for Defendant/
Real Party in Interest
ROBERT HOLMES

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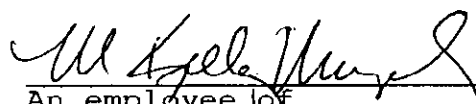
CLERK OF THE COURT

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CERTIFICATE OF MAILING

I hereby certify that I am an employee of KELLY & SULLIVAN, LTD., and that on the 29 day of March, 2007, I deposited a true and correct copy of the INITIAL APPEARANCE DISCLOSURE in the United States mails, first class postage prepaid thereon, addressed to the following:

Randall F. Weed,
Chief Deputy District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155


An employee of
KELLY & SULLIVAN, LTD.

PIFP

Daimon Monroe #715429
(your name)

FILED

330 S. Casino Center
(your street address)

Las Vegas, Nev, 89105
(your city, state & zip code)

N/A
(your telephone number)

IN PROPER PERSON

DISTRICT COURT
CLARK COUNTY, NEVADA

Las Vegas Metropolitan
Police Department

vs.

Plaintiff(s),

CASE NO.: A537416

DEPT NO.: VII

U.S. Currency 281,656.73

Defendant(s).

APPLICATION TO PROCEED IN FORMA PAUPERIS

(Filing Fees/Service Only)

Pursuant to NRS 12.015, and based on the following Affidavit, I request permission from this Court to proceed without paying court costs or other costs and fees as provided in NRS 12.015 because I lack sufficient financial ability.

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June 17, 2002
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PAUPERIS_FILINGFEES_APP (#1A)
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AFFIDAVIT

STATE OF NEVADA
COUNTY OF CLARK }

ss.

I, Daima Maurice, after being duly sworn, depose and state as follows:
(your name)

I wish to file with this Court the concurrently submitted pleading. I cannot pay the costs of filing because I lack sufficient income, assets or other resources. Including myself, there are 1 adults and 0 children in my household. Their age(s) is/are _____, _____, _____, and _____.

My total monthly income before taxes is:

From all sources including employment, self-employment, social security, child support, etc. \$ 0

Any other household income from another member of the household: \$ 0

List where you work and your job title: _____

The following represents a list of my assets and their value:

	<u>Value</u>	<u>Loan Balance</u>
Automobile (year and type of car)	\$ <u>0</u>	\$ _____
Mobile Home, House or Other Real Estate (size, type and/or year of account)	\$ <u>0</u>	\$ _____
Bank Accounts (name of bank and type of account)	\$ <u>0</u>	\$ _____
Other	\$ <u>0</u>	\$ _____
	\$ <u>0</u>	\$ _____

///

///

///

1 My total monthly expenses are:

2 Rent or Mortgage \$ 0
3 Phone, Gas, Electricity, and Other Utilities \$ 0
4 Food \$ 0
5 Child Care \$ 0
6 Insurance \$ 0
7 Medical \$ 0
8 Transportation \$ 0
9 Other
10 \$ 0
11 (list other expenses)

12 TOTAL MONTHLY EXPENSES \$ 0
13 (total from above lines)

14 I request the Court hold a hearing on this Application if the Court is inclined to
15 deny same, so that I may testify as to my indigent status.

16
17 
18 Affiant (your signature)

18 SUBSCRIBED and SWORN to before me
19 this ____ day of _____, _____.

21 Notary Public _____

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

Please return
file stamped
copy.
N/A
Down

ANSW
Pro per
Daimon morroe
330. S. Casino center
Las Vegas, Nev, 89101

FILED

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CLERK OF THE COURT

District court
Clark County Nevada

Las Vegas metropolitan
Police Department
- VS -
Plaintiff
U.S. Currency \$281,656,73
Defendant

Case No. A537426
Dep't No. VII

Formal Answer to Complaint

comes now Daimon morroe to state his
protected interest pursuant to NRS. 179.1162 in this case at
hand. THE State has through its deputy district Attorney
Randall F weed commenced this civil litigation. THE
State has hopes of taking money's legally obtained and worked
for by MR. morroe. THE State has argued that phone
calls made by defendant's talked of criminal enterprise,
But when listened to these phone calls discuss no
Sales of property - or property stolen by Defendants.
These assumptions are made by a overzealous police unit
which is corrupt within itself. party plaintiff deny's all allegations
made by state of criminal activity, and wants to go to Trial on
Said Complaint. only

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CE08

1 What officers have interpidid to there on perception
2 of said calls. Defendant has been found guilty of Noeise
3 And what commenced this whole investigation is now
4 under Court Review, with a more likely then not Scenario.
5 That the case will be Suppressed, leading all action
6 There after the initial stop and arrest on Sept 24
7 2006, TO BE Fruits of a poisonous tree Doctrine.
8 Thereby tainting all actions therefor. All so called
9 Stolen property in the millions, Amounted too items
10 's, such as, socks, candy, woodstock picture ext. more
11 items if not all were negligently given away
12 at Scene with no serial numbers nor identifiable
13 markings wic/ would allow a person to positively
14 identify said items. Causing defendant to lose
15 personal items and family heirlooms. Officers have
16 A duty to take what is being seized into custody.
17 And Allow a magistrate the decision of who wit
18 belongs too. By officers Reckless disregard for Defendants
19 Rights under the Constitution 4th Amendment,
20 Against unreasonable Search and Seizures also see:
21 Nevada constitution Article I Sec 18 "Defendant has
22 lost his Right to Prove said property is Rightfully
23 His, The Chain of evidence in any criminal case is
24 Suppose to be unbroken. Unfortunately Because of
25 The illegal actions of arresting officers there is

NO Chain of Evidence, By clear and convincing evidence.
And mere assumption is not enough in a criminal or
civil matter. The officers involved in this case have
long had a distaste for Defendant MONROE stemming
from a '96 arrest where they done the same thing
and came up empty handed. The case at Bar here is
a 10 year pay back by officers who were and are comp-
letely out of control. At NO time did officers witness
Any Sales of property, nor transactions or sale of
~~some~~ property, nor did they witness any Burglary
or theft. The Sept 24 2006 ARREST was illegal
on its face, when officers went into MR. MONROE'S
car illegally without a warrant, pursuant to NRS:
179.335 Motion for Return of seized property and
suppression of evidence, property given to people from
a illegal arrest subject to suppression also the fact
that peoples did not prove by clear and convincing
evidence that said property belonged to them, also the
fact the officers did not allow Defendant to prove it
was his property. All money's ascertained by ^{Defendant} ~~himself~~
in their above entitled action was legal ^{monies} ~~monies~~ by
and earned through work and gambling and saving
said money's. Mere speculation or undue accusations
by the state does not prove money or property
to be forfeitable under the statute. Also the State

looks to try to punish defendant Twice For the
Same arrest in Violation of NRS: 453.301
Providing For forfeiture For Conveyances and Real
Property upon certain drug offenses serve to
punish because they apply only to culpable,
Not innocent, Also SEE: NRS 179.1164 provision
Are not Solely Remedial because they not only
provide For dangerous and illegal Contraband
From society but also For Confiscation of land
Vehicles and other Property, And For Forfeitable
Property Varies so dramatically in value
that the penalty has No correlation to costs
to Society or law Enforcement. Therefore Civil
Forfeiture under these provisions constitutes
punishment For purposes of double Jeopardy
(See U.S 5th Amendment And Article I Sec 8) Wright -
US State 112 Nev 391, 916, P2d 146 (1996) Also See:
NRS. 179.1173(3) The Plaintiff in a proceeding For For-
feiture must Establish By Clear and Convincing evidence
that the Property is Subject to Forfeiture. In the case
at Bar there is NO Clear and Convincing evidence
only ~~un~~ allegations which Have no Proof Behind them.
There is no Substantiated evidence other than a coerced
Statement By Ms. Treverthen WHO'S uncorroborated
testimony is Hearsay at Best. Defendant moves

1 Has personal knowledge that Officers in the case at
2 Bar, are using Coercive tactics on ms. treuerthen
3 And others in the immediate case. Defendant Monroe
4 asserts his rights to claim all money's Found at
5 1504 Cutler, all money's from all out Bail Bonds, which
6 was paid by another person, all money's returned by
7 lawyers, at less and Joel Mann, and any money's
8 Not claimed by ms. treuerthen and Her Bank. The
9 State cannot prove this money was made by illegal
10 activities because the money was earned through
11 work, gambling and savings, money cannot be deemed
12 forfeitable by mere speculation by the state.
13 Mr. Holmes did not give that money's voluntary "he
14 had been threatened by officers in this case. The state
15 is overzealously prosecuting case in order to take
16 money's that is not involved in a felony nor can the
17 State prove its allegations. All money's involved
18 in the case at Bar have not been proven to be the
19 gains of illegal activity, and the state has started a
20 forfeiture in hopes to obtain money from innocent
21 people. Defendant Monroe has a copy of all phone
22 conversation that the said state said produce sales
23 of stolen property and of burglary other than mere
24 speculation this action should be deemed unaccep-
25 table, and unconstitutional by this court, This court

Should also admonish the State for there unconstitutional
action. For the Reason's the State says this money
is forfeitable without convincing evidence is a travesty
For a Defendant in such a Forfeiture, In truth what
The State is saying is "these defendants cant nor
could they have legal money's" its the State only
Prejudice against certain individuals that allows
the State its "Arrogance and Ignorance of the facts
in this case." The State fails to Realize the Bail Bonds
where from a completely different intent, a French
paid those Bonds, So I guess the State Believes that
No one defendants know could have legal money's.
The State is in violation of Defendant money's
Constitutional Rights, "AND PROSECUTORS must expect
That this court will support District Judges who
Take Reasonable steps to correct prosecutorial
conduct that is not right." United States v. Wilson
149 F3d, 1298, 1303-04 (11th Cir 1998) also SEE: NRS
179, 121.) order was reversed on appeal where there was
NO evidence (1) that Appellant made ~~no effort to contact~~
ANY use of the car in commission of a crime other than
incidental use of transporting him to the scene
of the crime. (2) which traced any money in the account
of criminal activity. SCHOKA v Sheriff, Washoe county
108 Nev. 89, 824 P.2d 290 (1992).

1 All money's Defendant states claim for ~~be~~ were for his
2 benefit, Defendant Monroe in violation of his 5th and 6th
3 Amendment lost his attorney's paid for with legal money.

4 Denying him the Right to Counsel SEE. 6th Amendment
5 US Constitution. The State ~~force~~ asserts and TOOK

6 Attorney's paid for By Defendant. Before guilt has been
7 established the State ~~for~~ Defendant's Monroe's attorney.

8 The State also TOOK money's borrowed from curios mart
9 in to Bail Defendant Monroe out of Jail, Thereby
10 denying defendant Monroe the Right to Bail. in
11 violation of the 8th Amendment US Constitution
12 against cruel and unusual punishment, and or The Right

13 not to have Excessive Bail. It would seem to the Def-

14 endent denying him Bail or taking money's legally

15 obtained for Bail would be Excessive. The money

16 saved at 1504 Cutler was being saved for a new

17 automobile and was legally obtained By Defendant

18 Monroe through working and gambling. The State

19 Has NO PROOF otherwise Just SPECULATION

20 and assumptions. This court should not ^{allow} ~~the~~ arbitrary

21 - y action By a District attorney over zealous att-

22 - acking persons. The Defendant again asserts his legal

23 Right to all money's mentioned in the above Dec-

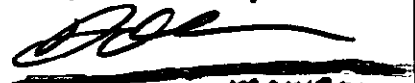
24 - leration By defendant and prays all money's be

25 Returned to the Rightful owner MR. Monroe.

26. Demand For Jury trial

Respectfully

MARCH-27-07


Damon Monroe
Damon Monroe
Pro Per

motion
proper
Daimon Monroe
330 S. Casino Center
Las Vegas, Nev. 89101

5
FILED

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CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY NEVADA

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT

CASE NO. A537416
DEPT NO. VII

- vs -

U.S. CURRENCY \$281,656.73
Defendant

Motion to Stay Proceedings

Comes NOW Daimon Monroe To this Honorable Court ASKING this Court a Order to Stay proceedings For Forfeiture. There is a pending Jury trial in Dept XII and 20 Pursuant to N.R.S 179.1173 Sec(2) At A proceeding For Forfeiture, THE Plaintiff or claimant may File a motion For order Staying the proceeding And the Court SHALL Grant That motion if a criminal action which is the Basis of the Proceeding is pending trial. Two Trials are pending And Case No. are, C228752 Dept 12 Other is 0618574N After Defendant is found Not Guilty on these cases than civil proceedings would be futile. Defendant Monroe prays this Court order Stay until Criminal trial is done pursuant to NRS 179.1173 sub(2).

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CLERK OF THE COURT

Attached is my ANSWER if Court Deems it
Necessary to have while Stay is ENFORCED. Defendant
MONROE prays this Court grant Order Staying proceedings

Sincerely Daimon Monroe
Daimon Monroe/
330. Scaevano center

a copy was sent
TO Plaintiff in this case
Randall F weed
200. Lewis Ave

19
OHP

Daimon Monroe

(your name)

FILED

330. S. Casino center

(your street address)

Las Vegas, Nev, 89101

(your city, state & zip code)

N/A

(your telephone number)

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CLERK OF THE COURT

IN PROPER PERSON

DISTRICT COURT

CLARK COUNTY, NEVADA

Las Vegas Metropolitan Police
Department

Plaintiff(s),

vs.

CASE NO.:

A337416

DEPT NO.:

V11

U.S. Currency \$281,656.73.

Defendant(s).

ORDER TO PROCEED IN FORMA PAUPERIS

(Filing Fees/Service Only)

Upon consideration of Daimon Monroe 's Application to
(Plaintiff/Defendant)
Proceed in Forma Pauperis and it appearing that there is not sufficient income, property or
resources with which to maintain the action and good cause appearing therefor:

///

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October 16, 2002
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PAUPERIS_FILING FEES_ORD2 (#1A)

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CLERK OF THE COURT

1 IT IS HEREBY ORDERED that Daimon Monroe,
(Plaintiff/Defendant)
2 Daimon Monroe, shall be permitted to proceed In Forma Pauperis with this
(Your Name)
3 action as permitted by NRS 12.015.

4 IT IS FURTHER ORDERED that Daimon Monroe shall
(Plaintiff/Defendant)
5 proceed without the prepayment of costs or fees or the necessity of giving security, and the
6 Clerk of Court may file or issue any necessary writ, process, pleading or paper without charge.

7 IT IS FURTHER ORDERED that the Sheriff or other appropriate officer within
8 this State shall make personal service of any necessary writ, pleading or paper without charge.

9 IT IS FURTHER ORDERED that if the Daimon Monroe,
(Plaintiff/Defendant)
10 Daimon Monroe, prevails in this action, the Court shall enter an order pursuant
(Your Name)
11 to NRS 12.015 requiring the opposing party to pay into the Court, within five (5) days, the costs
12 which would have been incurred by the prevailing party, and those costs must then be paid as
13 provided by law.

14
15 DATED this 30 day of March, 2007.
16
17 [Signature]
18 DISTRICT COURT JUDGE

19
20 Respectfully submitted:

21 [Signature]
(Your signature)
22 Daimon Monroe
(Your name)
23 330.5 Lehigh Center
(Address)
24
(Telephone)
25
26 Plaintiff Defendant In Proper Person

27 ///
28

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1 **ANSW**
2 **ALLEN & DUSTIN, LLC.**
3 **Cynthia L. Dustin, Esq.**
4 **Nevada State Bar No. 8435**
5 **601 South 6th Street**
6 **Las Vegas, Nevada 89101**
7 **(702) 386-9700**
8 **Attorney for Defendant**

DISTRICT COURT
CLARK COUNTY, NEVADA

9 **LAS VEGAS METROPOLITAN POLICE**
10 **DEPARTMENT,**

Plaintiff,

vs.

12 **U.S. CURRENCY \$281,656.73,**

Defendant.

Case No. :A537416
Dept No. :VII

ANSWER TO COMPLAINT FOR FORFEITURE

16 COMES NOW, BRYAN M. FERGASON, as Claimant, and hereby answer the Complaint
17 for Forfeiture on file herein, admitting, denying and alleging as follows:

I.

19 Answering paragraphs I, II and III of the Plaintiff's Complaint for Forfeiture, Claimants
20 admit each and every allegation contained therein.

II.

22 Answering Plaintiff's First Cause of Action of the Plaintiff's Complaint for Forfeiture,
23 Claimant BRYAN M. FERGASON denies each and every allegation contained therein
24

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FIRST AFFIRMATIVE DEFENSE

It has been necessary for the Claimant BRYAN M. FERGASON to employ the services of an attorney to defend this action and a reasonable amount should be allowed Claimant BRYAN M. FERGASON as and for attorney's fees, together with costs of suit herein incurred.

SECOND AFFIRMATIVE DEFENSE

Claimant BRYAN M. FERGASON alleges that the allegations contained in Plaintiff's Complaint fail to state a cause of action against Claimant BRYAN M. FERGASON upon which relief can be granted.

THIRD AFFIRMATIVE DEFENSE

The Plaintiffs are estopped from maintaining this action.

FOURTH AFFIRMATIVE DEFENSE

The Plaintiffs waived their rights to maintain this action.

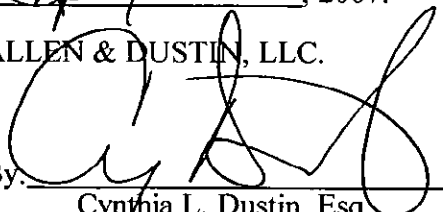
FIFTH AFFIRMATIVE DEFENSE

The Claimant BRYAN M. FERGASON has not committed any illegal acts and therefore, the Plaintiffs are barred from recovery.

WHEREFORE, Claimant BRYAN M. FERGASON prays that Plaintiffs take nothing by way of their Complaint herein and that the Claimant BRYAN M. FERGASON be awarded costs, disbursements, reasonable attorney's fees and any other and further relief which the Court may deem proper.

DATED this 10th day of April, 2007.

ALLEN & DUSTIN, LLC.

By: 

Cynthia L. Dustin, Esq.
Nevada State Bar No. 8435
601 South 6th Street
Las Vegas, Nevada 89101
(702) 386-9700

1 VERIFICATION

2 STATE OF NEVADA)
3 COUNTY OF CLARK) ss:

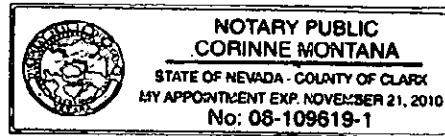
4 BRYAN M. FERGASON, being first duly sworn, deposes and says:

5 That he has read the foregoing ANSWER TO COMPLAINT FOR FORFEITURE and
6 knows the contents thereof; that the same is true and correct except for those matters alleged upon
7 information and belief and as to those matters he believes them to be true.

8 
9 BRYAN M. FERGASON

10 SUBSCRIBED AND SWORN to before me
11 this 10th day of April, 2007.

12 Corinne Montana
13 NOTARY PUBLIC, In and for said
14 County and State



15
16 CERTIFICATE OF MAILING

17 The undersigned hereby declares that she is an employee of Allen & Dustin, LLC and that
18 on the 10th day of April, 2007 she deposited a true and correct copy of the
19 foregoing **ANSWER TO FORFEITURE** in the United States Mail, postage fully prepaid,
20 addressed to the following:

21 David J. Roger, District Attorney
22 200 Lewis Avenue
23 Las Vegas, Nevada 89101

24 Corinne Montana
25 An Employee of Allen & Dustin, LLC
26
27
28

ORIGINAL

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IAFD
ALLEN & DUSTIN, LLC.
Cynthia L. Dustin, Esq.
Nevada State Bar No. 8435
601 South 6th Street
Las Vegas, Nevada 89101
(702) 386-9700
Attorney for BRYAN M. FERGASON

C. Dustin
CLERK OF THE COURT

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DISTRICT COURT

FILED

CLARK COUNTY, NEVADA

* * *

THE STATE OF NEVADA,

Plaintiff,

vs.

BRYAN M. FERGASON,
ID# 1299193,

Defendant.

Case No. :A537416

Dept. No. :VII

INITIAL APPEARANCE FEE
DISCLOSURE

(N.R.S. CHAPTER 19)

Pursuant to N.R.S. Chapter 19, as amended by Senate Bill 106, filing fees are submitted for parties appearing in the above entitled action as indicated below:

BRYAN M. FERGASON

☒ \$101.00 or ☐ \$86.00

☐ Total of Continuation Sheet (attached)

TOTAL REMITTED: \$101.00 (Required)

DATED this 10th day of April, 2007.

ALLEN & DUSTIN, LLC.

By

Cynthia L. Dustin
CYNTHIA L. DUSTIN, ESQ.
Nevada State Bar No. 8435
601 South 7th Street
Las Vegas, Nevada 89101
Attorney for

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Sean P. Sullivan, Esq.
KELLY & SULLIVAN, LTD.
Nevada Bar No. 4768
302 E. Carson Ave., Suite 600
Las Vegas, Nevada 89101
(702) 385-7270
Attorney for Real Party in
Interest, Robert Holmes, III

DISTRICT COURT

CLARK COUNTY, NEVADA

* * *

LAS VEGAS METROPOLITAN POLICE)
DEPARTMENT,)
Plaintiff,) Case No. A537416
vs.) Dept. No VII
U.S. CURRENCY \$281,656.73,)
Defendants.)

AMENDED ANSWER

COMES NOW, the Defendant/Real Party in Interest, ROBERT HOLMES, III, by and through his attorney, SEAN P. SULLIVAN, ESQ., and for his answer to the Plaintiff's Complaint on file herein, denies, admits and alleges as follows:

1. Answering Paragraphs I and II of Plaintiff's Complaint, Defendant admits each and every allegation contained therein.

2. Answering Paragraph III of Plaintiff's Complaint, Defendant denies each and every allegation contained therein.

FIRST CAUSE OF ACTION

3. Answering Paragraph I of the First Cause of Action of Plaintiff's Complaint, Defendant denies each and every

KELLY & SULLIVAN, LTD.
ATTORNEYS AT LAW
302 E. CARSON AVE., STE. 600
LAS VEGAS, NEVADA 89101
(702) 385-7270
FAX: (702) 385-7282

1 allegation contained therein.

2 4. That it has been necessary for the Defendant to
3 employ the services of an attorney to defend this action and a
4 reasonable sum should be allowed Defendant as and for attorney's
5 fees, together with his costs expended in this action.

6 **AFFIRMATIVE DEFENSES**

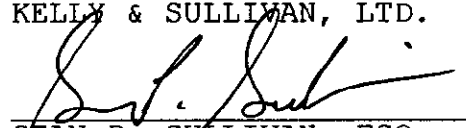
7 1. Defendant alleges that the allegations contained in
8 the Plaintiff's Complaint fails to state a cause of action against
9 Defendant upon which relief can be granted.

10 2. Plaintiffs by their own acts and/or admissions, are
11 estopped from declaring any claims for damages.

12 WHEREFORE, the Defendant demands judgment that the
13 Plaintiffs take nothing by way of the Complaint on file herein and
14 that they go hence with their costs herein and that Defendant be
15 awarded reasonable attorneys fees and costs incurred herein.

16 DATED this 11 day of April, 2007.

17 KELLY & SULLIVAN, LTD.

18 By: 

19 SEAN P. SULLIVAN, ESQ.
20 Nevada Bar No. 4768
21 302 E. Carson Ave. 600
22 Las Vegas, Nevada 89101
23 Attorney for Defendant/
24 Real Party in Interest
25 ROBERT HOLMES, III
26
27
28

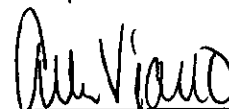
1 STATE OF NEVADA)
2) ss.
3 COUNTY OF CLARK)

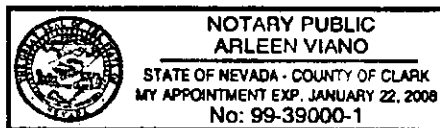
4 ROBERT HOLMES III, being first duly sworn, deposes and
5 says:

6 That he is the real party in interest of the Defendant
7 in the above-entitled matter, that he has read the foregoing
8 Amended Answer and knows the contents thereof, and that the same
9 is true of his own knowledge except for those matters therein
10 stated on information and belief, and as for those matters, he
11 believes it to be true.

12 
ROBERT HOLMES, III

13 SUBSCRIBED AND SWORN to before me
14 this 11 day of April, 2007.

15 
16 _____
17 NOTARY PUBLIC



CERTIFICATE OF MAILING

I hereby certify that I am an employee of KELLY & SULLIVAN, LTD., and that on the 11 day of April, 2007, I deposited a true and correct copy of the AMENDED ANSWER in the United States mails, first class postage prepaid thereon, addressed to the following:

Randall F. Weed,
Chief Deputy District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155



An employee of
KELLY & SULLIVAN, LTD.

cl

Motion
Daimon Monroe
Pro se
330.5 Casino Center
Las Vegas, Nev, 89101

DISTRICT COURT
CLARK COUNTY, NEVADA

FILED

2007 APR 13 P 5:25

Las Vegas Metropolitan Police
Department
Plaintiff,

Case No.: A537416
CLERK OF THE COURT
Dept. No.: 11

vs.

Docket No.:

U.S. Currency \$ 281,656,73

Defendant

Motion of Claimants Failure to Verify Answer

Comes now Daimon Monroe to this Honorable Court, To give notice to this Court and Deputy District Attorney Randall F. Weed, That the Clark County detention Center will not notarize nor verify papers or pleadings. MR. MONROE has received a letter APRIL 10, 2007 from Randall F Weed stating that pursuant to NRS. 179.117(5) The answer must be verified, MR MONROE has asked this court for a stay on the hearing because of a criminal case pending. MR. MONROE asserts his protected interest pursuant to NRS. 179.1163 in the above entitled action. MR. MONROE has asserted his 5th Amendment right per U.S.C.A. Also NRS. 179.1173(2) And prays this court grant the stay as MR MONROE is found not guilty on the criminal proceedings making this filling by the State moot.

RECEIVED

MAR 13 2007

CLERK OF THE COURT

1

MC

1 Darmon Monroe
2 Pro se
3 330 S. Casino Center
4 Las Vegas, Nev, 89101

5
6 District Court
7 Clark County, Nevada

8 Las Vegas Metropolitan
9 Police Department.

10 - vs - Plaintiff
11 US Currency \$281,656.73
12 Defendant

Case number A537416

Dept number VII

Docket number _____

Date of Hearing:

Time of Hearing:

13
14 Notice of Hearing / Motion

15 Please take notice of hearing on Motion of Claimants Failure

16 verify
Toussy Aaser will be heard on the 16th Day of May
17 @ 8:30 AM

18 in Department VII

19 Darmon Monroe

20 Darmon Monroe
21 Pro se
22
23
24
25

Claimant Deny's all Allegations in said complaint &
2 The State Has Alledged that Phone calls made
2 From this Illegal arrest and incarceration, produced sells
3 OF property and Burglery. MR. MONROE Has a copy of all
4 Phone calls with produce neither. ON Sept 24 2006
5 Officers Illegally went into MR. MONROE'S car violating
6 His 4th Amendment Rights against Illegal Search and
7 Seizure and Article I sec 18 OF Nevada's constitution.
8 This action is pending in court and a Suppression Hearing
9 will be Scheduled. Thereby making all products of this
10 Arrest 'Fruit of a poisonous tree doctrine' MR. MONROE
11 States claim to all money's Found at 1504 Butler, all Bail
12 Bonds money which was paid for him by another person, And all
13 money's From attorney's at Tasso and Joel Mann, and
14 Any money's not claimed By Ms. Treverther. MR. MONROE
15 deny's all allegations in the States complaint. AS All money
16 was worked for and generated for. MR. MONROE Wants a
17 12 person trial in this action, After stay is Lifted.
18 Or this court Return money's to the Rightful owner
19 MR. MONROE. All Alledged Stolen property amounted to cloths
20 sleeping Bags, Furniture Etc. When Officers negligently gave
21 this property away without Receipts or Identifiable markings.
22 Causing MR. MONROE to lose his personal property
23 And Family airlooms. OFFICERS Have
24 A duty when taking Said property into custody to
25 Hold it until a magistrate can make a decision on
26 who it Belongs too! Due to Officers who Have no
27 Regard for Someones personal Belongings MR. MONROE

1 Has lost his things. Because of admit with
2 is corrupt at the core MR. Monroe has lost his
3 personal property, and the chain of evidence in
4 Any criminal proceedings is suppose to be unbroken.
5 But do to the Blatant disregard for monroes 4th / 14th
6 Amendment Rights MR Monroe has lost personal belongings.
7 THE State claims that there were continued Burglaries
8 Without any proof of these allegations. This whole
9 case started from a Illegal arrest, and is subject
10 to dismissal, All allegations made by the state are
11 Unfounded and untrue. MR. Monroe worked for
12 all his money and gambled, saving money for his children.
13 This act is Disproportionality aggressive particularly wary
14 of civil Forfeiture Statues, for they impose "quasi-criminal"
15 Penalties without affording property owners all of the
16 procedural protections afforded Criminal defendants. United
17 States - V - 19,910.00 in US Currency, 16 F.3d 1051, 1608 (9th Cir 1994).
18 MR. Monroe Has personal Knowledge that ms trever then
19 Has been coerced BY Officers in this case. MR. Holmes
20 did not give this money Voluntary and this whole case
21 stems from corrupt Officers and a dislike for me. Monroe.
22 It would Be a travesty of Justice for this money
23 to be forfeited as it is legal money. Again MR. Monroe
24 Has A "Protected interest" NRS. 179,1163 in their Forementioned
25 d. money's which is not Forfeitable By law. for this
26 whole case is illegal, ^{and unconstitutional,} ~~and unconstitutional,~~
27 ~~and unconstitutional,~~ ~~and unconstitutional,~~

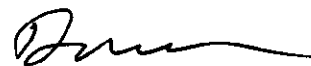
1 and the Return of MR. Monroe's money, MR. Monroe, wants
2 a Jury trial in the proceedings if this Honorable court deems
3 it necessary, And MR. Monroe deny's all the States allegation
4 in the Complaint as they are UNFOUNDED and not true, MR. Monroe
5 prays this Court grant the Stay on the proceedings as MR.
6 Monroe is exonerated on all charges. All money's were
7 earned legally through work, gambling, and savings and are
8 Not Forfeitable By mere assumptions and or allegations unfounded.
9 MR. Monroe, Has a protected interest in the above entitled action, which
10 is Not Forfeitable. and He will claim his Right to All proceeds which
11 He would be entitled too. MR. Monroe again deny's all allegation
12 in States Complaint, and asserts his Rights to claim his property
13 when Stay is lifted and Criminal trial is done. MR. Monroe also
14 States that all this transpired from a Illegal Search and seizure,
15 violation of the 4th Amendment U.S.C.A.

16 Dated this 10 day of April, 2007

17 I, Daimon Monroe, do

18 Solomently Swear, under penalty of perjury, That
19 The above Motion of Claimants Failure To Verify Answer is accurate,
20 Correct, And true to the Best of my Knowledge,
21 W.R.S 171.102 and 208.165.

22
23 Respectfully Submitted

24 

25 Daimon Monroe

Pro Se

Daimon Monroe
330. S. Casino Center
Pro Se
Las Vegas, Nev, 89101

FILED

2007 APR 17 P 5:03

CRP
CLERK OF THE COURT

District Court
Clark County, Nevada

Las Vegas Metropolitan
Police Department
- VS -
US Currency, \$281,656.73
Plaintiff
Defendant

Case Number: A537416
Department: VII
Docket: _____

Date of Hearing:
Time of Hearing:

Notice of (Hearing/motion)

Please Take Notice That the Hearing on motion to Stay
Proceedings will Be Heard on the 21st Day of May
(a) 8³⁰ AM in Department VII.

Daimon Monroe
Daimon Monroe
330. S. Casino Center #715429
Las Vegas, Nevada, 89101

RECEIVED

APR 16 2007

CLERK OF THE COURT

ORIGINAL

FILED

22

2007 APR 23 P 1:38

Cynthia L. Dustin
CLERK OF THE COURT

MOT
ALLEN & DUSTIN, LLC.
Cynthia L. Dustin, Esq.
Nevada State Bar No. 8435
601 South 6th Street
Las Vegas, Nevada 89101
(702) 386-9700
Attorney for Claimant BRYAN M. FERGASON

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Plaintiff,

vs.

U.S. CURRENCY \$281,656.73,

Defendant.

Case No. :A537416
Dept No. :VII

MOTION FOR STAY OF FORFEITURE CASE

COMES NOW, the Claimant, BRYAN M. FERGASON, by and through his attorney, CYNTHIA L. DUSTIN, ESQ., moves this Honorable Court for a Stay of the above captioned forfeiture case. This motion is based upon the pleadings and papers on file herein, the Points and Authorities attached hereto and incorporated herein, and the oral arguments of counsel at the time of hearing.

DATED this 16th day of April, 2007.

ALLEN & DUSTIN, LLC

By

Cynthia L. Dustin
CYNTHIA L. DUSTIN, ESQ.

Nevada State Bar No. 8435

601 South 7th Street

Las Vegas, Nevada 89101

Attorney for Claimant, BRYAN M. FERGASON

CLERK OF THE COURT

APR 23 2007

RECEIVED

NOTICE OF MOTION

TO: LAS VEGAS METROPOLITAN POLICE DEPARTMENT, Plaintiff; and

TO: RANDALL F. WEED, Chief Deputy District Attorney, Clark County District Attorney's Office

YOU AND EACH OF YOU will please take notice that a **MOTION FOR STAY OF FORFEITURE CASE** will come on for hearing before the above-entitled Court on the 30th day of May, 2007, at the hour of 8:30 a.m. in Department # VII.

DATED this 16th day of April, 2007.

By

CYNTHIA L. DUSTIN, ESQ.

Nevada State Bar No. 8435

601 South 7th Street

Las Vegas, Nevada 89101

Attorney for Claimant, BRYAN M. FERGASON

POINTS AND AUTHORITIES

The Claimant, BRYAN M. FERGASON, was served with a Summons and Complaint for Forfeiture in the above-captioned action. Claimant now seeks the protection of N.R.S. 179.1173 §2 and requests a stay of this proceeding until the outcome of the criminal case that Claimant is facing in case number C208321, currently set for trial on October 9, 2007 in District Court Department XII.

N.R.S. 179.1173 §2 states:

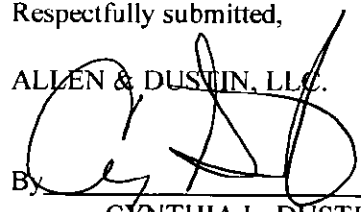
At a proceeding for forfeiture, the Plaintiff or Claimant may file a motion for an order staying the proceeding and the Court shall grant that motion if a criminal action which is the basis of the proceeding is pending trial. The Court shall, upon a motion made by the Plaintiff, lift the stay upon a satisfactory showing that the Claimant is a fugitive.

1 The trial in case number C208321 is based upon the identical facts upon which the Plaintiff seeks to
2 forfeit the property that is claimed in the instant case. Therefore, the Claimant invokes the statutory relief
3 described in N.R.S. 179.1173 §2.

4 DATED this 16th day of April, 2007.

5 Respectfully submitted,

6 ALLEN & DUSTIN, LLC.

7
8 By 

9 CYNTHIA L. DUSTIN, ESQ.

10 Nevada State Bar No. 8435

11 601 South 7th Street

12 Las Vegas, Nevada 89101

13 Attorney for Claimant, BRYAN M. FERGASON
14
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FILED

2007 APR 23 P 1:54

CR 1225
CLERK OF THE COURT

1 ROC
2 ALLEN & DUSTIN, LLC.
3 Cynthia L. Dustin, Esq.
4 Nevada State Bar No. 8435
5 601 South 6th Street
6 Las Vegas, Nevada 89101
7 (702) 386-9700
8 Attorney for Claimant BRYAN M. FERGASON

9 DISTRICT COURT
10 CLARK COUNTY, NEVADA

11 ***

12 LAS VEGAS METROPOLITAN POLICE)
13 DEPARTMENT,)

14 Plaintiff,)

Case No. :A537416
Dept No. :VII

15 vs.)

16 U.S. CURRENCY \$281,656.73,)

17 Defendant.)
18

19 RECEIPT OF COPY

20 RECEIPT OF A COPY of the foregoing MOTION FOR STAY OF FORFEITURE CASE, is
21 hereby acknowledged this 23 day of May April 2007.

22 [Signature]
23 DISTRICT ATTORNEY

MC

RECEIVED

APR 23 2007

CLERK OF THE COURT

ORIGINAL

19

RSPN
DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
RANDALL F. WEED
Chief Deputy District Attorney
Nevada Bar #000082
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

FILED

APR 26 2 49 PM '07

CR
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Plaintiff,

-vs-

U.S. CURRENCY \$281,656.73

Defendant.

CASE NO: A537416

DEPT NO: VII

PLAINTIFF'S RESPONSE TO CLAIMANT'S MOTION
FOR STAY OF FORFEITURE PROCEEDINGS

DATE OF HEARING: 05/16/07
TIME OF HEARING: 8:30 AM

COMES NOW, the State of Nevada, by DAVID ROGER, District Attorney, through RANDALL F. WEED, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities and gives notice that there is no opposition to the Claimant's Motion for Stay of Civil Forfeiture Proceedings in Case A537416, pending the outcome of criminal case Case C-208321 currently set for trial on October 9, 2007, in Department XII, Eighth Judicial District Court, in which DAMION MONROE, aka Damion Devi Hoyt, BRYAN M. FERGASON, aka Bryan Michael Fergason, aka J.B., TONYA M. TREVARTHEN, aka Tonya Michelle Trevarthen and ROBERT HOLMES, III, aka Bobby Holmes, aka Robert Holmes are name as Defendants.

RECEIVED

APR 26 2007

CLERK OF THE COURT

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Claimant, DAIMON MONROE, aka Daimon Devi Hoyt, In Proper Person, filed a Motion for Stay of Forfeiture Case proceedings with the Clark County Clerk's Office on April 5, 2007.

On April 24, 2007, in a telephone conversation with Attorney SEAN P. SULLIVAN, ESQ., the Plaintiff's representative affirmed that Claimant ROBERT HOLMES, III, aka Bobby Holmes, aka Robert Holmes, joins in the Motion for Stay of Proceedings. Mr. Sullivan asked that this information be included in the Plaintiff's response to the motion.

POINTS AND AUTHORITIES

The Plaintiff's representative has verified that a criminal action for the above named claimants is now pending trial in Case C208321. This criminal action is the basis of the forfeiture action now before this Honorable Court.

///
///
///
///

1 CONCLUSION

2 For these reasons the Plaintiff has no opposition to the Motion to Stay Forfeiture
3 Proceedings.

4 DATED this 26th day of April, 2007.

5
6 Respectfully submitted,
7 DAVID ROGER
8 Clark County District Attorney
9 Nevada Bar #002781

10 BY 

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

11
12
13
14 CERTIFICATE OF MAILING

15 I hereby certify that service of the was made this PLAINTIFF'S RESPONSE TO
16 CLAIMANT'S MOTION FOR STAY OF FORFEITURE CASE 26th day of
17 April, 2007, by depositing a copy in the U. S. Mail, postage prepaid,
18 addressed to: DAIMON MONROE, aka Daimon Devi Hoyt, (ID#715429), In Proper Person,
19 Clark County Detention Center, 330 South Casino Center Blvd., Las Vegas, Nevada 89101.

20
21
22 BY 

Secretary for the District Attorney's Office

1 CERTIFICATE OF FACSIMILE TRANSMISSION

2 I hereby certify that service of PLAINTIFF'S RESPONSE TO CLAIMANT'S
3 MOTION FOR STAY OF FORFEITURE PROCEEDINGS was made this 26th day of
4 April, 2007, by facsimile transmission to:

5
6 ALLEN & DUSTIN, LLC
7 CYNTHIA L. DUSTIN, ESQ.
8 Attorney for Claimant Bryan M. Fergason
9 FAX #: (702) 385-5351

10 
11 Secretary for District Attorney's Office

12
13 CERTIFICATE OF FACSIMILE TRANSMISSION

14 I hereby certify that service of PLAINTIFF'S RESPONSE TO CLAIMANT'S
15 MOTION FOR STAY OF FORFEITURE CASE was made this 26th day of April, 2007,
16 by facsimile transmission to:

17
18 KELLY & SULLIVAN, LTD.
19 SEAN P. SULLIVAN, ESQ.
20 Attorney for Claimant for Robert Holmes, III
21 FAX #: (702) 385-7282

22 
23 Secretary for District Attorney's Office

24
25
26
27
28 EV#060924-0418/cm

CASE NO: A537416

DEPT NO: VII

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AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

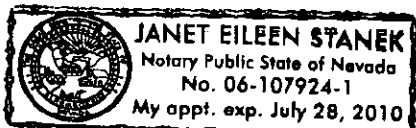
Chaf
CLERK OF THE COURT

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV METRO POLICE 2288582LV 1794498

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 5 edition(s) of said newspaper issued from 03/30/2007 to 04/27/2007, on the following days:

03/30/2007
04/06/2007
04/13/2007
04/20/2007
04/27/2007



Signed:

Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

CLERK OF THE COURT

27th day of April, 2007.

MAY 8 2007

Janet E. Stanek

RECEIVED

Notary Public

SUMM
Case A537416
Dept VII
Priority Civil NRS 179.1173
DISTRICT COURT
CLARK COUNTY, NEVADA
LAS VEGAS METROPOLITAN POLICE DEPARTMENT,
Plaintiff -vs- U.S. CURRENCY,
U.S. \$281,656.73, Defendant.
SUMMONS
TO: DAIMON MONROE,
(aka Daimon Dew Hoyd)
1504 Cutler Drive, Las Vegas,
Nevada, 89117
TO: BRYAN M. FERGASON,
(Bryan Michael Fergason,
aka J.B.) 7400 Pirates Cove
Road, #220, Las Vegas,
Nevada, 89145
TO: TONYA M. TRE-
VARTHEN, (Tonya Michelle
Trevathen) 1504 Cutler
Drive, Las Vegas, Nevada,
89117
TO: ROBERT HOLMES, III,
(aka Bobby Holmes aka
Robert Holmes) 6177 "Ri-
sepine Ct., Las Vegas, Ne-
vada 89110
TO: ANY and ALL PER-
SONS who may claim an
interest in Defendant U.S.
CURRENCY.
NOTICE IS HEREBY GIVEN
that on the 8th day of
March, 2007, the Las Ve-
gas Metropolitan Police
Department commenced
proceedings seeking the
forfeiture of the above de-
scribed Defendant U.S.
CURRENCY. EV#060924-
0418; EV#061106-0453;
EV#061122-1205; EV#
061129-1719; EV#061207-
1290; EV#061207-1538; EV#
061214-1544; EV#070226-
0684 pursuant to NRS
453.301(9).
A copy of the Complaint
for Forfeiture is attached
to this Summons.
1. If you intend to defend
this forfeiture, you must,
within twenty (20) days af-
ter service upon you, ex-
clusive of the day of ser-
vice: a. File with the Clerk
of the Court, 200 South
Lewis Avenue, Las Vegas,
Nevada 89155, a formal
written verified Answer to
the Complaint or the na-
ture and existence of any
right, title or interest
claimed by you in the De-
fendant U.S. CURRENCY.
(PLEASE NOTE: A FILING
FEE IS REQUIRED BY THE
CLERK OF THE COURT). b.
Serve a copy of your re-
sponse upon the attorney
whose name and address
is shown above. 2. If you
fail to answer within the
time provided, Judgment
by Default will be entered
against you for the relief
demanded in the Com-
plaint. 3. An Attorney who
represents you on crimi-
nal charges does not au-
tomatically represent you
in this forfeiture case. You
do not have the right to
appointed counsel in this
civil forfeiture case even if
you cannot afford to hire
an attorney. If you have a
Public Defender, they can-
not represent you in this
forfeiture proceeding.
THEREFORE, IT IS YOUR
RESPONSIBILITY, IF YOU
INTEND TO DEFEND THIS
CASE, TO RETAIN COUN-
SEL OR TO FILE AN AN-
SWER IN THE CORRECT
LEGAL FORM WITH THE
CLERK OF THE COURT.
SIMPLY CALLING OR
WRITING TO AN ATTOR-
NEY IN THE DISTRICT AT-
TORNEY'S OFFICE IS NOT
CONSIDERED AN ANSWER,
AND WILL NOT STOP THE
ENTRY OF A DEFAULT
JUDGMENT AGAINST YOU.
DATED this 8th day of
March, 2007.
Submitted by:
DAVID ROGER, Clark
County District Attorney
Nevada Bar #002781
BY /s/ RANDALL F. WEED,
Chief Deputy District
Attorney, Nevada
Bar #000082
CHARLES J. SHORT,
CLERK OF THE COURT
BY JOHN TAWNEY,
DEPUTY CLERK
Date MAR 09 2007 (SEAL)
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
PUB: Mar.30, Apr.6,13,20,27,
2007 LV Review-Journal


CLERK OF THE COURT

TDN
DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
RANDALL F. WEED
Chief Deputy District Attorney
Nevada Bar #000082
200 Lewis Avenue
Las Vegas, Nevada 89155-2211
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**LAS VEGAS METROPOLITAN POLICE)
DEPARTMENT)**

Plaintiff,

-vs-

**U.S. CURRENCY \$281,656.73,)
Defendant.)**

Case No. A537416

Dept No. VII

**THREE DAY NOTICE OF INTENT
TO TAKE DEFAULT**

TO: TONYA M. TREVARTHEN
aka Tonya Michelle Trevarthen
807 David Curry Drive
Round Rock, Texas 78664

NOTICE IS HEREBY GIVEN that unless you answer or otherwise plead to Plaintiff's Complaint for Forfeiture on file herein within three (3) days after receipt of this Notice of Intent to Take Default, Plaintiff above named will enter default against the Defendant U.S. CURRENCY request the Court to enter a judgment against the Defendant assets by default.

DATED this 18th day of May, 2007.

DAVID ROGER
Clark County District Attorney
Nevada Bar #002781

BY /s/R.Weed

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

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CERTIFICATE OF MAILING

I hereby certify that service of the THREE DAY NOTICE OF INTENT TO TAKE
DEFAULT was made this 18th day of May, 2007, by depositing a copy in the U.S.
Mail, postage prepaid, addressed to: TONYA M. TREVARTHEN, 807 David Curry Drive,
Round Rock, Texas 78664.

/s/Cindy Mendez
Secretary for the District Attorney's Office

LVMPD EV#060924-0418/cm

3
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FILED

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Chaf
CLERK OF THE COURT

1 **ORDR**
2 **DAVID ROGER**
3 Clark County District Attorney
4 Nevada Bar #002781
5 **RANDALL F. WEED**
6 Chief Deputy District Attorney
7 Nevada Bar #000082
8 200 Lewis Avenue
9 Las Vegas, NV 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,

13 -vs-

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

15 Defendant.

Case No. A537416
Dept No. VII

17 **ORDER GRANTING MOTION FOR STAY**
18 **OF FORFEITURE PROCEEDINGS**

19 **DATE OF HEARING: 05/16/2007**

20 **TIME OF HEARING: 8:30 A.M.**

21 THIS MATTER having come on for hearing before the above entitled Court on the
22 16th day of May, 2007, the Claimants not being present, and Claimants' Counsel not being
23 present, the Plaintiff being represented by DAVID ROGER, District Attorney, through
24 RANDALL F. WEED, Chief Deputy District Attorney, and the Court having heard the
25 arguments of counsel and good cause appearing therefor,

26 ///

27 ///

28 /// **RECEIVED**

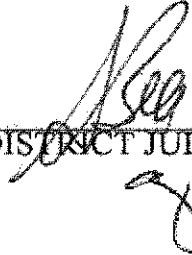
MAY 18 2007

CLERK OF THE COURT I:\FORFEIT\ORDERS\2007\060924-0418MONROE, FERGASON, HOLMES (Clmt's order lifting stay).doc

1 IT IS HEREBY ORDERED that the Motion for Stay of the Forfeiture Proceedings,
2 shall be, and it is Granted.

3 IT IS FURTHER ORDERED that upon the final resolution of Criminal Case
4 C208321 by trial or by negotiation that this Stay shall be automatically lifted and the
5 forfeiture proceeding may resume.

6 DATED this 11 day of May, 2007.

7
8
9 
DISTRICT JUDGE

10
11 DAVID ROGER
12 DISTRICT ATTORNEY
13 Nevada Bar #002781

14 
15 RANDALL F. WEED
16 Chief Deputy District Attorney
17 Nevada Bar #000082
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28 LVMPD EV#060924-0418/cm

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FILED

MAY 21 5 00 PM '07

CRaf SRS
CLERK OF THE COURT

1 NEOJ
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 RANDALL F. WEED
6 Chief Deputy District Attorney
7 Nevada Bar #000082
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2211
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

10 THE LAS VEGAS METROPOLITAN
11 POLICE DEPARTMENT,

Plaintiff,

Case No. A537416

-vs-

Dept No. VII

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

15 Defendant.

NOTICE OF ENTRY OF ORDER

18 TO: DAIMON MONROE, (ID #715429)
19 aka Daimon Devi Hoyt
20 Claimant, In Proper Person

21 TO: CYNTHIA L. DUSTIN, ESQ.
22 Attorney for Claimant, BRYAN M. FERGASON
23 aka Bryan Michael Fergason, aka J.B.

24 TO: SEAN P. SULLIVAN, ESQ.
25 Attorney for Claimant, ROBERT HOLMES, III.
aka Bobby Holmes

RECEIVED

MAY 21 2007

CLERK OF THE COURT

1 YOU WILL PLEASE TAKE NOTICE that an Order was entered in the
2 above-entitled action, a copy of which is attached hereto.

3 DATED this 21st day of May, 2007.

4 DAVID ROGER
5 Clark County District Attorney
6 Nevada Bar #002781

7 BY

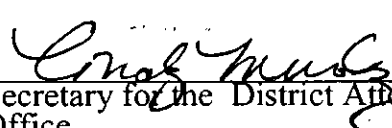

8 RANDALL F. WEED
9 Chief Deputy District Attorney
10 Nevada Bar #000082

11 CERTIFICATE OF MAILING

12 I hereby certify that service of the NOTICE OF ENTRY OF ORDER was made the
13 21st day of May, 2007, by depositing a copy in the U.S. Mail, postage prepaid,
14 addressed to:

15 DAIMON MONROE, (ID #715429)
16 aka Daimon Devi Hoyt, In Proper Person
17 Clark County Detention Center
18 330 South Casino Center Blvd.
19 Las Vegas, Nevada 89101

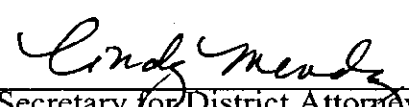
20 BY


21 Secretary for the District Attorney's
22 Office

23 CERTIFICATE OF FACSIMILE TRANSMISSION

24 I hereby certify that service of NOTICE OF ENTRY OF ORDER was made this
25 21st day of May, 2007, by facsimile transmission to:

26 ALLEN & DUSTIN, LLC
27 CYNTHIA L. DUSTIN, ESQ.
28 Attorney for Claimant Bryan M. Fergason
FAX #: (702) 385-5351


Secretary for District Attorney's Office

1 I hereby certify that service of NOTICE OF ENTRY OF ORDER was made this
2 21st day of May, 2007, by facsimile transmission to:

3
4 KELLY & SULLIVAN, LTD.
5 SEAN P. SULLIVAN, ESQ.
6 Attorney for Claimant for Robert Holmes III
7 FAX #: (702) 385-7282

8 
9 Secretary for District Attorney's Office
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28 Event No.060924-0418/cm

FILED

MAY 18 12 45 PM '07

CRP
CLERK OF THE COURT

ORDR

DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
RANDALL F. WEED
Chief Deputy District Attorney
Nevada Bar #000082
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Plaintiff,

-vs-

U.S. CURRENCY \$281,656.73

Defendant.

Case No. A537416
Dept No. VII

**ORDER GRANTING MOTION FOR STAY
OF FORFEITURE PROCEEDINGS**

**DATE OF HEARING: 05/16/2007
TIME OF HEARING: 8:30 A.M.**

THIS MATTER having come on for hearing before the above entitled Court on the 16th day of May, 2007, the Claimants not being present, and Claimants' Counsel not being present, the Plaintiff being represented by DAVID ROGER, District Attorney, through RANDALL F. WEED, Chief Deputy District Attorney, and the Court having heard the arguments of counsel and good cause appearing therefor,

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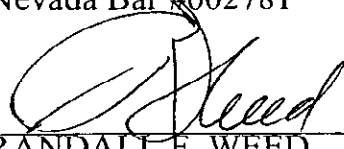
1 IT IS HEREBY ORDERED that the Motion for Stay of the Forfeiture Proceeding
2 shall be, and it is Granted.

3 IT IS FURTHER ORDERED that upon the final resolution of Criminal Cas
4 C208321 by trial or by negotiation that this Stay shall be automatically lifted and th
5 forfeiture proceeding may resume.

6 DATED this 17 day of May, 2007.

7
8 STEWART L. BELL
9 DISTRICT JUDGE

10
11 DAVID ROGER
12 DISTRICT ATTORNEY
13 Nevada Bar #002781

14 
15 RANDALL F. WEED
16 Chief Deputy District Attorney
17 Nevada Bar #000082
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LVMPD EV#060924-0418/cm

ORIGINAL

FILED

2007 JUN -1 P 3: 36

CR. CLERK OF THE COURT

MOT
DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
RANDALL F. WEED
Chief Deputy District Attorney
Nevada Bar #000082
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE)
DEPARTMENT)

Plaintiff,

-vs-

U.S. CURRENCY \$281,656.73,

Defendant.

Case No. A537416

Dept No. VII

MOTION FOR PARTIAL JUDGMENT BY DEFAULT

DATE OF HEARING: N/A
TIME OF HEARING: N/A

COMES NOW DAVID ROGER, Clark County District Attorney, by and through his
Chief Deputy District Attorney, RANDALL F. WEED, attorney representing Plaintiff, a
Partial Default having been entered by the Clerk of Court on the 1st day
of June, 2007, and pursuant to the provisions of NRCP 55 and EJDRC 2.70,

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1 together with the Exhibits attached hereto, moves this Honorable Court for a Partial
2 Judgment by Default and Final Judgment in the above entitled matter as it pertains to
3 Defendant U.S. CURRENCY.

4 DATED this 31st day of May, 2007.

5 DAVID ROGER
6 Clark County District Attorney
7 Nevada Bar #002781

8
9 BY 

10 RANDALL F. WEED
11 Chief Deputy District Attorney
12 Nevada Bar #000082
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27 LVMPD EV#060924-0418; EV#061106-0453; EV#061122-1205; EV#061129-1719; EV#061207-
28 1290; EV#061207-1538; EV#061214-1544; EV#070226-0684/cm

1
2 AFFIDAVIT OF RANDALL F. WEED

3 STATE OF NEVADA)
4 COUNTY OF CLARK)ss:

5 RANDALL F. WEED, being first duly sworn, deposes and states that I am a Deputy
6 District Attorney with the Clark County District Attorney's Office assigned to prosecute the
7 forfeiture action in Case No. A537416.

8 That a Complaint was filed in this action on March 9, 2007, together with a Summons
9 filed March 20, 2007. That an Order for Publication of Forfeiture Action was filed May 8,
10 2007, as to claimant TONYA M. TREVARTHEN, aka Tonya Michelle Trevarthen (Exhibit
11 2). That the Complaint and the Summons were mailed to TONYA M. TREVARTHEN, aka
12 Tonya Michelle Trevarthen at her last known address at 807 David Curry Drive, Round
13 Rock, Texas 78664, as evidenced by the Affidavit of Mailing filed on March 28, 2007
14 (Exhibit 3). That Publication was completed on April 27, 2007, as evidenced by the
15 Affidavit of Publication filed May 8, 2007 (Exhibit 4). That no answer or response or
16 pleadings have been made to the Complaint nor have any defenses been interposed by any
17 means by TONYA M. TREVARTHEN, aka Tonya Michelle Trevarthen as it pertains to
18 Defendant U.S. CURRENCY.

19 WHEREFORE, it is respectfully requested that this Honorable Court enter Partial
20 Judgment by Default and Final Judgment and decree the forfeiture of Defendant U.S.
21 CURRENCY \$281,656.73 as to the interests of TONYA M. TREVARTHEN, aka Tonya
22 Michelle Trevarthen only to the Las Vegas Metropolitan Police Department, to be
23 distributed in the manner set forth in NRS 179.117(5), 179.118 and 179.118(5).

24 I declare under penalty of perjury that the foregoing is true and correct.

25
26 Executed on 31 May 07
27 (Date)

28

RANDALL F. WEED

1 **AFFP**
2 **DAVID ROGER**
3 **Clark County District Attorney**
4 **Nevada Bar #002781**
5 **RANDALL F. WEED**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #000082**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

FILED

MAR 27 1 20 PM '07

CRaf
CLERK OF THE COURT

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 **LAS VEGAS METROPOLITAN POLICE)**
11 **DEPARTMENT)**

12 **Plaintiff,)**

13 **-vs-)**

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

15 **Defendant.)**

Case No. A537416

Dept No. VII

16
17 **AFFIDAVIT FOR ORDER OF PUBLICATION**

18 **STATE OF NEVADA)**
19 **COUNTY OF CLARK)ss:**

20 **RANDALL F. WEED, being first duly sworn, deposes and says that he is a Chief**
21 **Deputy District Attorney with the Clark County Nevada District Attorney's Office, and that**
22 **in said capacity is the attorney for Plaintiff in the above-entitled action.**

23 **That a Complaint for Forfeiture in the above entitled action was filed in the office of**
24 **the Clerk of the above entitled Court on the 9th day of March, 2007, and that a Summons**
25 **was issued on the 9th day of March, 2007, which Summons was directed to TONYA M.**
26 **TREVARTHEN, aka Tonya Michelle Trevarthen, 807 David Curry Drive, Round Rock,**
27 **Texas 78664.**

28 **///**

Exh "1"

1 That this action is brought to forfeit all the right, title and interest in said U.S
2 CURRENCY as more fully appears from the Complaint for Forfeiture on file herein, which
3 Complaint is by reference, made a part hereto, and incorporated herein as though fully set
4 forth.

5 That attempts have been made to personally serve TONYA M. TREVARTHEN, aka
6 Tonya Michelle Trevarthen a copy of the Summons and Complaint for Forfeiture. See
7 attached hereto and incorporated herein by reference the Affidavit of Due Diligence of
8 Investigator's Name, of the District Attorney's Office.

9 That there is no known local address for TONYA M. TREVARTHEN, aka Tonya
10 Michelle Trevarthen and it is therefore, impossible to personally serve a copy of the
11 Complaint for Forfeiture and Summons upon TONYA M. TREVARTHEN, aka Tonya
12 Michelle Trevarthen.

13 That Affiant therefore prays for an Order of this Court directing that a copy of the
14 Complaint for Forfeiture, attached to a copy of the Summons be served on TONYA M.
15 TREVARTHEN, aka Tonya Michelle Trevarthen by publication thereof, and that copies of
16 same be mailed to her at her last known address as set forth herein.

17 I declare under penalty of perjury that the foregoing is true and correct.

18
19 Executed on

22 March 07
(date)



RANDALL F. WEED

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

CLARK COUNTY DISTRICT ATTORNEY'S OFFICE
FORFEITURE UNIT
CERTIFICATE OF DUE DILIGENCE

CLAIMANT: TONYA TREVARTHEN

EVENT #: 060924-0418

CASE #: A 537416

DEPT. #: VII

I, Phillip Stahl, Investigator in the Clark County District Attorney's Office, do solemnly affirm and certify under the pains and penalties of perjury that I was unsuccessful in locating and serving the above listed witness with the attached Summons after diligently attempting service of same utilizing the following methods:

Copy mailed to last known address, to wit: SEE Below

Telephone contact: (Hm) NONE (Bus) NONE

Assessor's files checked: Site Geta

Notice of Summons left at without response.

Utilities checked: Nevada Power Sprint Centel City of Henderson

Custody Status: CCDC LVCDC NLVDC NSP Other

DMV: Local Out of State Flat-Rate People Locator Cris-Cross

SCOPE/Work Card information checked.

Contact messages left with the following individuals:

Name: Add: Ph:

Name: Add: Ph:

Name: Add: Ph:

3-20 Other: PER HER ATTORNEY MR LOED AND A.F. SANDRA
Di. C. A. O. M. O. The ABOVE IS NO LONGER INVOLVED IN THIS
CASE. SHE WENT TO TEXAS TO LIVE WITH A RELATIVE ADDRESS
PROVIDED BY MR LOED C/O MARY GOLDANTU, 807 DAVID CURRY
DRIVE Round Rock TEX. 78664. NO PHONE, THE ABOVE HAS
ALSO RELINQUISHED ALL INTEREST IN THE FORFEITURE PROCEEDINGS

Dated this 20 day of MARCH, 20 07.

Signature: Phil Stahl

DISTRIBUTION:

WHITE - Secretary

CANARY - Investigator Copy

1 CC15
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 RANDALL F. WEED
6 Chief Deputy District Attorney
7 Nevada Bar #000082
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

FILED

MAR 27 1 20 PM '07

C. R. F.
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

10 LAS VEGAS METROPOLITAN POLICE)
11 DEPARTMENT)

12 Plaintiff,

13 -vs-

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

15 Defendant.
16

Case No. A537416

Dept No. VII

17 ORDER FOR PUBLICATION OF FORFEITURE ACTION

18 The Court having been presented with an Affidavit of Publication for Forfeiture
19 Action by RANDALL F. WEED, Counsel for Plaintiff, and it appearing therefrom that
20 personal service of process cannot be had as to U.S. CURRENCY \$281,656.73, on
21 prospective TONYA M. TREVARTHEN, aka Tonya Michelle Trevarthen whose last known
22 address is 807 David Curry Drive, Round Rock, Texas 78664 and for good cause appearing;

23 IT IS HEREBY ORDERED that the Summons be served on prospective claimant,
24 TONYA M. TREVARTHEN, aka Tonya Michelle Trevarthen, by publication thereof in the
25 Las Vegas Review Journal, and that said publication be made for a period of four
26 consecutive weeks and at least once a week for said period of time, for a total of five
27 printings.

28 ///

EXHIBIT "2"

1 IT IS FURTHER ORDERED that a copy of the Complaint, together with a copy of
2 the Summons be forthwith deposited in a sealed envelope in the Post Office in the City of
3 Las Vegas, County of Clark, State of Nevada, directed to her, at her last known address.

4 DATED this 26 day of March, 2007.

5 **STEWART L. BELL**

6 DISTRICT JUDGE
7
8
9

10 Submitted by:

11 DAVID ROGER
12 Clark County District Attorney
13 Nevada Bar #002781

14
15 BY

16 
17 RANDALL F. WEED
18 Chief Deputy District Attorney
19 Nevada Bar #000082
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28 LVMPD EV#060924-0418; EV#061106-0453; EV#061122-1205; EV#061129-1719;
EV#061207-1290; EV#061207-1538; EV#061214-1544/cm

1 **AFFT**
2 **DAVID ROGER**
3 **Clark County District Attorney**
4 **Nevada Bar #002781**
5 **RANDALL F. WEED**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #000082**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

FILED

MAR 28 2 08 PM '07

Cliff
CLERK OF THE COURT

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9
10 **LAS VEGAS METROPOLITAN POLICE)**
11 **DEPARTMENT)**

12 **Plaintiff,)**

13 **-vs-)**

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

15 **Defendant.)**

Case No. A537416

Dept No. VII

16 **AFFIDAVIT OF MAILING**

17 **STATE OF NEVADA)**
18 **COUNTY OF CLARK) ss:**

19 Cynthia Mendez, being first duly sworn deposes and says that she is the affiant
20 herein, and was when the herein described mailing took place, a citizen of the United States,
21 over 21 years of age, and not a party to, nor interested in the within action; that on the
22 28th day of March, 2007, your affiant deposited in the Post Office located in
23 Las Vegas, Clark County, Nevada, a copy of Summons and Complaint for Forfeiture
24 enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to:
25 TONYA M. TREVARTHEN, aka Tonya Michelle Trevarthen, 807 David Curry Drive,
26 Round Rock, Texas 78664 and that there is a regular communication by mail between the
27 place of mailing and the place so addressed.

28 **///**

Exh "3"

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on

3/28/07
(date)

Cynthia Mendez
Cynthia Mendez, Secretary
District Attorney's Office

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

SE NO: A537414

DEPT NO: VII

FILED

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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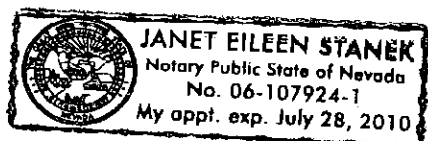
CLERK OF THE COURT

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV METRO POLICE 2288582LV 1794498

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 5 edition(s) of said newspaper issued from 03/30/2007 to 04/27/2007, on the following days:

03/30/2007
04/06/2007
04/13/2007
04/20/2007
04/27/2007



Signed:

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

27th day of April, 2007.

Notary Public

EXHIBIT # 4

SUMM
Case A537416
Dept VII
Priority Civil NRS 179.1173
DISTRICT COURT
CLARK COUNTY, NEVADA
LAS VEGAS METROPOLITAN POLICE DEPARTMENT,
Plaintiff -vs- U.S. CURRENCY
CY \$281,656.73, Defendant.
SUMMONS
TO: DAIMON MONROE,
(aka Daimon Devi Hoyt)
1504 Cutler Drive, Las Vegas,
Nevada, 89117
TO: BRYAN M. FERGASON,
(Bryan Michael Fergason,
aka J.B.) 7400 Pirates Cove
Road, #220, Las Vegas,
Nevada, 89145
TO: TONYA M. TRE-
VARTHEN, (Tonya Michelle
Trevathen) 1504 Cutler
Drive, Las Vegas, Nevada,
89117
TO: ROBERT HOLMES, III,
(aka Bobby Holmes, aka
Robert Holmes) 6177 Ri-
sepine Ct., Las Vegas, Ne-
vada 89110
TO: ANY and ALL PER-
SONS who may claim an
interest in Defendant U.S.
CURRENCY.
NOTICE IS HEREBY GIVEN
that on the 8th day of
March, 2007, the Las Ve-
gas Metropolitan Police
Department commenced
proceedings seeking the
forfeiture of the above de-
scribed Defendant U.S.
CURRENCY, EV#060924-
0418; EV#061106-0453;
EV#061122-1205; EV#
061129-1719; EV#061207-
1290; EV#061207-1538; EV#
061214-1544; EV#070226-
0684 pursuant to NRS
453.301(9).
A copy of the Complaint
for Forfeiture is attached
to this Summons.
1. If you intend to defend
this forfeiture, you must,
within twenty (20) days af-
ter service upon you, ex-
clusive of the day of ser-
vice: a. File with the Clerk
of the Court, 200 South
Lewis Avenue, Las Vegas,
Nevada 89155, a formal
written verified Answer to
the Complaint or the na-
ture and existence of any
right, title or interest
claimed by you in the De-
fendant U.S. CURRENCY.
(PLEASE NOTE: A FILING
FEE IS REQUIRED BY THE
CLERK OF THE COURT). b.
Serve a copy of your re-
sponse upon the attorney
whose name and address
is shown above. 2. If you
fail to answer within the
time provided, Judgment
by Default will be entered
against you for the relief
demanded in the Com-
plaint. 3. An Attorney who
represents you on crimi-
nal charges does not au-
tomatically represent you
in this forfeiture case. You
do not have the right to
appointed counsel in this
civil forfeiture case even if
you cannot afford to hire
an attorney. If you have a
Public Defender, they can-
not represent you in this
forfeiture proceeding.
THEREFORE, IT IS YOUR
RESPONSIBILITY, IF YOU
INTEND TO DEFEND THIS
CASE, TO RETAIN COUN-
SEL OR TO FILE AN AN-
SWER IN THE CORRECT
LEGAL FORM WITH THE
CLERK OF THE COURT.
SIMPLY CALLING OR
WRITING TO AN ATTOR-
NEY IN THE DISTRICT AT-
TORNEY'S OFFICE IS NOT
CONSIDERED AN ANSWER,
AND WILL NOT STOP THE
ENTRY OF A DEFAULT
JUDGMENT AGAINST YOU.
DATED this 8th day of
March, 2007.
Submitted by:
DAVID ROGER, Clark
County District Attorney
Nevada Bar #02781
BY /s/ RANDALL F. WEEDE,
Chief Deputy District
Attorney, Nevada
Bar #000082
CHARLES J. SHORT,
CLERK OF THE COURT
BY JOHN TAWNEY,
DEPUTY CLERK
Date MAR 09 2007 (SEAL)
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
PUB: Mar.30, Apr.6, 13, 20, 27,

AFFIDAVIT OF COPS NAME

STATE OF NEVADA)
COUNTY OF CLARK)ss:

I, B. Nickell, P#4311, being first duly sworn, depose and say that:

1. I am a Detective with the Las Vegas Metropolitan Police Department who was personally involved in the investigation or arrest of potential Claimants, DAIMON MONROE, BRYAN M. FERGASON, TONYA M. TREVARTEN and ROBERT HOLMES, III, and in the investigation or seizure of certain property under LVMPD Event No.#060924-0418, EV#061106-0453; EV# 061122-1205; EV #061129-1719; EV#061207-1290; EV#061207-1538; EV#061214-1544 and EV#070226-0684 which is now the subject of forfeiture in Case Number A537416.

2. In support of said seizure of Defendant property as being subject to forfeiture pursuant to the Forfeiture Complaint, I have attached hereto and incorporated herein by reference the reports which were made at or near the time of the acts or events contained therein by myself or other officers with knowledge of those facts.

3. If called upon to testify under oath, I would testify as to the contents of this/these report(s) to the best of my knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

03/20/07
Date


B. NICKELL

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/cm

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
OFFICER'S REPORT

EVENT #: 061122-1205
061122-1835

Follow Up Investigation and
Service of Search Warrants

SUBJECT

DIVISION REPORTING: Investigative Services DIVISION OF OCCURRENCE: Investigative Services

DATE AND TIME OCCURRED: 11/22/06; 1000hrs LOCATION OF OCCURRENCE: Bank of America
300 S 4th Street
Las Vegas, NV 89101

Suspects Involved: Monroe, Daimon (aka Hoyt, Daimon)
ID# 715429

Ferguson, Bryan M
ID# 1299193

Trevarthen, Tonya
ID# 1760548

Banking Institutions: Bank of America
300 S. 4th Street
Las Vegas, NV 89101
654-7900

Personnel involved: Devan Thorns
Assistant Banking Center Manager

Bank of America
6900 Westcliff Drive
Las Vegas, NV 89145
654-6550

Personnel involved: Karl Golden
Vice President, Banking Center

Juanita Clemons
Assistant Banking Center Manager

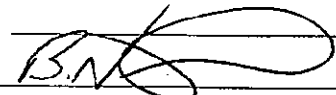
Detectives Involved: Detective B. Nickell P# 4311
LVMPD - Repeat Offender Program

Detective P. Fielding P# 3081
LVMPD - Immigration and Customs Enforcement (ICE) Task Force

Date and Time of Report: 11/24/06; 2030hrs Officer: Detective B. Nickell P#: 4311

Approved: _____ Officer: _____ P#: _____

LVMPD 82 (REV. 8/01) - AUTOMATED/WP12

SIGNATURE: 

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

CONTINUATION REPORT

ID/Event Number: 061122-1205 &
061102-1835

Page 2 of 4

On 11/21/06, I Detective B. Nickell P# 4311 was conducting follow up investigation into a commercial burglary ring involving Daimon Monroe (aka Daimon Hoyt), Bryan Fergason, Tonya Trevarthen and other suspects. The investigation thus far had netted an estimated several hundreds of thousands of dollars and possibly over one million of dollars of recovered stolen property.

Thus far I learned from my investigation that Trevarthen and Monroe live together at 1504 cutler Drive LVN 89117 with three children (at least one of which is Monroe's) and that Trevarthen was employed as a full time substitute 3rd Grade School Teacher at Derfeldt Elementary School. I have ascertained that for some length of time Monroe and Fergason had no regular employment. It is my assessment that if Trevarthen, Monroe or Fergason have substantial quantities of assets, they would most likely be proceeds from criminal activities, specifically the fruits from commercial burglaries and/or sales of stolen property or at least a mixture of these illegal assets and Trevarthen's legitimate income from the Clark County School District.

At approximately 1300hrs on 11/21/06, LVMPD Analyst Nancy Paine Sampson informed me that David Smith of Bank of America Corporate Security (207-8439) had located several bank accounts belonging individually to Bryan Fergason and Tonya Trevarthen. I was told that these accounts were supposed to be of substantial value, in the hundreds of thousands of dollars.

Nancy Paine Sampson asked me if I would be interested with some help from Detective P. Fielding who works in the Immigration and Customs Enforcement Task Force. Nancy told me that Detective Fielding has a significant amount of experience in large financial investigations of this type. I told Nancy that any assistance Detective Fielding might wish to offer would be welcome.

I contacted David Smith and learned that the accounts in Fergason's name were:

- 1) 0049-6835-7325,
- 2) 0049-6742-9568,
- 3) Certificate of Deposit # 91000085226481 &
- 4) Certificate of Deposit # 91000085177145

David Smith also informed me that Fergason had a Safe Deposit Box at the Bank of America branch located at 6900 Westcliff Drive LVN 89145.

Additionally, David Smith told me that Tonya Trevarthen had the following account:

- 1) 0049-6866-2764

Detective Fielding and I met and started drafting seizure warrants for the previously listed accounts and safe deposit box. The warrants were completed late in the evening of 11/21/06 and since banking hours were over, we decided to take the warrants to a Judge the following morning.

On 11/22/06 at approximately 0830hrs, I met with Chief District Court Judge Kathy Hardcastle and presented her with three warrants. They were broken down into (1) warrant for Fergason's accounts and CD's, (1) warrant for Fergason's safe deposit box since it was located at a branch other than the main Bank of America branch and (1) warrant for Trevarthen's account. The warrants also instructed the banking institution to provide documents regarding transaction histories for the questioned accounts. Judge Hardcastle authorized the search warrants.

At approximately 1000hrs, Detective Fielding and I went to the main branch of Bank of America at 300 S 4th Street and served the warrants on the bank accounts of Bryan Fergason and Tonya Trevarthen. Devan Thorns, Bank of America Assistant Banking Center Manager provided the assistance to us. After contacting the Bank of America Legal Department, Ms. Thorns produced a cashier's check in the amount of \$124,216.36 for Fergason's accounts and a cashier's check in the amount of \$26,938.64 for Trevarthen's account. The checks were made out to LVMPD. I left a return of service for each of the two search warrants that were served on the accounts of Fergason and Trevarthen with Ms. Thorns. The checks were impounded under EV# 061122-1205.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/Event Number: 061122-1205 &
061102-1835

Page 3 of 4

While discussing the details and transaction history of these accounts with Ms. Thorns, she mentioned that withdrawals of \$125,000, \$25,000 and \$101,000 had been made from Trevarthen's account on 11/20/06. I contacted David Smith of Bank of America Corporate Security again and advised him of what Ms. Thorns has told me about the withdrawals. I asked Mr. Smith if he could get more information and if possible locate where the money withdrawn had gone to. Mr. Smith said he would begin looking into it and get back to me when he knew more.

Detective Fielding had been in contact with Kari Golden of the Westcliff Branch of Bank of America and learned that the locksmith they use for opening safe deposit boxes would not be available until approximately 1500hrs. At 1430hrs, Detective Fielding and I went to the Westcliff Branch of Bank of America and contacted Kari Golden and Juanita Clemons.

Ms. Golden and Ms. Clemons informed me that on Friday 11/17/06, Tonya Trevarthen had come into the bank and rolled over a CD for over \$100,000 into her regular shares account that was also in the name of one of her children, Ashley Monroe. Trevarthen asked to withdraw a large amount of cash over \$200,000. Bank of America does not keep that large a sum of cash on hand so the money had to be ordered and would be ready on Monday 11/20/06. Trevarthen then left the bank.

Ms. Clemons informed me that Trevarthen returned to the bank on 11/20/06 and requested the cash withdrawal. Bank personnel talked to Trevarthen about taking a cashier's check or several cashier's checks because they were worried about Trevarthen carrying such a large sum of cash. Trevarthen agreed and took several cashier's checks but returned approximately 10 minutes later. Trevarthen told the banking personnel that she had just talked to her attorney and that he told her to demand cash instead of the cashier's checks. Trevarthen received the cash and left the bank.

Ms. Clemons also told me that she looked into the history of the Trevarthen account(s) and saw that amidst the various transfers and other transactions, Trevarthen had withdrawn an approximate total of \$241,000 11/07/06. This is what made up the majority of the cash withdrawal on 11/20/06.

Additionally, Ms. Clemons also reported that Trevarthen had withdrawn \$25,000 on 11/08/06 and then on 11/09/06 wired \$18,000 an account belonging to Mary B. Goldwater at 807 David Curry Drive, Round Rock, TX 78664. Mary Goldwater is believed to be Trevarthen's mother who took temporary custody of Trevarthen's 3 children from the Clark County Juvenile Court "Childhaven" after Trevarthen was arrested on 11/06/06. Goldwater took the children to Texas while Trevarthen dealt with her criminal case in Nevada.

Also, Ms. Clemons informed me that on 11/09/06 a cashier's check in the amount of \$17,500 was drawn on Trevarthen's account and made payable to "Law Offices of Al Lasso, LLC". Al Lasso is known to me to be one of the criminal defense attorneys in the case against Monroe, Ferguson and Trevarthen.

I then contacted Lt. T. Lee P# 2566 and advised him of the new information and that I believed Trevarthen was now in possession of over \$200,000 cash that would have been seized pursuant to Judge Hardcastle's order if it not been withdrawn before we served the warrant. The latest information I had was that Trevarthen had returned to her residence at 1504 Cutler Drive and was staying there while dealing with her criminal case.

Detective Fielding and I completed our business at the bank by serving the warrant on Ferguson's safe deposit box. After the box was drilled open by the locksmith, Detective Fielding and I located a large amount of property in the safe deposit box including a large amount of old and rare coins, old and rare paper currencies and two large prehistoric fossilized sharks teeth that are of significant value. All items found in the safe deposit box were impounded as evidence. (See property report under EV# 061122-1835 for a complete list of items impounded from Ferguson's safe deposit box).

Detective T. Schoening P# 4498 drafted a search warrant for Trevarthen's residence to search for the outstanding cash that was withdrawn from Trevarthen's account. Judge Hardcastle authorized the search and the warrant was served on the evening of 11/22/06.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

CONTINUATION REPORT

ID/Event Number: 061122-1205 &
061102-1835

Page 4 of 4

Trevarthen was not home when the search warrant was served. Trevarthen's car and van were not at the house. The next door neighbor (and father to Trevarthen's landlord Stephen Foreman), Irving Foreman DOB-06/25/30 was contacted. Irving Foreman informed Sgt J. Siwy that the last time he had seen Trevarthen was on Monday 11/20/06 and that she was with what he thought was "the grandmother" or Trevarthen's mother.

Irving Foreman was in possession of a key to the house qt 1504 Cutler. Mr. Foreman gave the key to Sgt Siwy so that entry could be made into the house without having to use force. The search did not locate the outstanding money. A return of service was left at the house indicating that no items were taken during the search.

Detective Fielding contacted his Federal counterparts on the ICE Task Force and advised them of what had transpired. ICE Agent S. Pilo contacted agents in Texas and briefed them on the matter. On 11/23/06, I was contacted by Detective Fielding. Detective Fielding told me that Federal Agents in Texas had located Trevarthen at her mother's house in Round Rock Texas and had spoken with her. (If more precise information is needed, contact Detective Fielding regarding this portion of the investigation).

Detective Fielding told me that Trevarthen spoke with the Federal Agents and that she admitted she had withdrawn the cash. Detective Fielding told me that the Federal Agents searched the home in Round Rock, Texas with Mary Goldwater's consent. Trevarthen told the Federal Agents that she had left the money in Nevada. When pressed for specific information about where the money was, Trevarthen told the Federal Agents that she wanted to speak to her attorney and refused to provide any further info.

DETECTIVE B. NICKELL P# 4311
LVMPD- REPEAT OFFENDER PROGRAM

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
PROPERTY REPORT

Date Prepared 11/22/06 Time Prepared 1915hrs

PAGE 1 OF 2

☐ Firearms Impounded		Incident Search Warrant		☐ Felony ☐ Gross ☐ Misd.		Event # 061122-1205	
Check One Box Only ☐ Recovered ☐ Evidence ☐ Found ☐ Safekeeping ☒ Seizure ☐ Other		Gang Alleg. ☐ Yes ☒ No Name: _____		CCW Permit ☐ Yes ☒ No			
Reporting Officer B. Nickell		Unit ROP	P# 4311	Supervisor Approving		P#	
Property Physically Impounded By: S/A		Unit	P#	Property Checked Through: ☐ Pawn ☐ NCIC ☐ SCOPE			
Property Physically Impounded By: (Signature) <i>B. Nickell</i>				Connecting Reports - Type & Event #:			
S ☒ # V ☐ A ☐	Last Name First Name MI		DOB	ID#	AKA		
	Ferguson Bryan M		05/03/75	1299193			
Street Address			Arrest Date	Charge			
7400 Pirates Cove # 220 LVN 89145			11/06/06	PSP			
S ☒ # V ☐ A ☐	Last Name First Name MI		DOB	ID#	AKA		
	Trevanthen Tonya		10/23/80	1760548			
Street Address			Arrest Date	Charge			
1504 Cutler Drive LVN 89117			11/06/06	PSP			
S ☐ # V ☐ A ☐	Last Name First Name MI		DOB	ID#	AKA		
Street Address			Arrest Date	Charge			
S ☐ # V ☐ A ☐	Last Name First Name MI		DOB	ID#	AKA		
Street Address			Arrest Date	Charge			
Recovered By ☒ Reporting Officer	☐ Owner ☐ Finder	Last Name First Name MI		DOB	SS#		
Street Address				Home Phone		Business Phone	
Location Of Recovery (Number & Street)		Bldg.#	Apt.#	City	State	Zip Code	
Bank of America 300 S 4 th Street				LV	NV	89101	
Owner Notified: ☐ Yes ☐ No	By	Date	VIA	Released to Owner? ☐ Yes ☐ No		Owner's Signature	

Item # 1 is a check for monies seized from Bank of America accounts belonging to Bryan Ferguson pursuant to a search & seizure warrant.

Item #2 1 is a check for monies seized from Bank of America accounts belonging to Tonya Trevanthen pursuant to a search & seizure warrant.

Checks were issued by Asst Bank Manager Devan Thorns.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
PROPERTY REPORT CONTINUATION PAGE

PAGE 2 OF 2

EVENT#: 061122-1205

PROPERTY											
Pkg #	Item #	Owner #	Make or Brand	Model	Color	Caliber	Barrel Length	S=Ser # O=OAN M=Misc	Serial Number / OAN	Qty	Description Country Made / Importer
1	1							S	002219242	1	Bank of America check made out to LVMPD in the amount of \$124,216.36
2	2							S	002219241	1	Bank of America check made out to LVMPD in the amount of \$20,938.64

APPLICATION AND AFFIDAVIT FOR SEARCH & SEIZURE WARRANT

STATE OF NEVADA)
)
COUNTY OF CLARK) ss:

Detective B. Nickell, P #4311, being first duly sworn, deposes and states that he is the affiant herein, and that he is a Police Officer with the Las Vegas Metropolitan Police Department, currently assigned to the Repeat Offender Program, having been employed by the Department for 14 years.

That there is probable cause to believe that certain property which constitutes the illegally gained assets hereinafter described will be found at the following described location, to-wit:

1. Bank of America, 300 South 4th Street, Las Vegas, Clark County, Nevada. Owner of record; Bryan Fergason DOB-06/03/75, SS# 620-05-4024, account #0049-6835-7325, account # 0049-6742-9568, Certificate of Deposit # 91000085226481, Certificate of Deposit # 91000085177145 and/or any other accounts associated with the above listed tax identification numbers.

The property referred to and sought to be seized consists of the following:

- A. U.S. Currency and Proceeds contained within the account of Bryan Fergason, derived from commercial burglaries and the illegal theft of and sales of stolen property.
- B. Documents pertaining to the accumulation of assets derived from commercial burglaries and the illegal theft of and sales of stolen property.
- C. Bank and Financial Institution documents showing the movement and expenditure of U.S. currency derived from commercial burglaries and the illegal theft of and sales of stolen property.