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1 ROBERT HOLMES, III. TONYA M. TREVARTHEN told officers she had given money to
2 AAA People's Choice Bail Bond Company to pay for DAIMON MONROE's bail, and the
3 officers recovered \$528.95 from the account of As The Bail Turns and \$5,105.38 from the
4 account of All Out Bail Bonds. The officers learned that TONYA M. TREVARTHEN had
5 transferred money to attorney Al Lasso and officers recovered \$26,502.18 from Al Lasso's
6 client trust account. Officers also learned that TONYA M. TREVARTHEN had transferred
7 money to attorney Jonathan Lord, who voluntarily surrendered \$3,500.00, and also to
8 attorney Joel Mann, who voluntarily surrendered \$10,000.00.

9 A final total of \$281,656.73 was seized by officers of the Las Vegas Metropolitan
10 Police Department as proceeds attributable to the commission or attempted commission of
11 felonies by Claimants. DAIMON MONROE, BRYAN M. FERGASON, TONYA M.
12 TREVARTHEN, and ROBERT HOLMES, III were charged with six (6) counts of Felony
13 Possession of Stolen Property and one (1) count of Conspiracy to Possess Stolen Property.

14 A Complaint for Forfeiture was filed on March 9, 2007, wherein U.S. CURRENCY
15 \$281,656.73 represents proceeds attributable to the commission or attempted commission of
16 a felony, to wit: BURGLARY (NRS 205.060) and/or GRAND LARCENY (NRS 205.220)
17 and/or POSSESSION OF STOLEN PROPERTY (NRS 205.275). See Exhibit "1" attached
18 hereto and incorporated herein.

19 An Answer to the Complaint for Forfeiture was filed by DAIMON MONROE on
20 April 5, 2007. See Exhibit "2" attached hereto and incorporated herein.

21 Cynthia L. Dustin, Esq., filed an Answer to the Complaint for Forfeiture on behalf of
22 BRYAN M. FERGASON on April 10, 2007. See Exhibit "3" attached hereto and
23 incorporated herein.

24 Sean P. Sullivan, Esq., filed an Amended Answer to the Complaint for Forfeiture on
25 behalf of ROBERT HOLMES, III. on April 12, 2007. See Exhibit "4" attached hereto and
26 incorporated herein.

27 In April of 2007, DAIMON MONROE filed a Motion to Stay Proceedings in this
28 forfeiture matter pending the outcome in Case Nos. C228752 and 06F18594. See Exhibit

1 “5” attached hereto and incorporated herein. In respect to DAIMON MONROE’s Motion
2 for Stay pending the outcome in the criminal case, Case No. C228752, all Defendants have
3 been adjudicated guilty. As to Claimant TONYA M. TREVARTHEN, a Judgment of
4 Conviction was filed in this matter on October 3, 2008, wherein she pled guilty to one (1)
5 count Conspiracy to Possess Stolen Property and/or to Commit Burglary and one (1) count
6 Possession of Stolen Property. See Exhibit “6” attached hereto and incorporated herein. On
7 January 5, 2009, a Judgment of Conviction was filed as to Claimant ROBERT HOLMES,
8 III, wherein he entered a plea of guilty to one (1) count of Conspiracy to Possess Stolen
9 Property and/or Commit Burglary and two (2) counts of Possession of Stolen Property. See
10 Exhibit “7” attached hereto and incorporated herein. Claimants DAIMON MONROE and
11 BRYAN M. FERGASON were brought to trial in the Eighth Judicial District Court under
12 Case No. C228752. A jury found DAIMON MONROE guilty of one (1) count of
13 Conspiracy to Possess Stolen Property and/or to Commit Burglary and 26 counts of
14 Possession of Stolen Property. An Amended Judgment of Conviction was filed in this
15 matter September 17, 2010. See Exhibit “8” attached hereto and incorporated herein.
16 Further, a jury found BRYAN M. FERGASON guilty of one (1) count of Conspiracy to
17 Possess Stolen Property and/or to Commit Burglary and 25 counts of Possession of Stolen
18 Property. See Exhibit “9” attached hereto and incorporated herein.

19 Further, as to Claimant DAIMON MONROE’S Motion for Stay, he also referenced
20 the outcome in the pending criminal case, Case No. 06F18594X. This case was bound over
21 to District Court as Case No. C227874 where DAIMON MONROE and BRYAN M.
22 FERGASON were brought to trial and a jury found them guilty of two (2) counts of
23 Burglary, one (1) count of Grand Larceny, and one (1) count of Possession of Burglary
24 Tools. An Amended Judgment of Conviction was filed in Case No. C227874 on August 4,
25 2008, as to Claimant DAIMON MONROE. See Exhibit “10” attached hereto and
26 incorporated herein. A Second Amended Judgment of Conviction was filed in Case No.
27 C227874 on March 3, 2010, as to Claimant BRYAN M. FERGASON. See Exhibit “11”
28 attached hereto and incorporated herein.

1 On April 23, 2007, BRYAN M. FERGASON, through his attorney Cynthia L. Dustin,
2 filed a Motion to Stay Proceedings in this forfeiture matter pending the outcome in Case No.
3 C208321. See Exhibit "12" attached hereto and incorporated herein. In respect to BRYAN
4 M. FERGASON's Motion for Stay he referenced the pending outcome in the criminal case,
5 Case No. C208321. On June 29, 2011, a Second Amended Judgment of Conviction was
6 filed wherein BRYAN M. FERGASON entered a plea of guilty to Attempt Burglary. See
7 Exhibit "13" attached hereto and incorporated herein.

8 On March 5, 2012, Plaintiff filed a Motion to Lift the Stay of this forfeiture matter as
9 the Defendants had been adjudicated in all of the criminal cases, Case Nos. C228752,
10 06F18594 (which was bound over to District Court as Case No. C227874), and C208321.
11 See Exhibit "14" attached hereto and incorporated herein. The Order Granting Motion to
12 Lift Stay was filed with the Court on April 27, 2012. See Exhibit "15" attached hereto and
13 incorporated herein.

14 DISCUSSION

15 Under NRS 179.1164, property subject to seizure and forfeiture includes any
16 proceeds attributable to the commission or attempted commission of a felony. Pursuant to
17 NRS 179.1161-62, "proceeds," in this context, include any property derived directly or
18 indirectly from the commission or attempted commission of a crime and "property" includes
19 money, security and negotiable instruments.

20 Here, all four of the Claimants were convicted of at least one felony charge in Case
21 No. C228752, as all of the charges of Possession of Stolen Property are classified as felonies
22 in Nevada. TONYA M. TREVARTHEN testified at both the Grand Jury and at DAIMON
23 MONROE's and BRYAN M. FERGASON's trial.

24 Before the Grand Jury, TONYA M. TREVARTHEN testified that a majority of the
25 items seized by the Las Vegas Metropolitan Police Department were stolen. (Grand Jury
26 transcript, Vol. II, p. 74). DAIMON MONROE considered stealing these items his "job,"
27 and he had come home with cash after committing the burglaries. (Grand Jury transcript,
28 Vol. II, p. 82-83). DAIMON MONROE would keep some of the money at the house in a

1 drawer in the kitchen, and the rest he would deposit into TONYA M. TREVARTHEN's
2 bank account through the ATM. (Grand Jury transcript, Vol. II, pp. 83, 133). The money
3 DAIMON MONROE was depositing, as well as the money he was keeping in the kitchen,
4 came from both burglaries and from selling things that he had stolen. (Grand Jury transcript,
5 Vol. II, pp. 85, 133). DAIMON MONROE would sell property out of their home almost
6 every weekend, as he wanted to sell off all of the stolen goods before the next weekend.
7 (Grand Jury transcript, Vol. II, p. 133). Attached hereto and incorporated herein as Exhibit
8 "16" is the Grand Jury Transcript, Vol. II.

9 TONYA M. TREVARTHEN reiterated at both DAIMON MONROE's and BRYAN
10 M. FERGASON's trial that the money in her bank accounts was proceeds attributable to the
11 sale of the stolen goods. DAIMON MONROE has access to TONYA M. TREVARTHEN's
12 accounts to make deposits and withdrawals, and DAIMON MONROE also had access to
13 online banking and could transfer money online. (BRYAN M. FERGASON Trial transcript,
14 day 4, p. 196; DAIMON MONROE Trial transcript, day 6, p. 60). TONYA M.
15 TREVARTHEN was with DAIMON MONROE on numerous occasions when he made cash
16 deposits because "cash would accumulate in the house." (DAIMON MONROE Trial
17 transcript, day 6, p. 60). In Fall of 2006, there was approximately \$300,000.00 in all of her
18 accounts combined. (BRYAN M. FERGASON Trial transcript, day 4, 196.) TONYA M.
19 TREVARTHEN testified that she withdrew money from her accounts at Bank of America to
20 pay attorneys' fees, and she also withdrew approximately \$145,000.00 to give to ROBERT
21 HOLMES, III. (DAIMON MONROE Trial transcript, day 6, pp. 87-88). When asked how
22 she had so much money in her bank accounts, TONYA M. TREVARTHEN testified that
23 most of the money in her bank accounts "was just cash that was made through selling the
24 stolen property." (DAIMON MONROE Trial transcript, day 6, p. 88). Attached hereto and
25 incorporated herein as Exhibit "17 is the BRYAN M. FERGASON Trial transcript, Day 4,
26 Vol. I. Also attached hereto and incorporated herein as Exhibit "18" is the DAIMON
27 MONROE Trial transcript, Day 6, Vol. I.

28 ///

1 During the time TONYA M. TREVARTHEN lived with DAIMON MONROE
2 between September 24, 2006, and November 6, 2006, TONYA M. TREVARTHEN knew or
3 believed the items in the house to be stolen because DAIMON MONROE and BRYAN M.
4 FERGASON never hid the fact that they were going out to commit burglaries. (DAIMON
5 MONROE Trial transcript, day 6, p. 85; BRYAN M. FERGASON Trial transcript, day 4, p.
6 217). TONYA M. TREVARTHEN testified that, because all of their money was in her bank
7 accounts, if the items in their house had been paid for, she would have known about it.
8 When asked how many items in the house were paid for, TONYA M. TREVARTHEN
9 responded "not many," and identified a couple of pieces of furniture and some clothing as
10 what she knew NOT to be stolen. (DAIMON MONROE Trial transcript, day 6, pp. 83-84).

11 Further, TONYA M. TREVARTHEN testified that, during the period of 2001 through
12 2006, DAIMON MONROE only worked in 2001 for a few months cleaning restaurants.
13 (BRYAN M. FERGASON Trial transcript, day 4, p. 198). Additionally, during the time
14 TONYA M. TREVARTHEN knew BRYAN M. FERGASON, he only worked for a few
15 months for a moving company. *Id.* at 199. During this time period, TONYA M.
16 TREVARTHEN worked as a school teacher. She made \$500.00 per week before taxes.
17 (BRYAN M. FERGASON Trial transcript, day 4, p. 194). The bills for the house she shared
18 with DAIMON MONROE totaled \$1,600.00 per month, not including utilities. TONYA M.
19 TREVARTHEN's salary did not pay all of the bills. *Id.* at 200. (DAIMON MONROE Trial
20 transcript, day 6, p. 61).

21 POINTS AND AUTHORITIES

22 Whether there are no genuine issues of material fact remaining such that the State is
23 entitled to judgment as a matter of law regarding the forfeiture of U.S. CURRENCY in the
24 amount of \$281,656.73. The sole issue regarding the forfeiture was whether the money
25 seized during the criminal investigation of Claimants was proceeds attributable to the
26 commission or the attempted commission of a felony. If the money is determined to have
27 been proceeds from the commission or attempted commission of a felony, NRS provides that
28 the money is subject to forfeiture to the State as fruits of the crime. The Claimants in this

1 matter were all convicted of felonies.

2 Because the Claimants have failed to prove any lawful right to the money and because
3 TONYA M. TREVARTHEN's testimony in the criminal trials of both DAIMON MONROE
4 and BRYAN M. FERGASON provides enough support to establish that the money was
5 indeed proceeds from the commission of a felony, there are no genuine issues of material
6 fact remaining and the State is entitled to forfeiture as a matter of law.

7 Motion for Summary Judgment are governed by Rule 56 of the Nevada Rules of Civil
8 Procedure which provides, in pertinent part, "The judgment sought shall be rendered
9 forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file,
10 together with the affidavits, if any, show that there is no genuine issue as to any material fact
11 and that the moving party is entitled to a judgment as a matter of law."

12 A statute governing forfeitures in Nevada at NRS 179.1173(5) provides, "The
13 plaintiff is not required to plead or prove that a claimant has been charged with or convicted
14 of any criminal offense. If proof of such conviction is made, and it is shown that the
15 judgment of conviction has become final, the proof is, as against any claimant, conclusive
16 evidence of all facts necessary to sustain the conviction."

17 The cause of action set forth in this forfeiture action mirrors the criminal charges set
18 forth in the criminal cases. The legal theory of obtaining proceeds attributable to the
19 commission or attempted commission of a felony and the legal basis for the forfeiture claim
20 are supported by the same facts. In the forfeiture case the Las Vegas Metropolitan Police
21 Department's investigation shows the Claimants' collective possession of stolen property
22 and proceeds obtained from the sale of the stolen property. Further, the Las Vegas
23 Metropolitan Police Department was instrumental in the recovery of the stolen property and
24 the proceeds from the sale of the stolen property, thereby justifying its forfeiture under NRS
25 179.121.

26 The Judgments of Conviction in the criminal cases have become final. Copies of the
27 Judgments of Convictions have been attached hereto for the Court's convenience and
28 identified above. The proof of the facts necessary to sustain the conviction are, therefore,

1 conclusive evidence in this forfeiture action against DAIMON MONROE, BRYAN M.
2 FERGASON, TONYA M. TREVARTHEN, and ROBERT HOLMES, III, and satisfy all
3 elements of the forfeiture complaint.

4 **CONCLUSION**

5 Because the Claimants were all convicted of felonies, any proceeds from the crimes
6 committed are attributable to the commission of a felony, subject to forfeiture. Based on
7 TONYA M. TREVARTHEN's testimony at the trial for both DAIMON MONROE and
8 BRYAN FERGASON and her testimony before the Grand Jury, the U.S. CURRENCY
9 \$281,656.73 seized by the officers of the Las Vegas Metropolitan Police Department was
10 accumulated either as (1) a direct result of the burglaries, or (2) proceeds from the sale of the
11 stolen goods Claimants were convicted of being in possession of. The State has enough facts
12 to support the conclusion that the Las Vegas Metropolitan Police Department is the rightful
13 owner of the U.S. CURRENCY \$281,656.73 in question. For these reasons, the Plaintiff
14 urges the Court to grant the Motion for Summary Judgment and order the forfeiture of the
15 currency as set forth in the Complaint for Forfeiture.

16 DATED this 1st day of May, 2012.

17 STEVEN B. WOLFSON
18 DISTRICT ATTORNEY
Nevada Bar #001565

19
20 BY /s/ T J MOREO
21 THOMAS J. MOREO
22 Chief Deputy District Attorney
Nevada Bar #002415
23
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1 **CERTIFICATE OF MAILING**

2 I hereby certify that service of the NOTICE OF MOTION AND MOTION FOR
3 SUMMARY JUDGMENT, was made this 1st day of May, 2012, by depositing a copy in the
4 U.S. Mail, postage pre-paid, addressed to:

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

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

14 DAIMON MONROE (BAC #38299)
15 High Desert State Prison
16 P.O. Box 650
17 Indian Springs, NV 89070-0650
18 Claimant in Proper Person

19 TONYA TREVARTHEN
20 1504 Cutler
21 Las Vegas, Nevada, 89117
22 Claimant in Proper Person

23 BY: /s/ Jessica Daniels

24

Jessica Daniels, Legal Secretary
25 Clark County District Attorney's Office
26
27
28

LVMPD EV#060924-0418/jd

ORIGINAL

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CLERK OF THE COURT

1 **COMP**
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**

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

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

11 **Plaintiff,**

12 **-vs-**

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

14 **Defendant.**

Case No. **AJ37416**

Dept No. **VII**

Priority Civil NRS 179.1173

Arbitration Exemption
Declaratory Relief NRS 30.030

15 **COMPLAINT FOR FORFEITURE**

16 **Plaintiff alleges as follows:**

17 **I**

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

20 **II**

21 **Plaintiff is a Metropolitan Police Department organized under the laws of Chapter**
22 **280 of the Nevada Revised Statutes, and officers of Plaintiff seized the Defendant U.S.**
23 **CURRENCY sought to be forfeited herein.**

24 **III**

25 **That the only known prospective claimants to Defendant U.S. CURRENCY are**
26 **DAIMON MONROE, (aka Daimon Devi Hoyt), whose last known address is 1504 Cutler**
27 **Drive, Las Vegas, Nevada, 89117, BRYAN M. FERGASON, (aka Bryan Michael Fergason,**
28

EXHIBIT " 1 "

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 1

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 Trevarthen), 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 Trevarthen), 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 herein; 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 C. 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

Please return
file stamped
copy.
N/A
Date

1 ANGL
2 Pro per
3 Daimon morroe
4 330. S Casino center
5 Las Vegas, Nev, 89101

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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 defendants 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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GE08 EXHIBIT 2

1 What officers have interpidid to there on perception
2 of said calls. Defendant has been found guilty of no crime
3 and what commenced this whole investigation is now
4 under court review, with a more likely than not scenario.
5 That the case will be suppressed, leading all actions
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 thereafter. All so called
9 stolen property in the millions, Amounted too items
10 's, such as, socks, candy, woodstock picture ext. man
11 items if not all were negligently given away
12 at Scene with no serial numbers nor identifiable
13 markings wicd 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 1 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

1 NO Chain of Evidence, By clear and convincing evidence.
2 And mere assumption is not enough in a criminal or
3 Civil matter. The officers involved in this case have
4 long had a distaste for Defendant MONROE stemming
5 from a '96 arrest where they done the same thing
6 and came up empty handed. The case at Bar there is
7 a 10 year pay back by officers who were and are comp-
8 itly out of control. At no time did officers witness
9 Any Sales of property, nor transactions of sale of
#10 ~~some~~ property, nor did they witness any Burglary
11 or theft. The Sept 24 2006 ARREST was illegal
12 on its face, when officers went into MR. MONROE'S
13 Car illegally without a warrant, pursuant to NRS
14 179.335 Motion for Return of Seized property and
15 Suppression of evidence. Property given to people from
16 a illegal arrest subject to suppression also the fact
17 that peoples did not prove by clear and convincing
18 evidence that said property belonged to them, also the
19 fact the officers did not allow Defendant to prove it
20 was his property. All money's ascertained by ^{Defendant} ~~himself~~
21 in their above entitled action was ^{money's} ~~legitimate~~ By
22 and earned through work and gambling and saving
23 said money's. Mere speculation or undue accusations
24 by the state does not prove money or property
25 to be forfeitable under the statute. Also the State

1 looks to try to punish defendant twice for the
2 same crime in violation of NRS: 453.301
3 Providing For forfeiture for conveyances and Real
4 property upon certain drug offenses serve to
5 punish because they apply only to culpable,
6 Not innocent, Also SEE: NRS 179.1164 provision
7 Are not Solely Remedial because they not only
8 provide for dangerous and illegal Contraband
9 from society but also for confiscation of land
10 Vehicles and other property, And Forfeitable
11 property varies so dramatically in value
12 that the penalty has no correlation to costs
13 to society or law enforcement. therefore civil
14 Forfeiture under these provisions constitutes
15 punishment for purposes of double Jeopardy
16 (See U.S 5th Amendment And Article I Sec 8) Wright -
17 vs State 112 Nev 391, 916, P2d 146 (1996) Also See:
18 NRS. 179.1173(3) THE plaintiff in a proceeding for for-
19 -feiture must establish by clear and convincing evidence
20 that the property is subject to forfeiture. In the case
21 at Bar there is NO clear and convincing evidence
22 only ~~un~~ allegations with no proof behind them.
23 There is no substantiated evidence other than a coerced
24 statement by Ms. trevethen who's uncorroborated
25 testimony is hearsay at best. Defendant moves

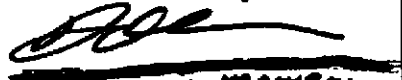
1 His personal knowledge that Officers in the case at
2 Bar, are using Coercive tactics on ms. treverthen
3 And others in the immediate case. Defendant Monroe
4 asserts his Rights to claim all money's Found at
5 1504 Cutler, all money's from all out Bail Bonds, which
6 was paid by another person, all money's returned by
7 lawyers, at less and Joel Mann, and any money's
8 Not claimed by ms. treverthen 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 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 peoples. 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

1 Should also admonish the State for there unconstitutional
2 action. For the Reason's the state says this money
3 is forfeitable without convincing evidence is a travesty
4 For a Defendant in such a forfeiture, In truth what
5 The State is saying is "these defendants cant nor
6 could they have legal money's" its the state only
7 prejudice against certain individuals that allows
8 the State it's "Arrogance and Ignorance of the facts
9 in this case." The State fails to Realize the Bail Bonds
10 where from a completely different intent, a Friend
11 paid those Bonds, So I guess the State Believes that
12 no one defendants know could have legal money's.
13 The State is in violation of Defendant monroe's
14 Constitutional Rights, AND Prosecutors must expect
15 That this court will support District Judges who
16 Take Reasonable steps to correct prosecutorial
17 ^{just} Conduct that is not Right." United States v. Wilson
18 149 F3d, 1298, 1303-04 (11th Cir 1998) also SEE: NRS
19 179, 121.) order was reversed on appeal where there was
20 NO evidence (1) That Appellant made ~~no effort to contact~~
21 any use of the car in commission of a crime other than
22 incidental use of transporting him to the scene
23 of the crime. (2) which traced any money in the account
24 of criminal activity. SCHOKA v SHERIFF, WASHOE COUNTY
25 108 Nev. 89, 824 P.2d 290 (1992).

1 All money's Defendant states claim for 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 ~~even~~ asserts and Took
6 Attorney's paid for By Defendant. Before guilt has been
7 established the State ~~take~~ Defendant's Monroe's attorney.
8 The State also Took money's borrowed from enclosed
9 note 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 of The Right
13 not to have Excessive Bail. It would seem to the De-
14 fendant 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 action By a District attorney over exclusively att-
22 -acking persons. The Defendant again asserts his legal
23 Right to all money's mentioned in the above Dec-
24 -laration By defendant and prays all money's be
25 Returned to the Rightful owner MR. Monroe.
26. Demand For Jury trial

MAR 27-07

Respectfully


Daimon Monroe
~~Daimon Monroe~~
Pro Per

ORIGINAL

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**

Chaf
CLERK OF THE COURT

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FILED

DISTRICT COURT
CLARK COUNTY, NEVADA

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

11 **Plaintiff,**

12 **vs.**

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

14 **Defendant.**

Case No. :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:

18 **I.**

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

21 **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

25

26

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28 **APR 10 2007**

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EXHIBIT

3

1 **FIRST AFFIRMATIVE DEFENSE**

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

5 **SECOND AFFIRMATIVE DEFENSE**

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

9 **THIRD AFFIRMATIVE DEFENSE**

10 The Plaintiffs are estopped from maintaining this action.

11 **FOURTH AFFIRMATIVE DEFENSE**

12 The Plaintiffs waived their rights to maintain this action.

13 **FIFTH AFFIRMATIVE DEFENSE**

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

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

20 DATED this 10th day of April, 2007.

21 ALLEN & DUSTIN, LLC.

22
23 By. 

24 Cynthia L. Dustin, Esq.
25 Nevada State Bar No. 8435
26 601 South 6th Street
27 Las Vegas, Nevada 89101
28 (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
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

16

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Chief Clerk
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
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

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KELLY & SULLIVAN, LTD.
ATTORNEYS AT LAW
302 E. CARSON AVE., STE. 600
LAS VEGAS, NEVADA 89101
(702) 385-7270
FAX: (702) 385-7288

1

EXHIBIT " 4 "

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)

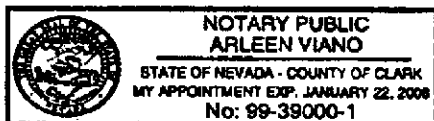
4 ROBERT HOLMES III, being first duly sworn, deposes and
5 says:

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 
13 ROBERT HOLMES, III


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

16 
17 NOTARY PUBLIC



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


An employee of
KELLY & SULLIVAN, LTD.

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

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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 an order to stay proceedings for forfeiture. There is a pending jury trial in Dept XII and 20 pursuant to NRS 179.1173 sub(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 06F18574H 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).

EXHIBIT " 5 "

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Attached is my ANSWER if Court Deems it
Necessary to have a Stay is Enforced. Defendant
Monroe prays this Court grant Order Staying proceedings

Sincerely Daimon Monroe
Daimon Monroe/
330. Scasino center

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

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Edna H. Smith
CLERK OF THE COURT

1 JOC
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 200 Lewis Avenue
6 Las Vegas, Nevada 89155-2212
7 (702) 671-2500
8 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

TONYA TREVARTHEN, aka
Tonya Michelle Trevarthen,
#1760548

Defendant.

Case No: C228752

Dept No: VII

66

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime(s) of CONSPIRACY TO POSSESS STOLEN PROPERTY AND/OR TO COMMIT BURGLARY (Gross Misdemeanor), in violation of NRS 205.75, 199.480, 205.060; thereafter, on the 26th day of September, 2008, the Defendant was present in court for sentencing with her counsel, JONATHAN LORD, and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in addition to the \$25.00 Administrative Assessment Fee, the Defendant is SENTENCED to Clark County Detention Center (CCDC) for SIX (6) MONTHS, SUSPENDED; placed on INFORMAL PROBATION for SIX (6) MONTHS. CONDITIONS:

1. Defendant not be arrested for any new offenses other than traffic offenses.

///

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EXHIBIT " 6 "

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2. Maintain full time employment.

DATED this 3rd day of October, 2008.


DISTRICT JUDGE

CC

4/24/12
CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

CLERK OF DISTRICT COURT

District Case Inquiry - Minutes

Home	Case 06-C-228752-C	Just Ct. 06-GJ-00101	Status ACTIVE
Summary	Plaintiff State of Nevada	Attorney Roger, David J.	
Index	Defendant Monroe, Daimon	Attorney Hart, Marty	
Calendar	Judge Bell, Stewart L.	Dept. 7	UDocs 2
Continuance			
Minutes			
Parties			
Def. Detail			
Next Co-Def.			
Charges			
Sentencing			
Bail Bond			
Alias Detail			
Crim. Detail			
Exhibits			
Judgments			
District Case			
Party Search			
Corp. Search			
Atty. Search			
Bar# Search			
ID Search			
Calendar Day			
Cal. Month			
Holidays			
Logout			
Help			
Legal Notice			

Event 09/26/2008 at 08:30 AM SENTENCING

Heard By Wall, David

Officers Tina Hurd, Court Clerk
Susan Jovanovich /sj, Relief Clerk
Angela Lee, Reporter/Recorder

Parties 0000 -	State of Nevada	Yes
S1		
006204	Digiacommo, Sandra	Yes
0001 -	Monroe, Daimon	No
D1		
0002 - D	Trevarthen, Tonya	Yes
007797	Lord, Jonathan J.	Yes
0003 - D	Ferguson, Bryan	No
0004 - D	Holmes, Robert	No

DEFT. TREVARTHEN ADJUDGED GUILTY of COUNT 1 - CONSPIRACY TO POSSESS STOLEN PROPERTY AND/OR TO COMMIT BURGLARY (GM). Colloquy regarding recommendation of informal probation. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, Deft. SENTENCED to Clark County Detention Center (CCDC) for SIX (6) MONTHS, SUSPENDED; placed on INFORMAL PROBATION for SIX (6) MONTHS. CONDITIONS:

1. Deft. not be arrested for any new offenses other than traffic offenses.
2. Maintain full time employment.

Count 2 HELD IN ABEYANCE. FURTHER, matter SET for status check on compliance. Court advised Deft. he will waive her presence at next hearing if proof of employment is provided. BOND, if any, EXONERATED.

NIC

03-31-09 8:30 A.M. STATUS CHECK - COMPLIANCE

Due to time restraints and individual case loads, the above case record may not reflect all information to date.

Top Of Page

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E. J. Smith
CLERK OF THE COURT

2
3
4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

6
7 THE STATE OF NEVADA,

8 Plaintiff,

CASE NO. C228752

9 -vs-

DEPT. NO. VII

10
11 ROBERT HOLMES
12 #0876216

13 Defendant.

14 CC

15 JUDGMENT OF CONVICTION
16 (PLEA OF GUILTY)

17
18 The Defendant previously appeared before the Court with counsel and entered a
19 plea of guilty to the crimes of COUNT 1 – CONSPIRACY TO POSSESS STOLEN
20 PROPERTY AND/OR TO COMMIT BURGLARY (Gross Misdemeanor) in violation of
21 NRS 205.275, 199.480, COUNTS 2 & 3 – POSSESSION OF STOLEN PROPERTY
22 (Category B Felony) in violation of NRS 205.275; thereafter, on the 30TH day of
23 December, 2008, the Defendant was present in court for sentencing with his counsel
24 KIRK KENNEDY, ESQ., and good cause appearing,
25

26 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
27 addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee
28

EXHIBIT # 7

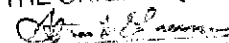
1 including testing to determine genetic markers and \$4,892.45 Restitution, the Defendant
2 is sentenced as follows: as to COUNT 1 - to TWELVE (12) MONTHS in the Clark
3 County Detention Center (CCDC); as to COUNTS 2 - to a MAXIMUM of ONE
4 HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of
5 FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC),
6 COUNT 2 to run CONCURRENT with COUNT 1; as to COUNTS 3 - to a MAXIMUM of
7 ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of
8 TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC),
9 COUNT 3 to run CONSECUTIVE to COUNT 2; with ONE HUNDRED SIXTY-NINE
10 (169) DAYS credit for time served.
11
12

13
14 DATED this 5 day of January, 2009.
15

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18 STEWART L. BELL
19 DISTRICT JUDGE
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CLERK OF THE COURT

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John L. Johnson
CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO. C228752-1

DEPT. NO. IV

DAIMON MONROE
aka Daimon Devi Hoyt
#0715429

Defendant.

08C228752-1
AJOC
Amended Judgment of Conviction
837710



AMENDED JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1
- CONSPIRACY TO POSSESS STOLEN PROPERTY AND/OR TO COMMIT
BURGLARY (Gross Misdemeanor) in violation of NRS 205.275, 199.480; COUNT 2 -
POSSESSION OF STOLEN PROPERTY (Category B Felony) in violation of NRS
205.275; COUNT 3 - POSSESSION OF STOLEN PROPERTY (Category B Felony) in
violation of NRS 205.275; COUNT 4 - POSSESSION OF STOLEN PROPERTY
(Category B Felony) in violation of NRS 205.275; COUNT 5 - POSSESSION OF
STOLEN PROPERTY (Category C Felony) in violation of NRS 205.275, of COUNT 6 -

EXHIBIT " 8 "

1 POSSESSION OF STOLEN PROPERTY (Category C Felony) in violation of NRS
2 205.275; COUNT 7 – POSSESSION OF STOLEN PROPERTY (Category B Felony) in
3 violation of NRS 205.275; COUNT 8 – POSSESSION OF STOLEN PROPERTY
4 (Category B Felony) in violation of NRS 205.275; COUNT 9 – POSSESSION OF
5 STOLEN PROPERTY (Category B Felony) in violation of NRS 205.275; COUNT 10 –
6 POSSESSION OF STOLEN PROPERTY (Category B Felony) in violation of NRS
7 205.275; COUNT 11 – POSSESSION OF STOLEN PROPERTY (Category B Felony) in
8 violation of NRS 205.275; COUNT 12 – POSSESSION OF STOLEN PROPERTY
9 (Category C Felony) in violation of NRS 205.275; COUNT 13 – POSSESSION OF
10 STOLEN PROPERTY (Category B Felony) in violation of NRS 205.275; COUNT 14 –
11 POSSESSION OF STOLEN PROPERTY (Category B Felony) in violation of NRS
12 205.275; COUNT 15 – POSSESSION OF STOLEN PROPERTY (Category B Felony) in
13 violation of NRS 205.275; COUNT 16 – POSSESSION OF STOLEN PROPERTY
14 (Category B Felony) in violation of NRS 205.275; COUNT 17 – POSSESSION OF
15 STOLEN PROPERTY (Category B Felony) in violation of NRS 205.275; COUNT 18 –
16 POSSESSION OF STOLEN PROPERTY (Category C Felony) in violation of NRS
17 205.275; COUNT 19 – POSSESSION OF STOLEN PROPERTY (Category C Felony) in
18 violation of NRS 205.275; COUNT 20 – POSSESSION OF STOLEN PROPERTY
19 (Category C Felony) in violation of NRS 205.275; COUNT 21 – POSSESSION OF
20 STOLEN PROPERTY (Category C Felony) in violation of NRS 205.275; COUNT 22 –
21 POSSESSION OF STOLEN PROPERTY (Category B Felony) in violation of NRS
22 205.275; COUNT 23 – POSSESSION OF STOLEN PROPERTY (Category B Felony) in
23 violation of NRS 205.275; COUNT 24 – POSSESSION OF STOLEN PROPERTY
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1 (Category B Felony) in violation of NRS 205.275; COUNT 25 – POSSESSION OF
2 STOLEN PROPERTY (Category C Felony) in violation of NRS 205.275; COUNT 26 –
3 POSSESSION OF STOLEN PROPERTY (Category B Felony) in violation of NRS
4 205.275; COUNT 27 – POSSESSION OF STOLEN PROPERTY (Category C Felony) in
5 violation of NRS 205.275, and the matter having been tried before a jury and the
6 Defendant having been found guilty of the crimes of COUNT 1 – CONSPIRACY TO
7 POSSESS STOLEN PROPERTY AND/OR TO COMMIT BURGLARY (Gross
8 Misdemeanor) in violation of NRS 205.275, 199.480; COUNT 2 – POSSESSION OF
9 STOLEN PROPERTY VALUE OVER \$2,500.00 (Category B Felony) in violation of NRS
10 205.275, 207.010; COUNT 3 – POSSESSION OF STOLEN PROPERTY VALUE OVER
11 \$2,500.00 (Category B Felony) in violation of NRS 205.275, 207.010; COUNT 4 –
12 POSSESSION OF STOLEN PROPERTY VALUE OVER \$2,500.00 (Category B Felony)
13 in violation of NRS 205.275, 207.010; COUNT 5 – POSSESSION OF STOLEN
14 PROPERTY VALUE OVER \$250.00 (Category C Felony) in violation of NRS 205.275,
15 207.010, of COUNT 6 – POSSESSION OF STOLEN PROPERTY VALUE OVER
16 \$250.00 (Category C Felony) in violation of NRS 205.275, 207.010; COUNT 7 –
17 POSSESSION OF STOLEN PROPERTY OVER \$2,500.00 (Category B Felony) in
18 violation of NRS 205.275, 207.010; COUNT 8 – POSSESSION OF STOLEN
19 PROPERTY VALUE OVER \$2,500.00 (Category B Felony) in violation of NRS 205.275,
20 207.010; COUNT 9 – POSSESSION OF STOLEN PROPERTY VALUE OVER
21 \$2,500.00 (Category B Felony) in violation of NRS 205.275, 207.010; COUNT 10 –
22 POSSESSION OF STOLEN PROPERTY VALUE OVER \$2,500.00 (Category B Felony)
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1 in violation of NRS 205.275, 207.010; COUNT 11 – POSSESSION OF STOLEN
2 PROPERTY VALUE OVER \$2,500.00 (Category B Felony) in violation of NRS 205.275,
3 207.010; COUNT 12 – POSSESSION OF STOLEN PROPERTY VALUE \$250.00 OR
4 MORE (Category C Felony) in violation of NRS 205.275, 207.010; COUNT 13 –
5 POSSESSION OF STOLEN PROPERTY OVER \$2,500.00 (Category B Felony) in
6 violation of NRS 205.275, 207.010; COUNT 14 – POSSESSION OF STOLEN
7 PROPERTY OVER \$2,500.00 (Category B Felony) in violation of NRS 205.275,
8 207.010; COUNT 15 – POSSESSION OF STOLEN PROPERTY OVER \$2,500.00
9 (Category B Felony) in violation of NRS 205.275, 207.010; COUNT 16 – POSSESSION
10 OF STOLEN PROPERTY OVER \$2,500.00 (Category B Felony) in violation of NRS
11 205.275, 207.010; COUNT 17 – POSSESSION OF STOLEN PROPERTY OVER
12 \$2,500.00 (Category B Felony) in violation of NRS 205.275, 207.010; COUNT 18 –
13 POSSESSION OF STOLEN PROPERTY VALUE \$250.00 OR MORE (Category C
14 Felony) in violation of NRS 205.275, 207.010; COUNT 19 – POSSESSION OF
15 STOLEN PROPERTY VALUE \$250.00 OR MORE (Category C Felony) in violation of
16 NRS 205.275, 207.010; COUNT 20 – POSSESSION OF STOLEN PROPERTY VALUE
17 \$250.00 OR MORE (Category C Felony) in violation of NRS 205.275, 207.010; COUNT
18 21 – POSSESSION OF STOLEN PROPERTY VALUE \$250.00 OR MORE (Category C
19 Felony) in violation of NRS 205.275, 207.010; COUNT 22 – POSSESSION OF
20 STOLEN PROPERTY OVER \$2,500.00 (Category B Felony) in violation of NRS
21 205.275, 207.010; COUNT 23 – POSSESSION OF STOLEN PROPERTY OVER
22 \$2,500.00 (Category B Felony) in violation of NRS 205.275, 207.010; COUNT 24 –
23 POSSESSION OF STOLEN PROPERTY VALUE OVER \$2,500.00 (Category B Felony)
24 in violation of NRS 205.275, 207.010; COUNT 25 – POSSESSION OF STOLEN

1 PROPERTY VALUE OVER \$250.00 (Category C Felony) in violation of NRS 205.275,
2 207.010; COUNT 26 – POSSESSION OF STOLEN PROPERTY VALUE OVER
3 \$2,500.00 (Category B Felony) in violation of NRS 205.275, 207.010; COUNT 27 –
4 POSSESSION OF STOLEN PROPERTY VALUE OVER \$250.00 (Category C Felony)
5 in violation of NRS 205.275, 207.010, thereafter, on the 1st day of October, 2008, the
6 Defendant was present in court for sentencing with counsel, MARTY HART, ESQ., and
7 good cause appearing,
8

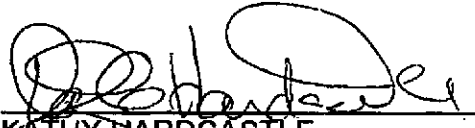
9 THE DEFENDANT WAS ADJUDGED guilty of said offense(s) under the Large
10 Habitual Criminal Statute and, in addition to the \$25.00 Administrative Assessment Fee
11 and \$150.00 DNA Analysis Fee including testing to determine genetic markers, the
12 Defendant was SENTENCED as follows: AS TO COUNT 1 - TO TWELVE (12)
13 MONTHS in the Clark County Detention Center (CCDC); AS TO COUNT 2 – LIFE
14 WITHOUT the Possibility of Parole in the Nevada Department of Corrections (NDC); AS
15 TO COUNT 3 – LIFE WITHOUT the Possibility of Parole in the Nevada Department of
16 Corrections (NDC); AS TO COUNT 4 – LIFE WITHOUT the Possibility of Parole in the
17 Nevada Department of Corrections (NDC); AS TO COUNT 5 – LIFE WITHOUT the
18 Possibility of Parole in the Nevada Department of Corrections (NDC); AS TO COUNT 6
19 – LIFE WITHOUT the Possibility of Parole in the Nevada Department of Corrections
20 (NDC); AS TO COUNT 7 – LIFE WITHOUT the Possibility of Parole in the Nevada
21 Department of Corrections (NDC); AS TO COUNT 8 – LIFE WITHOUT the Possibility of
22 Parole in the Nevada Department of Corrections (NDC); AS TO COUNT 9 – LIFE
23 WITHOUT the Possibility of Parole in the Nevada Department of Corrections (NDC); AS
24 TO COUNT 10 – LIFE WITHOUT the Possibility of Parole in the Nevada Department of
25 Corrections (NDC); AS TO COUNT 11 – LIFE WITHOUT the Possibility of Parole in the
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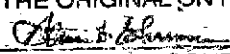
1 Nevada Department of Corrections (NDC); AS TO COUNT 12 – LIFE WITHOUT the
2 Possibility of Parole in the Nevada Department of Corrections (NDC); AS TO COUNT
3 13 – LIFE WITHOUT the Possibility of Parole in the Nevada Department of Corrections
4 (NDC); AS TO COUNT 14 – LIFE WITHOUT the Possibility of Parole in the Nevada
5 Department of Corrections (NDC), COUNTS 1 -14 to run CONCURRENT with each
6 other; AS TO COUNT 15 – LIFE WITHOUT the Possibility of Parole in the Nevada
7 Department of Corrections (NDC); AS TO COUNT 16 – LIFE WITHOUT the Possibility
8 of Parole in the Nevada Department of Corrections (NDC); AS TO COUNT 17 – LIFE
9 WITHOUT the Possibility of Parole in the Nevada Department of Corrections (NDC); AS
10 TO COUNT 18 – LIFE WITHOUT the Possibility of Parole in the Nevada Department of
11 Corrections (NDC); AS TO COUNT 19 – LIFE WITHOUT the Possibility of Parole in the
12 Nevada Department of Corrections (NDC); AS TO COUNT 20 – LIFE WITHOUT the
13 Possibility of Parole in the Nevada Department of Corrections (NDC); AS TO COUNT
14 21 – LIFE WITHOUT the Possibility of Parole in the Nevada Department of Corrections
15 (NDC); AS TO COUNT 22 – LIFE WITHOUT the Possibility of Parole in the Nevada
16 Department of Corrections (NDC); AS TO COUNT 23 – LIFE WITHOUT the Possibility
17 of Parole in the Nevada Department of Corrections (NDC); AS TO COUNT 24 – LIFE
18 WITHOUT the Possibility of Parole in the Nevada Department of Corrections (NDC); AS
19 TO COUNT 25 – LIFE WITHOUT the Possibility of Parole in the Nevada Department of
20 Corrections (NDC); AS TO COUNT 26 – LIFE WITHOUT the Possibility of Parole in the
21 Nevada Department of Corrections (NDC); AS TO COUNT 27 – LIFE WITHOUT the
22 Possibility of Parole in the Nevada Department of Corrections (NDC), COUNTS 15 – 27
23 to run CONCURRENT with each other but CONSECUTIVE to COUNTS 1 – 14,
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1 SENTENCE to run CONSECUTIVE to case C 227874; with ZERO (0) DAYS credit for
2 time served.

3 THEREAFTER, on the 30th day of July, 2010, the Supreme Court ORDERED the
4 judgment of the District Court AFFIRMED IN PART AND REVERSED IN PART AND
5 REMAND this matter for entry of an Amended Judgment of Conviction consistent with
6 this order, therefore, COURT ORDERED, COUNT 11 of Possession of Stolen Property
7 is VACATED and the remaining counts are AFFIRMED.
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11 DATED this 14th day of September, 2010.

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14 KATHY HARDCASTLE
15 DISTRICT JUDGE
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CLERK OF THE COURT

1 **JOCP**
2 **DAVID ROGER**
3 **Clark County District Attorney**
4 **Nevada Bar #002781**
5 **200 Lewis Avenue**
6 **Las Vegas, Nevada 89155-2212**
7 **(702) 671-2500**
8 **Attorney for Plaintiff**

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E. J. [Signature]
CLERK OF THE COURT

6 **DISTRICT COURT**
7 **CLARK COUNTY, NEVADA**

9 **THE STATE OF NEVADA,**
10 **Plaintiff,**

11 **-vs-**

12 **BRYAN FERGASON, aka,**
13 **Bryan Michael Ferguson, #1299193**
14 **Defendant.**

Case No: C228752

Dept No: IV

15 **AMENDED JUDGMENT OF CONVICTION**
16 **(JURY TRIAL)**

17 The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 –
18 CONSPIRACY TO POSSESS STOLEN PROPERTY AND/OR TO COMMIT
19 BURGLARY (Gross Misdemeanor) in violation of NRS 205.275, 199.480; COUNT 2 –
20 POSSESSION OF STOLEN PROPERTY (Felony) in violation of NRS 205.275; COUNT 3
21 – POSSESSION OF STOLEN PROPERTY (Felony) in violation of NRS 205.275; COUNT
22 4 – POSSESSION OF STOLEN PROPERTY (Felony) in violation of NRS 205.275;
23 COUNT 5 – POSSESSION OF STOLEN PROPERTY (Felony) in violation of NRS
24 205.275; COUNT 6 – POSSESSION OF STOLEN PROPERTY (Felony) in violation of
25 NRS 205.275; COUNT 7 – POSSESSION OF STOLEN PROPERTY (Felony) in violation
26 of NRS 205.275; COUNT 8 – POSSESSION OF STOLEN PROPERTY (Felony) in
27 violation of NRS 205.275; COUNT 9 – POSSESSION OF STOLEN PROPERTY (Felony)
28 in violation of NRS 205.275; COUNT 10 – POSSESSION OF STOLEN PROPERTY

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EXHIBIT 9

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1 (Felony) in violation of NRS 205.275; COUNT 11 – POSSESSION OF STOLEN
2 PROPERTY (Felony) in violation of NRS 205.275; COUNT 12 – POSSESSION OF
3 STOLEN PROPERTY (Felony) in violation of NRS 205.275; COUNT 13 – POSSESSION
4 OF STOLEN PROPERTY (Felony) in violation of NRS 205.275; COUNT 14 –
5 POSSESSION OF STOLEN PROPERTY (Felony) in violation of NRS 205.275; COUNT
6 15 – POSSESSION OF STOLEN PROPERTY (Felony) in violation of NRS 205.275;
7 COUNT 16 – POSSESSION OF STOLEN PROPERTY (Felony) in violation of NRS
8 205.275; COUNT 17 – POSSESSION OF STOLEN PROPERTY (Felony) in violation of
9 NRS 205.275; COUNT 18 – POSSESSION OF STOLEN PROPERTY (Felony) in violation
10 of NRS 205.275; COUNT 19 – POSSESSION OF STOLEN PROPERTY (Felony) in
11 violation of NRS 205.275; COUNT 20 – POSSESSION OF STOLEN PROPERTY (Felony)
12 in violation of NRS 205.275; COUNT 21 – POSSESSION OF STOLEN PROPERTY
13 (Felony) in violation of NRS 205.275; COUNT 22 – POSSESSION OF STOLEN
14 PROPERTY (Felony) in violation of NRS 205.275; COUNT 23 – POSSESSION OF
15 STOLEN PROPERTY (Felony) in violation of NRS 205.275; COUNT 24 – POSSESSION
16 OF STOLEN PROPERTY (Felony) in violation of NRS 205.275; COUNT 25 –
17 POSSESSION OF STOLEN PROPERTY (Felony) in violation of NRS 205.275; COUNT
18 26 – POSSESSION OF STOLEN PROPERTY (Felony) in violation of NRS 205.275; and
19 COUNT 27 – POSSESSION OF STOLEN PROPERTY (Felony) in violation of NRS
20 205.275, and the matter having been tried before a jury, and the Defendant being represented
21 by counsel and having been found guilty of the crimes of COUNT 1 – CONSPIRACY TO
22 POSSESS STOLEN PROPERTY AND/OR TO COMMIT BURGLARY (Gross
23 Misdemeanor) in violation of NRS 205.275, 199.480; COUNT 2 – POSSESSION OF
24 STOLEN PROPERTY VALUE \$250 OR MORE (Category C Felony) in violation of NRS
25 205.275; COUNT 3 – FOUND NOT GUILTY; COUNT 4 – POSSESSION OF STOLEN
26 PROPERTY VALUE \$2,500 OR MORE (Category B Felony) in violation of NRS 205.275;
27 COUNT 5 – POSSESSION OF STOLEN PROPERTY VALUE \$250 OR MORE (Category
28 C Felony) in violation of NRS 205.275; COUNT 6 – POSSESSION OF STOLEN

1 PROPERTY VALUE \$250 OR MORE (Category C Felony) in violation of NRS 205.275;
2 COUNT 7 – POSSESSION OF STOLEN PROPERTY VALUE \$2,500 OR MORE
3 (Category B Felony) in violation of NRS 205.275; COUNT 8 – POSSESSION OF STOLEN
4 PROPERTY VALUE \$2,500 OR MORE (Category B Felony) in violation of NRS 205.275;
5 COUNT 9 – POSSESSION OF STOLEN PROPERTY VALUE \$2,500 OR MORE
6 (Category B Felony) in violation of NRS 205.275; COUNT 10 – POSSESSION OF
7 STOLEN PROPERTY VALUE \$2,500 OR MORE (Category B Felony) in violation of NRS
8 205.275; COUNT 11 – POSSESSION OF STOLEN PROPERTY VALUE \$2,500 OR
9 MORE (Category B Felony) in violation of NRS 205.275; COUNT 12 – POSSESSION OF
10 STOLEN PROPERTY VALUE \$250 OR MORE (Category C Felony) in violation of NRS
11 205.275; COUNT 13 – POSSESSION OF STOLEN PROPERTY VALUE \$2,500 OR
12 MORE (Category B Felony) in violation of NRS 205.275; COUNT 14 – POSSESSION OF
13 STOLEN PROPERTY VALUE \$2,500 OR MORE (Category B Felony) in violation of NRS
14 205.275; COUNT 15 – POSSESSION OF STOLEN PROPERTY VALUE \$2,500 OR
15 MORE (Category B Felony) in violation of NRS 205.275; COUNT 16 – POSSESSION OF
16 STOLEN PROPERTY VALUE \$2,500 OR MORE (Category B Felony) in violation of NRS
17 205.275; COUNT 17 – POSSESSION OF STOLEN PROPERTY VALUE \$2,500 OR
18 MORE (Category B Felony) in violation of NRS 205.275; COUNT 18 – POSSESSION OF
19 STOLEN PROPERTY VALUE \$250 OR MORE (Category C Felony) in violation of NRS
20 205.275; COUNT 19 – POSSESSION OF STOLEN PROPERTY VALUE \$250 OR MORE
21 (Category C Felony) in violation of NRS 205.275; COUNT 20 – POSSESSION OF
22 STOLEN PROPERTY VALUE \$250 OR MORE (Category C Felony) in violation of NRS
23 205.275; COUNT 21 – POSSESSION OF STOLEN PROPERTY VALUE \$250 OR MORE
24 (Category C Felony) in violation of NRS 205.275; COUNT 22 – POSSESSION OF
25 STOLEN PROPERTY VALUE \$2,500 OR MORE (Category B Felony) in violation of NRS
26 205.275; COUNT 23 – POSSESSION OF STOLEN PROPERTY VALUE \$2,500 OR
27 MORE (Category B Felony) in violation of NRS 205.275; COUNT 24 – POSSESSION OF
28 STOLEN PROPERTY VALUE \$2,500 OR MORE (Category B Felony) in violation of NRS

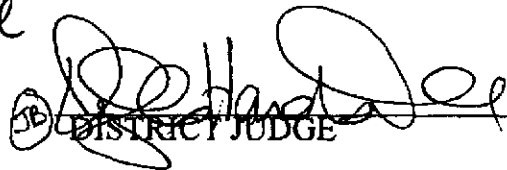
1 205.275; COUNT 25 – POSSESSION OF STOLEN PROPERTY VALUE \$250 OR MORE
2 (Category C Felony) in violation of NRS 205.275; COUNT 26 – POSSESSION OF
3 STOLEN PROPERTY VALUE \$2,500 OR MORE (Category B Felony) in violation of NRS
4 205.275; and COUNT 27 – POSSESSION OF STOLEN PROPERTY VALUE \$250 OR
5 MORE (Category C Felony) in violation of NRS 205.275; and thereafter on the 1st day of
6 October, 2008, the Defendant was present in Court for sentencing with his counsel,
7 CYNTHIA DUSTIN, ESQ., and good cause appearing therefor,

8 THE DEFENDANT HEREBY ADJUDGED GUILTY of the said offenses under the
9 Large Habitual Criminal Statute (NRS 207.010) and, in addition to the \$25.00
10 Administrative Assessment Fee and \$150.00 DNA Analysis Fee including testing to
11 determine genetic markers, the Defendant is sentenced to the Nevada Department of
12 Corrections (NDC) as follows: AS TO COUNT 1 – TO TWELVE (12) MONTHS in the
13 Clark County Detention Center (CCDC); AS TO COUNT 2 – TO LIFE with a MINIMUM
14 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 4 – TO LIFE with a MINIMUM
15 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 5 – TO LIFE with a MINIMUM
16 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 6 – TO LIFE with a MINIMUM
17 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 7 – TO LIFE with a MINIMUM
18 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 8 – TO LIFE with a MINIMUM
19 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 9 – TO LIFE with a MINIMUM
20 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 10 – TO LIFE with a MINIMUM
21 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 11 – TO LIFE with a MINIMUM
22 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 12 – TO LIFE with a MINIMUM
23 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 13 – TO LIFE with a MINIMUM
24 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 14 – TO LIFE with a MINIMUM
25 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 15 – TO LIFE with a MINIMUM
26 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 16 – TO LIFE with a MINIMUM
27 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 17 – TO LIFE with a MINIMUM
28 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 18 – TO LIFE with a MINIMUM

1 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 19 – TO LIFE with a MINIMUM
2 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 20 – TO LIFE with a MINIMUM
3 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 21 – TO LIFE with a MINIMUM
4 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 22 – TO LIFE with a MINIMUM
5 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 23 – TO LIFE with a MINIMUM
6 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 24 – TO LIFE with a MINIMUM
7 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 25 – TO LIFE with a MINIMUM
8 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 26 – TO LIFE with a MINIMUM
9 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 27 – TO LIFE with a MINIMUM
10 Parole Eligibility at TEN (10) YEARS; COUNTS 1, 2, 4-14, to be served
11 CONCURRENTLY with each other, COUNTS 15 – 27 to be served CONCURRENTLY
12 with each other but CONSECUTIVELY to COUNTS 1, 2, and 4 – 14; SENTENCE to run
13 CONSECUTIVELY to case C227874 with ZERO (0) DAYS credit for time served.

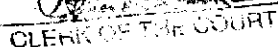
14 DATED this 30th day of March, 2009.

15 *April*

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17 DISTRICT JUDGE

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CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C227874

-vs-

DEPT. NO. XX

DAIMON MONROE
aka DAIMON DEVI HOYT
#0715429

Defendant.

AMENDED JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 and 4 - BURGLARY (Category B Felony) in violation of NRS 205.060, COUNT 2 - GRAND LARCENY (Category B Felony) in violation of NRS 205.220, 205.222; COUNT 3 - POSSESSION OF STOLEN PROPERTY (Category B Felony) in violation of NRS 205.275; and COUNT 5 - POSSESSION OF BURGLARY TOOLS (Gross Misdemeanor) in violation of NRS 205.080 and the matter having been tried before a jury and the Defendant having been found guilty under the SMALL HABITUAL CRIMINAL STATUTE of the crimes of COUNT 1 - BURGLARY (Category B Felony) in violation of NRS 205.060; COUNT 2 - GRAND LARCENY (Category B Felony) in

EXHIBIT " 10 "

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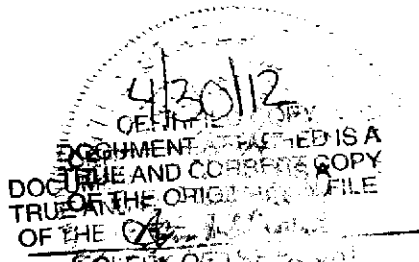
1 violation of NRS 205.220, 205.222; COUNT 4 – BURGLARY (Category B Felony) in
2 violation of NRS 205.060; and COUNT 5 – POSSESSION OF BURGLARY TOOLS
3 (Gross Misdemeanor) in violation of NRS 205.080; thereafter, on the 5th day of May,
4 2008, the Defendant was present in court for sentencing with his counsel, wherein the
5 Court did adjudge the Defendant guilty of said crime as set forth in the jury's verdict and
6 sentencing was imposed.
7

8 THEREAFTER, on the 21st day of July, 2008, the Defendant was present in
9 court with his counsel, Marty Hart, ESQ., and pursuant to a motion and good cause
10 appearing to amend the Judgment of Conviction; now therefore,
11

12 IT IS HEREBY ORDERED the Defendant's sentence is to be corrected to include
13 FIVE HUNDRED NINETEEN (519) DAYS credit for time served.
14

15 DATED this 30th day of July, 2008.
16

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19 DAVID T. WALL
20 DISTRICT JUDGE
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CLERK OF COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C227874

-vs-

DEPT. NO. I

BRYAN M. FERGUSON

#1299193

Defendant.

SECOND AMENDED JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 and 4 - BURGLARY (Category B Felony) in violation of NRS 205.060, COUNT 2 - GRAND LARCENY (Category B Felony) in violation of NRS 205.220, 205.222; COUNT 3 - POSSESSION OF STOLEN PROPERTY (Category B Felony) in violation of NRS 205.275; and COUNT 5 - POSSESSION OF BURGLARY TOOLS (Gross Misdemeanor) in violation of NRS 205.080 and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNT 1 - BURGLARY (Category B Felony) in violation of NRS 205.060; COUNT 2 - GRAND LARCENY (Category B Felony) in violation of NRS 205.220, 205.222; COUNT 4 -

EXHIBIT " 11 "

1 BURGLARY (Category B Felony) in violation of NRS 205.060; and COUNT 5 –
2 POSSESSION OF BURGLARY TOOLS (Gross Misdemeanor) in violation of NRS
3 205.080; thereafter, on the 5TH day of May, 2008, the Defendant was present in court for
4 sentencing with counsel, wherein the Court did adjudge the Defendant guilty of said
5 crime as set forth in the jury's verdict and sentencing was imposed.
6

7 THEREAFTER, on the 21st day of July, 2008, Deft and counsel not being
8 present, good cause appearing to amend the Judgment of Conviction to correct a
9 clerical error; now therefore,
10

11 IT WAS THEREBY ORDERED the Defendant's sentence was to be corrected to
12 include ZERO (0) DAYS credit for time served.

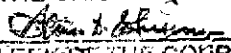
13 THEREAFTER, on the 24th day of March, 2010, the Defendant was not present
14 in court with his counsel, CYNTHIA DUSTIN, ESQ., and pursuant to Defendant's motion
15 to place on calendar regarding credit for time served, and good cause appearing to
16 amend the Judgment of Conviction; now therefore,
17

18 IT IS HEREBY ORDERED the Defendant's sentence to be amended to include
19 SEVEN (7) DAYS credit for time served.
20

21
22 DATED this 29th day of March, 2010.

23
24 
25 KEN CORY
26 DISTRICT JUDGE

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TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


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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, ESQ.

Nevada State Bar No. 8435

601 South 7th Street

Las Vegas, Nevada 89101

Attorney for Claimant, BRYAN M. FERGASON

EXHIBIT " 12 "

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
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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C208321

-vs-

DEPT. NO. XX

BRYAN MICHAEL FERGASON
#1299193

Defendant.

ORDER FOR REVOCATION OF PROBATION AND
SECOND AMENDED JUDGMENT OF CONVICTION
(PLEA OF GUILTY - ALFORD)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty pursuant to Alford Decision to the crime of ATTEMPT BURGLARY (Category C Felony) in violation of NRS 193.330, 205.060; thereafter, on the 29TH day of August, 2005, the Defendant was present in court for sentencing with his counsel, wherein the Court did adjudge the Defendant guilty thereof by reason of the plea of guilty, suspended the execution of the sentence imposed and granted probation to the Defendant.

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CLERK OF THE COURT

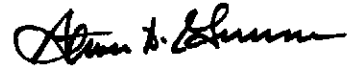
EXHIBIT " 13 "

1 THEREAFTER, a parole and probation officer provided the Court with a written
2 statement setting forth that the Defendant has, in the judgment of the parole and
3 probation officer, violated the conditions of probation; and on the 11TH day of April,
4 2007, the Defendant appeared in court with his counsel CYNTHIA DUSTIN, ESQ., and
5 pursuant to a probation violation hearing/proceeding, and good cause appearing to
6 amend the Judgment of Conviction; now therefore,
7

8 IT IS HEREBY ORDERED that the probation previously granted to the Defendant
9 is revoked; and IT IS FURTHER ORDERED that Defendant is SENTENCED as follows:
10 TO A MAXIMUM of THIRTY (30) MONTHS with a MINIMUM parole eligibility of
11 TWELVE (12) MONTHS in the Nevada Department of Corrections (NDC), with TWO
12 HUNDRED THIRTY-SIX (236) DAYS credit for time served.
13

14
15 DATED this 27 day of June , 2007
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19 DAVID T. WALL
20 DISTRICT JUDGE
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CLERK OF THE COURT

1 **NOTM**
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 Attorneys for Plaintiff

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 LAS VEGAS METROPOLITAN POLICE)
11 DEPARTMENT,)

12 Plaintiff,)

13 vs.)

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

15 Defendant.)

Case No. 07A537416

Dept No. VIII

16 **NOTICE OF MOTION AND MOTION TO LIFT STAY**

17 **DATE OF HEARING:** _____
18 **TIME OF HEARING:** _____ A.M.

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

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EXHIBIT # 14

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

1 **CERTIFICATE OF MAILING**

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

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

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

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

17 BY: /s/ Jessica Daniels

18

Jessica Daniels, Legal Secretary
19 Clark County District Attorney's Office
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28 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

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 MOTION TO LIFT STAY**

17 THIS MATTER having come on for hearing on the 9th day of April, 2012, on
18 Plaintiff's Motion to Lift Stay; the Court having reviewed all documents and good cause
19 appearing;

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EXHIBIT " 15 "

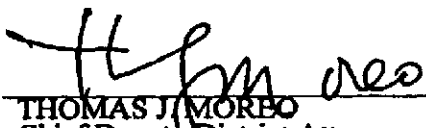
1 IT IS HEREBY ORDERED that Plaintiff's Motion to Lift Stay in Case No.
2 07A537416, is Granted.

3 DATED this 25 day of April, 2012.

4
5 
6 DISTRICT JUDGE *pt*

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

10 BY


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

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EIGHTH JUDICIAL DISTRICT COURT

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CLARK COUNTY, NEVADA

Shirley B. Rungius
CLERKBEFORE THE GRAND JURY IMPANELED BY THE AFORESAID
DISTRICT COURT

THE STATE OF NEVADA,

Plaintiff,

ORIGINAL

vs.

CASE NO. 06AGJ101ABCD

C228752

DAIMON MONROE, aka Daimon Devi
Hoyt; TONYA TREVARTHEN, aka
Tonya Michelle Trevarthen;
BRYAN FERGASON, aka Bryan
Michael Fergason; and ROBERT
HOLMES,

Defendants.

Taken at Las Vegas, Nevada

Tuesday, November 28, 2006

1:52 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 2

Reported by: MARCIA HARNESS, C.C.R. No. 204

EXHIBIT " 16 "

CE15

1 GRAND JURORS PRESENT ON TUESDAY, NOVEMBER 28, 2006

2

3 MARY JANE BURKHALTER, Foreman

4 DAREL BLUM, Deputy Foreman

5 KERRY DICESARE, Secretary

6 CASSANDRA MORISHITA, Assistant Secretary

7 GARY BUTCHER

8 MARY EVERBACK

9 PHILLIP FISCHBEIN

10 BILL FRITZ

11 ERNEST GOLLIHER

12 GLENN KENNARD

13 JOHN KREMER

14 KAY LONG

15 SHARRON NORTINGTON

16 ANNETTE TSOULOGIANNIS

17 TYRONE YOUNG

18

19 Also present at the request of the Grand Jury:

20 SANDRA DIGIACOMO, Deputy District Attorney

21 SAM BATEMEN, Deputy District Attorney

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1 LAS VEGAS, NEVADA, TUESDAY, NOVEMBER 28, 2006

2 * * * * *

3
4 MARCIA J. HARNESS,

5 having been first duly sworn to faithfully
6 and accurately transcribe the following
7 proceedings to the best of her ability.
8

9 THE FOREPERSON: Please remain standing
10 and raise your right hand.

11 Do you solemnly swear the testimony you're
12 about to give regarding the investigation now pending
13 before this Grand Jury shall be the truth, the whole
14 truth and nothing but the truth, so help you God?

15 MR. HOBBS: I do.

16 THE FOREPERSON: Please be seated. You're
17 advised you are here today to give testimony in an
18 investigation pertaining to the offenses of possession
19 of stolen property and conspiracy to possess stolen
20 property and/or to commit burglary involving Daimon
21 Monroe, Tonya Trevarthen, Bryan Ferguson and Robert
22 Holmes.

23 Do you understand this advisement?

24 MR. HOBBS: Yes.

25 THE FOREPERSON: Would you please state

1 A. I understand that, you know, the items
2 were, you know, most likely stolen, or I haven't read
3 the list of individual -- I haven't read all the items,
4 but I understand that probably the majority of
5 everything taken was, in fact, stolen.

6 Q. And you understand that. Is that from
7 what somebody else is telling you?

8 A. Right. I mean, yeah. I mean, I was aware
9 that, you know, there were items that were stolen, you
10 know. I maybe didn't know where they were from,
11 but ...

12 Q. Who made you aware that the items in your
13 house, some of them or the majority of them, could
14 possibly be stolen?

15 A. Daimon or Devin, for the most part. But,
16 you know, I mean, Daimon and Bryan would bring them,
17 you know, bring things to the house, and...

18 Q. Do you know Robert Holmes?

19 A. Yes.

20 Q. And what does he go by?

21 A. I know him as Bobby, but, I mean, I know
22 that his name is Robert.

23 Q. Did he ever bring items to the home?

24 A. He didn't bring items to the home. He
25 would come to the home to buy items basically from

1 Q. I'm sorry, what was the last part?

2 A. I said he would regularly bring things
3 home, you know.

4 Q. Did he tell you where he was getting these
5 items from?

6 A. I mean, he would tell me that they, you
7 know, were from businesses, and he would tell me that
8 they were stolen.

9 Q. Did he tell you he actually would go in
10 and burglarize the businesses?

11 A. Yes.

12 Q. Did he tell you -- I mean, how often would
13 he come home with these items?

14 A. He basically considered it his job. I
15 mean, it was every Friday and Saturday, and
16 occasionally one day in the middle of the week, most
17 likely a Wednesday, because it was in the middle of the
18 week.

19 And, like I said, it was regular every
20 weekend, and then most often then one day in the middle
21 of the week.

22 Q. Would he go out every Friday and Saturday
23 night -- like what hours would he go out?

24 A. He would leave usually between five and
25 six, and then just come home when he felt like he was

1 Q. Do you know what kind of places he would
2 commit the burglaries upon?

3 A. Just usually offices. Office buildings.

4 Q. So commercial businesses?

5 A. Right.

6 Q. He didn't do residential burglaries?

7 A. No.

8 Q. And some of the stuff he would bring back
9 to your house?

10 A. Right.

11 Q. I mean, the bills at 1504 Cutler, whose
12 name were they in?

13 A. Mine.

14 Q. And the bank accounts, did you and Daimon
15 share a bank account?

16 A. No.

17 Q. Did he have his own?

18 A. No.

19 Q. He never -- to your knowledge, he doesn't
20 have a bank account?

21 A. Because he never had ID.

22 Q. Okay. So what would he -- did he ever
23 come home with cash after doing these burglaries?

24 A. He has.

25 Q. I'm sorry?

1 A. He has come home with cash before.

2 Q. What would he do with his cash?

3 A. He would usually -- I mean, he might keep
4 some at the house. And the rest of it he would deposit
5 into my account through the ATM.

6 Q. So even though the account was in your
7 name, he could use it too?

8 A. He used the ATM card.

9 Q. Okay. So he had access to the bank
10 account in your name by the ATM card?

11 A. Right.

12 Q. He could deposit and withdraw funds?

13 A. He could. I would say he mostly deposited
14 money.

15 Q. And this account that you had, was it a
16 checking account?

17 A. I did have a checking, a savings, and a
18 CD.

19 Q. Which one did he have access to?

20 A. Well, I mean, he actually had access
21 through the ATM but also through, you know, using the
22 on-line banking. And so you could deposit or withdraw
23 out of the savings using the ATM card, or he could
24 transfer money if he wanted to on line.

25 But he -- you know, the money in the CD,

1 A. The first one was when the account was
2 opened in 2001. The first one was \$10,000. And I
3 can't say for sure, but I believe it was about a year
4 later there was another \$10,000 check. And at some
5 point after that, there was a check for around 19,000,
6 I believe. But I don't remember exactly.

7 Q. Okay. So it was over a time period?

8 A. Right.

9 Q. And so Daimon would deposit money into the
10 account that he got from doing the burglaries?

11 A. Or from selling -- selling things that he
12 had stolen.

13 Q. Okay. So when he would commit the
14 burglaries, he didn't just bring stuff home to your
15 house, he would also sell stuff?

16 A. Yes.

17 Q. Did you ever see him sell the stolen
18 property?

19 A. Yes.

20 Q. Who would he sell it to?

21 A. You would like me to just list as many
22 names as I can recall?

23 Q. Well, so it was multiple people, or was
24 it -- how did it work? How did he know who to sell it
25 to?

1 sell to were his customers, and he would say, you know,
2 he wanted to keep everybody happy. So he would try to
3 divide it, you know, among the different people. He
4 said, you know, I'm trying to keep everybody happy.

5 Q. Okay. So when he would commit a burglary
6 and he would bring home a bunch of stuff, he would
7 divide it up?

8 A. Right. Like -- he would, like I said, he
9 would say well, I want to make sure that I keep
10 everybody happy, so he would tell one person if he, for
11 instance, got six computers, he might tell one person
12 well, I got two this week, and that's all I got. And
13 tell another person I got two this weekend, and give
14 two computers each to three different people. And,
15 occasionally, it might all go to one person, but...

16 Q. How often would he sell the property out
17 of the house?

18 A. Basically, every weekend.

19 Q. Okay. And that was Cutler?

20 A. Or during the week he would, you know, he
21 would say he would get rid of everything. He would try
22 to get rid of it all before the next weekend.

23 Q. I'm going to show you what's been marked
24 as Grand Jury Exhibit Number 134. It's got a name
25 caption at the top.

1 warrant?

2 A. I --

3 Q. Are you aware of whether or not there was
4 money in the house?

5 A. Right. I don't know exactly how much
6 money. But I know that there was money in a drawer in
7 the kitchen. And but I don't know exactly how much
8 though.

9 Q. That wasn't for you to go shopping or
10 anything with?

11 A. No.

12 Q. Okay. Whose money was that?

13 A. It was money that Devin had received
14 either from, you know, I guess it could have been from
15 a burglary or received from selling property.

16 Q. When he would sell the property, were you
17 ever present for the transactions?

18 A. Yes.

19 Q. Okay. How -- would he get cash?

20 A. Yes.

21 Q. He would always conduct the sales at your
22 residence?

23 A. He would also take -- either people would
24 come to the house or he would take property to their
25 house, or sometimes he would meet people at a, you

1 REPORTER'S CERTIFICATE

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

5 I, Marcia Harness, CCR No. 204, do hereby
6 certify that I took down in Shorthand (Stenotype) all
7 of the proceedings had in the before-entitled matter at
8 the time and place indicated and thereafter said
9 shorthand notes were transcribed at and under my
10 direction and supervision and that the foregoing
11 transcript constitutes a full, true and accurate record
12 of the proceedings had.

13 Dated at Las Vegas, Nevada, December 5, 2006.

14
15 
16 _____
 Marcia Harness, C.C.R. No. 204

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Transcript

(Title of Document)

C228752

filed in District Court Case number 06AGJ101 ABCD



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 _____

(State specific law)

-or-

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

Maria Harness

Signature

1-2-07

Date

Marcia Harness

Print Name

Court Reporter

Title

ORIGINAL

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,)
)
Plaintiff,)
)
v.) CASE NO. C-228752
)
BRYAN FERGASON,) DEPT. VII
)
Defendant.)

BEFORE THE HONORABLE STEWART L. BELL, DISTRICT COURT JUDGE

TUESDAY, MAY 27, 2008

REPORTER'S PARTIAL TRANSCRIPT
TRIAL BY JURY
DAY 4 - VOLUME I

APPEARANCES:

For the Plaintiff: SANDRA A. DIGIACOMO, ESQ.
SHELLY L. SMALL, ESQ.
Deputy District Attorneys

For the Defendant: CYNTHIA L. DUSTIN, ESQ.

RECORDED BY: RENEE VINCENT, COURT RECORDER

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DEFENDANT'S:

None

1 paid?

2 A Yes.

3 Q Okay. It was always paid in cash?

4 A Yes.

5 Q All right. Now, back in 2006 were you working at

6 all?

7 A In 2006, yes, I was working.

8 Q Okay. Where were you working?

9 A I was working for the school district as a long term

10 substitute teacher at Deerfield Elementary.

11 Q How long did you -- how much did you make?

12 A Ten dollars, well, sorry. It was \$100 a day.

13 Q All right. And did you work five days a week?

14 A Yes.

15 Q And that's before taxes?

16 A Yes.

17 Q All right. And were you going to school at the same

18 time?

19 A Yes.

20 Q What were you going to school for?

21 A Elementary education.

22 Q Is that how you met Amanda Terry?

23 A Yes.

24 Q By the fall of 2006, how much more school did you

25 have left before you would finish?

- 1 A I believe it was approximately \$300,000.
- 2 Q Now, who would deposit money into those accounts?
- 3 A Devon and I would deposit money. My paycheck was
4 direct deposit, but he'd deposited cash through the ATM.
- 5 Q Now, were you ever present with him when he did
6 that?
- 7 A Yes.
- 8 Q And back in the fall, again, in 2006, how many cars
9 did you have in your name, did you own?
- 10 A Three.
- 11 Q And what three cars did you have?
- 12 A A 2000 Toyota Avalon. A minivan that I believe was
13 a '97 Plymouth Grand Voyager, and then a cargo van that I
14 believe was a 2001. It was a Chevy Express.
- 15 Q And you called it a cargo van. Was there any seats,
16 or anything in it for people to ride in?
- 17 A Just the front two seats.
- 18 Q Okay. So the back, that was just an area for
19 basically cargo, no seats?
- 20 A Correct.
- 21 Q Okay. And then showing you State's Exhibit 501. Do
22 you recognize this?
- 23 A Yes.
- 24 Q And what is this?
- 25 A That's the '97 Plymouth Grand Voyager.

1 your house?

2 A Yes.

3 Q Did he hangout on a regular basis?

4 A With Devon he did.

5 Q Okay. Now, during the time that you lived with
6 Devon, from 2001 until 2006, did he have employment?

7 THE COURT: He, who?

8 MS. DIGIACOMO: Devon.

9 THE WITNESS: Only in 2001 for a few months.

10 BY MS. DIGIACOMO:

11 Q And what did he do for those few months?

12 A He was cleaning. It was in restaurants. Some sort
13 of cleaning with grease.

14 Q Okay. And that was for a couple of months?

15 A Yes.

16 Q And, but for the rest of the time you knew him he
17 didn't have any legitimate employment?

18 A Yeah, correct.

19 Q All right. Now, how well did you know Mr. Ferguson?

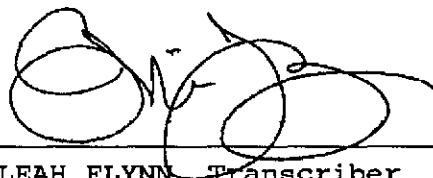
20 A I'd say pretty well. I saw him pretty often. At
21 least, a few times a week.

22 Q All right. From the time you met him in the end of
23 2001, 2002, until November 2006 --

24 A Not, I guess, not every week, the entire time, but
25 at least that last year or so, and I saw him fairly regularly.

1 A I remember them being brought to the Cutler
2 residence, and --
3 Q By whom?
4 A By Devon and Bryan.
5 Q Okay. So Devon and Bryan brought all of these,
6 these photographs that we're looking at, between 9 and 18, to
7 the Cutler residence?
8 A Yes.
9 Q Okay. Then did some of them actually leave the
10 residence?
11 A Yes.
12 Q Okay. Then did you -- do you know whether or not
13 all those photographs that were shown in 9 through 18 were
14 paid for?
15 A No, they weren't.
16 Q Okay. And how do you know they weren't?
17 A Because they never hid the fact that they were going
18 out to do burglaries to bring home the sports memorabilia, and
19 different things depicted in the pictures.
20 Q Now, when you're saying -- when you're saying, they,
21 who are you referring to?
22 A Bryan and Devon.
23 Q Thanks.
24 MS. DIGIACOMO: Thanks. Pass the witness.
25 THE COURT: We have a question here, did the furniture,

1 ATTEST: I do hereby certify that I have truly and correctly
2 transcribed the audio/video recording in the above-entitled
3 case to the best of my ability.
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A handwritten signature in black ink, appearing to read 'ERIN LEAH FLYNN', is written over a horizontal line.

ERIN LEAH FLYNN, Transcriber

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1 TRAN.

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 STATE OF NEVADA,)
6 Plaintiff,)
7 v.) CASE NO. C-228752
8 DAIMON MONROE,) DEPT. VII
9 Defendant.)
10

11
12 BEFORE THE HONORABLE STEWART BELL, DISTRICT COURT JUDGE

13 MONDAY, MAY 19, 2008

14 REPORTER'S PARTIAL TRANSCRIPT
15 TRIAL BY JURY
16 DAY 6 - VOLUME I

17 APPEARANCES:

18 For the Plaintiff: SANDRA A. DIGIACOMO, ESQ.
19 SHELLY L. SMALL, ESQ.
20 Deputy District Attorneys

21 For the Defendant: MARTY HART, ESQ.
22 MICHAELA E. TRAMEL, ESQ.

23
24
25 RECORDED BY: RENEE VINCENT, COURT RECORDER

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DEFENDANT'S:

None

1 bank?

2 A Bank of America.

3 Q And they were in your name?

4 A Yes.

5 Q Did Devon have access to them at all?

6 A Through the ATM card. And he could transfer money
7 online. He had access to online banking. But only through
8 the ATM card could he deposit or withdraw money.

9 Q All right. Now when you worked did your checking,
10 or excuse me, did your paystub or your paycheck go directly
11 into the account?

12 A Yes. I had direct deposit.

13 Q Now did you keep a lot of cash in the house?

14 A There was usually cash in the house because -- in
15 between deposits cash would accumulate at the house.

16 Q So were there a lot of cash deposits made into your
17 accounts?

18 A Yes.

19 Q And who would be the one to make those cash
20 deposits?

21 A Most of the time we'd probably be together in the
22 car.

23 Q Who's "we"?

24 A Devon and I. But sometimes I might have and
25 sometimes he might have alone, but a lot of the time we were

1 together.

2 Q When was it that the two of you moved in together?

3 A It was a little before my second daughter turned a
4 year old, which would have made it around Easter of 2001 I
5 believe.

6 Q Now did Devon have a job that he went to as well,
7 like you went to teach?

8 A Only when we first moved in together.

9 MR. HART: Objection, Your Honor.

10 THE COURT: What's the objection?

11 MR. HART: Well the same objections I've been making,
12 Your Honor.

13 THE COURT: I don't know whether he has a job or not is
14 relevant. I won't let you go much beyond that. But certainly
15 after you got together then thereafter he didn't have a job;
16 is that what you're saying?

17 THE WITNESS: Right.

18 THE COURT: We won't go beyond that.

19 BY MS. DIGIACOMO:

20 Q So from September 2006 through November 2006 did he
21 have a paying job that he went to every day?

22 A No.

23 Q And the money that you were bringing in, did the
24 money you made from teaching cover all the bills?

25 A No.

1 take specifically the furniture such as the furniture in the
2 family room, the dining room, the living room, did you pay for
3 any of that furniture?

4 A No.

5 Q All right. Were you with Devon when he bought that
6 furniture?

7 A No.

8 Q So the furniture that was in the house, do you know
9 even how much the value was of it?

10 A I'm not sure of the value.

11 Q What about the -- well you were the one that paid
12 for the bills, correct?

13 A Yes.

14 Q All right. And did you go out shopping, I mean,
15 like once a week or did you grocery shop? What did you --
16 what were the things you bought for the house?

17 A We would usually -- Devon and would I go to the
18 grocery store together once a week and buy things like
19 produce, milk, you know, maybe some cereals things like that.
20 And then sometimes we'd get some things from Home Depot, or I
21 would go to Target and get a few things for the house, or
22 maybe some clothes for the kids, or for myself.

23 Q Okay. But let's say all the sports memorabilia that
24 was in the house, did you pay for that?

25 A No.

1 Q And it was your bank account, so if things had been
2 paid for out of the bank account you would know about it?

3 A Yes.

4 Q You were the only one that was allowed to write
5 checks?

6 A Yes.

7 Q Did you ever pay for the subzero refrigerator
8 freezer and freezer that was in the garage?

9 A No.

10 Q What about the spa?

11 A No.

12 Q Icemaker?

13 A No.

14 Q I guess it might be easier, what items in the house
15 other than what you said about the groceries and the clothes,
16 what items did you buy for in that house?

17 A I mean, not many. Some clothes, you know, but no --
18 no furniture that I can recall. There was one or two pieces
19 of furniture that were in the house when we moved in that had
20 belonged to either Stephen Forman or his parents. But it was
21 -- wasn't more than maybe one or two items.

22 Q So the flat screen TVs in the house, did you buy
23 those?

24 A No.

25 Q Any of the artwork or the cartoon cells in the

1 house, did you buy those?

2 A No. They were at the time of the search warrant
3 there were two Winnie the Pooh cells, like, I guess maybe
4 lithographs or something that belonged to my mother that had
5 been purchased like while I was a child. But those are the
6 only two in the house.

7 Q That belonged to you?

8 A Right.

9 Q What about the bedroom furniture, in the master?

10 A I never bought any bedroom --

11 Q You never bought any furniture that was in that
12 house?

13 A No.

14 Q What about the guitars that were in the house or the
15 keyboards, did you pay for any of that?

16 A No.

17 Q What about the electronics equipment, speakers,
18 receivers, DVD players any of that? Did you ever pay for any
19 of that?

20 A No.

21 Q When you were living in that house between September
22 24th and November 6th, 2006 did you know that those items or
23 did you believe those items had been stolen?

24 A Yes.

25 Q When the police came to the house on the morning of

1 release the kids into her custody.

2 Q And then at some point after your arrest when you
3 get out and get your kids, do you start withdrawing money from
4 the accounts that you have -- or that you had?

5 A Yes.

6 Q All right. Tell us about that.

7 A There were I know some instances where I removed
8 money to pay attorney fees. And then there was money also
9 that I withdrew in cash and gave to Robert Holmes.

10 Q Do you know approximately how much money you
11 withdrew in cash and gave to Robert Holmes or Bobby?

12 A I believe it was 145,000.

13 Q And why did you give money to him?

14 A I had -- I believed that -- it's hard to remember
15 exactly what I had talked about with Devon on the phone. We
16 had discussed money I think somewhat. Also Bobby thought it
17 was a good idea to take the money out so that --

18 MR. HART: Objection; speculation.

19 THE COURT: Sustained. Disregard what Bobby thought.
20 We're not sure what Bobby thought.

21 MS. DIGIACOMO: Okay.

22 THE COURT: Move on.

23 BY MS. DIGIACOMO:

24 Q So before you gave the money to Bobby Holmes did you
25 have a conversation with him?

1 A Yes.

2 Q Based upon that conversation you decided to give him
3 145,000?

4 A Yes.

5 Q Now that 145,000 where did you get that money from?

6 A It was from the bank accounts in my name.

7 Q Okay. And where did that money, I mean, if you're
8 making \$2,000 a month how did you accumulate all that money?

9 A Most --

10 Q Was that from legitimate means?

11 A Most of it was just cash that was made through
12 selling the stolen property.

13 Q Okay. And you were part of that?

14 A Right.

15 Q The money that you gave --

16 MR. HART: Objection, Your Honor. Uncharged on the
17 Defendant count.

18 THE COURT: Overruled.

19 BY MS. DIGIACOMO:

20 Q The money that you gave Bobby Holmes, did you ever
21 try and get that back from him?

22 A Yes, I did.

23 Q Did you get the money back?

24 A No.

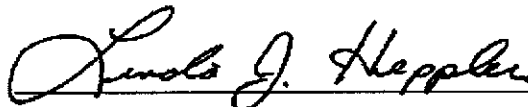
25 Q All right. Did you eventually have a discussion

1 o'clock, and we're going to feed him in the jury room and let
2 them go to work.

3 [Proceedings Concluded at 5:13 P.M.]
4
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25

A/V-TRONICS, INC.
E-Reporting and E-Transcription
Phoenix (602) 263-0885 • Tucson (520) 403-8024
Denver (303) 634-2295

1 ATTEST: I do hereby certify that I have truly and correctly
2 transcribed the audio/video recording in the above-entitled
3 case to the best of my ability.
4
5
6
7
8
9

10 
11 _____

12 LINDA J. HEPPLER, Transcriber
13
14
15
16
17
18
19
20
21
22
23
24
25

FILED

MAY 01 2012

John L. Blum
CLERK OF COURT

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

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

7
8
9 *Las Vegas Metropolitan*
10 *Police Department*
11 *State of Nevada* Plaintiff,

12 vs.
13 *U.S. Currency #281,656-73*
14 *Robert Holmes III* Defendant.

Case No. 07 A537416

Dept. No. VII

Docket _____

15
16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,
18 Robert Holmes III, in and through his proper person, hereby
19 appeals to the Supreme Court of Nevada from the ORDER denying and/or
20 dismissing the

21 Opposition to Plaintiff's Motion to Lift Stay

22 _____
23 ruled on the 9 day of April, 20 12.

24
25 Dated this 19 day of April, 20 12.

26 Respectfully Submitted,

Robert Holmes III

07A537416
NOAS
Notice of Appeal
1840051



RECEIVED
MAY 01 2012
CLERK OF THE COURT

Robert Holmes 1234184
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070-0208

IN THE Eighth JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF Nevada

Las Vegas Metropolitan
Police Department
State of Nevada
Plaintiff,

vs.
U.S. Currency #281,656.73

Robert Holmes III
Defendant.

CASE No. 07 A537416
DEPT.No. VII

DESIGNATION OF RECORD ON APPEAL

TO: D.A. Office
District Attorney
Steve Wolfson
200 Lewis Avenue
Las Vegas Nevada 89155

The above-named Plaintiff hereby designates the entire record of the above-entitled case, to include all the papers, documents, pleadings, and transcripts thereof, as and for the Record on Appeal.

DATED this 19 day of April, 20 12.

RESPECTFULLY SUBMITTED BY:

Robert Holmes III
Robert Holmes # 1234184
Plaintiff/In Propria Persona

CERTIFICATE OF SERVICE BY MAILING

I, Robert Holmes III, hereby certify, pursuant to NRCP 5(b), that on this 19
day of April, 2012, I mailed a true and correct copy of the foregoing, "notice
of Appeal opposition to Plaintiff's motion to lift stay"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

D.A. Office
Distict Attorney Office
D.A. Steve Wolfson
Joe Lewis Avenue
Las Vegas Nevada 89155

CC:FILE

DATED: this 19 day of April, 2012.

Robert Holmes III 123456
Robert Holmes III # 123456
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Notice of

Appeal opposition to plaintiff's motion to lift stay
(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

4-19-2012
Date

Robert Holmes III
Print Name

pro se
Title

Robert Holmes III 1034184
SDAC P.O. Box 208
Indian Springs Nevada 89070

3763

First-Class Mail

04/26/2012

US POSTAGE

FIRST-CLASS MAIL
\$00.43



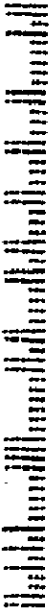
ZIP 89101

011D12602491

CONFIDENTIAL

Steven D. Grierson
Clerk of The Court
200 Lewis Avenue
3rd Floor
Las Vegas NV 89155-1160

#510148300



FILED

MAY 04 2012

John J. Blum
CLERK OF COURT

1 ASTA

2
3
4 **DISTRICT COURT**
5 **CLARK COUNTY, NEVADA**
6

7 LAS VEGAS METROPOLITAN POLICE
8 DEPARTMENT.,

9 Plaintiff(s),

10 vs.

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

12 Defendant(s).
13

Case No: 07A537416

Dept No: VIII

07A537416

ASTA

Case Appeal Statement

1843393



14
15 **CASE APPEAL STATEMENT**

16 1. Appellant(s): Robert Holmes, III

17 2. Judge: Douglas Smith

18 3. Appellant(s): Robert Holmes, III

19 Counsel:

20 Robert Holmes, III #1034184

21 P.O. Box 208

Indian Springs, NV 89070

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

23 Counsel:

24 Steven B. Wolfson, District Attorney

25 200 Lewis Ave.

26 Las Vegas, NV 89155

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

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

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

1
2 8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
3 **Expires 1 year from date filed

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

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

6 Type of Judgment or Order Being Appealed: Misc. Order

7 11. Previous Appeal: Yes

8 Supreme Court Docket Number(s): 60547

9 12. Child Custody or Visitation: N/A

10 13. Possibility of Settlement: Unknown

11 Dated This 4 day of May 2012.

12 Steven D. Grierson, Clerk of the Court

13 

14 Sarah Bartholomew, Deputy Clerk

15 200 Lewis Ave

16 PO Box 551601

17 Las Vegas, Nevada 89155-1601

18 (702) 671-0512
19
20
21
22
23
24
25
26
27
28

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

Please send
Stamp file copy
FILED

MAY 08 2012

Robert Holmes III
CLERK OF COURT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Las Vegas Metropolitan Police
Department

Plaintiff,

vs.

U.S. Currency \$281,656.73
Robert Holmes III

Defendant.

Case No. 07 A537416

Dept. No. VIII

Docket _____

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,
Robert Holmes III, in and through his proper person, hereby
appeals to the Supreme Court of Nevada from the ORDER denying and/or
dismissing the

Opposition to Lift Stay and/or Granting Plaintiff Motion
to Lift Stay

ruled on the 27 day of April, 20 12.

Dated this 3 day of May, 20 12.

Respectfully Submitted,

Robert Holmes III

07A537416
NOAS
Notice of Appeal
1845866



6/3

RECEIVED
MAY 08 2012
CLERK OF THE COURT

Robert Holmes # 1034184
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070-0208

IN THE Eighth JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF Clark

Las Vegas Metropolitan
Police Department
Plaintiff,

vs.

U.S. Currency \$28,656.73
Robert Holmes III
Defendant.

CASE No. 07 AS 37416

DEPT.No. VIII

DESIGNATION OF RECORD ON APPEAL

TO: DA office DA
STEVEN B. WOLFSON
Forfeiture Unit
200 LEWIS AVENUE
P.O. Box 552212 Las Vegas NV 89155

The above-named Plaintiff hereby designates the entire record of the above-entitled case, to include all the papers, documents, pleadings, and transcripts thereof, as and for the Record on Appeal.

DATED this 3 day of May, 20 12.

RESPECTFULLY SUBMITTED BY:

Robert Holmes III
Robert Holmes # 1034184
~~Plaintiff~~/In Propria Persona
Defendant

CERTIFICATE OF SERVICE BY MAILING

I, Robert Holmes III, hereby certify, pursuant to NRCP 5(b), that on this 3
day of May, 2012, I mailed a true and correct copy of the foregoing, "notice
of Appeal ^{Denial} ~~Opposition~~ to Lift Stay and of Granting Plaintiff"
affairs Motion to Lift Stay"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

DA Steven B. Wolfson
District Attorney
Forfeiture Unit
200 Lewis Avenue, PO Box 552212
Las Vegas Nevada, NV 89155

CC:FILE

DATED: this 3 day of May, 2012.

Robert Holmes III 10341861
Robert Holmes III # 10341861
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Notice of Appeal
(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

5-3-2012
Date

Robert Holmes III
Print Name

Pro Se
Title

Robert Holmes III 1034184

SDCC P.O. Box 208

Indian Springs Nevada 89070

Hasler

05/04/2012

USPS AC

FIRST CLASS PERMIT NO. 790

200



ZIP 89101

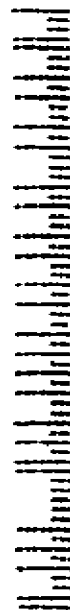
011D12602491

STEVEN D. GRIERSON
Clerk of the Court

200 Lewis Avenue, 3rd floor
Las Vegas NV 89155-1160

CRIMINAL JUSTICE
66 [FBI]

6666153133



SOUTHERN DESERT
CORRECTIONAL CENTER
MILPITAS, CALIF.

MAY 04 2012

OUTGOING
MAIL

FILED

MAY 10 2012

John L. Blum
CLERK OF COURT

1 ASTA

2
3
4 **DISTRICT COURT**
5 **CLARK COUNTY, NEVADA**
6

7 LAS VEGAS METROPOLITAN POLICE
8 DEPARTMENT,

9 Plaintiff(s),

10 vs.

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

12 Defendant(s).
13

Case No: 07A537416
Dept No: VIII

07A637416
ASTA
Case Appeal Statement
1848358



14
15 **CASE APPEAL STATEMENT**

16 1. Appellant(s): Robert Holmes, III

17 2. Judge: Doug Smith

18 3. Appellant(s): Robert Holmes, III

19 Counsel:

20 Robert Holmes, III #1034184
21 P.O. Box 208
Indian Springs, NV 89070

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

23 Counsel:

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

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

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

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

1
2 8. Appellant Granted Leave to Proceed in Forma Pauperis**: No
3 **Expires 1 year from date filed

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

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

6 Type of Judgment or Order Being Appealed: Misc. Order

7 11. Previous Appeal: Yes

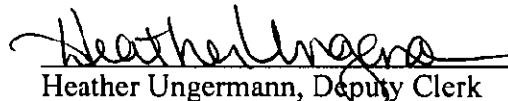
8 Supreme Court Docket Number(s): 60547, 60809

9 12. Child Custody or Visitation: N/A

10 13. Possibility of Settlement: Unknown

11 Dated This 10 day of May 2012.

12 Steven D. Grierson, Clerk of the Court

13
14 
15 Heather Ungermann, Deputy Clerk
16 200 Lewis Ave
17 PO Box 551601
18 Las Vegas, Nevada 89155-1601
19 (702) 671-0512
20
21
22
23
24
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26
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28

FILED

MAY 11 2012

CLERK OF COURT

District Court
Clark County, Nevada
Daimon Monroe
Pro Per

Case No. 07A537416

Dept No. V 11

Date of Hearing 6/8/12

Time of Hearing 8:00 AM
CHAMBERS

1.)
2.) Please Return a copy!
3.)
4.)
5.) L.V.M.P. d
6.) -vs- Plaintiff
7.) U.S. Currency
8.) 281.656.73
9.) Defendant

Notice of motion and motion
to strike summary judgement by
~~Plaintiff~~ Plaintiff.

14.) You and each of you, will please take notice
15.) That the undersigned motion for hearing before the
16.) above entitled court Dept V 11 on June 11 2012 at
17.) ~~8:00 AM~~ or as soon after as counsel can be heard.
CHAMBERS
Dated May 7 2012

Respectfully submitted

Daimon Monroe
Daimon Monroe 3811

07A537416
MSTR
Motion to Strike
1848581



RECEIVED
MAY 08 2012
CLERK OF THE COURT


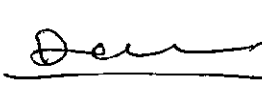
21.) I come before this court with specific facts
22.) and requests, And ask this court to do the right
23.) thing. First I've said this a hundred times on
24.) NOV. 6 2006 there where NO Search warrants
25.) Everyone was illegally arrested property illegally
26.) taken and the money in this case was illegally
27.) taken

- 1.) taken. Brad Nickell's and Sandra DiGiacomo asked Stuart
- 2.) Bell to sign and back date those warrants to cover
- 3.) UP a illegal SEARCH and SEIZURE. Now as this court
- 4.) knows without this courts Supena power I will
- 5.) Not Be able to prove this thru computer entries
- 6.) Official documents I can prove all of this was illeg
- 7.) ally taken. Your Honor Officer greg Naglich worked
- 8.) For intel as all this was going on kept official
- 9.) documents and proof, The F.B.I is now conducting
- 10.) a Federal investigation along with the H-O-A case.
- 11.) on this, It is going to do Substantial Harm to the
- 12.) Courts credibility if this is allowed to continue. I
- 13.) ASK this court to allow this to go into discovery
- 14.) so I can ask Stewart Bell Sandra digiacomo and
- 15.) Brad Nickell's under oath when the warrants where
- 16.) signed. This court has the ability to check the
- 17.) Computer entries itself, and I will ask to supena
- 18.) all the entries and other safety procedures there
- 19.) are. I'm in the hole, solitude without this court's
- 20.) HELP I cannot prove my case which would be
- 21.) a terrible injustice. Your Honor these are crimes the
- 22.) are not mere technicalities, The courts and d.A's
- 23.) Have a obligation to keep Honesty and integrity in
- 24.) the system. Please allow me these documents and access
- 25.) to ^{them} to prove this. also the pictures of all the search
- 26.) where no warrants where left because there
- 27.) never was any. Your Honor this is a Big Big deal
- 28.) I truly hope that somewhere along the line Mr. Wolfson checks into this
- its his Reputation as well as d.A's office

- 1.) Also ^{DA} Norreen Diamante knows what I'm saying is the
- 2.) truth, she has been told, ask her, This is going to hurt
- 3.) MR. Wolfson the most because the DA's Office still
- 4.) is covering this up. He has access to this evidence and
- 5.) a DA has more of a responsibility than normal people.
- 6.) For him to overlook this is aggressive, it's disgusting.
- 7.) Look if u give this money away when the feds arrest
- 8.) these people the state will have to repay it anyways.
- 9.) But that's not the point. For once do the right thing.
- 10.) Just look into what I'm saying. Your honor Metropolis
- 11.) have talked to me about this investigation, see they
- 12.) started sending inmates to set me up on new cases
- 13.) that's where all this turned to madness. First ask yourself
- 14.) why would I lie! What point does it serve, other than
- 15.) u rolling your eyes and dismissing it. I would not waste
- 16.) ur time nor mine. But there has to be accountability
- 17.) And I'm making it clear so when it does happen no
- 18.) one can say they weren't told. I'm so disgusted
- 19.) with all this. We have had to wait for the F.B.I &
- 20.) to arrest these people to get this out. Again ur honor
- 21.) it can be proven that these warrants were
- 22.) fraudulently made. But I can't prove my side without
- 23.) the courts subpoena power, as I'm without anything
- 24.) anyone and any help. So I ask this court

- 1) to dismiss the plaintiff's motion for summary
- 2) Judgment and allow me and Mr. Holmes and Ferguson
- 3) to prove this money was illegally taken. I have to
- 4) borrow paper and stamps to just answer this. Just know
- 5) I wouldn't waste air time, The State is already responsible
- 6) b/c for all the property and the time in here, your
- 7) Honor Just allow us to prove our side. People have
- 8) been threatened, I've been set up over and over, but the
- 9) evidence is there. My attorney Jennifer Swartz
- 10) and Marty Hart both know. How can I prove anything
- 11) in this position your only getting one side because
- 12) we can't produce these documents, in the name of
- 13) Justice allow us this right to prove official
- 14) corruption has deprived us of our freedom
- 15) money and property. I do think it will be a
- 16) damn shame if Mr. Wolfson takes heat over all
- 17) this because a few d.i.s refuse to do their duty
- 18) and check out this criminal behavior by these officials.
- 19) I realize what I'm saying, I also realize Bell is a huge
- 20) name in our community. But this does not excuse him
- 21) or anyone else in doing criminal activity especially
- 22) by officials. This is 100% true the F.B.I is going
- 23) to come, and there will be a lot of explaining for
- 24) everyone to do. Bell really screwed up by doing

- 1) this. The feds will arrest him NO one is above the
- 2) law. do you know Stacy Roundtree told Bell we had
- 3) Evidence and proof of this, and he made a order to
- 4) not permit her to go after metro. WHY? If there was
- 5) nothing to hide. See where waiting for the F.B.I
- 6) Because in general the courts arent trying to hurt
- 7) there Reputation, metro's, or the d.A's office. But its
- 8) ~~to late! The F.B.I is now involved And hes for years, ask~~
- 9) Warren Wykos if im lying. or Judge Herndon, they know, and
- 10) like I said there is nothing going to stop the F.B.I from
- 11) arresting these people. I say this to you Respectfully, This
- 12) Started out as a Botched arrest and turned into something
- 13) So Bad, its unbelievable, it truly is. I dont say anything
- 14) here in arrogance I truly dont what's happen is terrible,
- 15) to my family, friends, and me. Your honor I have seen this
- 16) Evidence, I have talked to the police helping the feds and
- 17) I have waited forever for this to come out. Please dont
- 18) damage the system anymore Just check, ask Warren or
- 19) Judge Herndon Find out about Waglich, or above all peek
- 20) into the computer Entries on the warrants, the pictures
- 21) where there are none, the emails these officials sent
- 22) to each other, look it could be anyday this happens.
- 23) This isnt about mere technicalities, These are
- 24) Crimes committed, By police, d.A's and Judge Stewart
- 25) Bell. The proof is there allow it to come out allow
- 26) us the Right to prove are case, all our cases
- 27) are on appeal and I dont matter to me it

- 1) truly is a waiting game for the Feds to move. See when all
 - 2) this was going on I wrote the F.B.I and forwarded everything
 - 3) Officer Greg Naglich Received a Federal accommodation
 - 4) for his efforts. Your Honor this is a substantial amount of money and
 - 5) it shouldn't be just given summary judgement, we deserve the right
 - 6) to prove our case, And from here we cant get the documents needed, This
 - 7) ~~needs to go to trial as I request it, and we need access to these~~
 - 8) documents which only discovery can produce. Dismiss plaintiffs
 - 9) claim and allow us the right to prove our case and use this
 - 10) Honorable courts Supreme power to prove these facts, and so
 - 11) we can have our day in court, And show there was never a search
 - 12) warrant, The money was illegally taken, and must be returned to its
 - 13) rightful owners who legally obtained it, Robert Holmes, Bryan Ferguson
 - 14) and Daimon Monroe. Thank you.
 - Wherefore Claimant Monroe prays this
 - 15) Court dismiss Plaintiffs Summary judgement
 - 16) and grant his Request to proceed to discovery.
 - 17) I swear under penalty of perjury that the above
 - 18) Motion to Strike Summary judgement is true and accurate
 - 19) to the best of my knowledge dated May 7 2012
 - 20) Pursuant to NRS. 171.102 
NRS 208.165 Daimon Monroe
 - 21)
 - 22) I hereby Certify I sent on May 7 2012 a true copy
 - 23) of this Motion to:
 - 24) Tomas Moreo
2001-cwis avenue
 - 25) Las Vegas, nev, 89155-2212
- 
 Daimon Monroe
 Proper
- Your Honor I do
 Respect the courts But what is
 happening is so wrong!

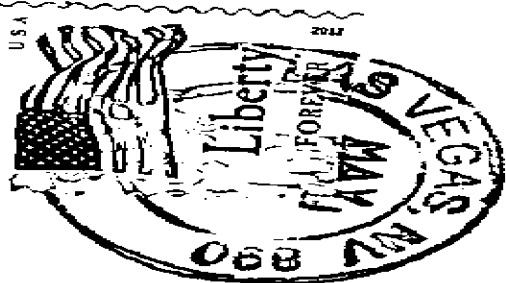
~~Q-101-101~~

Daimon Monroe #38299

H-P-S-P

P.O. Box 650

Indian Springs, Nev, 89020



Please
send me
copy
Thank you

To: Regional Justice Center
200 Lewis Ave
Las Vegas, Nev, 89101

28
FILED

MAY 22 2012

CLERK OF COURT

Please
send
stamp

File copy

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 State of Nevada

11 Plaintiff

12 v.

13 U.S. Currency \$2,816.73

14 Robert Holmes III

CASE NO.: 07A537416

DEPT. NO.: VIII

DOCKET: _____

15 Claimant Robert Holmes III

16 To Plaintiff's Motion for

17 Summary Judgment

18 COMES NOW, Robert Holmes III pro se, herein above respectfully
19 moves this Honorable Court for an opposition to Plaintiff's Motion

20 for Summary Judgment under Rules (59e) and Rules
21 (60B) This Honorable District Court Does not have Jurisdiction

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

24 DATED: this 15 day of May, 2012

25 BY: Robert Holmes III

Robert Holmes III #1034184
Defendant In Proper Personam

07A537418
OPPM
Opposition to Motion
1857410



RECEIVED

MAY 22 2012

CLERK OF THE COURT

(In Violation of Holmes 14th and 5th Amendment Rights)

1.

State Ment of Facts

1 Due to plaintiff's being time barred from filing a Reconsider
2 motion which this Honorable District Court lacks Jurisdiction
3 This instant forfeiture case was Dismissed on October 29, 2009
4 By the Honorable Judge Douglas Smith. Plaintiff's Filed
5 a untimely Motion to Reconsider Court Statistically
6 Closing Case on 11-30-2011 2 years and one month after
7 the Honorable Judge Douglas Smith Dismissed this instant
8 forfeiture case. Civil procedures Rules (59e) and
9 Rules (60.3) reads a Reconsider motion must be Filed
10 within 10 days after (Order) Motion to alter or amend
11 Judgment must be Filed within 10 days. Plaintiff's
12 believe the Honorable Judge Douglas Smith made
13 a "Error" By Dismissing this Forfeiture case on October 29, 2009
14 Plaintiff's "Failed" to Appeal the Honorable Judge Douglas
15 Smith Decision, which was Rendered on October 29, 2009.
16 Plaintiff's could have Filed a Notice of Appeal to the
17 Supreme Court if they felt this "Error" had occurred. The Honorable
18 Judge Bell Stay order Strictly States it is further
19 ordered that upon the final resolution of Criminal case
20 C.208321 by trial or by negotiation that this stay
21 shall be automatically lifted which all Defendants case's
22 were final and over before October 29, 2009.

23 The plaintiff's has been stating all these Amended
24 Judgment of convictions for each one of these case's
25 which has no barren on the Honorable Judge Bell stay
26 order. The Plaintiff's are procedurally ^{time} barred Due to
27 the fact that this instant forfeiture case was Dismissed

1 over 2 years ago. Holmes is persistently challenging
2 this Honorable Court's Jurisdiction Due to Plaintiff's
3 untimely Motion which was 2 years and one month
4 late. Holmes is only challenging the \$70,000
5 that was legally his money, which Holmes and his
6 wife took out loans on (2) Two of their House's
7 through Wells Fargo and WAMU, Holmes wife princess
8 Holmes is currently still making payments on these
9 5 loans which also consist of \$100,000 directly off
10 of the principle of Holmes 1109 property.

11 Holmes was Employed at the Binxon's Horse Shop for
12 14 years and His wife is still Employed at the
13 Planet Hollywood as a cocktail waitress. Holmes had
14 3 Business 2 printing shops, and one production and
15 media company. Holmes Has Full proof of his \$70,000
16 Holmes Can prove his Employment for 14 years. ^{see EX. 1}
17 ^{attached hereto} See EX. 1 Horse shoe Casino Information for Holmes.

18 II. Back Ground

19 On November 29, 2006 U.S. Immigration (ICE)
20 and Metropolitan Police Department went to Holmes
21 residence at 6177 Rispinest alleging that they were
22 the FBI. Holmes wife called him on the phone
23 and stated to Holmes that the FBI wanted to
24 talk to him. Holmes got on the phone and the agent
25 stated to Holmes that he was the FBI, and he needed
26 Holmes to come home and speak to him in regards to
27 statements that Tonya Trevarthen had told him that

She Gave Holmes a \$145,000 in cash.

The agent Stated to Holmes that he will seize all 3 of Holmes House's if he fail to come Home within 45 minutes so that he could speak with him and he also stated that he will not arrest Holmes. Holmes then called his attorney Sean P. Sullivan who works for the Firm Kelly & Sullivan Law Office. Sean Sullivan told Holmes to stay ^{Put} and that he will call over to Holmes house so that He could speak to the agent, Holmes clearly Stated to Sean Sullivan that he did not receive any Money from Tonga Trevarthen. Sean Sullivan called Holmes back about 20 minutes later and He stated to Holmes that the FBI is Going to seize all 3 of your House's if you can't Give them a \$145,000 within 24 hours. ^{Holmes told} ~~He said~~ Sean I did not Get any Money from Tonga Trevarthen. Sean advised Holmes What ever Money you can Get I need at least \$70,000 so I can Give it to the (FBI) so they will not Seize your 3 houses and Sean told Holmes I will Get your Money Back, when everything is sorted out. Holmes told Sean the only Money that He had was Money that he received from his home loans and Equity lines, which was suppose to be specifically for Holmes to Buy his Mother a Home in Alabama because Holmes Mother Gave Holmes her home in Exchange for Holmes and his wife to buy a Home for Holmes mother. Holmes did not have any Federal cases I.C.E and Metropolitan police Department forced Holmes to

Give them \$70,000. The next day Holmes met Sean Sullivan on November 30, 2006 at the 7/11 store on W. Oakley. Holmes gave Sean his \$70,000. Holmes then followed his attorney Sean to 4750 W. Oakley the Federal FBI Building. When Holmes entered the FBI Building Sean Sullivan already had Holmes \$70,000 in cash. MR. Sullivan advised Holmes to sit down and stay put then MR. Sean Sullivan went into the back office for about 20 minutes. When he returned he stated to Holmes the FBI is going to come out here and speak to you about your \$70,000. Do not speak just listen and we will get your money back. On December 30, 2008 The Honorable Judge Bell stated they caught Tonya Tienarthen in Texas. When Metro went to seize the money out of the Bank account \$145,000 of it was unaccountable the Court and the State is clearly stating Metro and not ICE or the (FBI)

MR. Sean Sullivan argued Holmes never admitted to taking the money. Further argued Holmes had equity lines opened prior to all of this.

III.

ARGUMENT

(HOLMES)

5th and 14th Amendment Rights
Violation

(A)

District Court lacks

Jurisdiction under Rules (59e) and (60a)

Due to Plaintiff's failure to timely

File a notice of Appeal

When District Court Judge

Douglas Smith Dismissed this

instant forfeiture case on October 29, 2009.

Plaintiff's Filed a Reconsideration

Motion to Reconsider Court Statistically

Closing Case 11-30-2011

As demonstrated above Plaintiff's Substantially
Prejudiced Holmes By Filing a Motion to Reconsider
Court Statistically Closing Case on 11-30-2011

When the Honorable Judge Dismissed this instant
forfeiture case on October 29, 2009 2 years and
one month after this instant case was Dismissed

See EX. A attached Hereto Motion to Dismiss

Plaintiff's Motion to Reconsider Court Statistically

Closing case Reference to EX. A see EX 17 attached Hereto

Order to Statistically close case Final Dispositions

Dated this 23th day of October 2009. Signed By

the Honorable Judge Douglas E. Smith

District Court Judge. also see EX. 16 Reference herein

EX. A attached Hereto Las Vegas Metropolitan Police Department

and the State of Nevada Notice of Motion and Motion to Reconsider

(A) Ground(A) Cont.

Court Statistically Closing Case 07 A537416

Electronically Filed 11-30-2011

2 years and one month after this instant forfeiture
^{Civil Procedures}
case was dismissed. Under Rules (59e) and (60 e)

a Reconsider Motion must be Filed within 10 days.

Motion to alter or amend Judgment must be Filed

within 10 days. Holmes 5th and 14th Amendment Rights

of Due process has been Violated in Regards to

This instant forfeiture case Due to the fact that

at some point a case must have a Final Disposition

and the Final Disposition order was signed on

October 28th 2009 and Filed on October 29, 2009

Dismissed By the Honorable Judge Douglas E. Smith

District Court Judge. This Honorable Court no longer

have Jurisdiction in this instant forfeiture case

Due to the Plaintiff's Filed a untimely Motion to Reconsider

and failed to file a Notice of Appeal to the Nevada

Supreme Court this case has been Final since October

29, 2009. Clint Hurt + Assocs. V. Silver State Oil + Gas Co.

111 Nev 1086, 901 p.2d 703 (1995)

Filed Pursuant to N.R.C.P 54(b) although titled

a Motion for Reconsideration Pursuant to (59e)

N.R.C.P Must be Filed within 10 days after

receipt of Notice of Contested order

(Final and Unreviewable on Appeal)

in Violation of Holmes 14th and 5th Amendment Rights

of Due process and in Violation of Holmes Equal protection

District Court lacks Jurisdiction in this instant forfeiture case.

(A)

Ground (A) Cont. . . .

Holmes is entitled to the Return of his
\$ 70,000 Due to Plaintiff's are Time Barred
Under Rules (59e) and (60b)
Plaintiff's Failed to File a Timely Reconsider
Motion. (Plaintiff's Untimely Motion)
Caused this Honorable Eighth Judicial District
Court to lack Jurisdiction. Holmes is entitled
to the Return of His \$70,000 that was illegally
seized By (ICE) under false pretense and threats
that the FBI will seize Holmes 3 house's if
Holmes doesn't Give the FBI his \$70,000.
there is Genuine issues as to Material fact
in this instant forfeiture case.

Ground (B)

(B)

The Stay Was Automatically
Lifted after Case C208321
was Resolved August 29, 2005
Judge Bell Stay order
Clearly States ~~Order~~
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.

Plaintiff's have argued that Judge
Douglas Smith Made a Error when
He Dismissed this instant forfeiture case
on October 29, 2009. Judge Bell Stay
Order Clearly States That It is Further
Ordered that upon the Final resolution of
Criminal Case C.208321 by trial or by
Negotiation that this Stay shall be
Automatically lifted and the forfeiture
proceeding may resume. Dated this 17 day
of May, 2007. Signed Stewart Bell District Judge
See EX. C attached Heren Second Supplement to
Motion to Dismiss Plaintiff's Motion to Reconsider
Court Statistically Closing Case ~~Remine~~ see EX 24 attached hereto
and incorporated herein (Order Granting Motion for Stay)

Ground (B) Cont. . . .

(B)

All case's involving case 228752 were all
Resolved with pleas and or Jury Trials
The Honorable Judge was well in his power
to Dismiss This instant forfeiture Case on October 29, 2009
Due to Judge Bell prior stay Order
Clearly stated that this "stay shall be
Automatically lifted and the forfeiture proceeding
may resume. Reference mEX. C attached Hereto and
incorporated herein see EX.S 25 and EX. 26
Which Shows case no C208321 was over August 29, 2005
Defendant Bryan Ferguson was convicted in the
Eighth Judicial District Court, County of Clark
State of Nevada, for the crime Attempt Burglary
in case no C208321 All Four Defendants were
convicted Before Judge Douglas Smith rendered
His decision on October 29, 2009. Plaintiff's failed
to file a Notice of Appeal to the Nevada Supreme Court
after this Decision was made When Judge Smith
Dismissed this instant forfeiture Case. Instead
Plaintiff's waited 2 years and one month
to file a ~~now~~ Motion to Reconsider Court
Statistically Closing Case Date Motion was
filed 11-30-2011 plaintiff's is Time Barred
and the Rules that Governed this untimely Reconsider
Motion ^{see} (Civil Procedures Rules (59e) and (60b))
leads a reconsider Motion must be filed within 10 days
Motion to alter or amend Judgment must be filed within 10 days.

16

Ground(B) Cont...

(B) See EX A attached Hereto Motion to Dismiss

Plaintiff's Motion to Reconsider Court Statistically
Closing Case Reference to EX A See EX 17 attached Hereto
herein Order to Statistically Close Case Final Dispositions
Signed By the Honorable Judge Douglas Smith
Dated this 28th day of October 2009.

This is in Violation of Holmes 14th and 5th
Amendment Rights² Due Process

See EXS A, B, C, D, E attached Hereto

Ground C

(C.)

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)

Civil Procedures Rules (59e) and (60b)

Plaintiff's Was Untimely When they
Filed Motion to Reconsider Court

Statistically closing Case on 11-30-2011

This instant Case Was Dismissed By Judge

Douglas Smith on October 29, 2009

Plaintiff's waited 2 years and one month

to ask this Court to Reconsider Court Statistically

closing Case this is in violation under Rules (59e + 60B)

See EX. A attached Hereto Motion to Dismiss Plaintiff's
Motion to Reconsider Court Statistically closing Case

Reference to EX. A see EX 17 attached Hereto Herein

Order to Statistically Close Case (Final Dispositions)

Dated this 23th day of October 2009.

Signed By the Honorable Judge Douglas Smith

Also Reference to EX. A see EX. 16 herein

Las Vegas Metropolitan Police Department and

the state of Nevada Notice of Motion and

Motion to Reconsider Court Statistically closing

Case 07 A537416 Electronically Filed 11-30-2011

(D.) (ICE) US Immigration and Metropolitan Police Department seized \$70,000 from Holmes under false pretense when Holmes did not even have a Federal case, ICE Agents and Metro Agents stated to Holmes family that they were the (FBI) and that they are going to seize Holmes 3 house's if he don't give them at least \$70,000.

(Reference to EX A see EX 1 herein)

ICE illegally forced Holmes to give them \$70,000 by stating that they were the (FBI) which Holmes never had a Federal case.

ICE and Metropolitan Police Department illegally went to Holmes House without a search warrant (see and Reference to EX A see EX 1 herein pg 2) Metropolitan failed to Establish that Holmes ever Received any Money from Tonga Trevarthen because these are false allegations from some one who was caught in Texas with stolen Money and it clearly shows that Tonga Trevarthen was spending Money that was made and earned from ^{alleged} illegally gains which Tonga's attorney's Money was seized see EX. 5 attached Hereto IN.S 6-8 attorney Jonathan Lord who Voluntarily surrendered \$3,500 and also attorney Joel Mann.

Ground (D) cont....

Who Voluntarily Surrendered \$10,000
Tanya M. Trevarthen had also transferred
Money to Attorney Al Lasso and officer's
recovered \$26,502.18 From Al Lasso all
of these seizures have to do with Tanya Trevarthen
see EX. 4 and 5 attached Hereto.
This involves the state witness who got
caught in Texas with stolen funds.
See Holmes Payments made to attorney
Sean Sullivan which was not seized
see EX. 6 attached Hereto payment statement
for \$25,000.

Holmes is Entitled to the Return
of his \$70,000 which was illegally
seized through false pretense
There are material factors that
are Disputed and this Summary
Judgment should not be Granted to
the plaintiff's this is clearly Holmes
\$70,000 and should Be Returned to Holmes.
ICE falsely claimed that they were
the (FBI) Reference to EX. A see EX. 1 herein.
ICE agents and Metropolitan police agents
who was involved in this instant forfeiture case.
also Reference to EX. A see EX. 3 herein Court Minutes
pg 3 Attorney Sean Sullivan stated to the District court
that he advised Holmes to Give whatever money he had
Because the (FBI) wanted to seize Holmes 3 houses.

Ground (D) Cont...

MR Sullivan also goes on to state that Holmes never admitted to taking or receiving any money from Tonga Trevarthen who was caught in Texas Reference to EX A see EX 2 here in pgs 19-25 Judge Bell states they caught Tonga Trevarthen in Texas also see EX 1 attached Hereto (TLC Casino Enterprises, Inc.) Holmes personnel action form from the Binions Horse shoe which shows Holmes Hire Date 12-29-94 to June 13, 2008 Job Title pantry Department Coffee Shop also Reference to EX A see Holmes Equity Lines EXS 4, 5, 6 ^{Herein} and also see same Reference EXS 11, 12, 13 Herein which shows \$44,990 Deposit also see \$53,608.39 one deposit ~~is~~ is from W.T. Fed # 00580 First American Tru. Corp = First American Title Company of NV SRF # 20052090244800 TEN # 050728033442 RFB # \$48,307.65 see EX 12 herein Holmes is Entitled to the Return of his \$70,000 These facts show Holmes was Employed for 14 years at the Binions Horse shoe and these facts also show Holmes and His wife had Multiple Equity lines and Multiple Homes and worked on their Jobs for many years not like Tonga Trevarthen the state witness who was caught in Texas and then turns around and allege that she gave Holmes \$145,000 which she doesn't do these things until she's caught in Texas with stolen money these are all lies and false allegations which there is disputes in material in this case.

(E.) District Court Source Hearing
Proved and Established that
Holmes and His wife had Multiple
Homes and Multiple Line of Equity Lines
and proved Holmes worked on his same
Job for over 14 years

On January 5, 2007 the District Court
Held a Source Hearing in Regards to Holmes
Assets and Holmes Employment See EX 1 attached Hereto
Holmes Employment Records from Binions Horseshoe
Shows Holmes Hire Date 12-29-94 Holmes end Date
6-7-08 also Reference to EX A attached Hereto
see EXS. 4, 5, 6, 11, 12, 13 ^{Herein} Bank and Equity Line
Statement 5. also See EX 3 Reference also to EX A
Herein also See EXS 7, 8, 9, 10 Reference to EX A
Herein Holmes worked at Binions for 14 years and
Holmes had Multiple Homes and Multiple Equity Lines
over \$200,000 Worth of loans. Reference to EX A
attached Hereto See EXS 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 Herein
• On January 5, 2007 Holmes proved that he
and His wife had the assets to post the \$137,000 Bond
Referenced EX A attached Hereto
See EX 3 Herein Heard By the Honorable Judge
Michelle Leavitt in Dept 12

12-30-2008

(F.) At Holmes sentence the Honorable
Judge Bell Refused the District Attorney
Request that Holmes pay the state
and or Metropolitan police Department
\$75,000 in Restitution

see EX. A
Motion to
Dismiss
Plaintiff's
Motion to
Reconsider
Court's Judgment
Closing Case
also see
EX. 2. Hoer

Holmes provided the Las Vegas Nevada
Court District With all of his Bank Statements
and Equity Lines During a source Hearing
and Holmes provided the District Court
With his Employment Records
During his (Bail hearing) and (source Hearing)
At Holmes sentencing on December 30, 2008
District Attorney Sandra Digiacomo argued
that Judge Bell should order Holmes to
pay \$75,000 in Restitution Judge Bell
" " " " " " Denied District Attorney Sandra Digiacomo
Request Due to there was never any factual
Evidence only Hearsay and they caught Tanya Trevanthen
in Texas after she took or stole this money
out of her Bank accounts. The D.A. Sandra Digiacomo
Goe's on to say that None of Holmes
pay Lawyer's were payed with stolen money
How can plaintiff's Differentiate the money
that Holmes payed his attorney Sean Sullivan and
Kirk Kennedy. Out of all 4 Defendants
Holmes was the only Defendant who's attorney's
Retainer fee's was not seized by the state or Metropolitan

Ground (F) Cont....

(F.)

Politan Police Department Due to Holmes
Established that He worked on the same
Job for 14 years and Holmes Established
that he and his wife had Multiple Homes
and Multiple Line of Equity lines and proved
Holmes Worked on his same Job for over 14 years.

Metropolitan Police Department Did not Seize any
Money out of Holmes Bank Accounts. instead
ICE forced Holmes to Give them \$70,000
of his Money which this \$70,000 came from
Equity lines and Home loans. Holmes wife is
currently still making payments ^{the} on Money (I.e.)

U.S. Immigration and Metropolitan Police Department
seized from Holmes under false pretense

When Holmes Did not have any Federal Case's.

Reference Ex.A
See Here in Ex.2
Attached Hereto

See Ex. A attached Hereto See Ex. 2 herein

Holmes Sentencing Transcripts From December 30, 2008

pg 2 lns 9-25 ^{see} pg 3 lns 1-25

Where D.A. Sandra DiGiorno argued that
Judge Bell ^{should} order Holmes to pay \$75,000
in Restitution and Where Judge Bell states
they caught her in Texas. Reference to Ex. A

(AN accomplice is one) ^{see} Exs 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14
Attached Herein

Who is liable for prosecution for the identical
crimes as charged against the Defendant
on trial for the offense in which the accomplice
is giving testimony for NRS 175.291(2)

11/18

Ground (F) cont...

Witness whose testimony requires

Corroboration May not corroborate each other."

Sheriff, Clark County v. Horner, 96 Nev. 362, 314

608 p.2d 1106 (1980)

record lacked corroboration of accomplice)

Babich v. Sheriff, 89 Nev. 474, 475, 514 p.2d 1293 (1973)

as only testimony was that of an accomplice

and record was barren of any corroboration);

Lamb v. Bennett, 87 Nev. 89, 93, 482 p.2d 298 (1971)

whether the testimony at issue is adequately corroborated

and if the testifying person's participation in the

criminal offenses make he/she an accomplice

Austin v. State, 87 Nev. 578, 585, 491 p.2d 724 (1971)

In the case at Bar the one key State witness

Tonga Trevarthen participated in the alleged

offense at issue making her an accomplice and

no independently corroborating evidence in this

forfeiture case which Judge Bell states

they caught Tonga Trevarthen in Texas

Holmes Did not receive any money from

Tonga Trevarthen or her Bank account

there is no Evidence there is only hearsay from

a state witness who was caught in Texas

after they alleged she took all of

her money out of her and Damian Monroe

Bank Account which was alleged to be

from stolen funds and ^{stolen} property. See EX 2 attached hereto

Amanda Terry testified that Tonga Trevarthen gave her

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 2

ATTORNEY FOR APPELLANT
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ATTORNEY FOR RESPONDENT
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200 LEWIS AVENUE
LAS VEGAS, NV 89101

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

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2	04/27/2012	ORDER GRANTING MOTION TO LIFT STAY	320 - 321
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I N D E X

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4	12/06/2012	ORDER TO STATISTICALLY CLOSE CASE	711 - 711
3	06/26/2012	ORDER TO WITHDRAW	606 - 606
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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 SEIZED 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
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1	03/15/2012	SECOND SUPPLEMENT TO MOTION TO DISMISS PLAINTIFF'S MOTION TO RECONSIDER COURT STATISTICALLY CLOSING CASE	216 - 235
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1	05/18/2007	THREE DAY NOTICE OF INTENT TO TAKE DEFAULT	65 - 66

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

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 Las Vegas Metropolitan
8 Police Department
9 State of Nevada
10 Plaintiff
11 VS

12 U.S. Currency \$28,656.73
13 Robert Holmes III
14 Defendant

Case No. 07 A537416

Dept No. VII

Docket _____

15 NOTICE OF MOTION

16 YOU WILL PLEASE TAKE NOTICE, that Robert Holmes in prose
17 motion for opposition to plaintiff's motion to lift stay
18 will come on for hearing before the above-entitled Court on the 11 day of March, 2012,
19 at the hour of ____ o'clock ____ M. In Department ____, of said Court.

20 CC:FILE

21
22 DATED: this 11 day of March, 2012.

23
BY: Robert Holmes III
Robert Holmes III # 123456
In Propria Personam

07A537416
LSF
Left Side Filing
1808878



1 Robert Holmes III
Defendant In Proper Person
2 P.O. Box ~~208 5000~~ 208 5000
Indian Springs, Nevada 89018

Please
send stamp
File copy

FILED

MAR 26 2012

DISTRICT COURT
CLARK COUNTY NEVADA

John L. Blum
CLERK OF COURT

8 Las Vegas Metropolitan,
9 Police Department,
10 State of Nevada

-v-

Case No. 07 A537416
Dept. No. VII
Docket _____

11 U.S. Currency 28,656.73,
12 Robert Holmes III

07A537416
NOASC
Notice of Appeal (criminal)
1808080



14 NOTICE OF APPEAL

15 Notice is hereby given that the Defendant, Robert
16 Holmes III, by and through himself in proper person, does now appeal
17 to the Supreme Court of the State of Nevada, the decision of the District
18 Court Denied and Dismissed Defendant Motion and opposition
19 to Plaintiff's Motion to Reconsider Court Statistically
20 Closing Case

21 Dated this date, 3-15-2012

Respectfully Submitted,

Robert Holmes III

In Proper Person

RECEIVED

MAR 26 2012

CLERK OF THE COURT

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Notice of Appeal
(Title of Document)

opposition to plaintiff's motion to
Reconsider court statistically closing
case

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

3-15-2012
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 15
day of March, 2012, I mailed a true and correct copy of the foregoing, "Notice
of Appeal, Opposition to 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 Clark County
Steve Watson
200 Lewis Avenue
Las Vegas NV 89155

CC:FILE

DATED: this 15 day of March, 2012.

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

Robert Holmes III 1034184
SOCC P.O. Box 208
Indian Spring Nevada 89070

CONFIDENTIAL

MAR 20 2012

LAW LIBRARY

9310148300

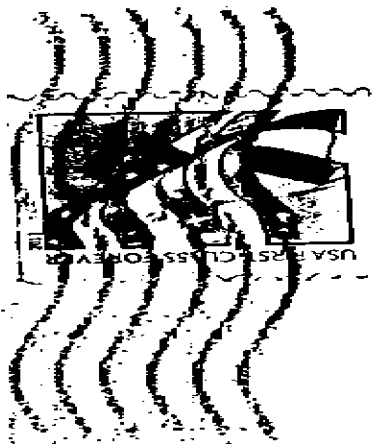
6310148300

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LAS VEGAS NV 890

21 MAR 2012 PM 2 1

Clerk of the Court
District Court
200 Lewis Avenue
3rd floor
Las Vegas NV 89155



SOUTHERN DESERT
CORRECTIONAL CENTER

MAR 21 2012

OUTGOING
MAIL

Robert Holmes III #1034184
 Southern Desert Correctional Center
 20825 Cold Creek Rd.
 P.O. Box 208
 Indian Springs, NV 89018

FILED
 MAR 27 9 34 AM '12
 CLERK OF THE COURT

District Court
Clark County Nevada

Las Vegas Metropolitan
 Police Department
 State of Nevada
 Plaintiff
 VS.
 U.S. Currency #281,656-73
 Robert Holmes III

Case No. 07 A537416
 Dept. No. VII
 Docket

07A537416
 OPM
 Opposition to Motion
 1808876



Opposition to Plaintiff's Motion
To Lift Stay

Comes now Robert Holmes III herein in prose
 respectfully submits its opposition to Plaintiff's
 Motion to Lift Stay.

IN March 5, 2012 Plaintiff's filed a motion
 to Lift Stay, Plaintiff's Motion is in fact moot
 Due to Stay was automatically lifted upon the
 Final resolution of Criminal Case C208321
 The Honorable Judge Bell clearly stated on 5-16-2007
 in His Order Granting Motion for Stay it is
 Further ordered that upon the Final resolution

21

RECEIVED
 MAR 27 2012
 CLERK OF THE COURT

Points And Authorities Back Ground

of criminal case C208321 by trial or by negotiation that this stay shall be automatically lifted and the forfeiture proceeding may resume. Dated this 17 day of May, 2007. See EX 1 attached Hereto Order Granting Motion for Stay of Forfeiture Proceedings. All of the Defendant's Cases were Final and over. Case C208321 Defendant Bryan Ferguson Case was well over, Defendant was found to be Guilty August 29, 2005 see EX. 2. the Honorable Judge Bell stated Case C208321 would lift the stay when trial was over or when negotiation was over. see EX1

The state is stating all these Amended Judgment of convictions for each one of these case's which has no barren on the Honorable Judge Bell Stay order which the Honorable Judge strictly state's by trial or by negotiation, there is no where in the Honorable Judge Bell order stating anything about the Judgment of convictions Have to be entered, for the stay to be lifted, and if the Judgment of conviction Had to be entered, all these case's were well over. second and third Amended Judgment of convictions Definitely Had no Barren on Judge Bell's Stay order. See EX. 1 attached Hereto. The state and/or plaintiff's is procedurally Barred Due^{to} this instant forfeiture case was Dismissed over 2 years ago by the Honorable Judge Douglas Smith. SEE EX 3 attached Hereto order TO statistically close Case Date.

Filed October 29, 2009 Final Disposition
Dismissed By the Honorable Judge Douglas E. Smith.
The plaintiff's filed a motion to Reconsider Court
Statistically Closing Case See EX 4 attached
Here to 11-30-2011 over 2 years and one month
has passed since the Honorable Judge Douglas Smith
Dismissed this instant Forfeiture Case on October 29, 2009.
Civil procedures Rules (59e) and Rules (60 B) Reads
a Reconsider Motion must be filed within 10 days.
Motion to alter or amend Judgment must be filed
within 10 days. 5th and 14 amendment Rights Violation
and Due process and Equal protection of Holme's
Has been violated. This Honorable court lacks Jurisdiction
Due to plaintiff's failure to file a timely Reconsider
Motion, the Stay was automatically lifted over 2 years
ago when all criminal case's were Resolved and/or
Entered Pleas, all of these case's were over before
the Honorable Judge Douglas Smith Dismissed
this instant Forfeiture Case on October 29, 2009.
The plaintiff's also failed to file a Notice of appeal
which they had 30 days after Judge Smith made
his ruling on October 29, 2009, to argue in their notice
of Appeal which they failed to file, now 2 years later
plaintiff's By pass filing a notice of appeal to
the Supreme Court, which now is also untimely
and the Motion to Reconsider is also untimely. See EX 3
also See EX 4 Plaintiff's Motion to Reconsider.

Holmes never consented to his prior attorney
Sean P. Sullivan to file a motion to stay which
^{see} EX 5 attached Hereto, Plaintiff's Motion to Lift Stay
pg 3 INS 14-16 states on April 24, 2007, in a telephone
conversation with Sean P. Sullivan, Esq. attorney for
Claimant Robert Holmes III affirmed that Claimant
Holmes Joins in the two motions for stay of proceedings.
a simple telephone conversation to the D.A. Sandra DiGiorgio
is not a adequate procedure for filing or joining a motion
for stay. There is absolutely no court record
that Holmes Attorney filed any Motion to Join
Stay and Holmes never consented to his attorney
Sean P. Sullivan that he wanted a stay until criminal
cases were over. Plaintiff's Motion to lift stay
is Moot Due to stay was automatically lifted
over 2 years ago. Also see EX 6 HOLMES Affidavit attached Hereto

CONCLUSION

Based on the foregoing Defendant Holmes
respectfully request that this Court Dismiss Plaintiff's
Motion to lift Stay. Dated this 11 day of March
2012.

Respectfully Submitted
By Robert Holmes III

EX 1

FILED

May 18 12 45 PM '07

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

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

Plaintiff,

-vs-

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

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 ///

I:\FORFEIT\ORDERS\2007\060924-04 18MONROE, FERGASON, HOLMES (Clmt's order lifting stay).doc

EX 1


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. GILL
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

EX/

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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Event No.060924-0418/cm

EX/

Ex2

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 in 1996, the Defendant was convicted in the State of Nevada, for the crime of
8 Under the Influence of Controlled Substance.

9 2. That in 1998, the Defendant was convicted in the State of Nevada, for the crime of
10 Battery With Substantial Bodily Harm.

11 3. That in 1998, the Defendant was convicted in the State of Nevada, for the crime(s)
12 of Possession of Controlled Substance and Under the Influence of a Controlled Substance.

13 4. That on August 29, 2005, the Defendant was convicted in the Eighth Judicial
14 District Court, County of Clark, State of Nevada, for the crime Attempt Burglary, in Case
15 No. C208321.

16
17
18
19 BY

David Roger

DAVID ROGER
DISTRICT ATTORNEY
Nevada Bar #002781

20
21
22 **DO NOT READ TO THE JURY**

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25
26 DA#06F18594A, B/mb
27 LVMPD EV#0609240418; 0609240427
28 CONSP; BURG; GL; PSP; PBT - GM/F
(TK8)

5-24-10
CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

6

PROGRAM FILES\NEEVIA.COM\DOCUMENT CONVERTER\TEMP\145288-197495.DOC

John P. Sullivan
CLERK OF THE COURT

EX2

ORDR

ORIGINAL

FILED

OCT 29 2009

Clerk of Court
CLERK OF COURTDISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE

CASE NO.: 07A537416

DEPT

DEPARTMENT 8

VS

U S CURRENCY \$281,656.73

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

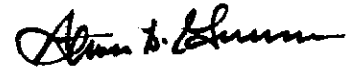
DOUGLAS E. SMITH
DISTRICT COURT JUDGE

EXHIBIT " 2 "

CLERK OF THE COURT

OCT 29 2009

RECEIVED


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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CLERK OF THE COURT

1 **NOTM**
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 Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

12 LAS VEGAS METROPOLITAN POLICE)
13 DEPARTMENT,)

Plaintiff,)

vs.)

14 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.

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

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EX5

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.

29 Respectfully submitted
30 STEVEN B. WOLFSON
31 DISTRICT ATTORNEY
32 Nevada Bar #001565

33 BY /s/ T J MOREO

34 THOMAS J. MOREO
35 Chief Deputy District Attorney
36 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

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

6

AFFIDAVIT OF Robert Holmes III

State of Nevada

SS:

County of Clark

I Robert Holmes III First duly
Sworn deposes and says;

1. I am the Defendant in Eighth Judicial District Court Forfeiture Case 07 A537416.
2. I Did Not Give consent to Attorney Sean P. Sullivan to ask for a stay in Case 07 A537416.
3. Attorney Sean Sullivan Never Filed any Motion for stay in regards to this Forfeiture case.
4. All Criminal Cases pertaining to this stay were Resolved and Final prior to the Honorable Judge Dismissal on October 29, 2009 also the controlling case which automatically lifted stay Case C208321 which was Resolved which Court Record shows August 29, 2005 the Honorable Judge Bell stated in his stay order the controlling case that automatically lift stay is case C208321. The Honorable Judge also stated in the stay order the stay will be automatically lifted once pleas have been entered into or Guilty by trials.

EX 6

5. Attorney Sean P. Sullivan advised me to
Give him my \$70,000. so he could give it to the (FBI)
6. Sean Sullivan also told me he will get
my \$70,000 Back From the (FBI)
after the FBI sorts everything out.
7. I Did not have a Federal case at any
time.
8. I have since found out (I've) are the
one's to have alleged as being the (FBI).

Executed at Southern Desert Correctional
Center under penalty of perjury pursuant
to 28 U.S.C. § 1746 on this 11th day of March
2012

By: Robert Holmes III
Robert Holmes III

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Opposition to Plaintiff's motion
(Title of Document)

filed in District Court Case number 07A537416

☒ 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
Signature

3-11-2012
Date

Robert Holmes
Print Name

pro per
Title

CERTIFICATE OF SERVICE BY MAILING

I, Robert Holmes III, hereby certify, pursuant to NRCP 5(b), that on this 11
day of March, 2012 I mailed a true and correct copy of the foregoing, "Opposition
to plaintiff's motion to lift stay"
by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

D.A. Office
200 Lewis Avenue
Las Vegas Nevada
89155-2211

CC:FILE

DATED: this 11 day of March, 2012.

Robert Holmes III
Robert Holmes III # 1034124
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

FILED

MAR 27 2012

John L. Blum
CLERK OF COURT

1 ASTA

2
3
4 **DISTRICT COURT**
5 **CLARK COUNTY, NEVADA**
6

7 LAS VEGAS METROPOLITAN POLICE
8 DEPARTMENT,

9 Plaintiff(s),

10 vs.

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

12 Defendant(s).
13

Case No: 07A537416
Dept No: VIII

07A537416
ASTA
Case Appeal Statement
1809483



14
15 **CASE APPEAL STATEMENT**

16 1. Appellant(s): Robert Holmes, III

17 2. Judge: Doug Smith

18 3. Appellant(s): Robert Holmes, III

19 Counsel:

20 Robert Holmes, III #1034184
21 P.O. Box 208
Indian Springs, NV 89070

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

23 Counsel:

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

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

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

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

1
2 8. Appellant Granted Leave to Proceed in Forma Pauperis**: No
3 ***Expires 1 year from date filed*

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

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

6 Type of Judgment or Order Being Appealed: Misc. Order

7 11. Previous Appeal: No

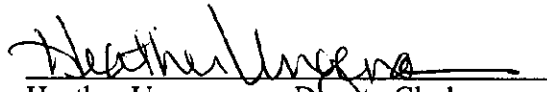
8 Supreme Court Docket Number(s): N/A

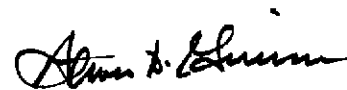
9 12. Child Custody or Visitation: N/A

10 13. Possibility of Settlement: Unknown

11 Dated This 27 day of March 2012.

12 Steven D. Grierson, Clerk of the Court

13
14 
15 Heather Ungermann, Deputy Clerk
16 200 Lewis Ave
17 PO Box 551601
18 Las Vegas, Nevada 89155-1601
19 (702) 671-0512
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CLERK OF THE COURT

RSPN
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
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: VII

RESPONSE TO OPPOSITION TO MOTION TO LIFT STAY

DATE OF HEARING: 04/09/12
TIME OF HEARING: In Chambers

COMES NOW the Las Vegas Metropolitan Police Department, Plaintiff herein, through its attorney STEVEN B. WOLFSON, District Attorney, Clark County, by THOMAS J. MOREO, Chief Deputy District Attorney, and respectfully files this Response to Opposition to Motion to Lift Stay.

This response 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.

POINTS AND AUTHORITIES

Claimant, ROBERT HOLMES, III, in his Opposition to the Motion to Lift Stay, specifically referenced the Order of Honorable Stewart Bell, wherein the stay of the

1 forfeiture case was granted and, more specifically, that the stay will remain in effect until
2 such time the Claimants' criminal cases are tried or they enter pleas. Claimant ROBERT
3 HOLMES, III, fails to understand though the criminal matters may have all reached a
4 resolution, either by trial or plea negotiations, the stay remains in effect until an order lifting
5 the stay is on file with the Court. As recently addressed, the Court inadvertently statistically
6 closed the Forfeiture case in error. The error was corrected and the case was reopened
7 allowing Plaintiff to file the appropriate motion to lift the stay, which remains in effect.

8 Further, Claimant ROBERT HOLMES, III, fails to understand the Motion to Lift Stay
9 referenced the Judgments of Convictions, Amended and/or Second Amended Judgments of
10 Convictions, to indicate that final resolution of criminal cases had been reached, after trial
11 for DAIMON MONROE (See Exhibit "1" and "2" attached) and BRYAN FERGASON (See
12 Exhibit "3" and "4" attached), and after plea negotiations for TANYA TREVARTHEN (See
13 Exhibit "5" attached) and ROBERT HOLMES, III. (See Exhibit "6" and "7" attached).
14 Those Judgments of Convictions, Amended Judgments of Convictions, and Second
15 Amended Judgments of Conviction, were filed with the court well after Judge Bell's Order
16 granting the stay of forfeiture proceeding that was filed on May 18, 2007. Additionally,
17 Claimant DAIMON MONROE filed a Petition for Writ of Habeas Corpus July 7, 2011, that
18 was ultimately denied. (See Exhibit "8" attached) Therefore, the stay would not have been
19 lifted until all criminal cases had no pending matters on calendar and the forfeiture case
20 could be put on calendar for an order lifting the stay. Which is what the Plaintiff has done.

21 DATED this 28th day of March, 2012.

22 Respectfully submitted,

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

25
26 BY /s/ T J MOREO

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

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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

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Debra L. Johnson
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DAIMON MONROE
aka Daimon Devi Hoyt
#0715429

Defendant.

CASE NO. C228752-1

DEPT. NO. IV

08C228752-1
AJOC
Amended Judgment of Conviction
937710



AMENDED JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1
- CONSPIRACY TO POSSESS STOLEN PROPERTY AND/OR TO COMMIT
BURGLARY (Gross Misdemeanor) in violation of NRS 205.275, 199.480; COUNT 2 -
POSSESSION OF STOLEN PROPERTY (Category B Felony) in violation of NRS
205.275; COUNT 3 - POSSESSION OF STOLEN PROPERTY (Category B Felony) in
violation of NRS 205.275; COUNT 4 - POSSESSION OF STOLEN PROPERTY
(Category B Felony) in violation of NRS 205.275; COUNT 5 - POSSESSION OF
STOLEN PROPERTY (Category C Felony) in violation of NRS 205.275, of COUNT 6 -

EXHIBIT # 1

1 POSSESSION OF STOLEN PROPERTY (Category C Felony) in violation of NRS
2 205.275; COUNT 7 – POSSESSION OF STOLEN PROPERTY (Category B Felony) in
3 violation of NRS 205.275; COUNT 8 – POSSESSION OF STOLEN PROPERTY
4 (Category B Felony) in violation of NRS 205.275; COUNT 9 – POSSESSION OF
5 STOLEN PROPERTY (Category B Felony) in violation of NRS 205.275; COUNT 10 –
6 POSSESSION OF STOLEN PROPERTY (Category B Felony) in violation of NRS
7 205.275; COUNT 11 – POSSESSION OF STOLEN PROPERTY (Category B Felony) in
8 violation of NRS 205.275; COUNT 12 – POSSESSION OF STOLEN PROPERTY
9 (Category C Felony) in violation of NRS 205.275; COUNT 13 – POSSESSION OF
10 STOLEN PROPERTY (Category B Felony) in violation of NRS 205.275; COUNT 14 –
11 POSSESSION OF STOLEN PROPERTY (Category B Felony) in violation of NRS
12 205.275; COUNT 15 – POSSESSION OF STOLEN PROPERTY (Category B Felony) in
13 violation of NRS 205.275; COUNT 16 – POSSESSION OF STOLEN PROPERTY
14 (Category B Felony) in violation of NRS 205.275; COUNT 17 – POSSESSION OF
15 STOLEN PROPERTY (Category B Felony) in violation of NRS 205.275; COUNT 18 –
16 POSSESSION OF STOLEN PROPERTY (Category C Felony) in violation of NRS
17 205.275, COUNT 19 – POSSESSION OF STOLEN PROPERTY (Category C Felony) in
18 violation of NRS 205.275, COUNT 20 – POSSESSION OF STOLEN PROPERTY
19 (Category C Felony) in violation of NRS 205.275, COUNT 21 – POSSESSION OF
20 STOLEN PROPERTY (Category C Felony) in violation of NRS 205.275, COUNT 22 –
21 POSSESSION OF STOLEN PROPERTY (Category B Felony) in violation of NRS
22 205.275; COUNT 23 – POSSESSION OF STOLEN PROPERTY (Category B Felony) in
23 violation of NRS 205.275; COUNT 24 – POSSESSION OF STOLEN PROPERTY
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1 (Category B Felony) in violation of NRS 205.275; COUNT 25 – POSSESSION OF
2 STOLEN PROPERTY (Category C Felony) in violation of NRS 205.275; COUNT 26 –
3 POSSESSION OF STOLEN PROPERTY (Category B Felony) in violation of NRS
4 205.275; COUNT 27 – POSSESSION OF STOLEN PROPERTY (Category C Felony) in
5 violation of NRS 205.275, and the matter having been tried before a jury and the
6 Defendant having been found guilty of the crimes of COUNT 1 – CONSPIRACY TO
7 POSSESS STOLEN PROPERTY AND/OR TO COMMIT BURGLARY (Gross
8 Misdemeanor) in violation of NRS 205.275, 199.480; COUNT 2 – POSSESSION OF
9 STOLEN PROPERTY VALUE OVER \$2,500.00 (Category B Felony) in violation of NRS
10 205.275, 207.010; COUNT 3 – POSSESSION OF STOLEN PROPERTY VALUE OVER
11 \$2,500.00 (Category B Felony) in violation of NRS 205.275, 207.010; COUNT 4 –
12 POSSESSION OF STOLEN PROPERTY VALUE OVER \$2,500.00 (Category B Felony)
13 in violation of NRS 205.275, 207.010; COUNT 5 – POSSESSION OF STOLEN
14 PROPERTY VALUE OVER \$250.00 (Category C Felony) in violation of NRS 205.275,
15 207.010, of COUNT 6 – POSSESSION OF STOLEN PROPERTY VALUE OVER
16 \$250.00 (Category C Felony) in violation of NRS 205.275, 207.010; COUNT 7 –
17 POSSESSION OF STOLEN PROPERTY OVER \$2,500.00 (Category B Felony) in
18 violation of NRS 205.275, 207.010; COUNT 8 – POSSESSION OF STOLEN
19 PROPERTY VALUE OVER \$2,500.00 (Category B Felony) in violation of NRS 205.275,
20 207.010; COUNT 9 – POSSESSION OF STOLEN PROPERTY VALUE OVER
21 \$2,500.00 (Category B Felony) in violation of NRS 205.275, 207.010; COUNT 10 –
22 POSSESSION OF STOLEN PROPERTY VALUE OVER \$2,500.00 (Category B Felony)

1 in violation of NRS 205.275, 207.010; COUNT 11 – POSSESSION OF STOLEN
2 PROPERTY VALUE OVER \$2,500.00 (Category B Felony) in violation of NRS 205.275,
3 207.010; COUNT 12 – POSSESSION OF STOLEN PROPERTY VALUE \$250.00 OR
4 MORE (Category C Felony) in violation of NRS 205.275, 207.010; COUNT 13 –
5 POSSESSION OF STOLEN PROPERTY OVER \$2,500.00 (Category B Felony) in
6 violation of NRS 205.275, 207.010; COUNT 14 – POSSESSION OF STOLEN
7 PROPERTY OVER \$2,500.00 (Category B Felony) in violation of NRS 205.275,
8 207.010; COUNT 15 – POSSESSION OF STOLEN PROPERTY OVER \$2,500.00
9 (Category B Felony) in violation of NRS 205.275, 207.010; COUNT 16 – POSSESSION
10 OF STOLEN PROPERTY OVER \$2,500.00 (Category B Felony) in violation of NRS
11 205.275, 207.010; COUNT 17 – POSSESSION OF STOLEN PROPERTY OVER
12 \$2,500.00 (Category B Felony) in violation of NRS 205.275, 207.010; COUNT 18 –
13 POSSESSION OF STOLEN PROPERTY VALUE \$250.00 OR MORE (Category C
14 Felony) in violation of NRS 205.275, 207.010; COUNT 19 – POSSESSION OF
15 STOLEN PROPERTY VALUE \$250.00 OR MORE (Category C Felony) in violation of
16 NRS 205.275, 207.010; COUNT 20 – POSSESSION OF STOLEN PROPERTY VALUE
17 \$250.00 OR MORE (Category C Felony) in violation of NRS 205.275, 207.010; COUNT
18 21 – POSSESSION OF STOLEN PROPERTY VALUE \$250.00 OR MORE (Category C
19 Felony) in violation of NRS 205.275, 207.010; COUNT 22 – POSSESSION OF
20 STOLEN PROPERTY OVER \$2,500.00 (Category B Felony) in violation of NRS
21 205.275, 207.010; COUNT 23 – POSSESSION OF STOLEN PROPERTY OVER
22 \$2,500.00 (Category B Felony) in violation of NRS 205.275, 207.010; COUNT 24 –
23 POSSESSION OF STOLEN PROPERTY VALUE OVER \$2,500.00 (Category B Felony)
24 in violation of NRS 205.275, 207.010; COUNT 25 – POSSESSION OF STOLEN

1 PROPERTY VALUE OVER \$250.00 (Category C Felony) in violation of NRS 205.275,
2 207.010; COUNT 26 – POSSESSION OF STOLEN PROPERTY VALUE OVER
3 \$2,500.00 (Category B Felony) in violation of NRS 205.275, 207.010; COUNT 27 –
4 POSSESSION OF STOLEN PROPERTY VALUE OVER \$250.00 (Category C Felony)
5 in violation of NRS 205.275, 207.010, thereafter, on the 1st day of October, 2008, the
6 Defendant was present in court for sentencing with counsel, MARTY HART, ESQ., and
7 good cause appearing,
8


9 THE DEFENDANT WAS ADJUDGED guilty of said offense(s) under the Large
10 Habitual Criminal Statute and, in addition to the \$25.00 Administrative Assessment Fee
11 and \$150.00 DNA Analysis Fee including testing to determine genetic markers, the
12 Defendant was SENTENCED as follows: AS TO COUNT 1 - TO TWELVE (12)
13 MONTHS in the Clark County Detention Center (CCDC); AS TO COUNT 2 – LIFE
14 WITHOUT the Possibility of Parole in the Nevada Department of Corrections (NDC); AS
15 TO COUNT 3 – LIFE WITHOUT the Possibility of Parole in the Nevada Department of
16 Corrections (NDC); AS TO COUNT 4 – LIFE WITHOUT the Possibility of Parole in the
17 Nevada Department of Corrections (NDC); AS TO COUNT 5 – LIFE WITHOUT the
18 Possibility of Parole in the Nevada Department of Corrections (NDC); AS TO COUNT 6
19 – LIFE WITHOUT the Possibility of Parole in the Nevada Department of Corrections
20 (NDC); AS TO COUNT 7 – LIFE WITHOUT the Possibility of Parole in the Nevada
21 Department of Corrections (NDC); AS TO COUNT 8 – LIFE WITHOUT the Possibility of
22 Parole in the Nevada Department of Corrections (NDC); AS TO COUNT 9 – LIFE
23 WITHOUT the Possibility of Parole in the Nevada Department of Corrections (NDC); AS
24 TO COUNT 10 – LIFE WITHOUT the Possibility of Parole in the Nevada Department of
25 Corrections (NDC); AS TO COUNT 11 – LIFE WITHOUT the Possibility of Parole in the
26
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1 Nevada Department of Corrections (NDC); AS TO COUNT 12 – LIFE WITHOUT the
2 Possibility of Parole in the Nevada Department of Corrections (NDC); AS TO COUNT
3 13 – LIFE WITHOUT the Possibility of Parole in the Nevada Department of Corrections
4 (NDC); AS TO COUNT 14 – LIFE WITHOUT the Possibility of Parole in the Nevada
5 Department of Corrections (NDC), COUNTS 1 -14 to run CONCURRENT with each
6 other; AS TO COUNT 15 – LIFE WITHOUT the Possibility of Parole in the Nevada
7 Department of Corrections (NDC); AS TO COUNT 16 – LIFE WITHOUT the Possibility
8 of Parole in the Nevada Department of Corrections (NDC); AS TO COUNT 17 – LIFE
9 WITHOUT the Possibility of Parole in the Nevada Department of Corrections (NDC); AS
10 TO COUNT 18 – LIFE WITHOUT the Possibility of Parole in the Nevada Department of
11 Corrections (NDC); AS TO COUNT 19 – LIFE WITHOUT the Possibility of Parole in the
12 Nevada Department of Corrections (NDC); AS TO COUNT 20 – LIFE WITHOUT the
13 Possibility of Parole in the Nevada Department of Corrections (NDC); AS TO COUNT
14 21 – LIFE WITHOUT the Possibility of Parole in the Nevada Department of Corrections
15 (NDC); AS TO COUNT 22 – LIFE WITHOUT the Possibility of Parole in the Nevada
16 Department of Corrections (NDC); AS TO COUNT 23 – LIFE WITHOUT the Possibility
17 of Parole in the Nevada Department of Corrections (NDC); AS TO COUNT 24 – LIFE
18 WITHOUT the Possibility of Parole in the Nevada Department of Corrections (NDC); AS
19 TO COUNT 25 – LIFE WITHOUT the Possibility of Parole in the Nevada Department of
20 Corrections (NDC); AS TO COUNT 26 – LIFE WITHOUT the Possibility of Parole in the
21 Nevada Department of Corrections (NDC); AS TO COUNT 27 – LIFE WITHOUT the
22 Possibility of Parole in the Nevada Department of Corrections (NDC), COUNTS 15 – 27
23 to run CONCURRENT with each other but CONSECUTIVE to COUNTS 1 – 14,
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1 SENTENCE to run CONSECUTIVE to case C 227874; with ZERO (0) DAYS credit for
2 time served.

3 THEREAFTER, on the 30th day of July, 2010, the Supreme Court ORDERED the
4 judgment of the District Court AFFIRMED IN PART AND REVERSED IN PART AND
5 REMAND this matter for entry of an Amended Judgment of Conviction consistent with
6 this order, therefore, COURT ORDERED, COUNT 11 of Possession of Stolen Property
7 is VACATED and the remaining counts are AFFIRMED.
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11 DATED this 14th day of September, 2010.

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14 KATHY HARDCASTLE
15 DISTRICT JUDGE
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1 AJOC

2 ORIGINAL

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5 *CR*
CLERK OF THE COURT

6 DISTRICT COURT

7 CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

CASE NO. C227874

10 -vs-

DEPT. NO. XX

11 DAIMON MONROE
12 aka DAIMON DEVI HOYT
13 #0715429

14 Defendant.

15
16 AMENDED JUDGMENT OF CONVICTION
17 (JURY TRIAL)
18

19 The Defendant previously entered a plea of not guilty to the crimes of COUNT 1
20 and 4 - BURGLARY (Category B Felony) in violation of NRS 205.060, COUNT 2 -
21 GRAND LARCENY (Category B Felony) in violation of NRS 205.220, 205.222; COUNT
22 3 - POSSESSION OF STOLEN PROPERTY (Category B Felony) in violation of NRS
23 205.275; and COUNT 5 - POSSESSION OF BURGLARY TOOLS (Gross
24 Misdemeanor) in violation of NRS 205.080 and the matter having been tried before a
25 jury and the Defendant having been found guilty under the SMALL HABITUAL
26 CRIMINAL STATUTE of the crimes of COUNT 1 - BURGLARY (Category B Felony) in
27 violation of NRS 205.060; COUNT 2 - GRAND LARCENY (Category B Felony) in

EXHIBIT " 2 "

1 violation of NRS 205.220, 205.222; COUNT 4 – BURGLARY (Category B Felony) in
2 violation of NRS 205.060; and COUNT 5 – POSSESSION OF BURGLARY TOOLS
3 (Gross Misdemeanor) in violation of NRS 205.080; thereafter, on the 5th day of May,
4 2008, the Defendant was present in court for sentencing with his counsel, wherein the
5 Court did adjudge the Defendant guilty of said crime as set forth in the jury's verdict and
6 sentencing was imposed.
7

8 THEREAFTER, on the 21st day of July, 2008, the Defendant was present in
9 court with his counsel, Marty Hart, ESQ., and pursuant to a motion and good cause
10 appearing to amend the Judgment of Conviction; now therefore,
11

12 IT IS HEREBY ORDERED the Defendant's sentence is to be corrected to include
13 FIVE HUNDRED NINETEEN (519) DAYS credit for time served.
14

15 DATED this 30th day of July, 2008.
16

17 
18 DAVID T. WALL
19 DISTRICT JUDGE
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1 JOC
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 200 Lewis Avenue
6 Las Vegas, Nevada 89155-2212
7 (702) 671-2500
8 Attorney for Plaintiff

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FILED

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E. J. ...
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 BRYAN FERGASON, aka,
13 Bryan Michael Fergason, #1299193
14 Defendant.

Case No: C228752

Dept No: IV

15 AMENDED JUDGMENT OF CONVICTION
16 (JURY TRIAL)

17 The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 -
18 CONSPIRACY TO POSSESS STOLEN PROPERTY AND/OR TO COMMIT
19 BURGLARY (Gross Misdemeanor) in violation of NRS 205.275, 199.480; COUNT 2 -
20 POSSESSION OF STOLEN PROPERTY (Felony) in violation of NRS 205.275; COUNT 3
21 - POSSESSION OF STOLEN PROPERTY (Felony) in violation of NRS 205.275; COUNT
22 4 - POSSESSION OF STOLEN PROPERTY (Felony) in violation of NRS 205.275;
23 COUNT 5 - POSSESSION OF STOLEN PROPERTY (Felony) in violation of NRS
24 205.275; COUNT 6 - POSSESSION OF STOLEN PROPERTY (Felony) in violation of
25 NRS 205.275; COUNT 7 - POSSESSION OF STOLEN PROPERTY (Felony) in violation
26 of NRS 205.275; COUNT 8 - POSSESSION OF STOLEN PROPERTY (Felony) in
27 violation of NRS 205.275; COUNT 9 - POSSESSION OF STOLEN PROPERTY (Felony)
28 in violation of NRS 205.275; COUNT 10 - POSSESSION OF STOLEN PROPERTY

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EXHIBIT # 3

(Felony) in violation of NRS 205.275; COUNT 11 – POSSESSION OF STOLEN
PROPERTY (Felony) in violation of NRS 205.275; COUNT 12 – POSSESSION OF
STOLEN PROPERTY (Felony) in violation of NRS 205.275; COUNT 13 – POSSESSION
OF STOLEN PROPERTY (Felony) in violation of NRS 205.275; COUNT 14 –
POSSESSION OF STOLEN PROPERTY (Felony) in violation of NRS 205.275; COUNT
15 – POSSESSION OF STOLEN PROPERTY (Felony) in violation of NRS 205.275;
COUNT 16 – POSSESSION OF STOLEN PROPERTY (Felony) in violation of NRS
205.275; COUNT 17 – POSSESSION OF STOLEN PROPERTY (Felony) in violation of
NRS 205.275; COUNT 18 – POSSESSION OF STOLEN PROPERTY (Felony) in violation
of NRS 205.275; COUNT 19 – POSSESSION OF STOLEN PROPERTY (Felony) in
violation of NRS 205.275; COUNT 20 – POSSESSION OF STOLEN PROPERTY (Felony)
in violation of NRS 205.275; COUNT 21 – POSSESSION OF STOLEN PROPERTY
(Felony) in violation of NRS 205.275; COUNT 22 – POSSESSION OF STOLEN
PROPERTY (Felony) in violation of NRS 205.275; COUNT 23 – POSSESSION OF
STOLEN PROPERTY (Felony) in violation of NRS 205.275; COUNT 24 – POSSESSION
OF STOLEN PROPERTY (Felony) in violation of NRS 205.275; COUNT 25 –
POSSESSION OF STOLEN PROPERTY (Felony) in violation of NRS 205.275; COUNT
26 – POSSESSION OF STOLEN PROPERTY (Felony) in violation of NRS 205.275; and
COUNT 27 – POSSESSION OF STOLEN PROPERTY (Felony) in violation of NRS
205.275, and the matter having been tried before a jury, and the Defendant being represented
by counsel and having been found guilty of the crimes of COUNT 1 – CONSPIRACY TO
POSSESS STOLEN PROPERTY AND/OR TO COMMIT BURGLARY (Gross
Misdemeanor) in violation of NRS 205.275, 199.480; COUNT 2 – POSSESSION OF
STOLEN PROPERTY VALUE \$250 OR MORE (Category C Felony) in violation of NRS
205.275; COUNT 3 – FOUND NOT GUILTY; COUNT 4 – POSSESSION OF STOLEN
PROPERTY VALUE \$2,500 OR MORE (Category B Felony) in violation of NRS 205.275;
COUNT 5 – POSSESSION OF STOLEN PROPERTY VALUE \$250 OR MORE (Category
C Felony) in violation of NRS 205.275; COUNT 6 – POSSESSION OF STOLEN

1 PROPERTY VALUE \$250 OR MORE (Category C Felony) in violation of NRS 205.275;
2 COUNT 7 - POSSESSION OF STOLEN PROPERTY VALUE \$2,500 OR MORE
3 (Category B Felony) in violation of NRS 205.275; COUNT 8 - POSSESSION OF STOLEN
4 PROPERTY VALUE \$2,500 OR MORE (Category B Felony) in violation of NRS 205.275;
5 COUNT 9 - POSSESSION OF STOLEN PROPERTY VALUE \$2,500 OR MORE
6 (Category B Felony) in violation of NRS 205.275; COUNT 10 - POSSESSION OF
7 STOLEN PROPERTY VALUE \$2,500 OR MORE (Category B Felony) in violation of NRS
8 205.275; COUNT 11 - POSSESSION OF STOLEN PROPERTY VALUE \$2,500 OR
9 MORE (Category B Felony) in violation of NRS 205.275; COUNT 12 - POSSESSION OF
10 STOLEN PROPERTY VALUE \$250 OR MORE (Category C Felony) in violation of NRS
11 205.275; COUNT 13 - POSSESSION OF STOLEN PROPERTY VALUE \$2,500 OR
12 MORE (Category B Felony) in violation of NRS 205.275; COUNT 14 - POSSESSION OF
13 STOLEN PROPERTY VALUE \$2,500 OR MORE (Category B Felony) in violation of NRS
14 205.275; COUNT 15 - POSSESSION OF STOLEN PROPERTY VALUE \$2,500 OR
15 MORE (Category B Felony) in violation of NRS 205.275; COUNT 16 - POSSESSION OF
16 STOLEN PROPERTY VALUE \$2,500 OR MORE (Category B Felony) in violation of NRS
17 205.275; COUNT 17 - POSSESSION OF STOLEN PROPERTY VALUE \$2,500 OR
18 MORE (Category B Felony) in violation of NRS 205.275; COUNT 18 - POSSESSION OF
19 STOLEN PROPERTY VALUE \$250 OR MORE (Category C Felony) in violation of NRS
20 205.275; COUNT 19 - POSSESSION OF STOLEN PROPERTY VALUE \$250 OR MORE
21 (Category C Felony) in violation of NRS 205.275; COUNT 20 - POSSESSION OF
22 STOLEN PROPERTY VALUE \$250 OR MORE (Category C Felony) in violation of NRS
23 205.275; COUNT 21 - POSSESSION OF STOLEN PROPERTY VALUE \$250 OR MORE
24 (Category C Felony) in violation of NRS 205.275; COUNT 22 - POSSESSION OF
25 STOLEN PROPERTY VALUE \$2,500 OR MORE (Category B Felony) in violation of NRS
26 205.275; COUNT 23 - POSSESSION OF STOLEN PROPERTY VALUE \$2,500 OR
27 MORE (Category B Felony) in violation of NRS 205.275; COUNT 24 - POSSESSION OF
28 STOLEN PROPERTY VALUE \$2,500 OR MORE (Category B Felony) in violation of NRS

1 205.275; COUNT 25 – POSSESSION OF STOLEN PROPERTY VALUE \$250 OR MORE
2 (Category C Felony) in violation of NRS 205.275; COUNT 26 – POSSESSION OF
3 STOLEN PROPERTY VALUE \$2,500 OR MORE (Category B Felony) in violation of NRS
4 205.275; and COUNT 27 – POSSESSION OF STOLEN PROPERTY VALUE \$250 OR
5 MORE (Category C Felony) in violation of NRS 205.275; and thereafter on the 1st day of
6 October, 2008, the Defendant was present in Court for sentencing with his counsel,
7 CYNTHIA DUSTIN, ESQ., and good cause appearing therefor,

8 THE DEFENDANT HEREBY ADJUDGED GUILTY of the said offenses under the
9 Large Habitual Criminal Statute (NRS 207.010) and, in addition to the \$25.00
10 Administrative Assessment Fee and \$150.00 DNA Analysis Fee including testing to
11 determine genetic markers, the Defendant is sentenced to the Nevada Department of
12 Corrections (NDC) as follows: AS TO COUNT 1 – TO TWELVE (12) MONTHS in the
13 Clark County Detention Center (CCDC); AS TO COUNT 2 – TO LIFE with a MINIMUM
14 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 4 – TO LIFE with a MINIMUM
15 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 5 – TO LIFE with a MINIMUM
16 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 6 – TO LIFE with a MINIMUM
17 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 7 – TO LIFE with a MINIMUM
18 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 8 – TO LIFE with a MINIMUM
19 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 9 – TO LIFE with a MINIMUM
20 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 10 – TO LIFE with a MINIMUM
21 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 11 – TO LIFE with a MINIMUM
22 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 12 – TO LIFE with a MINIMUM
23 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 13 – TO LIFE with a MINIMUM
24 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 14 – TO LIFE with a MINIMUM
25 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 15 – TO LIFE with a MINIMUM
26 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 16 – TO LIFE with a MINIMUM
27 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 17 – TO LIFE with a MINIMUM
28 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 18 – TO LIFE with a MINIMUM

1 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 19 – TO LIFE with a MINIMUM
2 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 20 – TO LIFE with a MINIMUM
3 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 21 – TO LIFE with a MINIMUM
4 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 22 – TO LIFE with a MINIMUM
5 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 23 – TO LIFE with a MINIMUM
6 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 24 – TO LIFE with a MINIMUM
7 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 25 – TO LIFE with a MINIMUM
8 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 26 – TO LIFE with a MINIMUM
9 Parole Eligibility at TEN (10) YEARS; AS TO COUNT 27 – TO LIFE with a MINIMUM
10 Parole Eligibility at TEN (10) YEARS; COUNTS 1, 2, 4-14, to be served
11 CONCURRENTLY with each other, COUNTS 15 – 27 to be served CONCURRENTLY
12 with each other but CONSECUTIVELY to COUNTS 1, 2, and 4 – 14; SENTENCE to run
13 CONSECUTIVELY to case C227874 with ZERO (0) DAYS credit for time served.

14 DATED this 30th day of March, 2009.

15 *April*

16 
17 DISTRICT JUDGE
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1 AJOC

FILED

MAR 30 2010

John J. Williams
CLERK OF COURT

2
3 ORIGINAL

4 DISTRICT COURT

5 CLARK COUNTY, NEVADA

6
7 THE STATE OF NEVADA,

8 Plaintiff,

CASE NO. C227874

9 -vs-

DEPT. NO. I

10 BRYAN M. FERGUSON
11 #1299193

12 Defendant.

13
14
15 SECOND AMENDED JUDGMENT OF CONVICTION
16 (JURY TRIAL)

17
18 The Defendant previously entered a plea of not guilty to the crimes of COUNT 1
19 and 4 - BURGLARY (Category B Felony) in violation of NRS 205.060, COUNT 2 -
20 GRAND LARCENY (Category B Felony) in violation of NRS 205.220, 205.222; COUNT
21 3 - POSSESSION OF STOLEN PROPERTY (Category B Felony) in violation of NRS
22 205.275; and COUNT 5 - POSSESSION OF BURGLARY TOOLS (Gross
23 Misdemeanor) in violation of NRS 205.080 and the matter having been tried before a
24 jury and the Defendant having been found guilty of the crimes of COUNT 1 -
25 BURGLARY (Category B Felony) in violation of NRS 205.060; COUNT 2 - GRAND
26 LARCENY (Category B Felony) in violation of NRS 205.220, 205.222; COUNT 4 -
27
28

EXHIBIT " 4 "

1 BURGLARY (Category B Felony) in violation of NRS 205.060; and COUNT 5 –
2 POSSESSION OF BURGLARY TOOLS (Gross Misdemeanor) in violation of NRS
3 205.080; thereafter, on the 5TH day of May, 2008, the Defendant was present in court for
4 sentencing with counsel, wherein the Court did adjudge the Defendant guilty of said
5 crime as set forth in the jury's verdict and sentencing was imposed.
6

7 THEREAFTER, on the 21st day of July, 2008, Deft and counsel not being
8 present, good cause appearing to amend the Judgment of Conviction to correct a
9 clerical error; now therefore,
10

11 IT WAS THEREBY ORDERED the Defendant's sentence was to be corrected to
12 include ZERO (0) DAYS credit for time served.

13 THEREAFTER, on the 24th day of March, 2010, the Defendant was not present
14 in court with his counsel, CYNTHIA DUSTIN, ESQ., and pursuant to Defendant's motion
15 to place on calendar regarding credit for time served, and good cause appearing to
16 amend the Judgment of Conviction; now therefore,
17

18 IT IS HEREBY ORDERED the Defendant's sentence to be amended to include
19 SEVEN (7) DAYS credit for time served.
20

21 DATED this 29th day of March, 2010.
22

23 
24 _____
25 KEN CORY
26 DISTRICT JUDGE
27
28

ORIGINAL

FILED

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Emil H. Smith

CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

TONYA TREVARTHEN, aka
Tonya Michelle Trevarthen,
#1760548

Defendant.

Case No: C228752

Dept No: VII

EC

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime(s) of CONSPIRACY TO POSSESS STOLEN PROPERTY AND/OR TO COMMIT BURGLARY (Gross Misdemeanor), in violation of NRS 205.75, 199.480, 205.060; thereafter, on the 26th day of September, 2008, the Defendant was present in court for sentencing with her counsel, JONATHAN LORD, and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in addition to the \$25.00 Administrative Assessment Fee, the Defendant is SENTENCED to Clark County Detention Center (CCDC) for SIX (6) MONTHS, SUSPENDED; placed on INFORMAL PROBATION for SIX (6) MONTHS. CONDITIONS:

1. Defendant not be arrested for any new offenses other than traffic offenses.

///

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EXHIBIT " 5 "

1 2. Maintain full time employment.

2 DATED this 3rd day of October, 2008.

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4  DISTRICT JUDGE

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District Case Inquiry - Minutes

Home	Case 06-C-228752-C	Just Ct. 06-GJ-00101	Status ACTIVE
Summary	Case#		
Index	Plaintiff State of Nevada	Attorney Roger, David J.	
Calendar	Defendant Monroe, Daimon	Attorney Hart, Marty	
Continuance	Judge Bell, Stewart L.	Dept. 7	UDocs 2
Minutes	Event 09/26/2008 at 08:30 AM	SENTENCING	
Parties	Heard By Wall, David		
Def. Detail	Officers Tina Hurd, Court Clerk		
Next Co-Def.	Susan Jovanovich /sj, Relief Clerk		
Charges	Angela Lee, Reporter/Recorder		
Sentencing	Parties 0000 - State of Nevada	Yes	
Bail Bond	S1		
Alias Detail	006204 Digiacomo, Sandra	Yes	
Crim. Detail	0001 - Monroe, Daimon	No	
Exhibits	D1		
Judgments	0002 - D Trevarthen, Tonya	Yes	
District Case	007797 Lord, Jonathan J.	Yes	
Party Search	0003 - D Ferguson, Bryan	No	
Corp. Search	0004 - D Holmes, Robert	No	
Atty. Search			
Bar# Search			
ID Search			
Calendar Day	DEFT. TREVARTHEN ADJUDGED GUILTY of COUNT 1 - CONSPIRACY TO POSSESS		
Cal. Month	STOLEN		
Holidays	PROPERTY AND/OR TO COMMIT BURGLARY (GM). Colloquy regarding recommendation		
Logout	of informal probation. COURT ORDERED, In addition to the \$25.00		
Help	Administrative Assessment fee, Deft. SENTENCED to Clark County Detention		
Legal Notice	Center (CCDC) for SIX (6) MONTHS, SUSPENDED; placed on INFORMAL PROBATION		
	for SIX (6) MONTHS. CONDITIONS:		
	1. Deft. not be arrested for any new offenses other than traffic		
	offenses.		
	2. Maintain full time employment.		
	Count 2 HELD IN ABEYANCE. FURTHER, matter SET for status check on		
	compliance. Court advised Deft. he will waive her presence at next hearing		
	if proof of employment is provided. BOND, if any, EXONERATED.		
	NIC		
	03-31-09 8:30 A.M. STATUS CHECK - COMPLIANCE		
	Due to time restraints and individual case loads, the above case record may not reflect all		
	information to date.		

Top Of Page

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4 *Chaf*
CLERK OF THE COURT

5 DISTRICT COURT

6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,

9 Plaintiff,

CASE NO. C227874

10 -vs-

DEPT. NO. XX

11 DAIMON MONROE
12 aka DAIMON DEVI HOYT
13 #0715429

14 Defendant.

15
16 AMENDED JUDGMENT OF CONVICTION
17 (JURY TRIAL)

18
19 The Defendant previously entered a plea of not guilty to the crimes of COUNT 1
20 and 4 - BURGLARY (Category B Felony) in violation of NRS 205.060, COUNT 2 -
21 GRAND LARCENY (Category B Felony) in violation of NRS 205.220, 205.222; COUNT
22 3 - POSSESSION OF STOLEN PROPERTY (Category B Felony) in violation of NRS
23 205.275; and COUNT 5 - POSSESSION OF BURGLARY TOOLS (Gross
24 Misdemeanor) in violation of NRS 205.080 and the matter having been tried before a
25 jury and the Defendant having been found guilty under the SMALL HABITUAL
26 CRIMINAL STATUTE of the crimes of COUNT 1 - BURGLARY (Category B Felony) in
27 violation of NRS 205.060; COUNT 2 - GRAND LARCENY (Category B Felony) in

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AUG - 4 2008


CLERK OF THE COURT

1 violation of NRS 205.220, 205.222; COUNT 4 – BURGLARY (Category B Felony) in
2 violation of NRS 205.060; and COUNT 5 – POSSESSION OF BURGLARY TOOLS
3 (Gross Misdemeanor) in violation of NRS 205.080; thereafter, on the 5th day of May,
4 2008, the Defendant was present in court for sentencing with his counsel, wherein the
5 Court did adjudge the Defendant guilty of said crime as set forth in the jury's verdict and
6 sentencing was imposed.
7

8 THEREAFTER, on the 21st day of July, 2008, the Defendant was present in
9 court with his counsel, Marty Hart, ESQ., and pursuant to a motion and good cause
10 appearing to amend the Judgment of Conviction; now therefore,
11

12 IT IS HEREBY ORDERED the Defendant's sentence is to be corrected to include
13 FIVE HUNDRED NINETEEN (519) DAYS credit for time served.
14

15 DATED this 30th day of July, 2008.
16

17 
18 _____
19 DAVID T. WALL
20 DISTRICT JUDGE
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ORIGINAL

NOV 10 2008
FILED IN OPEN COURT

EDWARD A. FRIEDLAND
CLERK OF THE COURT

BY SANDRA JETER DEPUTY

1 GMEM
2 DAVID ROGER
3 DISTRICT ATTORNEY
4 Nevada Bar #002781
5 SANDRA K. DIGIACOMO
6 Chief Deputy District Attorney
7 Nevada Bar #006204
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 ROBERT HOLMES,
13 #876216

14 Defendant.

CASE NO: C228752
DEPT NO: VII

15 GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty to: COUNT 1 - CONSPIRACY TO POSSESS
17 STOLEN PROPERTY AND/OR TO COMMIT BURGLARY (Gross Misdemeanor - NRS
18 205.275, 199.480) and COUNTS 2 & 3 - POSSESSION OF STOLEN PROPERTY
19 (Category B Felony - NRS 205.275), as more fully alleged in the charging document
20 attached hereto as Exhibit "I".

21 Further, I also agree to plead guilty to one (1) count of BURGLARY (Category B
22 Felony - NRS 205.060) in Case No. C247085.

23 My decision to plead guilty is based upon the plea agreement in this case which is as
24 follows:

25 The State retains the full right to argue. Additionally, I agree to pay full restitution,
26 including on counts to be dismissed.

27 CONSEQUENCES OF THE PLEA

28 I understand that by pleading guilty I admit the facts which support all the elements of

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EXHIBIT

1 the offense(s) to which I now plead as set forth in Exhibit "1".

2 I understand that as a consequence of my plea of guilty, the Court must sentence me
3 as follows:

4 **COUNT 1 - CONSPIRACY TO POSSESS STOLEN PROPERTY AND/OR TO**
5 **COMMIT BURGLARY:** I may be imprisoned in the Clark County Detention Center for a
6 period of not more than one (1) year and that I may be fined up to \$2,000.00.

7 **COUNT 2 – POSSESSION OF STOLEN PROPERTY:** the Court must sentence me to
8 imprisonment in the Nevada Department of Corrections for a minimum term of not less than
9 ONE (1) year and a maximum term of not more than TEN (10) years. The minimum term of
10 imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I
11 understand that I may also be fined up to \$10,000.00, plus restitution.

12 **COUNT 3 – POSSESSION OF STOLEN PROPERTY:** the Court must sentence me to
13 imprisonment in the Nevada Department of Corrections for a minimum term of not less than
14 ONE (1) year and a maximum term of not more than TEN (10) years. The minimum term of
15 imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I
16 understand that I may also be fined up to \$10,000.00, plus restitution.

17 I understand that the law requires me to pay an Administrative Assessment Fee.

18 I understand that, if appropriate, I will be ordered to make restitution to the victim of
19 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
20 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
21 reimburse the State of Nevada for any expenses related to my extradition, if any.

22 I understand that I am eligible for probation for the offense to which I am pleading
23 guilty. I understand that, except as otherwise provided by statute, the question of whether I
24 receive probation is in the discretion of the sentencing judge.

25 I also understand that I must submit to blood and/or saliva tests under the Direction of
26 the Division of Parole and Probation to determine genetic markers and/or secretor status.

27 I understand that if more than one sentence of imprisonment is imposed and I am
28 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order

1 the sentences served concurrently or consecutively.

2 I also understand that information regarding charges not filed, dismissed charges, or
3 charges to be dismissed pursuant to this agreement may be considered by the judge at
4 sentencing.

5 I have not been promised or guaranteed any particular sentence by anyone. I know
6 that my sentence is to be determined by the Court within the limits prescribed by statute.

7 I understand that if my attorney or the State of Nevada or both recommend any
8 specific punishment to the Court, the Court is not obligated to accept the recommendation.

9 I understand that if the State of Nevada has agreed to recommend or stipulate a
10 particular sentence or has agreed not to present argument regarding the sentence, or agreed
11 not to oppose a particular sentence, or has agreed to disposition as a gross misdemeanor
12 when the offense could have been treated as a felony, such agreement is contingent upon my
13 appearance in court on the initial sentencing date (and any subsequent dates if the sentencing
14 is continued). I understand that if I fail to appear for the scheduled sentencing date or I
15 commit a new criminal offense prior to sentencing the State of Nevada would regain the full
16 right to argue for any lawful sentence.

17 I understand if the offense(s) to which I am pleading guilty to was committed while I
18 was incarcerated on another charge or while I was on probation or parole that I am not
19 eligible for credit for time served toward the instant offense(s).

20 I understand that as a consequence of my plea of guilty, if I am not a citizen of the
21 United States, I may, in addition to other consequences provided for by federal law, be
22 removed, deported, excluded from entry into the United States or denied naturalization.

23 I understand that the Division of Parole and Probation will prepare a report for the
24 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
25 sentencing, including my criminal history. This report may contain hearsay information
26 regarding my background and criminal history. My attorney and I will each have the
27 opportunity to comment on the information contained in the report at the time of sentencing.
28 Unless the District Attorney has specifically agreed otherwise, then the District Attorney

1 may also comment on this report.

2 WAIVER OF RIGHTS

3 By entering my plea of guilty, I understand that I am waiving and forever giving up
4 the following rights and privileges:

5 1. The constitutional privilege against self-incrimination, including the right to refuse
6 to testify at trial, in which event the prosecution would not be allowed to comment to the
7 jury about my refusal to testify.

8 2. The constitutional right to a speedy and public trial by an impartial jury, free of
9 excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the
10 assistance of an attorney, either appointed or retained. At trial the State would bear the
11 burden of proving beyond a reasonable doubt each element of the offense charged.

12 3. The constitutional right to confront and cross-examine any witnesses who would
13 testify against me.

14 4. The constitutional right to subpoena witnesses to testify on my behalf.

15 5. The constitutional right to testify in my own defense.

16 6. The right to appeal the conviction, with the assistance of an attorney, either
17 appointed or retained, unless the appeal is based upon reasonable constitutional jurisdictional
18 or other grounds that challenge the legality of the proceedings and except as otherwise
19 provided in subsection 3 of NRS 174.035.

20 VOLUNTARINESS OF PLEA

21 I have discussed the elements of all of the original charge(s) against me with my
22 attorney and I understand the nature of the charge(s) against me.

23 I understand that the State would have to prove each element of the charge(s) against
24 me at trial.

25 I have discussed with my attorney any possible defenses, defense strategies and
26 circumstances which might be in my favor.

27 All of the foregoing elements, consequences, rights, and waiver of rights have been
28 thoroughly explained to me by my attorney.

1 I believe that pleading guilty and accepting this plea bargain is in my best interest,
2 and that a trial would be contrary to my best interest.

3 I am signing this agreement voluntarily, after consultation with my attorney, and I am
4 not acting under duress or coercion or by virtue of any promises of leniency, except for those
5 set forth in this agreement.


6 I am not now under the influence of any intoxicating liquor, a controlled substance or
7 other drug which would in any manner impair my ability to comprehend or understand this
8 agreement or the proceedings surrounding my entry of this plea.

9 My attorney has answered all my questions regarding this guilty plea agreement and
10 its consequences to my satisfaction and I am satisfied with the services provided by my
11 attorney.

12 DATED this 10 day of Nov September, 2008.

13 
14 ROBERT HOLMES
Defendant

15 AGREED TO BY:

16 
17
18 SANDRA K. DIGIACOMO
19 Chief Deputy District Attorney
Nevada Bar #006204
20
21
22
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1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of
3 the court hereby certify that:

4 1. I have fully explained to the Defendant the allegations contained in the charge(s)
to which guilty pleas are being entered.

5 2. I have advised the Defendant of the penalties for each charge and the restitution
6 that the Defendant may be ordered to pay.

7 3. All pleas of guilty offered by the Defendant pursuant to this agreement are
consistent with the facts known to me and are made with my advice to the Defendant.

8 4. To the best of my knowledge and belief, the Defendant:

9 a. Is competent and understands the charges and the consequences of pleading
10 guilty as provided in this agreement.

11 b. Executed this agreement and will enter all guilty pleas pursuant hereto
voluntarily.

12 c. Was not under the influence of intoxicating liquor, a controlled substance or
13 other drug at the time I consulted with the defendant as certified in paragraphs
1 and 2 above.

14 Dated: This 11 day of September, 2008.

15 
16 ATTORNEY FOR DEFENDANT
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dd

1 IND
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 SANDRA DIGIACOMO
6 Chief Deputy District Attorney
7 Nevada Bar #006204
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 THE STATE OF NEVADA,)

11 Plaintiff,)

12 -vs-)

Case No. C228752
Dept. No. VII

14 ROBERT HOLMES,
15 #876216,

16 Defendant(s).)

FIFTH AMENDED
INDICTMENT

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

20 The Defendant above named, ROBERT HOLMES, accused by the Clark County
21 Grand Jury of the crime(s) of CONSPIRACY TO POSSESS STOLEN PROPERTY
22 AND/OR TO COMMIT BURGLARY (Gross Misdemeanor - NRS 205.275, 199.480); and
23 POSSESSION OF STOLEN PROPERTY (Felony - NRS 205.275), committed at and within
24 the County of Clark, State of Nevada, on or between September 20, 2006 and November 27,
25 2006, as follows:

26 COUNT 1 - CONSPIRACY TO POSSESS STOLEN PROPERTY AND/OR TO COMMIT
27 BURGLARY

28 did then and there meet with DAIMON MONROE, aka Daimon Devi Hoyt, BRYAN

EXHIBIT 1

1 FERGASON aka Bryan Michael Fergason and/or TONYA TREVARTHEN, aka Tonya
2 Michelle Trevarthen, and between themselves, and each of them with the other, wilfully and
3 unlawfully conspire and agree to commit a crime, to-wit: possession of stolen property
4 and/or burglary, and in furtherance of said conspiracy, Defendants did commit the acts as set
5 forth in Count 2 through 3, said acts being incorporated by this reference as though fully set
6 forth herein, and/or by Defendants committing burglaries of Anku Crystal Palace and Just
7 for Kids Dentistry on September 24, 2006, and/or Defendants did continue after committing
8 said acts in Counts 2 through 3 to conceal and/or hide the proceeds and/or stolen property of
9 Defendants acts.

10 COUNT 2 - POSSESSION OF STOLEN PROPERTY

11 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
12 value of \$2500.00, or more, lawful money of the United States, wrongfully taken from
13 DESERT ROCK SPORTS and/or ANNIE LEE GALLERY and/or SPA DEPOT and/or
14 SEE'S CANDIES and/or MOUNTAIN SPRINGS WELLNESS and/or LAND BARON
15 INVESTMENTS and/or GLOBAL ENTERTAINMENT INC., and/or ECON DIVISION
16 OF ABSOCOLD CORP. and/or MILTON HOMER FURNISHINGS and/or FURNITURE
17 MARKDOWNS and/or CAL SPAS and/or HOSHIZAKI WESTERN DISTRIBUTION, to-
18 wit: sleeping bags, clothing and/or camping equipment and/or original artwork and/or
19 paintings and/or spa chemicals and/or chocolate, lollipops and/or boxed candy oxygen
20 concentrator machine, hyperbaric chamber, compressor and/or tan massage chair and/or
21 computer, wide screen monitor and/or memorabilia pictures and/or Sub-Zero commercial
22 refrigerator/freezer, Sub-Zero freezer, ice makers and/or Kitchenaid washer and dryer with
23 pedestals and/or furniture, lamps, plants, statues, and/or home accessories and/or spa and/or
24 ice compressor, which Defendant knew, or had reason to believe, had been stolen.

25 COUNT 3 - POSSESSION OF STOLEN PROPERTY

26 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
27 value of \$2500.00, or more, lawful money of the United States, wrongfully taken from A
28 TOUCH OF VEGAS and/or H.P. MEDIA GROUP and/or KDS CPA and/or SEE

1 AMERICA and/or McNEILLY ART STUDIO and/or GRAND CANYON
2 CONSTRUCTION and/or ECON DIVISION OF ABSOCOLD CORP. and/or DR.
3 RICHARD GROOM and/or PLAZA CAFÉ and/or COMPLETE COSMETIC SURGERY
4 and/or DVD UNLIMITED and/or FAMILY MUSIC CENTER and/or BRADY
5 INDUSTRIES and/or PLATINUM COLLECTIBLES and/or RIGHT ON BEAT
6 PRODUCTIONS, to-wit: framed Woodstock picture and ticket, memorabilia and/or artwork
7 and/or Marantz Digial Receiver, Marantz DVD player, JBL Surround Sound Speakers and/or
8 framed matchbook collection and/or framed Norman Rockwell silver proof set and/or
9 framed Norman Rockwell print with stamps and/or framed signed Joe Namath Jersey and/or
10 cartoon cells and/or Viking 30" electric cook top and/or 42" Viking Refrigerator and/or
11 commercial meat slicer and/or two (2) large framed original tapestries and/or (2) computer
12 speakers and/or AKAI MPC 2000 MIDI Production Center and/or guitars and/or commercial
13 vacuum and/or floor scrubber and/or floor buffer and/or framed albums, posters and/or
14 framed map of world and/or Novation super base station and/or Novation drum station,
15 Ensoniq effects processor, which Defendant knew, or had reason to believe, had been stolen.

16 DATED this 30th day of September, 2008.

17
18 DAVID ROGER
19 DISTRICT ATTORNEY
20 Nevada Bar #002781

21 BY

22 
23 SANDRA DIGIACOMO
24 Chief Deputy District Attorney
25 Nevada Bar #006204

26 06AGJ101ABCD/06F21801ABC/06F22662X/ts
27 LVMPD 061106-0453; 060709-0524;
28 0609202198; 0202021028; 0203240335;
0408261484; 0611062190; 9601231528
PSP; CONSP PSP/COMMIT BURG -- F/GM

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FILED
2009 JAN -5 A 11: 05

E. J. [Signature]
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ROBERT HOLMES
#0876216

Defendant.

CASE NO. C228752

DEPT. NO. VII

66

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crimes of COUNT 1 – CONSPIRACY TO POSSESS STOLEN PROPERTY AND/OR TO COMMIT BURGLARY (Gross Misdemeanor) in violation of NRS 205.275, 199.480, COUNTS 2 & 3 – POSSESSION OF STOLEN PROPERTY (Category B Felony) in violation of NRS 205.275; thereafter, on the 30TH day of December, 2008, the Defendant was present in court for sentencing with his counsel KIRK KENNEDY, ESQ., and good cause appearing.

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee

EXHIBIT " 7 "

1 including testing to determine genetic markers and \$4,892.45 Restitution, the Defendant
2 is sentenced as follows: as to COUNT 1 - to TWELVE (12) MONTHS in the Clark
3 County Detention Center (CCDC); as to COUNTS 2 - to a MAXIMUM of ONE
4 HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of
5 FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC),
6 COUNT 2 to run CONCURRENT with COUNT 1; as to COUNTS 3 - to a MAXIMUM of
7 ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of
8 TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC),
9 COUNT 3 to run CONSECUTIVE to COUNT 2; with ONE HUNDRED SIXTY-NINE
10 (169) DAYS credit for time served.
11
12

13
14 DATED this 5 day of January, 2009.

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17 
18 STEWART L. BELL
19 DISTRICT JUDGE
20
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28

63

ORIGINAL

1 **ORDR**

2 MARY-ANNE MILLER
3 Interim Clark County District Attorney
4 Nevada Bar #001419
5 SANDRA K. DIGIACOMO
6 Chief Deputy District Attorney
7 Nevada Bar #006204
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

FILED

FEB - 7 2012

[Signature]
CLERK OF COURT

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

8 **THE STATE OF NEVADA,**

9 **Plaintiff,**

10 **-vs-**

11 **DAIMON MONROE,**
12 **#0715429**

13 **Defendant.**

CASE NO: 06-C228752-1

DEPT NO: XX

06C228752-1
FFCO
Findings of Fact, Conclusions of Law and
1706303



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

16 **DATE OF HEARING: January 19, 2012**

17 **TIME OF HEARING: 8:30 A.M.**

18 **THIS CAUSE** having come on for hearing before the Honorable JEROME TAO,
19 District Judge, on the 19th day of January, 2012, the Petitioner not being present, Proceeding
20 In Forma Pauperis, the Respondent being represented by MARY-ANNE MILLER, Interim
21 Clark County District Attorney, by and through BARBARA SCHIFALACQUA, Deputy
22 District Attorney, and the Court having considered the matter, including briefs, transcripts,
no arguments of counsel, and documents on file herein, now therefore, the Court makes the
following findings of fact and conclusions of law:

23 **FINDINGS OF FACT**

- 24 1. On December 13, 2006, the State of Nevada charged Daimon Monroe (hereinafter
25 "Defendant") by way of Indictment with: Count 1 - Conspiracy to Possess Stolen
26 Property and/or Commit Burglary (Gross Misdemeanor - NRS 205.275, 199.480);

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CLERK OF THE COURT
DEPT. 20

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EXHIBIT # 8

- 1 and Counts 2-27 – Possession of Stolen Property (Felony – NRS 205.275).
- 2 2. On April 30, 2008, the State filed a notice of intent to seek Defendant's adjudication
- 3 as a habitual criminal.
- 4 3. Defendant proceeded to trial on May 13, 2008. The jury found him guilty of Counts
- 5 1-27 as set forth in the Second Amended Indictment.
- 6 4. On October 1, 2008, the Court adjudicated Defendant under the large habitual
- 7 criminal statute and sentenced him to the following: Count 1- twelve (12) months in
- 8 the Clark County Detention Center (CCDC); Counts 2-14 – Life without the
- 9 possibility of parole, Counts 2-14 running concurrently to one another; Counts 15-27
- 10 – Life without the possibility of parole, Counts 15-27 running concurrently with each
- 11 other, but consecutively to Counts 2-14. The Court also ordered Defendant's sentence
- 12 in this case to run consecutively to his sentence in C227874.
- 13 5. Judgment of Conviction was filed on November 4, 2008.
- 14 6. Defendant filed a timely notice of appeal on November 19, 2008.
- 15 7. On July 30, 2010, the Nevada Supreme Court affirmed Defendant's Count 1-10, 12-
- 16 27 convictions and sentences, vacated his conviction on Count 11.
- 17 8. Remittitur issued on August 24, 2010.
- 18 9. Defendant filed a Petition for Writ of Habeas Corpus (Post-Conviction) on July 7,
- 19 2011.
- 20 10. The State filed its Response to Defendant's Petition for Writ of Habeas Corpus (Post-
- 21 Conviction) on October 13, 2011.
- 22 11. Defendant's Petition for Writ of Habeas Corpus (Post-Conviction) was set to be heard
- 23 on January 5, 2012.
- 24 12. On December 15, 2011, Defendant filed a Notice of Appeal with the Nevada Supreme
- 25 Court.
- 26 13. Defendant's December 15, 2011 Notice of Appeal divested the district court of
- 27 jurisdiction over this case.

28 ///

1 CONCLUSIONS OF LAW

- 2 1. "Jurisdiction in an appeal is vested solely in the supreme court until the remittitur
3 issues to the district court." Buffington v. State, 110 Nev. 124, 126, 868 P.2d 643,
4 644 (1994).
5 2. "While an appeal is pending district courts do not have jurisdiction over the case until
6 remittitur has issued." Id.

7 ORDER

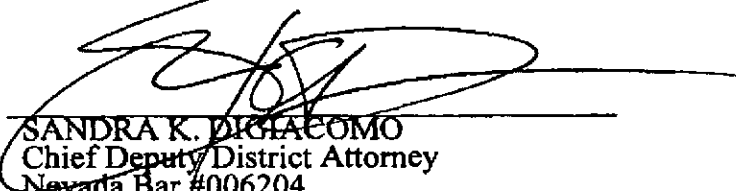
8 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction
9 Relief shall be, and it is, hereby denied without prejudice.

10 DATED this 2nd day of February, 2012.

11 
12 DISTRICT JUDGE *aj*


13
14 MARY-ANNE MILLER
15 Interim Clark County District Attorney
16 Nevada Bar #001419.

17 BY

18 
19 SANDRA K. DIGIACOMO
20 Chief Deputy District Attorney
21 Nevada Bar #006204
22
23
24
25
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CERTIFICATE OF SERVICE

I, Deana Daniels, certify that on the 21st day of January, 2012, I mailed a copy of the foregoing proposed Findings of Fact, Conclusions of Law, and Order to Defendant, DAIMON MONROE, ID#715429, at CCDC, 330 S. Casino Center, Las Vegas, NV 89101, for his review.


Deana Daniels, Legal Secretary
District Attorney's Office / ROP

District Court
Clark County, Nevada

Please send
Filed stamp
copy

Caseno. 07A537416 **FILED**

Dept No. V 1 MAR 30 3 29 PM '12

John D. Williams
CLERK OF THE COURT

A537416

07A537416
MOT
Motion
1814027



Motion of Specific Facts and
To ask court consider leaving stay.

- 1.) L.V.M.P.d
- 2.) Plaintiff
- 3.) -VS-
- 4.) U.S. Currency
281.656.73
- 5.) Defendant
- 6.)
- 7.)
- 8.) Comes now Daimon Monroe to state specific facts first case no.
- 9.) 22 7879 - is pending trial and a Evidentiary Hearing on a illegal search
- 10.) and then fruit of a poisonous tree will be filed invalidating all the searches
- 11.) Second there is a F.B.I investigation on these cases because Stewart Bell, Sandra
- 12.) diSiacomo, and Brad Nickell's made fraudulent warrants in all the cases
- 13.) to cover up not having one, then sent in people to set me up on New
- 14.) Cases. This is fact, thru computer entries, and testimony these facts
- 15.) Can be obtained. I ASK this court to keep the stay on until
- 16.) Case 227879 is done and to check into the warrant, if permitted
- 17.) I will ask this court for the right to ask under oath, to Sandra
- 18.) diSiacomo, Brad Nickell's, and Stewart Bell when the warrants
- 19.) were made and signed. This court will do whatever it wants
- 20.) to do but I'm telling the truth, Daimon Monroe, Robert Holmes and
- 21.) Bryan Ferguson should of never been incarcerated and Stewart
- 22.) Bell, Sandra diSiacomo, and Brad Nickell's fraudulently made fake
- 23.) search warrants to cover up a bad illegal search and seizure.
- 24.) The dist Thomas morro has been given these facts, I've let all
- 25.) know that what is going on is illegal, and that corruption
- 26.) has denied Daimon Monroe, Robert Holmes III and Bryan
- 27.) Ferguson the right to any fair hearings and justice.

CLERK OF THE COURT

(CADC 1974). Although sheer volume prevents systematic inspection of all or even a large percentage of the cargo in their care, see, e.g., *McConnell v. State*, 595 P.2d 147, 148, and n. 1 (Alaska 1979), carriers do discover contraband in a variety of circumstances. Similarly, although the United States Government has the undoubted right to inspect all incoming goods at a port of entry, see *United States v. Ramsey*, 431 U.S. 606, 616-619, 97 S.Ct. 1972, 1978-1980, 52 L.Ed.2d 617 (1977), it would be impossible for customs officers to inspect every package. In the course of selective inspections, they inevitably discover contraband in transit.

FN2. When common carriers discover contraband in packages entrusted to their care, it is routine for them to notify the appropriate authorities. The arrival of police on the scene to confirm the presence of contraband and to determine what to do with it does not convert the private search by the carrier into a government search subject to the Fourth Amendment. E.g., *United States v. Edwards*, 602 F.2d 458 (CA1 1979).

FN3. Of course, the mere fact that the consignee takes possession of the container would not alone establish guilt of illegal possession or importation of contraband. The recipient of the package would be free to offer evidence that the nature of the contents were unknown to him; the nature of the contents and the recipient's awareness of them would be issues for the fact finder.

*770 The typical pattern of a controlled delivery was well described by one court:

"Controlled deliveries of contraband apparently serve a useful function in law enforcement. They most ordinarily occur when a carrier, usually an airline, unexpectedly discovers what seems to be

contraband while inspecting luggage to learn the identity of its owner, or when the contraband falls out of a broken or damaged piece of luggage, or when the carrier exercises its inspection privilege because some suspicious circumstance has caused it concern that it may unwittingly be transporting contraband. Frequently, after such a discovery, law enforcement agents restore the contraband to its container, then close or reseal the container, and authorize the carrier to deliver the container to its owner. When the owner appears to take delivery he is arrested and the container with the contraband is seized and then searched a second time for the contraband known to be there." *United States v. Bulgier*, 618 F.2d 472, 476 (CA7), cert. denied, 449 U.S. 843, 101 S.Ct. 125, 66 L.Ed.2d 51 (1980).

**3324 See also *McConnell v. State*, 595 P.2d 147 (Alaska 1979).

Here, a customs agent lawfully discovered drugs concealed in a container and notified the appropriate law enforcement authorities. They took steps to arrange delivery of the container to respondent. A short time after delivering the container, the officers arrested respondent and resealed the container.^{FN4} Respondent claims, and the Illinois court held, that the warrantless reopening of the container following its reseizure violated respondent's right under the Fourth Amendment "to be secure ... against unreasonable searches and seizures...." We disagree.

FN4. Respondent has not claimed that the warrantless seizure of the container from the hallway of his apartment house following his arrest violated the Fourth Amendment; his claim goes only to the warrantless reopening of the container's contents.

[2] *771 The Fourth Amendment protects legitimate expectations of privacy rather than simply places. If the inspection by police does not intrude upon a legitimate expectation of privacy, there is no "search" subject to the Warrant Clause. See *Walter*

1.) That, This corruption involving these officials has had
2.) Severe affects on all our Proceedings, That the
3.) District Attorney's Office has a duty to make sure that
4.) these types of actions don't happen. I Beg this court
5.) to look into these Facts, Permit the stay to Remain
6.) until the F.B.I arrest these officials, and case
7.) No. 227874 is done. Your honor the Systems integrity
8.) is at stake. The State is already Responsible for
9.) every piece of property and everyday that Daimon
10.) Monroe Robert Holmes III and Bryan Ferguson have
11.) Been incarcerated. That the D.A's office and the
12.) Courts have a duty to assure Justice happens and
13.) with Mr. Wolfson now in that office it would be
14.) A Shame to tarnish his leadership By ignoring these
15.) Facts, I Am in the Hole with no access to the law
16.) library. I have no money for stamps, or Paper that's
17.) Why its written on this Paper, That I ASK this court
18.) to please EXCUSE this as Im trying the Best I
19.) can with whats available, I cant send a copy to
20.) I.V.M.P.D Thomas moreo, so please please give him a
21.) copy. I did send the fact that there Never was
22.) a search warrant and the Illegal acts done
23.) to cover this up to him so he knows. Ive tried to
24.) notify everyone in filed stamped documents so
25.) I can at a later date Bring this forth to
26.) the media, that all where told what was

[7] Searches and Seizures ☞ 40.1

349 ----

349I In General

349k40 Probable Cause

349k40.1 In General.

[See headnote text below]

[7] Searches and Seizures ☞ 113.1

349 ----

349II Warrants

349k113 Probable or Reasonable Cause

349k113.1 In General.

Probable cause is a fluid concept, turning on the assessment of probabilities in particular factual contexts, not readily, or even usefully, reduced to a neat set of legal rules. U.S.C.A. Const.Amends. 4, 14.

[8] Arrest ☞ 63.4(2)

35 ----

35II On Criminal Charges

35k63 Officers and Assistants, Arrest Without Warrant

35k63.4 Probable or Reasonable Cause

35k63.4(2) What Constitutes Such Cause in General.

[See headnote text below]

[8] Searches and Seizures ☞ 40.1

349 ----

349I In General

349k40 Probable Cause

349k40.1 In General.

[See headnote text below]

[8] Searches and Seizures ☞ 113.1

349 ----

349II Warrants

349k113 Probable or Reasonable Cause

349k113.1 In General.

The probable-cause standard is incapable of precise definition or quantification into percentages because it deals with probabilities and depends on the totality of the circumstances. U.S.C.A.

Const.Amends. 4, 14.

[9] Arrest ☞ 63.4(2)

35 ----

35II On Criminal Charges

35k63 Officers and Assistants, Arrest Without Warrant

35k63.4 Probable or Reasonable Cause

35k63.4(2) What Constitutes Such Cause in General.

The substance of all the definitions of probable cause is a reasonable ground for belief of guilt, and the belief of guilt must be particularized with *795 respect to the person to be searched or seized. U.S.C.A. Const.Amends. 4, 14.

[10] Arrest ☞ 63.4(2)

35 ----

35II On Criminal Charges

35k63 Officers and Assistants, Arrest Without Warrant

35k63.4 Probable or Reasonable Cause

35k63.4(2) What Constitutes Such Cause in General.

To determine whether an officer had probable cause to arrest an individual, a court will examine the events leading up to the arrest, and then decide whether these historical facts, viewed from the standpoint of an objectively reasonable police officer, amount to probable cause. U.S.C.A. Const.Amends. 4, 14.

797 Syllabus (FN)

A police officer stopped a car for speeding at 3:16 a.m.; searched the car, seizing \$763 from the glove compartment and cocaine from behind the back-seat armrest; and arrested the car's three occupants after they denied ownership of the drugs and money. Respondent Pringle, the front-seat passenger, was convicted of possession with intent to distribute cocaine and possession of cocaine, and was sentenced to 10 years' incarceration without the possibility of parole. The Maryland Court of Special Appeals affirmed, but the State Court of Appeals reversed, holding that, absent specific facts tending to show Pringle's knowledge and dominion or control over the drugs, the mere finding of cocaine in the back armrest when Pringle was a front-seat passenger in a car being driven by its

- 1.) going on, and Then no one can deny this. Your honor
- 2.) I'm telling the truth, a grave injustice has been
- 3.) done please do not allow it to continue. And as
- 4.) a responsible District attorney all he has to do is
- 5.) check, The computer entries, etc. The F.B.I is now investigating this Your honor it's a big deal. Please excuse
- 7.) The paper I'm using I have nothing else. But please
- 8.) Do the right thing and leave the stay and have
- 9.) the district attorney check into these facts,
- 10.) which exist. Your honor please stop this madness
- 11.) and show the courts and system have integrity.
- 12.) everything I'm saying is true. Please leave the stay on
- 13.) or return the money back to its rightful owners Daimon
- 14.) Monroe, Robert Holmes, Bryan Ferguson, who it was illegally taken from
- 15.) and who are now illegally incarcerated.
- 16.) I do solemnly swear under penalty of perjury that I Daimon Monroe believe all contents
- 17.) to this motion of specific facts request to leave stay to be true
- 18.) and accurate to the best of my recollection dated this
- 19.) 26th day of March 2012. Daimon Monroe
NRS. 171.102 and 208.165 Daimon Monroe
- 20.)
- 21.) I hereby certify on the 26th day of March 2012
- 22.) I deposited in the US mail ~~copy~~ to the Regional
- 23.) Justice center dept VII and I didn't have a stamp
- 24.) or access to a copy machine to send to L.V.M.P.D. so
- 25.) please excuse this. As it isn't my fault it's my situation
- 26.)

cause. U.S.C.A. Const.Amend. 4.

[4] Arrest ⚡63.4(17)

35 ----

35II On Criminal Charges

35k63 Officers and Assistants, Arrest Without Warrant

35k63.4 Probable or Reasonable Cause

35k63.4(17) Arrested Person's Presence or Association.

Police officer had probable cause to believe that defendant, who was the front-seat passenger in vehicle, committed the crime of possession of cocaine, either solely or jointly with other occupants of vehicle, and therefore defendant's arrest did not contravene the Fourth and Fourteenth Amendments, where defendant was one of three men riding in the vehicle at 3:16 a.m., \$763 of rolled-up cash was found in the glove compartment directly in front of defendant, five plastic glassine baggies of cocaine were behind the back-seat armrest and accessible to all three vehicle occupants, and, upon questioning, the three men failed to offer any information with respect to the ownership of the cocaine or the money. U.S.C.A. Const.Amend. 4, 14.

[5] Arrest ⚡63.4(2)

35 ----

35II On Criminal Charges

35k63 Officers and Assistants, Arrest Without Warrant

35k63.4 Probable or Reasonable Cause

35k63.4(2) What Constitutes Such Cause in General.

[See headnote text below]

[5] Searches and Seizures ⚡40.1

349 ----

349I In General --

349k40 Probable Cause

349k40.1 In General.

[See headnote text below]

[5] Searches and Seizures ⚡113.1

349 ----

349II Warrants

349k113 Probable or Reasonable Cause

349k113.1 In General.

The long-prevailing standard of probable cause protects citizens from rash and unreasonable interferences with privacy and from unfounded charges of crime, while giving fair leeway for enforcing the law in the community's protection. U.S.C.A. Const.Amend. 4, 14.

[6] Arrest ⚡63.4(2)

35 ----

35II On Criminal Charges

35k63 Officers and Assistants, Arrest Without Warrant

35k63.4 Probable or Reasonable Cause

35k63.4(2) What Constitutes Such Cause in General.

[See headnote text below]

[6] Searches and Seizures ⚡40.1

349 ----

349I In General

349k40 Probable Cause

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[See headnote text below]

[6] Searches and Seizures ⚡113.1

349 ----

349II Warrants

349k113 Probable or Reasonable Cause

349k113.1 In General.

The probable-cause standard is a practical, nontechnical conception that deals with the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act. U.S.C.A. Const.Amend. 4, 14.

[7] Arrest ⚡63.4(2)

35 ----

35II On Criminal Charges

35k63 Officers and Assistants, Arrest Without Warrant

35k63.4 Probable or Reasonable Cause

35k63.4(2) What Constitutes Such Cause in General.

[See headnote text below]

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[4] Arrest ⚡63.4(17)

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35k63.4 Probable or Reasonable Cause

35k63.4(2) What Constitutes Such Cause in General.

[See headnote text below]

[5] Searches and Seizures ⚡40.1

349 ----

349I In General --

349k40 Probable Cause

349k40.1 In General.

[See headnote text below]

[5] Searches and Seizures ⚡113.1

349 ----

349II Warrants

349k113 Probable or Reasonable Cause

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35k63.4 Probable or Reasonable Cause

35k63.4(2) What Constitutes Such Cause in General.

[See headnote text below]

[6] Searches and Seizures ⚡40.1

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349k40.1 In General.

[See headnote text below]

[6] Searches and Seizures ⚡113.1

349 ----

349II Warrants

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[7] Arrest ⚡63.4(2)

35 ----

35II On Criminal Charges

35k63 Officers and Assistants, Arrest Without Warrant

35k63.4 Probable or Reasonable Cause

35k63.4(2) What Constitutes Such Cause in General.

[See headnote text below]

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

25
Please send
Stamp File Copy
FILED

APR 16 2012

Alvin L. Blum
CLERK OF COURT

District Court
Clark County Nevada

6 Las Vegas Metropolitan
7 Police Department

8 State of Nevada
9 Plaintiff

10 v.
11 US Currency \$281,656.73

12 Robert Holmes III

13 Defendant

CASE NO.: 07 A537416

DEPT. NO.: VII

DOCKET: _____

14 Reply to Response to opposition
15 To Motion to Lift Stay

16
17
18 COMES NOW, Robert Holmes III herein in pro se, herein above respectfully
19 moves this Honorable Court for an Reply to Response to opposition
20 To Motion to Lift Stay. This Reply is Made and based upon
21 all papers and pleadings on file herein, the attached points and

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

24 DATED: this 6 day of April, 2012

25 BY: Robert Holmes III

26 Robert Holmes III # 1034184
Defendant In Proper Personam

07A537416
RPLY
Reply
1826179



CLERK OF THE COURT

RECEIVED
APR 16 2012

1 authorities in support hereof and oral argument
2 at the time of hearing, if deemed necessary by this
3 Honorable Court.

4 Points And Authorities

5 Plaintiff's Fail to specifically state exactly
6 How the Honorable Judge Bell wrote his order
7 in regards to the stay order, which the Honorable
8 Judge Bell clearly stated on " " " "
9 order Granting Motion for stay it is further ordered
10 that upon the final resolution of criminal case C208321
11 by trial or by negotiation that this stay shall be
12 " " " " " " automatically lifted and the forfeiture proceedings
13 may resume Dated this 17 Day of May, 2007.

14 Metropolitan Police Department and (ICE) US Immigration
15 and Customs Enforcement conspired and deprived Holmes
16 out of his \$70,000 by stating that they were the FBI
17 and that if Holmes don't give them \$70,000 they
18 will seize all 3 of Holmes Houses. This conspiracy by ICE
19 agents, and Metropolitan Police agents was illegal also attorney
20 Sean Sullivan from Kelly + Sullivan also conspired with Metropolitan
21 Police Department and
22 ICE US Immigration by stating to Holmes and his
23 family that the FBI is going to seize all 3 of
24 their houses if Holmes do not give him at least
25 \$70,000 within 24 hours to give to the (FBI) When Holmes
26 did not have any federal cases. Metropolitan Police Department
27 ICE US Immigration and Customs falsely claimed that

1 They were the FBI When Holmes Did not have
2 any Federal Cases. Sean Sullivan advised Holmes
3 to Give him \$70,000 and he stated to Holmes' that this will
4 stop the FBI from seizing your 3 Homes and He
5 advised Holmes that He will Get his \$70,000 back after
6 everything is sorted out. The plaintiff's are still violating
7 Holmes' Due process under the 14th + 5th Amendment
8 Right and Due process and Equal Protection Rights.
9 Civil procedures Rules (59e) and Rules (60B)
10 state's a Reconsider Motion Must be Filed within 10 days.
11 Motion to alter or amend Judgment Must be Filed within
12 10 days. The plaintiff's Filed a Motion to Reconsider
13 11-30-2011 the Honorable Judge Dismissed the
14 forfeiture case on October 29, 2009 " " " 2 years and one month
15 " " " later the plaintiff's Filed a Reconsider Motion which
16 " " " is untimely they also failed to Appeal the Honorable
17 Judge Douglas Smith ^{Decision} if they felt that the court made
18 a Error or the Honorable Judge Douglas Smith made a Error
19 the plaintiff's should have appealed the court
20 Decision to the Supreme court or Filed a Reconsider motion
21 to this Honorable court within 10 days under the civil
22 procedures Rules (59e) and Rules (60B) By allowing
23 and Granting a motion to Reconsider and By lifting a
24 stay that was lifted 2 years and 1 month ago
25 Would Violate Holmes Due process Rights under
26 the 14th + 5th Amendments. The plaintiff's have
27 Prejudice Holmes By illegally Filing a Reconsider

Motion which is untimely under Rules (59e)
 and (60a) Had Holmes filed a Reconsider
 Motion 2 years and one month later, Plaintiff's
 would have argued that Holmes has filed a untimely motion
 and is time barred, Due to forfeiture case was Dismissed
 2 years ago and Holmes failed to Appeal the Honorable
 Judge Decision timely. Holmes is asking this Honorable Court
 for Due process under His 14th and 5th Amendment
 Rights and Equal Protection Rights. Plaintiff's stated
 in their Response to opposition to Motion to Lift stay
 Chairman Robert Holmes III fails to understand though
 the Criminal matters may have all reached a resolution
 either by trial or plea negotiations, the stay remains
 in effect until an order lifting the stay is on file with
 the court. The Honorable Judge Bell stated in his stay
 order the stay will be ^{" " " " " " " "} automatically lifted and the
 forfeiture proceedings may resume Dated this 17 day
 of May 2007. The Honorable Judge Bell did not reference
 the Judgment's of conviction or Amended and or second
 Amended Judgment's of convictions. He referenced final resolution
 of criminal case C208321 by trial or negotiation that this
^{" " " " " " " "} stay shall be automatically lifted. Plaintiff's is stating
 Darnion Monroe filed a petition for writ of Habeas corpus
 July 7, 2011 which has no Barren on this instant forfeiture case.
 Holmes filed His federal Habeas corpus 2-27-2012
 and His other Federal Habeas Corpus was filed December 2011
 which has no Barren and if it did have any Barren the
 stay still could not be lifted Due

to all appeals would have to be final which all Defendants have pending appeals in the Higher courts which has no barren on the Honorable Judge Bell stay order. Plaintiff's response is moot due to the fact the stay was automatically lifted in 2008 and all cases were well over when the Honorable Judge Douglas Smith dismissed the forfeiture case on October 29, 2009. The Honorable Judge Douglas Smith did not make a error and if the Honorable Judge would have made a error, the plaintiff's had 10 days to file a Reconsider Motion after the order, which was filed October 29, 2009 instead the plaintiff's filed a Reconsider Motion 11-30-2011 2 years and one month later and the plaintiff also could have appealed this so called error which plaintiff's had 30 days from October 29, 2009 order which plaintiff's also failed to do. Plaintiff's response is moot due to stay was automatically lifted in 2008.

Holmes is asking this Honorable Court for His due process under the 14th and 5th Amendments. Holmes is asking this Honorable Court for the Return of His \$70,000 which was illegally seized by ICE and Metropolitan Department under false pretense which ICE and Metropolitan falsely claimed that they were the (FBI) and that they would seize Holmes' 3 houses if Holmes did not give them \$70,000 which Holmes Attorney advised him to give him \$70,000 so his homes would not be seized. Metropolitan Police Department and (ICE) US Immigration and Customs conspired and illegally seized Holmes \$70,000 by fraudulent conduct under and in violation of Holmes 4th Amendment Rights.

that is Guaranteed By the U.S. Constitution
Without a valid Search Warrant is illegal Search
and seizure with ^{Rights} Amendment Violation.

this was a conspiracy and extortion plot with Metropolitan
Police Department and (I.C.E.) U.S. Immigration and Customs
and Sean P. Sullivan Holmes Attorney which gave (I.C.E.)
and Metropolitan Police Department Holmes \$70,000
When Mr. Sullivan clearly stated was the FBI even
in open court Mr. Sullivan stated this to the Honorable
Judge Levitt in 2007 That he advised his client
Mr. Holmes to give him \$70,000 to give to the FBI
Because Mr. Holmes 3 House's will be seized by the
FBI if Mr. Holmes do not comply. Due to fear of Holmes'
House's being seized Holmes gave Mr. Sullivan \$70,000
Like Holmes' was told was the FBI ^{and} not I.C.E. or Metro.
Fraudulent conduct was performed and Entertained By I.C.E.
and Metropolitan ^{Police} Department under this false pretense
under these conspiracy acts By Metropolitan Police Department
and (I.C.E.) U.S. Immigration and Customs.

Holmes is entitled to the Relife and Return of
his \$70,000, which his wife is still making payments
to their line of credits. Plaintiff's Response
should be stricken Due to no case law was cited in their
Response.

Dated this 6 day of April, 2012

Respectfully submitted By Robert Holmes III

Robert Holmes III
Bac 10341814

CERTIFICATE OF SERVICE BY MAILING

I, Robert Holmes III, hereby certify, pursuant to NRCP 5(b), that on this _____ day of April, 20 12, I mailed a true and correct copy of the foregoing, "Reply to Response to opposition to Lift Stay" by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid, addressed as follows:

District Attorney Office
DA Steve Wilson
200 Lewis Avenue
Las Vegas, Nevada 89155

CC:FILE

DATED: this 6 day of April, 2012.

Robert Holmes III
Robert Holmes III # 1034184
/In Propria Personam
Post Office box 660 (NIDP) 208 SDC
Indian Springs, Nevada 89018
IN FORMA PAUPERIS

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Reply to Response to opposition to lift stay

(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

4-6 2012
Date

Robert Holmes III
Print Name

pro se
Title

Robert Holmes III 1034184
SDEc P.O. Box 208
Indian Springs Nevada 89070

CONFIDENTIAL

LEGAL MAIL

310110335

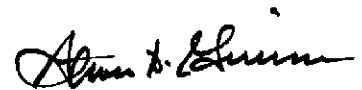
3763

Master
04/11/2012
US POSTAGE



FIRST-CLASS MAIL
\$00.00
ZIP 89101
011D12602491

STEVEN D. GRIERSON
Clerk of the Court
200 Lewis Avenue 3rd floor
Las Vegas NV 89133-1160



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-

CASE NO: 07A537416
DEPT NO: VIII

U.S. CURRENCY \$281,656.73,

Defendant.

ORDER GRANTING MOTION TO LIFT STAY

THIS MATTER having come on for hearing on the 9th day of April, 2012, on
Plaintiff's Motion to Lift Stay; the Court having reviewed all documents and good cause
appearing;

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1 IT IS HEREBY ORDERED that Plaintiff's Motion to Lift Stay in Case No.
2 07A537416, is Granted.

3 DATED this 25 day of April, 2012.

4
5 
6 DISTRICT JUDGE 

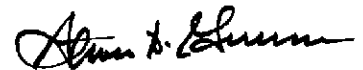
7 STEVEN B. WOLFSON
8 Clark County District Attorney
9 Nevada Bar #001565

10 BY


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

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



CLERK OF THE COURT

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 LAS VEGAS METROPOLITAN POLICE
10 DEPARTMENT,

Plaintiff,

11 -vs-

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

CASE NO: 07A537416

DEPT NO: VIII

14 **NOTICE OF ENTRY OF ORDER**

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

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

19 TO: DAIMON MONROE
20 Claimant In Proper Person

21 TO: TONYA TREVARTHEN
22 Claimant In Proper Person

23 YOU WILL PLEASE TAKE NOTICE that an Order Granting Motion to Lift Stay
24 was entered on the 27th day of April, 2012, in the above-entitled action, a copy of which is
25 attached hereto.

26 DATED this 27th day of April, 2012.

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

BY



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

CERTIFICATE OF MAILING

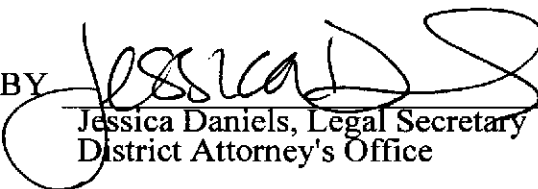
I hereby certify that service of the NOTICE OF ENTRY OF ORDER was made the 27th day of April, 2012, by depositing a copy in the U.S. Mail, postage prepaid, addressed to:

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

TONYA TREVARTHEN
1504 Cutler
Las Vegas, Nevada, 89117
Claimant in Proper Person

BY 
Jessica Daniels, Legal Secretary
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

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 MOTION TO LIFT STAY**

17 THIS MATTER having come on for hearing on the 9th day of April, 2012, on
18 Plaintiff's Motion to Lift Stay; the Court having reviewed all documents and good cause
19 appearing;

20 ///

21 ///

22 ///

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28 ///


1 IT IS HEREBY ORDERED that Plaintiff's Motion to Lift Stay in Case No.
2 07A537416, is Granted.

3 DATED this 25 day of April, 2012.

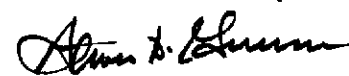
4
5 
6 DISTRICT JUDGE *pti*

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

10 BY


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



CLERK OF THE COURT

MSJD
STEVEN B. WOLFSON
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 \$281,656.73,)

Defendant.)

Case No. 07A537416

Dept No. VIII

NOTICE OF MOTION AND MOTION FOR
SUMMARY JUDGMENT

DATE OF HEARING: _____
TIME OF HEARING: _____

COMES NOW, STEVEN B. WOLFSON, District Attorney, by and through THOMAS J. MOREO, Chief Deputy District Attorney, attorney representing Plaintiff herein and respectfully moves this Honorable Court for an Order Granting Summary Judgment to Plaintiff against Claimants, DAIMON MONROE, aka Daimon Devi Hoyt, (hereinafter referred to as "DAIMON MONROE"), BRYAN M. FERGASON, aka Bryan Michael Fergason, aka J.B., (hereinafter referred to as "BRYAN M. FERGASON"), TONYA M. TREVARTHEN, aka Tonya Michelle Trevarthen, (hereinafter referred to as "TONYA M. TREVARTHEN"), and ROBERT HOLMES, III, aka Bobby Holmes, aka Robert Holmes, (hereinafter referred to as "ROBERT HOLMES, III"), pursuant to the provisions of N.R.C.P. 56 and on the grounds that there exists no genuine issue as to any fact material to a

1 determination and that Plaintiff is entitled to Judgment as a matter of a law.

2 This moving Plaintiff further requests that this Honorable Court enter an Order,
3 pursuant to N.R.C.P. 54, granting its final judgment, there being no just reason for delay of
4 final judgment.

5 This Motion is made based upon all the pleadings and papers on file herein, the
6 Notice of Motion and Motion and Points and Authorities submitted herewith, together with
7 the oral argument of counsel if same be deemed appropriate at the time of the hearing.

8 **NOTICE OF MOTION**

9 TO: CYNTHIA L. DUSTIN, ESQ.
10 324 S. 3rd Street, #1
Las Vegas, NV 89101
11 Attorney for BRYAN M. FERGASON

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

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

16 TO: TONYA TREVARTHEN
17 1504 Cutler
Las Vegas, Nevada, 89117

18 YOU AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned
19 will bring the above and foregoing Motion for hearing before the above-entitled Court in
20 Department ^{VIII} ~~VII~~ on June 5, 2012 at 8:00 am
21 at ~~9:00~~ a.m. or as soon thereafter as counsel
22 can be heard.

23 DATED this 1st day of May, 2012.

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

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