

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 3

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

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

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

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Ground (F) cont....

Some pictures and Terry said that
she later learned that these pictures
were stolen. See EX 2 attached Hereto
INS 15-28. See EXs A, B, C, D, E
and all EXs Herein also Reference to EX. A
See EX. 2 Herein (Holmes sentencing on December 30, 2008)
Judge Bell states that they caught Tanya Traarthen
in Texas with stolen money INS 19-25
See EX 3 attached Hereto Robert Holmes III
Sworn Declaration

Conclusion

Holmes is asking this Honorable
Court to Return His \$70,000
that his wife is still making payments on.
Tanya Treva then was the state witness
who was caught in Texas with this alleged
stolen money. Holmes prays for the Return
of His \$70,000 and prays that
this Summary Judgment Motion submitted
by plaintiff's be Denied.

Dated 5-14-2012

Submitted By Robert Holmes III

~~May~~ 21

TLC Casino Enterprises, Inc

RECEIVED BY

Binion's ☒

JUN 12 2008 Four Queens ☐

PERSONNEL ACTION FORM PAYROLL

DATE: 6.7.08

- ☐ NEW HIRE ☐ REHIRE ☐ REINSTATE ☐ NAME CHANGE
☐ SHIFT CHANGE ☐ TRANSFER ☐ JOB CLASS CHANGE
☐ TIP CLASS CHANGE ☒ SEPARATION ☐ PAYROLL RATE CHANGE

SSN#: 263-65-9604 ✓	LAST NAME: HOLMES	FIRST NAME: ROBERT	M.I.:	BADGE #: 20232
ADDRESS: 6177 RISEPINE COURT			HIRE DATE: ✓ 12-29-94	
CITY: LAS VEGAS	STATE: NEVADA	ZIP CODE: 89110	DOB: 7-13-1970	REHIRE DATE:
PHONE NO: 531-6935	POSITION/TITLE: PANTRY	DEPARTMENT: ✓ Coffee shop F+B	JOB CODE: 8122	RATE OF PAY:
STATUS: FULL TIME <input checked="" type="checkbox"/> PART TIME <input type="checkbox"/> STEADY EXTRA <input type="checkbox"/> EXTRABOARD <input type="checkbox"/> TEMPORARY <input type="checkbox"/>			HOURLY: <input type="checkbox"/>	SALARY: <input type="checkbox"/>
EXEMPTION: M <input type="checkbox"/> S <input type="checkbox"/>		AMOUNT: ALIEN REGISTRATION #:		
UNION:	MALE <input type="checkbox"/> FEMALE <input type="checkbox"/>	ETHNIC ID: <input type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I <input type="checkbox"/> H		
SHERIFF CARD #:	EXP. DATE:	HEALTH CARD: <input type="checkbox"/> YES <input type="checkbox"/> NO	EXP. DATE:	TAM CARD: <input type="checkbox"/> YES <input type="checkbox"/> NO

CHANGE (NEW INFORMATION) PERSONAL, TRANSFER & SALARY

LAST NAME:		FIRST NAME:		M.I.:	DATE IN POSITION:
ADDRESS:		CITY:	STATE:	ZIP CODE:	PHONE NO:
POSITION:		DEPARTMENT:		JOB CODE:	EFFECTIVE DATE:
NEW RATE:	HOURLY: <input type="checkbox"/>	ANNUAL: <input type="checkbox"/>	% INCREASE:	NEW STATUS: FT <input type="checkbox"/> PT <input type="checkbox"/>	STDY EXTRA <input type="checkbox"/> EXTRABOARD <input type="checkbox"/> TEMP <input type="checkbox"/>
REASON:					

5/17/08 - vac		SEPARATION		Prev & Rec	
LAST DAY WORKED: 5.4.08 wra		DATE OF SEPARATION: 6.9.08		TIME DUE: 07/TEEM 54.75 VAC	
REASON: Violation of the CBA 6.01. a & 12. Specifically; Failure to Report for work as scheduled without CAUSE NEWS					

EMPLOYEE SIGNATURE:

DEPT. SUPERVISOR/MGR:

HR DIRECTOR:

COPIES TO: Human Resources, Department Director, Employee & Payroll

DEPT. DIR.:

GM:

Exhibit 1

Ex 1

(27)

EXhibit 2

~~Blammon~~
EX.2

1 to ten items to provide to the police. Id. at I:122, 123.
2 Peltier asserted that around forty-seven items were taken. Id.
3 In November of 2006, Peltier stated that he called police after
4 seeing a news story showing JBL speakers on TV that he thought
5 were from his store. Id. at I:123. He claimed that since his
6 store was the only dealer for JBL in town, the speakers must be
7 from his warehouse. Id. Upon questioning, Peltier identified
8 through serial numbers seven items as from his warehouse. Id.
9 at I:124-126. These items were noted as being found in the
10 Cutler residence. Id. at III:112-133. Peltier went on to say
11 that thirteen other items were also from his store, despite not
12 having any serial numbers or other identifying markings on them.
13 Id. at I:126-129. These items are the alleged stolen property
14 in Count Thirteen of the State's Amended Indictment.

15 Amanda Terry testified that she knew Tonya Trevarthen and
16 had known her for two years. GJT at I:132. She stated that she
17 had been to Trevarthen's house on Cutler, and knew that
18 Trevarthen resided there with Daimon Monroe and their three
19 children. Id. at I:133. Terry noted that she came over to
20 Trevarthen's home on more than one occasion to watch movies and
21 hang out or to pick Trevarthen up to go out. Id. at I:134.
22 Terry stated that Trevarthen had given her some pictures for her
23 house, and instructed Terry that should she ever want to get rid
24 of the pictures, to not sell them, but to give them back to
25 Trevarthen. Id. at I:135-136. Terry said that she later
26 learned that these pictures were stolen. Id. at I:135. These
27 pictures are the alleged stolen property in Count Twenty-Five of
28 the State's Amended Indictment.

EXhibit 2

EX.2

Declaration

Robert Holmes III makes the following declaration:

1. I Robert Holmes III worked at the Binions Horse shoe for 14 years from 1994-2008
2. I Robert Holmes III and my wife Princess Holmes was given a home located at 1109 Virgil St by my Mother, Ernestine Holmes in exchange for me and my wife to buy a home for my Mother in Alabama.
3. I Robert Holmes III and my wife Princess Holmes have 3 homes in Las Vegas Nevada.
4. I Robert Holmes III and my wife Princess Holmes have multiple Equity lines with Wells Fargo One Equity line with ~~the~~ Wa Mu and 2 Direct loans off of the principal of our 1109 Virgilst property.
5. I Robert Holmes III Had 3 Businesses 2 print shops and one production and media company.
6. I Robert Holmes III Did ^{not} Get any money or receive any money from Tanya Tremithen.
7. None of my Lawyers money was ever seized.
8. U.S. Immigration and Metropolitan Police Department alleged that they were the FBI and that they will seize my 3 homes if I don't give them \$145,000 Attorney Sean Sullivan advised me to give him \$70,000 so the FBI would not seize my 3 homes I Gave Sean Sullivan \$70,000 Which was for us to buy my Mother a home in Alabama because she gave us her home.

EX.3

EX.3

9. Wherefore, declarant prays that
the court Return Holmes \$70,000
I declare under penalty of perjury
that the foregoing is true and correct.
Dated this 14 day of May 2012

Respectfully Submitted

By: Robert Holmes III

Robert Holmes, III

P.O. Box 208

Indian Springs, NV

89070

Petitioner, pro pet

EX.3

EX 4

STATEMENT OF FACTS

On September 24, 2006, officers of the Las Vegas Metropolitan Police Department responded to a burglary call at 9837 West Tropicana in Las Vegas, Clark County, Nevada. There they apprehended DAIMON MONROE and BRYAN M. FERGASON in a white Plymouth van with stolen property inside the vehicle.

As a result of search warrants executed at multiple residences and storage units under the control of DAIMON MONROE, BRYAN M. FERGASON, TONYA M. TREVARTHEN, and ROBERT HOLMES, III, collectively referred to as "Claimants," the officers of the Las Vegas Metropolitan Police Department recovered an enormous amount of suspected stolen property. This property was being sold for cash profit.

Between November 2006, and February 2007, U.S. CURRENCY \$281,656.73 was recovered by the Las Vegas Metropolitan Police Department from the actual and/or constructive possession of Claimants DAIMON MONROE, BRYAN M. FERGASON, TONYA TREVARTHEN, and ROBERT HOLMES, III. The circumstances under which the money was recovered indicated that the money represented proceeds attributable to the commission or the attempted commission of multiple felonies as part of a commercial burglary ring, thereby making the money subject to forfeiture.

Further, during one search of the residence located at 1504 Cutler Drive, Las Vegas, Nevada, the officers of the Las Vegas Metropolitan Police Department found \$13,825.00 hidden inside oven mitts. The officers learned of bank accounts under the control of BRYAN M. FERGASON and TONYA M. TREVARTHEN. On November 22, 2006, officers seized \$124,216.36 from BRYAN M. FERGASON's account at Bank of America and \$26,938.64 from TONYA M. TREVARTHEN's account at Bank of America. Additional investigation revealed that TONYA M. TREVARTHEN had been withdrawing large amounts of cash from her accounts. TONYA M. TREVARTHEN provided officers with voluntary admissions regarding where she had spent the money. TONYA M. TREVARTHEN admitted giving large amounts of cash to ROBERT HOLMES, III, and \$70,000.00 was voluntarily surrendered by attorney Sean P. Sullivan, who was representing

EX 4

EX5
EX54

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

EX5

EX. 6

EX. 6

KELLY & SULLIVAN, LTD.
330 SOUTH THIRD STREET
SUITE 990
LAS VEGAS, NV 89101
(702) 385-7270

Invoice submitted to:
ROBERT HOLMES
6177 RISE PINE
LAS VEGAS NV 89110

October 02, 2008

In Reference To: INITIAL FEE \$10,000
2/07 - ADDITIONAL RETAINER \$20,000
CREDIT PER S.P. SULLIVAN - \$5000.00
CLIENT MUST PAY KELLY & SULLIVAN - IMMEDIATELY --
FOR ANY EXPENSES..

Invoice # 11607

	<u>Amount</u>
For professional services rendered	\$30,000.00
Additional Charges :	
	<u>Qty/Price</u>
3/29/2007 FILING FEES	1 101.00
FILING FEE / DISTRICT COURT FEE	101.00
5/22/2007 DISCOVERY	1 50.00
COST OF DISCOVERY	50.00
6/10/2008 DISCOVERY	1 1,252.50
COST OF DISCOVERY / ADDITIONAL BOX	1,252.50
Total costs	\$1,403.50
Total amount of this bill	\$31,403.50
11/28/2006 Payment - thank you	(\$5,000.00)
2/15/2007 Payment - thank you	(\$5,000.00)
2/15/2007 Credit / SPS	(\$5,000.00)
3/12/2007 Payment - thank you	(\$5,000.00)
5/14/2007 Payment - thank you	(\$5,000.00)
Total payments and adjustments	(\$25,000.00)
Balance due	\$6,403.50

EX. 6

EX A

Robert Holmes III ID NO. 1034184

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

LAS Vegas Metropolitan District Court
Police Department Clark County Nevada
State of Nevada
Plaintiff

Plaintiff

v.

U.S. Currency #28165673

Robert Holmes III

Defendant

CASE NO.: 07 A537416

DEPT. NO.: VII

DOCKET: _____

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

COMES NOW, Robert Holmes III in pro se, herein above respectfully
moves this Honorable Court for an Motion to Dismiss Plaintiff's
Motion to Reconsider Court Statistically Closing Case

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

DATED: this 24 day of January, 2012

BY: Robert Holmes III

Robert Holmes III #1034184
Defendant In Proper Personam

EX A

Memorandum of points and Authorities

I. Introduction

Nature of Motion

ON October 29, 2009 the Honorable Judge Douglas E. Smith⁰⁷ Dismissed this instant Forfeiture Case A.5.37416 (With or without Prejudice) on November 23, 2011 the State of Nevada and Metropolitan Police Department who are the plaintiffs in this instant case. The plaintiff's Filed a notice of Motion and Motion to Reconsider Court Statistically closing case. The Final order of Dispositions was that this instant case was Dismissed with or without prejudiced on October 29 2009. Holmes was never sent or served with this 2009 order Dated and stamped Filed October 29, 2009. On November 30, 2011 the Clark County District D.A. Attorney's Office failed to correctly send Holmes a copy of this motion to Holmes correct and true address Southern Desert Correctional Center, P.O. Box 208 Indian Springs, NV 89070. However the Clark County District Attorney's Office legal secretary sent this motion to Reconsider Court Statistically closing case to Holmes Rental address at 2364 Raykanel^{or} Las Vegas NV 89115. Holmes has been Incarcerated since July 15, 2008 the D.A. office should have known this critical mistake which has prejudiced Holmes who has a Due process under the 14th and 5th Amendment in regards to His \$70,000 in currency. soon after Holmes family told Him about this untimely motion that was sent to 2364 Raykanel^{or} Holmes filed a Enlargement of time Motion. The plaintiff has filed a untimely motion that has prejudiced Holmes in this instant forfeiture case.

1 The Nature of this instant Motion is to ask this Honorable
2 Court for this case to stay Dismissed and to ask this Honorable
3 Court for a Dismissal in Regard to Plaintiff's Motion of Motion
4 and Motion to Reconsider Court Statistically Closing Case.
5 This instant Motion is a opposition to Plaintiff's Reconsideration
6 Motion in this Foreiture Case. Holmes was Mistaken By
7 U.S. Immigration and Customs Enforcement (ICE) and Metropolitan
8 Police Department, Lumpd-Repeat Offender Program Retative
9 B. Nickell PH# 4311 Detective P. Francis PH# 3794 Lumpd-Repeat
10 Offender program Retative P. Fielding PH# 3081 Lumpd-
11 U.S. Immigration and Customs Enforcement (ICE) Task Force
12 Special Agent S. Sample U.S. Immigration and Customs Enforcement
13 (ICE) Senior Special Agent J. Karamizyk U.S. Immigration and
14 Customs Enforcement (ICE) Special Agent B. Fulmer
15 U.S. Immigration and Customs Enforcement (ICE) these
16 Federal officer's alleged that they were the FBI
17 and Mistaken Holmes to give them HIS \$70,000
18 Sean Sullivan of Kelly & Sullivan also Mistaken Holmes
19 By stating that the FBI is going to seize Holmes
20 House's. See Exhibit 3 Attached Hereto 1-5-2007 Court Minutes
21 IL. Back Ground

22 On November 29, 2006 U.S. Immigration and Metropolitan
23 Police Department went to Holmes Residence at 6177 Risque⁴
24 alleging to be the FBI. ICE U.S. Immigration and Customs
25 Enforcement (ICE) Threatened Holmes Family By stating
26 that they are going to seize all of Holmes Houses and Property
27 Due to Tenya Trevanthen statements that she alleged that

1 she gave MR Holmes \$145,000 in cash.
2 The Agents then had Holmes wife Princess Holmes
3 call Holmes on his cell phone and Holmes wife told
4 Holmes the FBI stated to her that all 3 of their Houses
5 is going to be seized due to these allegations. Holmes
6 wife then handed the phone to the ICE agent and he stated
7 that he needed to speak in person with Holmes. The ICE
8 Agent who alleged to being the (FBI) stated to Holmes
9 that he would assure Holmes that he would not arrest him.
10 Holmes then called his Attorney Sean P Sullivan and explained
11 to MR Sullivan that the FBI wanted to speak with him
12 and that he needed to go home because the Agents wanted to
13 talk with him in regards to Tonga Trevarthen statement and
14 fake allegations. Holmes told Sean Sullivan that he did not
15 receive any money from Tonga Trevarthen. MR Sullivan told Holmes
16 to stay put and that he would call the agents at Holmes House
17 and see why they were at Holmes House. About 20 minutes later
18 MR Sullivan called Holmes back and stated to Holmes that the
19 FBI is going to seize all 3 of Holmes Houses within 24 hours
20 unless Holmes can come up with some type of money. Holmes then
21 asked Sean Sullivan how can his homes be seized if he never received
22 any money from Tonga Trevarthen Attorney Sean Sullivan then advised
23 Holmes that he needed \$70,000 in cash and he stated the FBI
24 can seize all of your homes until they get to the bottom
25 of these allegations. Sean Sullivan then assured Holmes if you
26 turn this \$70,000 over to the FBI I will get your \$145,000
27 back after this case is resolved. ICE did not have a warrant.

1 ON November 30, 2006 Holmes met his Attorney Sean Sullivan
2 at the 7th store on W. Oakey and gave Sean his
3 \$70,000. Holmes then followed his Attorney Sean to 4750
4 W. Oakey the Federal FBI Building. When Holmes
5 entered the FBI Building MR Sean Sullivan already
6 had Holmes \$70,000 in cash. MR Sullivan advised Holmes
7 to sit down and stay put then MR Sullivan went into
8 the back office for about 30 minutes then MR Sullivan
9 returned and stated to Holmes the FBI is going to come
10 out here and speak to you about your \$70,000 Do not speak
11 Just listen and we will get your money back. SEE Exhibit 1
12 Las Vegas Metropolitan Police Department Officer's Report
13 Attached Hereto which shows U.S. Immigration and Customs (I.C.E.)
14 Task Force and Iumped Repeat offender program SEE Exhibit
15 2 Holmes sentencing Transcript for case 228752 December 30, 2008
16 The Honorable Judge Bell stated they caught Tenger Tienkhen
17 in Texas pg 2 IN 20 and IN 17 when Metro went to seize
18 the money out of the Bank amounts of MR Monroe, \$145,000
19 of it was unaccountable the court and the state is clearly
20 stating Metro ^{and} not I.C.E. at FBI. SEE Exhibit 3 Attached Hereto
21 Criminal Minutes 1-5-07 pg 3 MR Sullivan Argued Holmes
22 Never admitted to taking the money Further argued Holmes
23 Had equity line's opened prior to all of this MR Sullivan
24 Further Argued Holmes was advised all of his homes and
25 Property would be seized and counsel advised Holmes to
26 give what ever money he had to Metro and the FBI.
27 Additionally, MR Sullivan argued Deft Holmes has provided

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

III. ARGUMENT

Holmes is Entitled To Return

Of His \$70,000

Because Holmes was Mislead By

I ce, Metro and Attorney Sean Sullivan

To Give them His \$70,000 under false pretense

Holmes Did not have a Federal Case.

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

and the state and Metropolitan Police Department

Reconsideration motion should be Denied Due to being

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

althoug titled a motion for Reconsideration pursuant to

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

receipt of Notice of Contested Order. Because Motion

was Filed after 10-day Deadline Motion should have

been Dismissed, this is 2 years later that this motion

has been Filed for Reconsideration this is untimely

Clint Hurt + Assoc. v. Silver State Oil & Gas Co. 11/1/94

1084, 901 p.2d 703 (1995).

Final and Unreviewable on Appeal due to expiration

of period within which to file Appeal. Also the state

Failed to send Defendant Holmes This Reconsideration

Motion to the correct address See EX 15 Attached

Herein: Stamp file Envelope addressed 2364 Regtavel²⁰ LUNN SP15

Holmes is currently in prison at some Southern Desert Court. CHL.
PO Box 208 Indian Springs NV 89070. Also see Exhibit 16 attached
Here to Las Vegas Metropolitan Police Department & The
State's Notice of Motion and Motion to Reconsider Court
statistically closing case 07 A537416 see pg 3 Certificate of
Mailing which shows Holmes Rental address 2344 Parkway Dr
Las Vegas NV 89115 also see pg 2 which states on November 23, 2011
While checking the status of the criminal case motion scheduled
for November 23, 2011, and the forfeiture case, it was discovered
that on October 29, 2009 the Honorable Douglas E. Smith
had the forfeiture case A537416 Dismissed (with or without
prejudice) Also see Exhibit 17 attached Here to Order
To Statistically close case Final Dispositions
Filed Date October 29, 2009 Order signed By the
Honorable Judge Douglas E. Smith. ICE and Metro
Did not have legal authority to seize Holmes \$70,000
Holmes did not have a Federal Case Holmes had been on
His Job at the Binion's Horseshoe for 14 years and
Holmes had two printing businesses Holmes can
prove His \$70,000 was legal. His and it was His
lead By ICE, Metro and His Attorney Sean Sullivan.
One Day after Sean Sullivan, Attorney Kevin Kelly
Had a Meeting with Holmes. Kevin Kelly asked Sean
Why Did you advise Holmes to Give you \$70,000
When he did not even have a Federal Case MR Kevin Kelly
was very Mad that Sean advised Holmes to Give Him \$70,000
in Cash. MR Kelly went on to say that there is certain
procedures that FBI has to do before they can just seize Holmes
properties.

1 IV. Conclusion

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

7 Dated this day of January 2012

8 By: Robert Holmes III

9 Robert Holmes III

Exhibit 1

EX-1

EX-1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
OFFICER'S REPORT

EVENT # 061129-1719

Tonya Trevarthen Interview and
Crime Proceeds Seizure Investigation

SUBJECT

DIVISION REPORTING: Investigative Services DIVISION OF OCCURRENCE: Investigative Services

DATE AND TIME OCCURRED: 11/29/06; 1400hrs LOCATION OF OCCURRENCE: 6177 Risepine Ct Las Vegas, NV 89110

Suspect Involved: Holmes, Robert III (aka "Bobby")
DOB-07/13/70
SS# 283-65-9804
ID# 876216
6177 Risepine Ct LVN 89110

Other Suspects: Monroe, Daimon (aka Hoyt, Dalmon)
DOB-06/28/66
SS# 530-43-2091
ID# 715429
1504 Cutler Drive LVN 89117

Trevarthen, Tonya
DOB-10/23/60
SS# 588-87-1411
ID# 1760548
1504 Cutler Drive LVN 89117

Law Enforcement Personnel: Detective B. Nickell P# 4311
LVMPD - Repeat Offender Program

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

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

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

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

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

Date and Time of Report: 11/30/08; 1436hrs Officer: Detective B. Nickell P#: 4311

Approved: _____ Officer: _____ P#: _____

LVMPD 82 (REV. 8/01) - AUTOMATED WFP 12

SIGNATURE: B. Nickell

EX-1

EX-1

EX-1

EXHIBIT 11
11/21/08

EX 1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/Event Number: 061129-1719

Page 2 of 3

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

Details:

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

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

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

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

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

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

On 11/29/06, Detective Fielding, Special Agent S. Samplio, Senior Special Agent J. Kramarczyk and I went to Holmes' residence at 6177 Risepine to speak with him. We were greeted at the door by Holmes' wife, Princess Holmes, DOB-03/31/71. Princess told us that Holmes was not there and let us into the house to speak with her. Princess put me into telephone contact with Robert Holmes and I told him that we were at his house to speak with him and we were not there to arrest him. I asked Holmes to come home so we could talk. Holmes agreed and said he would be there in 20 minutes.

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

EX 1

EXHIBIT 11 11/21/08

EX 1

Exhibit

Grown

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/Event Number: 061129-1719

Page 3 of 3

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

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

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

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

DETECTIVE B. NICKELL P# 4311
REPEAT OFFENDER PROGRAM

Exhibit

EX 1

Exhibit 1

Ground 2

FILED

APR 12 2 56 PM '07

CLERK OF THE COURT

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

DISTRICT COURT
CLARK COUNTY, NEVADA

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

AMENDED ANSWER

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

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

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

FIRST CAUSE OF ACTION

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

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

Exhibit 1

Exhibit 1)

Ground 2)

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 11th day of April, 2007.

17 KELLY & SULLIVAN, LTD.

18 By: [Signature]

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

Exhibit 1

Exhibit 1

Ground 2

STATE OF NEVADA)
COUNTY OF CLARK) ss.

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

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

Robert Holmes III
ROBERT HOLMES, III

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

Arleen Viano
NOTARY PUBLIC

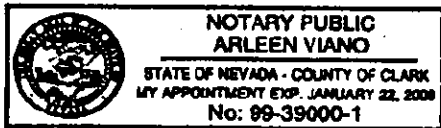


Exhibit 1

Exhibit 11 }
119

COPY

TRAN EX 2

DISTRICT COURT
CLARK COUNTY, NEVADA

12-30-11 11:15 AM '09
Clerk of the Court

STATE OF NEVADA,

Plaintiff,

vs.

ROBERT HOLMES,

Defendant.

CASE NO. C228752

DEPT. VII

BEFORE THE HONORABLE STEWART L. BELL,

DISTRICT COURT JUDGE

TUESDAY, DECEMBER 30, 2008

TRANSCRIPT OF SENTENCING

APPEARANCES:

For the State:

SANDRA DIGIACOMO
Deputy District Attorney

For Defendant:

KIRK KENNEDY, ESQ.

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

EX 2

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

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

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

6 MR. KENNEDY: No.

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

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

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

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

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

22 MRS. DIGIACOMO: Right.

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

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

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

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

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

5 THE COURT: Okay.

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

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

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

19 THE COURT: Mr. Kennedy.

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

22 THE COURT: Don't worry about it.

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

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

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

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

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

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

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

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

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

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

3 THE COURT: Mr. Kennedy.

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

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

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

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

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

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

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

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

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

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

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

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

24 THE COURT: It was.

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

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

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

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

9 THE COURT: You certainly may --

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

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

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

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

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

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

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

6 Count I - 12 months Clark County Detention Center.

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

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

9 How much time served?

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

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

13 MRS. DIGIACOMO: He was remanded --

14 THE COURT: he was remanded.

15 MR. KENNEDY: July 15th.

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

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

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

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

21 MRS. DIGIACOMO: Well, I --

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

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

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

CRIMINAL COURT MINUTES

06-C-228752-C . STATE OF NEVADA

vs Holmes, Robert

CONTINUED FROM PAGE: 001

01/04/07 09:30 AM 00 ALL PENDING MOTIONS (1/4/07)

HEARD BY: Michelle Leavitt, Judge; Dept. 12

OFFICERS: April Watkins, Court Clerk
Thelma Stapley, Reporter/RecorderPARTIES: STATE OF NEVADA
006955 Di Giacomo, Marc P.0001 D1 Monroe, Daimon
008152 Lasso, Albert N.0002 D Trevarthen, Tonya
007797 Lord, Jonathan J.0003 D Fergason, Bryan
008435 Dustin, Cynthia L.0004 D Holmes, Robert
004768 Sullivan, Sean P.Y
Y
Y
Y
Y
Y
Y
Y

See MINUTES for Defendant 0001: Monroe, Daimon

01/05/07 02:00 PM 00 SOURCE HEARING

HEARD BY: Michelle Leavitt, Judge; Dept. 12

OFFICERS: April Watkins, Court Clerk
Thelma Stapley, Reporter/RecorderPARTIES: STATE OF NEVADA
006204 Digiacomo, Sandra0004 D Holmes, Robert
004768 Sullivan, Sean P.Y
Y
Y
Y

Mr. Sullivan advised the balance of the bond is \$137,000.00 which is being posted at this time. Deft. sworn and testified. Further, Mr. Sullivan bond is arranged through Bail Bonds Unlimited who has posted an additional \$35,000.00 bond on Deft's other charges. Additionally, bond company is willing to accept and pay the bond while Deft. makes payments on the remainder balance. Colloquy. Mr. Sullivan stated \$7,500.00 is currently being posted by the bond company for the bond in the amount of \$137,000.00. Deft. advised he put up one of three homes for collateral as well and advised the money is coming from a equity line of credit. Court noted documents have been provided as to the equity line and stated it does not indicate any dates of withdrawal of the money. Mr. Sullivan argued there is plenty of equity in the home. Deft. stated he bought home five years ago

CRIMINAL COURT MINUTES

06-C-228752-C STATE OF NEVADA

vs Holmes, Robert

CONTINUED FROM PAGE: 00

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

BOND

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

EX 3

EX 3

My Bank
statements
+
Line
of credits



Customer Service: 888.800.8738
TDD for the hearing impaired: 711 for relay assistance
Monday - Friday: 9:00 am - 6:00 pm PT, Saturday: 9:00 am - 2:00 pm PT
Visit us online at wamu.com

EX4

16433 / 100

→ Your WaMu Equity Plus® Statement

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

March 13, 2009 through April 11, 2009

→ Your Messages

This billing statement is for your records only. Your Auto Pay Draft Date is May 06, 2009.

Line of Credit (Variable Rate)

→ Account Summary

Approved Credit Limit	\$94,100.00
Available Credit	\$0.00
Ending Principal Bal.	\$94,090.17

→ Account Info

Account No.	0737315390
Visa Card No.	*****4845
Loan Maturity Date	Feb 07, 2037
Current Interest Rate	4.210%
Final Payoff Amount	Call 888.800.8738

→ Payment Info

Payment Due Date	May 06, 2009
Current Payment Amount	\$325.57
Past Due	\$0.00
Other Fees	\$80.63
Total Now Due	\$406.20

→ Statement Activity

Effective Date	Description	Transaction Total	Principal Balance
03.13.09	BEGINNING PRINCIPAL BAL.		\$94,090.17
04.06.09	Payment Recd-Thank You	\$336.44	\$94,090.17
	Interest Payment	\$336.44	
04.11.09	ENDING PRINCIPAL BAL.		\$94,090.17

→ FINANCE CHARGES

Number of Days in Billing Cycle	Average Daily Balance	Daily Periodic Rate	CORRESPONDING ANNUAL PERCENTAGE RATE	Periodic FINANCE CHARGES
30	\$94,090.17	0.0115342%	4.210%	\$325.57
Total Periodic Rate FINANCE CHARGES:				\$325.57
Total FINANCE CHARGES used in ANNUAL PERCENTAGE RATE:				\$325.57
ANNUAL PERCENTAGE RATE:				4.210%

*Federal Regulations require that we include any loan/cash advance fees or other FINANCE CHARGES in the ANNUAL PERCENTAGE RATE (APR) calculation during the month in which this charge appears on your statement. As a result, the ANNUAL PERCENTAGE RATE may be higher than the CORRESPONDING ANNUAL PERCENTAGE RATE. Federal Regulations require that we blend each periodic rate into one ANNUAL PERCENTAGE RATE whenever there is more than one periodic rate applied within a given billing cycle.

7781 8831 VDU 001 07 090411 PAGE 1 of 1 COLR1512 16433



WaMu Equity Plus Payment Coupon

Princess V Tejero-Holmes
Please write your account number on your check and make the check payable to Washington Mutual
Changed your address or telephone number? Please complete the form on the back or call 888.800.8738

WASHINGTON MUTUAL
PO BOX 78065
PHOENIX AZ 85062-8065
|||||

Account No.	Payment Due Date	Total Amount Due
0737315390	May 06, 2009	\$406.20
Current Payment Due		\$325.57
Past Due (Disregard if already paid)		\$0.00
Other Fees		\$80.63
Total Amount Now Due		\$406.20
Additional Principal Amount		\$
Total Amount Enclosed		\$
To avoid a late charge of \$16.27 Make sure that payment is received by May 21, 2009		

00000073731539000000003255700000001627000000406209

EX4

Account Statement

Statement Date: August 31, 2007

Page 1 of 5

1771167 1998

4,941

(CO650)

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

Customer Service

Telephone
888-667-6059

Online Banking
www.wellsfargo.com

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

Do not send payment to this address

Payments

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

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

EquityLine with FlexAbilitySM

Robert Holmes III
Princess V. Holmes

Account Number: 650 1771167 1998

Activity summary

Approved line of credit

Credit in use:

Line 650 1771167 1998

Total credit in use

Available credit

Beginning balance owed**

Ending balance owed**

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

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

\$34,000.00

\$33,894.47

\$33,894.47

\$105.53

\$34,173.63

\$34,173.63

Exhibit

EX5

EX5



*0A5CN0311006*88101105101011*

(24)

Exhibit ~~13~~
6

for ground

WELLS
FARGO

Account Statement

Statement Date: August 31, 2007

'age 1 of 4

SU 2121778 1998

12.469

(CO650)

H H C H A D E R S T I N G L I N O U S B L O O K F I T A N D B O O K

ROBERT HOLMES III

PRINCESS V. HOLMES

6177 RISEPINE CT

LAS VEGAS NV 89110-1810

Customer Service

Telephone
822-667-8059

Online Banking
www.wellsfargo.com

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

Do not send payment to this address

Payments

By mail
Wells Fargo Bank, N.A.
P O Box 54788
Los Angeles, Ca 90054-0788

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

EquityLine with FlexAbility™

Robert Holmes III

Princess V. Holmes

Account Number: 650 2121778 1998

Activity summary

Approved line of credit

\$18,700.00

Credit in use:

\$18,679.84

Line 650 2121778 1998

\$18,679.84

Total credit in use

\$20.16

Available credit

\$18,838.49

Beginning balance owed**

\$18,838.49

ending balance owed**

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

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

Exhibit ~~111~~

EX 6



#0892H031100275010110410101010

Exhibit 7

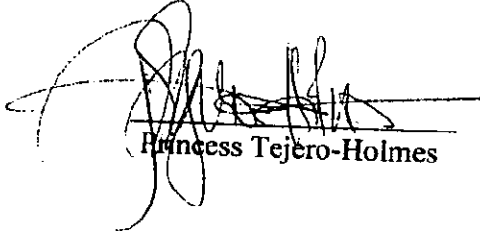
Handwritten marks and initials in the top right corner.

Dear your honor,

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

Ex 7

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


Princess Tejero-Holmes

State of NV County of Clark
Signed before me on this 3 day
of Oct by Princess Tejero
Notary Public Ana Hernandez



Dear Judge,

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

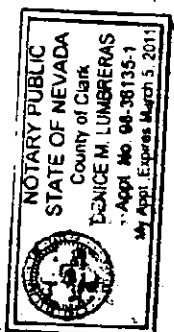
Now this was to take place in 2007 when I turned 62 years old. I gave my son the house. He took out loans on the house. That was given to him by me and my husband.

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

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

x Ernestine Holmes

Notary Public
x Denise M. Lumberras



To: Judge
from: Robert Holmes Jr.

Re: Robert Holmes III

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

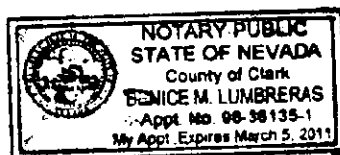
from this girl. Robert was advised by his former lawyer Sean Sullivan to give Metro and the F.B.I. the money for my wifes house in Alabama.

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

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

X Robert Holman III

Notary Public
Benice M. Lumberras



Dear your Honor,

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

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

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

This money is ~~supposed to be~~ my son in law mother's that supposed to buy his mother a house in Alabama, because his mother

EX10

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

Thankyou
Mrs. Lily V. Tejro

State of NV County of Clark
Signed before me on this 3 day
of 03 2008 by Lily Tejro
Notary Public Ana Hernandez



EX10

Exhibit 11

Ground

Activity detail

Deposits

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

Withdrawals

Other withdrawals

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

Daily balance summary

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

Exhibit 11

Continued on next page

EX11

Account Statement
June 28 through July 28, 2005

Account Number: 768-0688079
Page 1 of 3

Exhibit 12

Ground 1

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

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

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

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

There is no fee for this service.

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

Activity summary

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

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

Exhibit 12

EX 12

June 28 through July 28, 2005

Account Number: 768-0688079

Page 2 of 3

Exhibit 13

Activity detail

Deposits

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

Withdrawals

Checks

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

Other withdrawals

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

Exhibit 13

EX 13

(126)
EX 14

EX 14

Exhibit
14

1 THE COURT: For what?

EX 14

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

4 THE COURT: And, Mr. DiGiacomo?

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

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

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

Exhibit
14

EX 14

EX/14

Exhibit 14

Ron Grewer 133
David L. Ladd

T. J. Ladd 133

1 got to him, and he gave up the other \$70,000 in cash through Mr. Sullivan. But he
 2 still owes \$75,000 in stolen property and apparently has some sort of agreement
 3 with the FBI to return that \$75,000 in cash that was transferred to him out of Mr.
 4 Monroe's bank account, Judge.

*Never ~~and~~ received any money
 from Tonya or Damien Monroe Hest*

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

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

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

Exhibit 14

-16-

EX/14

EX/14

EX/14

EX/14

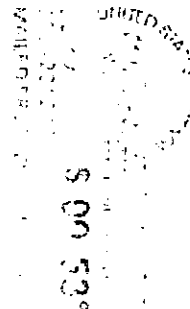
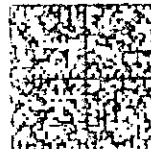
EX 15



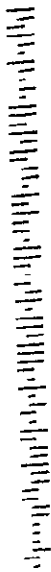
DAVID ROGER, District Attorney
Office of the District Attorney
200 LEWIS AVENUE
P.O. BOX 552212
LAS VEGAS, NV 89155-2212

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

PRESORTED
FIRST CLASS



146 JRDEN 1 89155



EX 15

Alvin L. Lamm
CLERK OF THE COURT

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

DISTRICT COURT
CLARK COUNTY, NEVADA

11 LAS VEGAS METROPOLITAN POLICE
12 DEPARTMENT,

Plaintiff,

13 vs.

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

15 Defendant.

Case No. 07A537416

Dept No. VIII

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

18 DATE OF HEARING: _____

19 TIME OF HEARING: _____

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

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

27 ///

28 ///

EX/16

NOTICE OF HEARING

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

DATED this 30th day of November, 2011

DAVID ROGER
DISTRICT ATTORNEY
Nevada Bar #002781

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

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

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

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

DATED this 30th day of November, 2011

DAVID ROGER
DISTRICT ATTORNEY
Nevada Bar #002781

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

EX 17 *over*

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ORDR

ORIGINAL

FILED

OCT 29 2009

Atty. Gen.
CLERK OF COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE

CASE NO.: 07A537416

DEPT

DEPARTMENT 8

VS

U S CURRENCY \$281,656.73

07A537416
493381



ORDER TO STATISTICALLY CLOSE CASE

Upon review of this matter and good cause appearing,

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

DISPOSITIONS:

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

FINAL DISPOSITIONS:

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

DATED this 28th day of October, 2009.

D. E. Smith

DOUGLAS E. SMITH
DISTRICT COURT JUDGE

EXHIBIT " 2 "

CLERK OF THE COURT

RECEIVED

OCT 29 2009

EX 17

EX 17

AFFIDAVIT OF Robert Holmes III

State of Nevada

SS:

County of Clark

I, Robert Holmes III, being first duly

sworn, deposes and says:

1. I am the defendant in Eighth Judicial

District Court Forfeiture Case at A537416

2. I was misled by (ICE) U.S. Immigration and Customs

Metropolitan Police Department and Attorney Sean Sullivan

from Kelly and Sullivan Law Office which I was told

that ICE was the (FBI) and my 3 Homes would be

seize if I don't give them \$75,000 in cash. I gave

Sean P. Sullivan \$75,000 in cash which this money

was suppose to be used to buy my mother a home

in Phoenix because she gave me and my wife her

home in exchange, we took out loans on our home

so we could buy my mother Ernestine Holmes a home

when she was to retire at 62. Sean Sullivan advised

me that he will get my \$75,000 back which he never

did, my wife Princess Holmes is still making

payments to our Equity loans, and line of credits.

Exhibit 18

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3. Due to misleading me and alleging
that the (FBI) was going to seize my 3 horses
If it had not been for these ^{lies} false allegations
I would not have given Sean Sullivan and
I or my \$75,000.

Executed at Southern Desert Correctional
Center under penalty of Perjury Pursuant to
28 USC 1746 on this 30th day of January
2012

By: Robert Holmes III
Robert Holmes III

Robert Holmes III ID NO. 1034124

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

District Court

Las Vegas Metropolitan
Police Department
State of Nevada
Plaintiff

Clark County Nevada

v.
U.S. Currency # 281,656,73
Robert Holmes III
Defendant

CASE NO.: 07 A537416

DEPT. NO.: VII

DOCKET: _____

Supplement to Motion to Dismiss

Plaintiff's Motion to Reconsider Court Statistically
Closing Case

COMES NOW, Robert, Holmes III in pro se, herein above respectfully
moves this Honorable Court for an Supplement to Motion to Dismiss
Plaintiff's Motion to Reconsider Court Statistically
Closing Case

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

DATED: this 30 day of January, 2012

BY: Robert Holmes III

Robert Holmes III # 1034124
Defendant In Proper Personam

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

1 for Reconsideration pursuant to 39(1c) N.B.C.F.
2 must be filed within 10 days after receipt of
3 notice of corrected order. Clint Hurt + ASSAULT V.
4 Silver State Oil + Gas CO v. N.W. 1086, 901 P.2d 303 (1995)
5 Metropolitan Police Department and (I.C.E.) U.S. Immigration
6 and Customs Enforcement (I.C.E.) conspired and
7 alleged to being the (F.B.I.) and threatened to seize
8 all of Holmes 3 Houses and property. Unless Holmes
9 Give them \$75,000 Which Holmes Attorney
10 Sean P. Sullivan advised and conspired also with
11 I.C.E. and Metropolitan Police Department advising
12 Holmes that the FBI is going to seize all 3 of Holmes
13 House's within 24 hours unless Holmes Give them \$75,000
14 Which Holmes was misled under false pretense.
15 Holmes Finally Gave His \$75,000 to Sean P. Sullivan
16 Which Holmes told his Attorney that he did not
17 receive any money from Tanya Trevaathan, Holmes was
18 advised by Sean Sullivan that He would get Holmes
19 \$75,000 back after the FBI got to the Bottom of this.
20 Holmes Did not at any time have a Federal case.
21 Holmes's Attorney knew, to seize Holmes 3 House's the FBI
22 Has certain procedures that they have to follow and Sean also
23 knew that these Agents were not the FBI.
24 Holmes was misled and coerced by Mr. Sean Sullivan
25 to Give Him his \$75,000 Which was done under false pretense.
26
27
28

1 In addition to the ^{argued} issues argued in
2 Legal Argument of Holmes Motion to Dismiss Plaintiff's
3 Motion to Reconsider Court Statistically Closing Case
4 (A) Supplement to Holmes Argument in Motion
5 to Dismiss Plaintiff's Motion to Reconsider Court
6 Statistically Closing Case The Court is Without
7 Jurisdiction And Legal Authority to Grant
8 the State's Reconsider Motion Due to the State's
9 Untimely Filed Motion, Which was Filed 2 Years
10 after the Honorable Judge Dismissed this instant
11 Case on October 29, 2009. Pursuant to 58(e) N.R.P.
12 Reconsider Motion must be Filed within 10 days after
13 Receipt of Notice of Contested Order.
14 Holmes is entitled to ^{his} Back Due to Metro
15 Tax and the state did not have a Right to Holmes
16 Stance Under the 14th Amendment and the 5th Amendment
17 Due process Holmes is asking this Honorable Court
18 for his Due process Under the 14th and 5th Amendment
19 Prior to this Holmes had been Employed with
20 the Binion's Horse Show for 14 Years, and Holmes
21 Wife Princess Holmes is still Employed at the
22 Planet Hollywood, and Holmes wife is currently
23 making payments on their house to their
24 Equity lines and lines of credits there is
25 absolutely no evidence that Holmes Received any
26 Money from Tonya Teller.

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

EXC

Robert Holmes III I.D. NO. 1034134
Southern Desert Correctional CTN.
20825 Cold Creek Rd.
P.O. Box 208
Indian Springs, NV 89018

Please send
Stamp File Copy

District Court
Clark County Nevada

Las Vegas Metropolitan

Police Department

State of Nevada

Plaintiff

VS

U.S. Currency \$231,636.73

Robert Holmes III

Defendant

Case No: 07 A537416

Dept. No. VII

Docket: _____

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

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

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

Dated: this ____ day of ____ 2012

EV D

By Robert Holmes III

Robert Holmes III

1034134

(IN VIOLATION OF DEFENDANT 3rd AND 14th AMENDMENTS RIGHTS DUE PROCESS)
MEMORANDUM OF POINTS AND AUTHORITIES

This second supplement is made and based upon all papers and pleadings on file in this case and the following grounds and supporting facts.

Nature of Motion

On December²² Holmes mailed off his motion for enlargement of time to respond to plaintiff's motion to reconsider court statistically closing case. Holmes mailing certificate of service dated December 22, 2011. The motion was filed with the clerk of the court January 3, 2012 ^{see EX 19} in regards to Holmes asking the Honorable District Court for a enlargement of time of 90 days before the order granting plaintiff's motion to reconsider dated January 19, 2012. Holmes motion for enlargement of time was to be heard February 6, 2012 ^{see EX 20} the District Court granted the states motion to reconsider before Holmes enlargement of time motion was ever heard by the District Court and Holmes motion was filed January 3, 2012 and was put on calendar 2-21-2012 at 8^{AM} Court ordered matter continued for 2-21-2012 see EX 21 also see EX 23 Court's order granting plaintiff's motion to reconsider statistically closing case see EX 23 Date of Hearing 1-9-2012 Date motion was granted 1-19-2012 also see EX 22 Opposition To Claimants Motion

(Supplement To Grand 3 Legal Argument)

(C) Stay was granted by the Honorable Judge Bell May 17, 2007 until plea or trial of the criminal case was resolved this stay shall be automatically lifted and the forfeiture proceeding was to resume. see EX 24

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

(10)

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

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

(D) This instant forfeiture case on October 29, 2009 after all cases were resolved stay was automatically lifted see EX. 24 also see EXS 25 and 26 attached Here to the Criminal case C208321 was Resolved August 29, 2005 see EX. 25 attached Here to.

The state filed Notice of Motion to Reconsider Court Statistically Closing Case. 11-30-2011 see EX 16 attached to Defendants Motion to Dismiss Plaintiff's Motion to Reconsider court Statistically Closing case.

Civil procedures Rules (59 E).

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

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

Plaintiff's fail to sight
Case Law to support
their claims in their
opposition.

Plaintiff's opposition is not
supported by any case law
See EX 22. see Rule (59 E).
and (60 B).

CERTIFICATE OF SERVICE BY MAILING

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

Dr. Ofc David Lopez
300 Lewis Avenue
Las Vegas, Nevada 89155

CC: FILE

DATED: this 22 day of December, 2011.

Robert Holmes III
Robert Holmes III # 123456
/In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

EX 19

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Motion For Enlargement of Time
(Title of Document)

filed in District Court Case number 07 AS37416

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

-OR-

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

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

(State specific law)

-or-

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

Robert Holmes III
Signature

12-22-2011
Date

Robert Holmes III
Print Name

Pro Se
Title

Robert Holmes III #1034124
S.D.C.C. PO Box 208
Indian Springs NV 89070
in proper person

FILED

JAN 3 12 41 AM '12

John S. Quinn
CLERK OF THE COURT

District Court
Clark County, Nevada

Las Vegas Metropolitan
Police Department
Plaintiff

Case No. 07 A537416

Dept No. VIII

VS

U.S. Currency #281,656.73
Defendant

Notice of Motion

Please Take Notice That a Hearing of Motion for 'S

" ENlargement of Time Motion "

CHAMBERS

Will be heard on 6 day of February 2012, at 10:00 am/pm in

Department _____

Dated: this 22 day of December, 2011

Submitted by: Robert Holmes III

Robert Holmes III 1034124
in proper person

07A537416
NOTM
Notice of Motion
1732704



EX20

CLERK OF THE COURT

DEC 30 2011

RECEIVED

Robert Holmes III ID NO. 1034184

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

District Court
Clark County, Nevada

Las Vegas Metropolitan
Police Department
Plaintiff

U.S. Currency #281,656.73

Defendant

CASE NO.: 07 A537416

DEPT. NO.: VIII

DOCKET:

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

COMES NOW, Robert Holmes III in pro se. Real party, herein above respectfully
moves this Honorable Court for an Enlargement of time of 90 days
Due to District Attorney's office failing to send notice
of Motion and Motion to the correct address Certificate of Mailing
Shows Defendant Rental address Defendant is currently at SDEC
This Motion is made and based upon the accompanying Memorandum of Points and

Authorities,

DATED: this 22 day of December, 2011

BY: Robert Holmes III

Robert Holmes III # 1034184
Defendant In Proper Personam

EX 20

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

07A537416

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 06, 2012

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

February 06, 2012	3:00 AM	Motion	Defendant's Motion for Enlargement of time to Respond to Plaintiff's Motion to Reconsider Court Statistically Closing Case
-------------------	---------	--------	--

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED to hearing calendar.

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

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

PRINT DATE: 02/08/2012

Page 1 of 1

Minutes Date: February 06, 2012

EX 21


CLERK OF THE COURT

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

DISTRICT COURT
CLARK COUNTY, NEVADA

12 LAS VEGAS METROPOLITAN POLICE
13 DEPARTMENT,

Plaintiff,

-vs-

CASE NO: 07A537416

DEPT NO: VII

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

15 Defendant.

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

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

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

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

27 ///

28 ///

EX 22

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

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

7 DATED this 21st day of February, 2012.

8 Respectfully submitted,

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

12 BY /s/ T J MOREO

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

16 **CERTIFICATE OF MAILING**

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

21 /s/ Jessica Daniels

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

28 LVMPD EV#060924-0418/jd


CLERK OF THE COURT

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

DISTRICT COURT
CLARK COUNTY, NEVADA

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

13 Plaintiff,

14 -vs-

CASE NO: 07A537416

DEPT NO: VIII

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

16 Defendant.

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

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

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

22 ///

23 ///

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EXHIBIT " 1 "

EX 23

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

3
4 RA
5 DISTRICT JUDGE RA

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

9 BY

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

FILED

MAY 18 12 45 PM '07

Chaf
CLERK OF THE COURT

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

DISTRICT COURT
CLARK COUNTY, NEVADA

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

Plaintiff,

-vs-

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

Defendant.

Case No. A537416
Dept No. VII

ORDER GRANTING MOTION FOR STAY
OF FORFEITURE PROCEEDINGS

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

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 ///

\\FORFEIT\ORDERS\2007\060924-0418MONROE, FERGASON, HOLMES (Clmt's order lifting stay).doc

FX 24


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

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

6 DATED this 17 day of May, 2007.

7
8 STEWART C. BELL
9 DISTRICT JUDGE

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

14 
15 RANDALL F. WEED
16 Chief Deputy District Attorney
17 Nevada Bar #000082

18
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28 LVMPD EV#060924-0418/cm

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TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

INFORFEITORDERS2007060924-0418MONROE, FERGASON, HOLMES (Ch

2

JUN 13 2010


CLERK OF THE COURT

EV 077

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

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

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

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

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

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

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

22
23
24 BY

David Roger

DAVID ROGER
DISTRICT ATTORNEY
Nevada Bar #002781

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

27 DA#06F18594A, B/mb
28 LVMPD EV#0609240418; 0609240427
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

William L. Johnson
CLERK OF THE COURT

P:\WPDOCS\NFW\1859402.DOC

EX 25

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

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

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

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

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

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

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

22
23
24 BY

SANDRA K. DIGIACOMO
Deputy District Attorney
Nevada Bar #006204

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

27 DA#06F18594A, B/dd

LVMPD EV#0609240418; 0609240427

28 CONSP; BURG; GL; PSP; PBT - GM/524-10
(TK8)

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

[Signature]
CLERK OF THE COURT

P:\WP\DOCS\UNP61\61859402.DOC

EX 26

Robert Holmes III #1034424
 Southern Desert Correctional CTM
 20825 Cold Creek Rd.
 P.O. Box 208
 Indian Springs, NV 89013

District Court
 Clark County Nevada

Las Vegas Metropolitan

Police Department

State of Nevada

Plaintiff

VS

U.S. Currency #28,656.73

Robert Holmes III

Case No: 07 A537416

Dept. No. VII

Docket

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

EX D

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 EX 1

The state is stating all these Amended Judgment of convictions for each one of these cases which has no barren on the Honorable Judge Bell Stay order which the Honorable Judge strictly states 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 cases 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 Holmes
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 Cases were Resolved and/or
Entered pleas, all of these cases 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 lns 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 Dagnano
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

Chief Clerk
CLERK OF THE COURT

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiff,

-vs-

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

Defendant.

Case No. A537416
Dept No. VII

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

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

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 ///

\\FORFEIT\ORDERS\2007\060924-0418\MONROE, FERGASON, HOLMES (Clint's order lifting stay) doc

EX 1

EX/

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

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

6 DATED this 17 day of May, 2007.

7

8

STEWART L. BELL
DISTRICT JUDGE

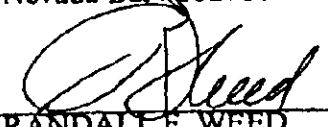
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10

11 DAVID ROGER
12 DISTRICT ATTORNEY
13 Nevada Bar #002781

14

15


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

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LVMPD EV#060924-0418/cm

INFORFEITORDERS2007060924-0418MONROE, FERGASON, HOLMES (Ch
2

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

7 
8 Secretary for District Attorney's Office

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Event No.060924-0418/cm

EX 2

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**

23
24
25
26 DA#06F18594A, B/mb
27 LVMPD EV#0609240418; 0609240427
28 CONSP; BURG; GL; PSP; PBT - GM/F
(TK8)

5-24-10
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DOCUMENT ATTACHED IS A PROGRAM FILES\NEVIA.COM\DOCUMENT\CONVERTER\TEMP145248-197493.DOC
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE
C. H. Williams
CLERK OF THE COURT

EX 2

EX 3

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ORDER

ORIGINAL

FILED

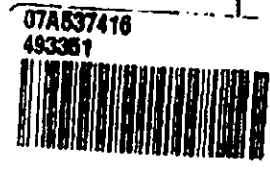
OCT 29 2009

[Signature]
CLERK OF COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE
DEPT
VS
U S CURRENCY \$281,656.73

CASE NO.: 07A537416
DEPARTMENT 8



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.

[Signature: Douglas E. Smith]

DOUGLAS E. SMITH
DISTRICT COURT JUDGE

EXHIBIT " 2 "

RECEIVED
061 29 2009
CLERK OF THE COURT

EX 3

EX 4

Electronically Filed
11/30/2011 06:35:05 AM


CLERK OF THE COURT

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

DISTRICT COURT
CLARK COUNTY, NEVADA

10 LAS VEGAS METROPOLITAN POLICE
11 DEPARTMENT,

Plaintiff,

Case No. 07A537416

12 vs.

Dept No. VIII

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

14 Defendant.

15
16 NOTICE OF MOTION AND MOTION TO RECONSIDER COURT
17 STATISTICALLY CLOSING CASE

18 DATE OF HEARING: _____

19 TIME OF HEARING: _____

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

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

27 ///

28 ///

EX 4

EX5

Electronically Filed
03/05/2012 01:08:45 PM


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

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

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.

23 ///

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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 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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DATED this 5th day of March, 2012.

STEVEN B. WOLFSON
DISTRICT ATTORNEY
 Nevada Bar #001565

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

1 CERTIFICATE OF MAILING

2 I hereby certify that service of the NOTICE OF MOTION AND MOTION TO 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 _____
19 Jessica Daniels, Legal Secretary
20 Clark County District Attorney's Office
21
22
23
24
25
26
27

28 LVMPD EV#060924-0418/jd

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 relating 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} ~~the~~ 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 (ICE) are the
one's to have alleged as being the (FBI).

Executed at Southern Desert Correctional
center under penalty of perjury pursuant
to 28 USC. E 1746. ON this 11th day of March
2012.

By: Robert Holmes III
Robert Holmes III

1 Robert Holmes III ID NO. 1034184

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

FILED

APR 16 2012

Ann L. Blum
CLERK OF COURT

6 District Court
7 Clark County Nevada

8 Las Vegas Metropolitan
9 Police Department

10 State of Nevada
11 Plaintiff

12 v.
13 US. Currency \$281,656.73

14 Robert Holmes III

15 Defendant

CASE NO.: 07 A537416

DEPT. NO.: VII

DOCKET: _____

16 Reply to Response to opposition
17 To Motion to Lift Stay

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
27 Defendant In Proper Personam

RECEIVED
APR 16 2012

1 Outwaives 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 " " " " " " " " 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 \$79,000 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 \$79,000 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 prejudiced Holmes By illegally filing a Reconsider

Motion which is untimely under Rules (59e) and (60B). Had Holmes filed a Reconsideration 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 Claimant 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 Darion Maume 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 Burren 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 4th Amendment ^{Rights} Violation.

this was a conspiracy and extortion plot with Metropolitan
Police Department and (ICE) U.S. Immigration and Customs
and Sean P. Sullivan Holmes Attorney which gave (ICE)
and Metropolitan Police Department Holmes \$70,000
who 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
who Holmes was told was the FBI ^{and} not ICE or Metro.
Fraudulent conduct was performed and entertained by ICE
and Metropolitan ^{Police} Department under this false pretense
under these conspiracy acts by Metropolitan Police Department
and (ICE) 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
Bao 1034184

CERTIFICATE OF SERVICE BY MAILING

1
2 I, Robert Holmes III, hereby certify, pursuant to NRCF 5(b), that on this
3 day of April, 20 12, I mailed a true and correct copy of the foregoing, "Reply to
4 Response to opposition to Lift Stay"
5 by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
6 addressed as follows:

7
8 District Attorney Office
9 DA STEVE WALSON
10 200 Lewis Avenue
11 Las Vegas, Nevada 89155
12
13
14

15
16
17 CC FILE

18
19 DATED: this 6 day of April, 2012.

20
21 Robert Holmes III
22 Robert Holmes III # 1034134
23 /In Propria Personam
24 Post Office box 010-1100 208 SDCU
25 Indian Springs, Nevada 89018
26 IN FORMA PAUPERIS:
27
28

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

1 APPL

2 NAME

3 ADDRESS

4 CITY, STATE, ZIP CODE

5 TELEPHONE

6 IN PROPER PERSON

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 *Las Vegas Metropolitan*
10 *Police Department*

11 Plaintiff,

12 vs.

13 *U.S. Currency*
14 *#281,656.73*
15 *Robert Holmes III*
16 Defendant

Case No.: *07A537416*

Dept. No.: *VIII*

17 **APPLICATION TO PROCEED IN FORMA PAUPERIS**
18 (Filing Fees/Service Only)

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

FILED

JUN 07 2012

John L. Blum
CLERK OF COURT

07A537416

PIFP

Application to Proceed in Forma Pauperis
1868782



AFFIDAVIT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, Robert Holmquist, after being duly sworn, depose and state as follows:

I wish to file with this Court the pleading submitted with this Application. I cannot pay the filing fees and costs of this action because I lack sufficient income, assets, or other resources. Including myself, there are 2 adults and 3 children age(s) 8, 9, 17 in my household.

My total monthly income is: _____

From all sources including employment, self-employment, social security, child support, etc

\$ 0

Any other household income from another member of the household is

\$ 0

My employer is None in Prison located at _____
None, my job title is None

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

Automobile	Value	Loan Balance
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
YEAR, MAKE, AND MODEL		
Mobile Home, House or Other Real Estate		
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
SIZE, TYPE, AND YEAR		
Bank Accounts	Value	Loan Balance
<u>None</u>	\$ <u>0</u>	\$ <u>0</u>
NAME OF BANK AND TYPE OF ACCOUNT		
<u>None</u>	\$ <u>0</u>	\$ <u>0</u>
NAME OF BANK AND TYPE OF ACCOUNT		
Other		
<u>None</u>	\$ <u>0</u>	\$ <u>0</u>
DESCRIPTION		

1 NA \$ 0 \$ 0
 2 NA \$ 0 \$ 0

3 The following represents my total monthly expenses:
 4

5	Rent or Mortgage	<u>0</u>	\$ <u>0</u>
6	Phone, Gas, Electricity, and Other Utilities	<u>0</u>	\$ <u>0</u>
7	Food	<u>0</u>	\$ <u>0</u>
8	Child Care	<u>0</u>	\$ <u>0</u>
9	Insurance	<u>0</u>	\$ <u>0</u>
10	Medical	<u>0</u>	\$ <u>0</u>
11	Transportation	<u>0</u>	\$ <u>0</u>
12	Other: Auto Insurance	<u>0</u>	\$ <u>0</u>
13	None	<u>0</u>	\$ <u>0</u>
14	TOTAL MONTHLY EXPENSES	<u>0</u>	\$ <u>0</u>

15 I request the Court hold a hearing on this Application if the Court is inclined to deny
 16 same, so that I may testify as to my indigent status. I declare under penalty of perjury
 17 that the foregoing is true and correct.

18 Robert Holmes III
 19 Signature
 20
 21
 22
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 26
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 28

SDCC

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

RCUD INBANK*12MAY15

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

8 Las Vegas Metropolitan Police
9 Department
10 State of Nevada Plaintiff,
11 vs.
12 U.S. Currency \$281,656.73
13 Robert Holmes III
14 Defendant.

Case No. 07 A537416
Dept. No. VIII
FINANCIAL CERTIFICATE
(On Motion for Leave to
Proceed in Forma Pauperis)

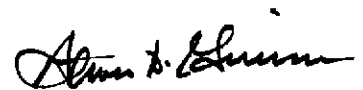
14 I, hereby certify that the Plaintiff named herein above has the sum of \$ 1.13
15 account to his credit at the facility where said Plaintiff is confined.

16 I further certify that the Plaintiff likewise has the following securities to hi
17 according to the records of said facility:

18 \$200.00 in SAVINGS
19 _____
20 _____

21 DATED: this 16 day of May, 2012.

23 SPATI
24 **NEVADA DEPARTMENT OF CORRECT**
25 **Inmate Services Accountant**



CLERK OF THE COURT

OPPS

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

**PLAINTIFF'S OPPOSITION TO MOTION
TO STRIKE SUMMARY JUDGMENT**

DATE OF HEARING: 08/07/12
TIME OF HEARING: 8:00 a.m.

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 Opposition to the Motion to Strike Summary Judgment filed by Claimant Daimon Monroe, aka Daimon Devi Hoyt.

On May 11, 2012, Claimant DAIMON MONROE, aka Daimon Devi Hoyt, filed a Notice of Motion and Motion to Strike Summary Judgment by Plaintiff.

///

///

///

It is Plaintiff's assumption that the Motion to Strike Summary Judgment was filed as Claimant's response and/or opposition to Plaintiff's Motion for Summary Judgment. However it is unclear because the issues raised in Claimant's Motion do not address any of the factual issues set forth in the Motion for Summary Judgment. Claimant's Motion references numerous allegations that were either resolved at trial or at the Supreme Court level and have no basis on the civil forfeiture proceedings.

Therefore, the Claimant's Motion to Strike Summary Judgment should be denied.

DATED this 7th day of June, 2012.

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

BY /s/ T J MOREO
THOMAS J. MOREO
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
Claimant in Proper Person

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

/s/ Jessica Daniels
Jessica Daniels, Legal Secretary
District Attorney's Office

LVMPD EV#060924-0418/jd

OPI
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

FILED

JUN 11 2012

John J. Johnson
CLERK OF COURT

07A537416
OPI
Order for Production of Inmate
1872543



DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE)
DEPARTMENT,)

Plaintiff,)

vs.)

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

Defendant.)

Case No. 07A537416

Dept No. VIII

ORDER FOR PRODUCTION OF INMATE
ROBERT HOLMES, BAC #1034184

DATE OF HEARING: August 7, 2012
TIME OF HEARING: 8:00 A.M.

TO: BRIAN E. WILLIAMS, SR., Warden
Southern Desert Correctional Center;

TO: DOUGLAS C. GILLESPIE,
Sheriff of Clark County, Nevada

Upon the ex parte application of THE STATE OF NEVADA, Plaintiff, by STEVEN B. WOLFSON, District Attorney, through THOMAS J. MOREO, Chief Deputy District Attorney, and good cause appearing therefor,

IT IS HEREBY ORDERED that BRIAN E. WILLIAMS, Sr., Warden of the Southern Desert Correctional Center shall be, and is, hereby directed to produce ROBERT HOLMES, aka Robert Holmes, III, in Case No. 07A537416, for a hearing on Motion for Summary Judgment wherein THE STATE OF NEVADA is the Plaintiff, inasmuch as the said

I:\FORFEIT\ORDERS\2012\060924-0418 HOLMES ORDER TRANSPORT.DOC

1 ROBERT HOLMES, aka Robert Holmes, III, is currently incarcerated in the Southern
2 Desert Correctional Center located in Indian Springs, Nevada and his presence will be
3 required in Las Vegas, Nevada commencing on August 7, 2012, at the hour of 8:00 o'clock
4 A.M. and continuing until completion of the hearing on the Motion for Summary Judgment.

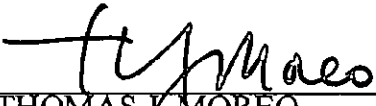
5 IT IS FURTHER ORDERED that DOUGLAS C. GILLESPIE, Sheriff of Clark
6 County, Nevada, shall accept and retain custody of the said ROBERT HOLMES, aka Robert
7 Holmes, III, in the Clark County Detention Center, Las Vegas, Nevada, pending completion
8 of said matter in Clark County, or until the further Order of this Court; or in the alternative
9 shall make all arrangements for the transportation of the said ROBERT HOLMES, aka
10 Robert Holmes, III, to and from the Southern Desert Correctional Center facility which is
11 necessary to ensure that ROBERT HOLMES', aka Robert Holmes, III, appearance in Clark
12 County pending completion of said matter, or until further Order of this Court.

13 DATED this 8~~77~~ day of June, 2012.

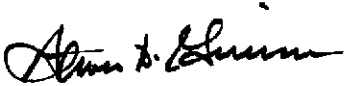
14
15 
DISTRICT JUDGE 

16
17 STEVEN B. WOLFSON
18 DISTRICT ATTORNEY
Nevada Bar #00156

19
20 BY


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

21
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25
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27
28 LVMPD EV#060924-0418/jd


CLERK OF THE COURT

1 **AFOM**
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

DISTRICT COURT
CLARK COUNTY, NEVADA

9 LAS VEGAS METROPOLITAN POLICE
10 DEPARTMENT,

Plaintiff,

CASE NO: 07A537416

-vs-

DEPT NO: VIII

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

Defendant.

AFFIDAVIT OF MAILING

16 STATE OF NEVADA)
17 COUNTY OF CLARK)ss:

18 Jessica Daniels, being first duly sworn deposes and says that she is the affiant herein,
19 and was when the herein described mailing took place, a citizen of the United States, over
20 21 years of age, and not a party to, nor interested in the within action; that on the 12th day
21 of June, 2012, your affiant deposited in the Post Office located in Las Vegas, Clark County,
22 Nevada, a copy of Notice of Motion and Motion for Summary Judgment *and* Plaintiff's
23 Opposition to Motion to Strike Summary Judgment enclosed in a sealed envelope,

24 ///

25 ///

26 ///

27 ///

28 ///

1 certified, return receipt, upon which first class postage was fully prepaid, addressed to:
2 TONYA TREVARTHEN, 1409 Hermitage Drive, Round Rock, Texas 78681-1924 and
3 TONYA TREVARTHEN, 807 David Curry Drive, Round Rock, Texas 78664 and that there
4 is a regular communication by mail between the place of mailing and the place so addressed.

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

6
7 Executed on 06/12/12
8 (date)

/s/ Jessica Daniels

Jessica Daniels, Legal Secretary
District Attorney's Office

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28 LVMPD EVENT #060924-0418/jd

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

phase
send
stamp
file FILED

JUN 14 2012

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

John L. Blum
CLERK OF COURT

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

12 vs.

13 U.S. Currency \$281,656.73
14 Robert Holmes III
15 Defendant.

07A537418
NOAS
Notice of Appeal
1074472



Case No. 07A537418

Dept. No. VIII

Docket _____

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 Claimant's opposition to plaintiff's motion for summary judgment

22
23 ruled on the 5 day of June, 20 12.

24
25 Dated this 11 day of June, 20 12.

26 RECEIVED

27 JUN 14 2012

28 CLERK OF THE COURT

Respectfully Submitted,

Robert Holmes III

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

CONFIDENTIAL

RECEIVED
JUN 11 2012
SDCC LAW LIBRARY

8910138300

POST CLASS 45
187049
06/12/2012
2044

ZIP 89101
011D12602491

Steven D. Brierson
Clerk of the Court
200 Lewis Avenue 3rd floor
Las Vegas Nevada 89155-1160

|||||

SOUTHERN DESERT
CORRECTIONAL CENTER

JUN 12 2012

OUTGOING
MAIL

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

FILED

JUN 14 2012

Alvin S. Johnson
CLERK OF COURT

IN THE Eighth JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF Clark

Metropolitan Police Department
State of Nevada

Plaintiff,

vs.

U.S. Currency #2216225
Defendant.

Robert Holmes III

CASE No. 07 A537416

DEPT. No. VIII

DESIGNATION OF RECORD ON APPEAL

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

07A537416
DROA
Designation of Record on Appeal
1874480



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 11 day of June, 20 12.

RESPECTFULLY SUBMITTED BY:

Robert Holmes III
Robert Holmes III # 1034184

Plaintiff/In Propria Persona

RECEIVED

JUN 14 2012

CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

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

District Attorney's Office
D.R. Steve Wolfson
200 Lewis Avenue
Las Vegas Nevada 89155

CC:FILE

DATED: this 11 day of July, 2012.

Robert Holmes III 1234184
Robert Holmes III # 1234184
/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 _____

Claimant's opposition to plaintiff's motion for summary judgment
(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 Hobbs III
Signature

6-11-2012
Date

Robert Hobbs III
Print Name

Pro Se
Title

FILED

JUN 19 2012

John L. Blum
CLERK OF COURT

1 ASTA

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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
1877277



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: Summary Judgment

7 11. Previous Appeal: Yes

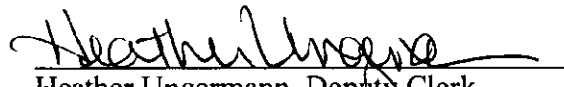
8 Supreme Court Docket Number(s): 60547, 60809

9 12. Child Custody or Visitation: N/A

10 13. Possibility of Settlement: Unknown

11 Dated This 19 day of June 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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44

please
FILED
Stamp File
JUN 21 8 59 AM '12

1 APPL

2 Robert Holmes III
NAME

3 SPCC PO BOX
4 ADDRESS

5 208 Indian Springs Nevada
CITY, STATE, ZIP CODE

Ann. L. Johnson
CLERK COURT

6 TELEPHONE

7 IN PROPER PERSON

DISTRICT COURT
CLARK COUNTY, NEVADA

10 Las Vegas Metropolitan
11 Police Department

12 Plaintiff,

13 vs.


Case No.: 07A537416

14 U.S. Currency \$28,144.73

Dept. No.: VIII

15 Robert Holmes III

16 Defendant

07A537416
OIFP
Order to Proceed In Forma Pauperis
1814567


17 ORDER TO PROCEED IN FORMA PAUPERIS
18 (Filing Fees/Service Only)

19 Upon consideration of Defendant's Application to Proceed in Forma
20 Pauperis and it appearing that there is not sufficient income, property, or resources with
21 which to maintain the action and good cause appearing therefore:

22 IT IS HEREBY ORDERED,

23 1. That Defendant, Robert Holmes III, shall be permitted to proceed In
24 Forma Pauperis with this action as permitted by NRS 12.015.

25 2. That Robert Holmes III shall proceed without the prepayment costs or
26 fees or the necessity of giving security, and the Clerk of the Court may file or issue any
27 necessary writ, pleading or paper without charge.

28 3. That the Sheriff or other appropriate officer within this State shall make
personal service of any necessary writ, pleading or paper without charge.

RECEIVED

JUN 21 2012

CLERK OF THE COURT

RECEIVED

JUN 06 2012

CLERK OF THE COURT

© Clark County Civil Resource Center
Civil-IFP Costs/Fees

ALL RIGHTS RESERVED
u:\CRC\fee_waiver\packet_8\ordfeewaiver_0501.wpd

2

4. That if the Defendant, Robert Holmes III, prevails in this action, the Court shall enter an Order pursuant to NRS 12.015 requiring the opposing party to pay into the court, within five (5) days, the costs which would have been incurred by the prevailing party, and those costs must then be paid as provided by law.

IT IS HEREBY ORDERED that _____'s request to waive fees and costs is **DENIED** for the following reason:

A. _____ The Party is not indigent.

B. _____ Other: _____

DATED this 19 day of June, 2012

[Signature]
DISTRICT COURT JUDGE JTB

Respectfully submitted by:

[Signature]
Signature

Robert Holmes III
PRINT NAME

SDCC PO. Box 208
ADDRESS

Indian Springs Nevada
CITY, STATE, ZIP CODE

TELEPHONE _____

IN PROPER PERSON

Pro Per

Please send
me file stamp
copy

D. Mon Roq
Pro Per

FILED

JUN 22 2012

District Court Clark County, Nevada

Case No. 07AS37176

Dept No. V.11

Date of hearing 08/07/12

Time of Hearing 8:00 AM

- 1.)
- 2.) L.V.M.P.D.
- 3.) -VS- Plaintiff
- 4.) ~~D. Mon Roq~~
- 5.) U.S. Currency
- 6.) 281,656.73
- 7.) Defendant
- 8.)

Defendants Motion to Strike
Plaintiffs motion to ~~Opposition~~

To Strike Summary Judgment

- 10.) First I Am Completely amazed By MR. Moreo's
- 11.) Response. There was No denying what I said was
- 12.) true, He in fact said I didnt Answer the motion
- 13.) he Presented. This is in fact wrong and outrageous.
- 14.) Without the Criminal case this case would not
- 15.) Be Before the court, So without Stewart Bell, Sandra
- 16.) digiacomo, Brad Wickell's Fraudulently Making Sealed
- 17.) warrants and Back dating them this money
- 18.) would Not Be Before this court. MR Moreo has
- 19.) Submitted documents on the Criminal Proceedings
- 20.) in order to take this money, So I'm not understanding
- 21.) How he Bringing the truth about how this money
- 22.) was illegally taken dont address this. This
- 23.) Court Knows once a Person is incarcerated it's
- 24.) difficult to prove there side, and this is a very
- 25.) Unique Situation. Myself, MR. Holmes, MR
- 26.) Ferguson Can Prove Beyond a doubt that this
- 27.) legally obtained money By the defendants
- 28.) was Illegally taken. And Crimes where

07AS37176
MSTR
Motion to Strike
1882622



RECEIVED

JUN 21 2012

CLERK OF THE COURT

515

2

- 1.) To cover up making fraudulent documents.
- 2.) Pursuant to NRS 179.335 Return of illegally
- 3.) Seized property we will seek full return. These
- 4.) Fraudulent Search warrants that can be proven
- 5.) thru computer entries, pictures, documents and
- 6.) interrogatories and thru and only thru discovery
- 7.) in which all defendants can use this courts
- 8.) Sup-eon Power can prove that this money was
- 9.) illegally taken from Mr. Holmes, myself, and
- 10.) Mr. Ferguson. Why would I not address this issue.
- 11.) These are crimes committed by officials in
- 12.) the court system and absolutely affected
- 13.) the criminal proceedings as well as the civil.
- 14.) But for these fraudulent documents this money
- 15.) would never of been taken from its right full
- 16.) owners who legally obtained it. Being in the hole
- 17.) with no law library, no access to anyone or anything
- 18.) How without this going to discovery can any of us prove
- 19.) our case. we have a right to prove this. But for
- 20.) These illegal actions which can be proven this
- 21.) money would not be in front of you. Even if this
- 22.) money is taken from us, it absolutely will have
- 23.) to be returned after the F.B.I, who are
- 24.) involved arrest these persons. But this
- 25.) is a substantial amount of money this court

③

- 12) Knows the Restraints inmates have on obtaining
- 21) Evidence and what we have to have is a discovery
- 31) Process that allows us to prove our case that
- 41) The money was illegally taken by fraudulent warrants
- 51) Why, I don't see a not allowing us this right. And
- 61) These are crimes and I would expect any court or
- 71) D.A. to check out these facts which I have presented
- 81) to assure that crimes are not and have not been
- 91) committed in these courts. This money was legally
- 101) owned and obtained by all defendants. And but
- 111) for the fraudulent warrants, the threats, the
- 121) perjured testimony and other crimes, no one
- 131) would be in prison and this money which was
- 141) illegally taken wouldn't be here. All we want
- 151) is a fair hearing in which we can prove our
- 161) side of the case, and since the money was
- 171) absolutely taken illegally and the fact
- 181) we can prove this. And in the course of
- 191) that prove corruption denied us our freedom
- 201) and the property they gave away and that they
- 211) actually went after people's families and
- 221) used inmates to cover this up. It seems to
- 231) me if the courts are really after justice
- 241) they would help in this effort, not only
- 251) because we have the right to prove our side
- 261) of the case but in the name of justice.
- 271) As it stands without going into discovery
- 281) where we can ask interrogatories and

1.) Supena these documents How can we from
 2.) here Produce anything. We must have the courts
 3.) Supena power to Be able to obtain these
 4.) documents and to Prove our case why MR.
 5.) MOREO wouldn't want that is mind Baffling
 6.) IF he truly wants Justice. This money was
 7.) and is the defendants who legally EARNED
 8.) and obtained it and it was illegally
 9.) taken By officials who made fraudulent
 10.) documents to take it; and we must Be
 11.) permitted to Prove this in the name
 12.) OF Justice and Fairness. this court needs
 13.) To dismiss plaintiffs summary Judgment, and allow us discovery.
 14.) Where For Defendant MOREO pray's this court
 15.) dismiss Plaintiff's summary Judgment, and opposition.
 16.) ~~to~~ defendant pray this court allow this to go to discovery
 17.) so defendants can reasonably defend there case thru this
 18.) Courts Supena power This is a true and accurate to
 19.) the Best of my ABILITY Pursuant to: NRS 171.102

20.)

NRS. 208.165 Dated June 18.

21.)

Daimon 2012

22.)

Daimon MOREO

23.) I hereby Certify I sent a true copy to

24.) District Court VII

please give a copy

25.) 200, Lewis Ave

TO MR MOREO I don

26.) 155 Vegas, WY 89101

have any more Stamp

27.)

Thank you.

28.)

O. Monroe #38229

P.O. Box 650

HD-5-P

Indian Springs, Nev, 89020

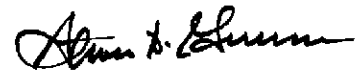
Hand
S-File
P.O. Box
650

To: County Clerk
Regional Justice Center
200 Lewis Ave

Las Vegas, Nev, 89101



Clerk Please
Send me File Stamped
copies.



CLERK OF THE COURT

OPI
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

ORDER FOR PRODUCTION OF INMATE
DAIMON MONROE, BAC #38299

DATE OF HEARING: August 7, 2012
TIME OF HEARING: 8:00 A.M.

TO: DWIGHT NEVEN, Warden
High Desert State Prison;

TO: DOUGLAS C. GILLESPIE,
Sheriff of Clark County, Nevada

Upon the ex parte application of THE STATE OF NEVADA, Plaintiff, by STEVEN B. WOLFSON, District Attorney, through THOMAS J. MOREO, Chief Deputy District Attorney, and good cause appearing therefor,

IT IS HEREBY ORDERED that DWIGHT NEVEN, Warden of the Southern Desert Correctional Center shall be, and is, hereby directed to produce DAIMON MONROE, aka Daimon Devi Hoyt, in Case No. 07A537416, for a hearing on Motion for Summary Judgment wherein THE STATE OF NEVADA is the Plaintiff, inasmuch as the said

1 DAIMON MONROE, aka Daimon Devi Hoyt, is currently incarcerated in the High Desert
2 State Prison located in Indian Springs, Nevada and his presence will be required in Las
3 Vegas, Nevada commencing on August 7, 2012, at the hour of 8:00 o'clock A.M. and
4 continuing until completion of the hearing on the Motion for Summary Judgment.

5 IT IS FURTHER ORDERED that DOUGLAS C. GILLESPIE, Sheriff of Clark
6 County, Nevada, shall accept and retain custody of the said DAIMON MONROE, aka
7 Daimon Devi Hoyt, in the Clark County Detention Center, Las Vegas, Nevada, pending
8 completion of said matter in Clark County, or until the further Order of this Court; or in the
9 alternative shall make all arrangements for the transportation of the said DAIMON
10 MONROE, aka Daimon Devi Hoyt, to and from the High Desert State Prison facility which
11 is necessary to ensure that DAIMON MONROE, aka Daimon Devi Hoyt, appearance in
12 Clark County pending completion of said matter, or until further Order of this Court.

13 DATED this 14th day of June, 2012.

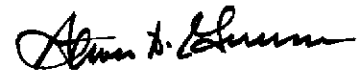
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15 
DISTRICT JUDGE 

16
17 STEVEN B. WOLFSON
18 DISTRICT ATTORNEY
Nevada Bar #00156

19
20 BY 

21 THOMAS J. MOREO
22 Chief Deputy District Attorney
23 Nevada Bar #002415
24
25
26
27
28

LVMPD EV#060924-0418/jd



CLERK OF THE COURT

SEAN P. SULLIVAN, ESQ.
SEAN P. SULLIVAN, P.C.
Nevada Bar # 4768
330 S. Third Street, #990
Las Vegas, Nevada 89101
(702) 385-7270
(702) 385-7282-fax
SeanSullivanPC@yahoo.com
Attorney for Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

* * *

LAS VEGAS METROPOLITAN POLICE)
DEPARTMENT,)

Plaintiff,)

vs.)

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

Defendant.)

Case No. A537416

Dept. No. VIII

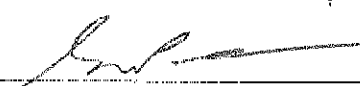
ORDER TO WITHDRAW

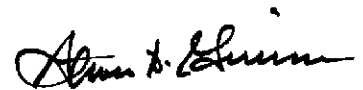
This matter having come on for hearing before the above Court on the 22nd day of September, 2008 on the Motion of SEAN P. SULLIVAN, ESQ. to withdraw as counsel for the Defendant, ROBERT HOLMES III, there being no opposition to said Motion, and the Court being fully advised and good cause appearing therefore,

IT IS HEREBY ORDERED that the Motion to Withdraw be, and the same hereby is, granted.

DATED this 20 day of June, 2012.

SEAN P. SULLIVAN, P.C.


DISTRICT COURT JUDGE
SEAN P. SULLIVAN, ESQ.
330 S. Third Street, #990
Las Vegas, Nevada 89101



CLERK OF THE COURT

OPI
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

ORDER FOR PRODUCTION OF INMATE
BRYAN M. FERGASON, BAC #59427

DATE OF HEARING: August 7, 2012
TIME OF HEARING: 8:00 A.M.

TO: DWIGHT NEVEN, Warden
High Desert State Prison;

TO: DOUGLAS C. GILLESPIE,
Sheriff of Clark County, Nevada

Upon the ex parte application of THE STATE OF NEVADA, Plaintiff, by STEVEN B. WOLFSON, District Attorney, through THOMAS J. MOREO, Chief Deputy District Attorney, and good cause appearing therefor,

IT IS HEREBY ORDERED that DWIGHT NEVEN, Warden of the Southern Desert Correctional Center shall be, and is, hereby directed to produce BRYAN M. FERGASON, aka Bryan Michael Fergason, aka J.B., in Case No. 07A537416, for a hearing on Motion for Summary Judgment wherein THE STATE OF NEVADA is the Plaintiff, inasmuch as the

1 said BRYAN M. FERGASON, aka Bryan Michael Fergason, aka J.B., is currently
2 incarcerated in the High Desert State Prison located in Indian Springs, Nevada and his
3 presence will be required in Las Vegas, Nevada commencing on August 7, 2012, at the hour
4 of 8:00 o'clock A.M. and continuing until completion of the hearing on the Motion for
5 Summary Judgment.

6 IT IS FURTHER ORDERED that DOUGLAS C. GILLESPIE, Sheriff of Clark
7 County, Nevada, shall accept and retain custody of the said BRYAN M. FERGASON, aka
8 Bryan Michael Fergason, aka J.B., in the Clark County Detention Center, Las Vegas,
9 Nevada, pending completion of said matter in Clark County, or until the further Order of this
10 Court; or in the alternative shall make all arrangements for the transportation of the said
11 BRYAN M. FERGASON, aka Bryan Michael Fergason, aka J.B., to and from the High
12 Desert State Prison facility which is necessary to ensure that BRYAN M. FERGASON's,
13 aka Bryan M. Fergason, aka J.B., appearance in Clark County pending completion of said
14 matter, or until further Order of this Court.

15 DATED this 27TH day of JUNE, 2012.

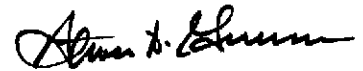
16
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18 DISTRICT JUDGE 

19 STEVEN B. WOLFSON
20 DISTRICT ATTORNEY
21 Nevada Bar #00156

22 BY 
23

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

LVMPD EV#060924-0418/jd



CLERK OF THE COURT

MOTN
LAW OFFICE OF CYNTHIA DUSTIN, LLC
Cynthia L. Dustin, Esq.
Nevada State Bar No. 8435
324 South 3rd Street, Suite 1
Las Vegas, Nevada 89101
(702) 382-0905

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

MOTION TO WITHDRAW AS COUNSEL

COMES NOW, CYNTHIA L. DUSTIN, ESQ., attorney of record for BRYAN M. FERGASON, and hereby files the instant motion to withdraw as attorney of record. This motion is made and based upon the attached Points and Authorities, the declaration of Cynthia L. Dustin, the papers and pleadings on file herein, together with the arguments of counsel to be heard at the time of the hearing on this matter.

DATED this 6th day of July, 2012.

LAW OFFICE OF CYNTHIA DUSTIN, LLC.

By 

CYNTHIA L. DUSTIN, ESQ.
Nevada State Bar No. 8435
324 South 3rd Street, Suite 1
Las Vegas, Nevada 89101
Attorney for Defendant

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NOTICE OF MOTION

TO: STEVEN B. WOLFSON
THOMAS M. MOREO, Chief Deputy District Attorney,
District Attorney's Office
200 Lewis Avenue
Las Vegas, NV 89155
Counsel for Plaintiff

TO: BRYAN M. FERGASON (BAC# 96803)
High Desert State Prison
PO Box 650
Indian Springs, NV 89070

YOU AND EACH OF YOU will please take notice that a **MOTION TO WITHDRAW AS COUNSEL** will come on for hearing before the above-entitled Court on the 23 day of JULY, 2012, at the hour of 8:00 a.m. in Department #VIII.

DATED this 6th day of July, 2012.

By /s/ Cynthia L. Dustin

CYNTHIA L. DUSTIN, ESQ.
Nevada State Bar No. 8435
324 South 3rd Street, Suite I
Las Vegas, Nevada 89101
Attorney for Defendant

POINTS AND AUTHORITIES

Eighth Judicial District Court Rule 7.40 provides that counsel may be changed only by order of the court upon written motion. Counsel for Mr. Bryan Fergason hereby seeks an order allowing her to withdraw from representing the defendant in the instant case based upon Mr. Fergason filing post-conviction proceedings, challenging the undersigned's representation of Mr. Fergason in the underlying criminal case, case no. C228752. Case C228752 is directly at issue in the instant proceeding, as it is from that case that much, if not all, or the property at issue came from. As Mr. Fergason has filed action contending that the undersigned was ineffective in her representation of him, and that matter is still pending in district court, counsel has a conflict with continuing to represent Mr.

1 Fergason in the instant matter.

2 For these reasons, the undersigned can no longer continue in representing Mr. Fergason,
3 therefore, counsel seeks an order from this Court allowing her to withdraw from representing Mr.
4 Fergason any further in this case.

5 Based on the foregoing, counsel respectfully requests that this Court allow her to withdraw
6 from representing Mr. Fergason in the instant case. Notice of the instant motion has been provided
7 by way of US Mail to the Defendant at his last known address of High Desert State Prison, PO Box
8 650, Indian Springs, NV 89070.
9

10 DATED this 17 day of July, 2012.

11 LAW OFFICE OF CYNTHIA DUSTIN, LLC.

12
13 By 

14 CYNTHIA L. DUSTIN, ESQ.

15 Nevada State Bar No. 8435

16 324 South 3rd Street, Suite 1

17 Las Vegas, Nevada 89101

18 Attorney for Defendant

19 **DECLARATION OF CYNTHIA L. DUSTIN**

20 CYNTHIA L. DUSTIN, under penalties of perjury does hereby declare:

21 1. That I am a licensed attorney practicing law in the State of Nevada and that I represent
22 BRYAN FERGASON in the above-entitled case.

23 2. That I have personal knowledge of the facts contained in this Declaration and am
24 competent to testify as to those facts.

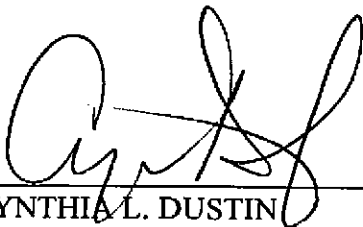
25 3. That your Delarant's representation of Mr. Fergason has become an issue in the
26 underlying case, as Mr. Fergason has filed a post-conviction petition for writ of habeas corpus, saying
27 that he was denied his Sixth Amendment right to effective representation by your Declarant not
28

1 providing him with adequate counsel.

2 4. That the last known address of Mr. Ferguson is High Desert State Prison, PO Box
3 650, Indian Springs, NV 89070, where he is serving time on two separate cases.

4 5. No delay in the proceeding of this case should be caused by this Court's granting of
5 counsel's motion to withdraw.

6 FURTHER, your decalarant sayeth not.

7 
8
9 CYNTHIA L. DUSTIN

10
11 **CERTIFICATE OF SERVICE**

12 Pursuant to NRCP 5(b) and EDCR 1.14, I hereby certify that service of the foregoing
13 **MOTION TO WITHDRAW AS COUNSEL** was made this date by:

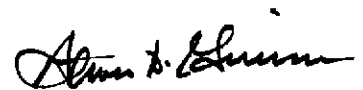
14 U.S Mail to:

15 STEVEN B. WOLFSON
16 THOMAS M. MOREO, Chief Deputy District Attorney,
17 District Attorney's Office
18 200 Lewis Avenue
19 Las Vegas, NV 89155
Counsel for Plaintiff

20 BRYAN M. FERGASON (BAC# 96803)
21 High Desert State Prison
22 PO Box650
Indian Springs, NV 89070

23 DATED this 6th day fo July, 2012

24
25 /s/ Cynthia L. Dustin
26 An Employee of LAW OFFICE OF CYNTHIA DUSTIN, LLC
27
28



CLERK OF THE COURT

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

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

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

12 Plaintiff,

13 -vs-

CASE NO: 07A537416

DEPT NO: VIII

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

15 Defendant.

16 **AFFIDAVIT OF MAILING**

17 **STATE OF NEVADA**)
18)ss:
19 **COUNTY OF CLARK**)

20 Jessica Daniels, being first duly sworn deposes and says that she is the affiant herein,
21 and was when the herein described mailing took place, a citizen of the United States, over 21
22 years of age, and not a party to, nor interested in the within action; that on the 7th day of
23 August, 2012, your affiant deposited in the Post Office located in Las Vegas, Clark County,

24 ///

25 ///

26 ///

27 ///

28 ///

1 Nevada, a copy of Notice of Motion and Motion for Summary Judgment enclosed in a sealed
2 envelope, upon which first class postage was fully prepaid, addressed to: BRYAN M.
3 FERGASON, (BAC#96803), High Desert State Prison, P.O. Box 650, Indian Springs, NV
4 89070-0650 and that there is a regular communication by mail between the place of mailing
5 and the place so addressed.

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

7
8 Executed on 08/07/12
9 (date)

/s/ Jessica Daniels

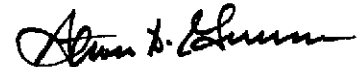
Legal Secretary
District Attorney's Office

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28 LVMPD EVENT #060924-0418/jd

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

Electronically Filed
08/16/2012 10:45:15 AM


CLERK OF THE COURT

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 LAS VEGAS METROPOLITAN POLICE
11 DEPARTMENT,

11 Plaintiff,

12 -vs-

CASE NO: 07A537416

DEPT NO: VIII

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

15 Defendant.

16 **ORDER RE HEARING HELD AUGUST 7, 2012**

17 THIS MATTER having come on for hearing on the 7th day of August, 2012, on
18 Plaintiff's Motion for Summary Judgment and Claimant DAIMON MONROE's, aka
19 Daimon Devi Hoyt, Motion to Strike Summary Judgment by Plaintiff; the Court having
20 reviewed all documents and good cause appearing;

21 ///

22 ///

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27 ///

28 ///

1 IT IS HEREBY ORDERED that Claimant's, DAIMON MONROE, aka Daimon Devi
2 Hoyt, Motion to Strike Summary Judgment by Plaintiff, is Denied.

3 IT IS FURTHER ORDERED that Plaintiff shall serve Claimant BRYAN M.
4 FERGASON with a copy of Plaintiff's Motion for Summary Judgment.

5 IT IS FURTHER ORDERED that Claimants have until October 9, 2012, to file any
6 opposition to the Motion for Summary Judgment and/or supplemental briefs.

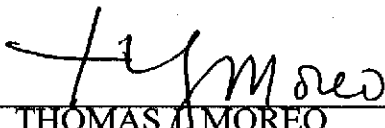
7 IT IS FURTHER ORDERED that Plaintiff's has until November 6, 2012, to file a
8 reply to any oppositions.

9 IT IS FURTHER ORDERED that the hearing on the Motion for Summary Judgment
10 is continued until Tuesday, November 13, 2012 at 8:00 o'clock a.m.

11 DATED this 9 day of August, 2012.

12
13 
14 DISTRICT JUDGE 

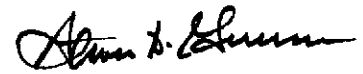
15 STEVEN B. WOLFSON
16 Clark County District Attorney
Nevada Bar #001565

17
18 BY 
19 THOMAS J. MOREO
20 Chief Deputy District Attorney
Nevada Bar #002415

21
22
23
24
25
26
27
28 LVMPD EVENT #060924-0418/jd

1 **OPI**
2 **STEVEN B. WOLFSON**
3 **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

Electronically Filed
08/16/2012 11:11:03 AM



CLERK OF THE COURT

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

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

12 **Plaintiff,**

13 **vs.**

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

15 **Defendant.)**

Case No. 07A537416

Dept No. VIII

16 **ORDER FOR PRODUCTION OF INMATE**
17 **BRYAN M. FERGASON, BAC #96803**

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

20 **TO: DWIGHT NEVEN, Warden**
21 **High Desert State Prison;**

22 **TO: DOUGLAS C. GILLESPIE,**
23 **Sheriff of Clark County, Nevada**

24 **Upon the ex parte application of THE STATE OF NEVADA, Plaintiff, by STEVEN**
25 **B. WOLFSON, District Attorney, through THOMAS J. MOREO, Chief Deputy District**
26 **Attorney, and good cause appearing therefor,**

27 **IT IS HEREBY ORDERED that DWIGHT NEVEN, Warden of the Southern Desert**
28 **Correctional Center shall be, and is, hereby directed to produce BRYAN M. FERGASON,**
aka Bryan Michael Ferguson, aka J.B., (BAC#96803) in Case No. 07A537416, for a hearing
on Motion for Summary Judgment wherein THE STATE OF NEVADA is the Plaintiff,

1 inasmuch as the said BRYAN M. FERGASON, aka Bryan Michael Fergason, aka J.B., is
2 currently incarcerated in the High Desert State Prison located in Indian Springs, Nevada and
3 his presence will be required in Las Vegas, Nevada commencing on November 13, 2012, at
4 the hour of 8:00 o'clock A.M. and continuing until completion of the hearing on the Motion
5 for Summary Judgment.


6 IT IS FURTHER ORDERED that DOUGLAS C. GILLESPIE, Sheriff of Clark
7 County, Nevada, shall accept and retain custody of the said BRYAN M. FERGASON, aka
8 Bryan Michael Fergason, aka J.B., in the Clark County Detention Center, Las Vegas,
9 Nevada, pending completion of said matter in Clark County, or until the further Order of this
10 Court; or in the alternative shall make all arrangements for the transportation of the said
11 BRYAN M. FERGASON, aka Bryan Michael Fergason, aka J.B., to and from the High
12 Desert State Prison facility which is necessary to ensure that BRYAN M. FERGASON's,
13 aka Bryan M. Fergason, aka J.B., appearance in Clark County pending completion of said
14 matter, or until further Order of this Court.

15 DATED this 9 day of August, 2012.

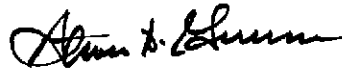
16
17 
18 DISTRICT JUDGE *tr*

19 STEVEN B. WOLFSON
20 DISTRICT ATTORNEY
21 Nevada Bar #00156

22 BY


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

26
27
28 LVMPD EV#060924-0418/jd


CLERK OF THE COURT

OPI
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

ORDER FOR PRODUCTION OF INMATE
ROBERT HOLMES, BAC #1034184

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

TO: BRIAN E. WILLIAMS, SR., Warden
Southern Desert Correctional Center;

TO: DOUGLAS C. GILLESPIE,
Sheriff of Clark County, Nevada

Upon the ex parte application of THE STATE OF NEVADA, Plaintiff, by STEVEN B. WOLFSON, District Attorney, through THOMAS J. MOREO, Chief Deputy District Attorney, and good cause appearing therefor,

IT IS HEREBY ORDERED that BRIAN E. WILLIAMS, Sr., Warden of the Southern Desert Correctional Center shall be, and is, hereby directed to produce ROBERT HOLMES, aka Robert Holmes, III, (BAC #1034184) in Case No. 07A537416, for a hearing on Motion for Summary Judgment wherein THE STATE OF NEVADA is the Plaintiff, inasmuch as

1 the said ROBERT HOLMES, aka Robert Holmes, III, is currently incarcerated in the
2 Southern Desert Correctional Center located in Indian Springs, Nevada and his presence will
3 be required in Las Vegas, Nevada commencing on November 13, 2012, at the hour of 8:00
4 o'clock A.M. and continuing until completion of the hearing on the Motion for Summary
5 Judgment.

6 IT IS FURTHER ORDERED that DOUGLAS C. GILLESPIE, Sheriff of Clark
7 County, Nevada, shall accept and retain custody of the said ROBERT HOLMES, aka Robert
8 Holmes, III, in the Clark County Detention Center, Las Vegas, Nevada, pending completion
9 of said matter in Clark County, or until the further Order of this Court; or in the alternative
10 shall make all arrangements for the transportation of the said ROBERT HOLMES, aka
11 Robert Holmes, III, to and from the Southern Desert Correctional Center facility which is
12 necessary to ensure that ROBERT HOLMES', aka Robert Holmes, III, appearance in Clark
13 County pending completion of said matter, or until further Order of this Court.

14 DATED this 9 day of August, 2012.

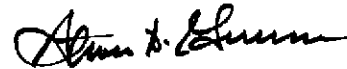
15
16 
DISTRICT JUDGE 

17
18 STEVEN B. WOLFSON
19 DISTRICT ATTORNEY
Nevada Bar #00156

20
21 BY 

22 THOMAS J. MOREO
23 Chief Deputy District Attorney
24 Nevada Bar #002415
25
26
27
28

LVMPD EV#060924-0418/jd



CLERK OF THE COURT

OPI
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

ORDER FOR PRODUCTION OF INMATE
DAIMON MONROE, BAC #38299

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

TO: DWIGHT NEVEN, Warden
High Desert State Prison;

TO: DOUGLAS C. GILLESPIE,
Sheriff of Clark County, Nevada


Upon the ex parte application of THE STATE OF NEVADA, Plaintiff, by STEVEN B. WOLFSON, District Attorney, through THOMAS J. MOREO, Chief Deputy District Attorney, and good cause appearing therefor,

IT IS HEREBY ORDERED that DWIGHT NEVEN, Warden of the Southern Desert Correctional Center shall be, and is, hereby directed to produce DAIMON MONROE, aka Daimon Devi Hoyt, (BAC#38299) in Case No. 07A537416, for a hearing on Motion for Summary Judgment wherein THE STATE OF NEVADA is the Plaintiff, inasmuch as the

1 said DAIMON MONROE, aka Daimon Devi Hoyt, is currently incarcerated in the High
2 Desert State Prison located in Indian Springs, Nevada and his presence will be required in
3 Las Vegas, Nevada commencing on November 13, 2012, at the hour of 8:00 o'clock A.M.
4 and continuing until completion of the hearing on the Motion for Summary Judgment.


5 IT IS FURTHER ORDERED that DOUGLAS C. GILLESPIE, Sheriff of Clark
6 County, Nevada, shall accept and retain custody of the said DAIMON MONROE, aka
7 Daimon Devi Hoyt, in the Clark County Detention Center, Las Vegas, Nevada, pending
8 completion of said matter in Clark County, or until the further Order of this Court; or in the
9 alternative shall make all arrangements for the transportation of the said DAIMON
10 MONROE, aka Daimon Devi Hoyt, to and from the High Desert State Prison facility which
11 is necessary to ensure that DAIMON MONROE, aka Daimon Devi Hoyt, appearance in
12 Clark County pending completion of said matter, or until further Order of this Court.

13 DATED this 9 day of August August, 2012.

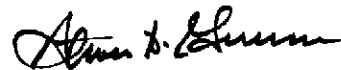
14
15 
16 DISTRICT JUDGE

17 STEVEN B. WOLFSON
18 DISTRICT ATTORNEY
Nevada Bar #00156

19
20 BY


21 THOMAS J. MOREO
22 Chief Deputy District Attorney
23 Nevada Bar #002415
24
25
26
27
28

LVMPD EV#060924-0418/jd



CLERK OF THE COURT

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

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

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

11 **Plaintiff,**

12 **-vs-**

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

14 **Defendant.**

CASE NO: 07A537416

DEPT NO: VIII

15 **NOTICE OF ENTRY OF ORDER**

16 **TO: BRYAN M. FERGASON**
17 **Claimant In Proper Person**

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

20 **TO: DAIMON MONROE**
21 **Claimant In Proper Person**

22 **TO: TONYA TREVARTHEN**
23 **Claimant In Proper Person**

24 **YOU WILL PLEASE TAKE NOTICE that an Order RE Hearing Held August 7,**
25 **2012 was entered on the 16th day of August, 2012, in the above-entitled action, a copy of**
26 **which is attached hereto.**

27 **DATED this 16th day of August, 2012.**

28 **STEVEN B. WOLFSON**
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 16th day of August, 2012, by depositing a copy in the U.S. Mail, postage prepaid, addressed to:

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

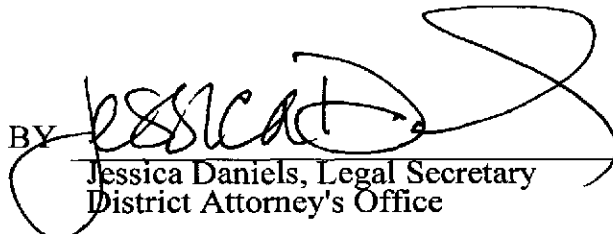
ROBERT HOLMES, III (BAC #1034184)
Southern Desert Correctional Center
P.O. Box 208
Indian Springs, NV 89070-0208

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

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

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

BY

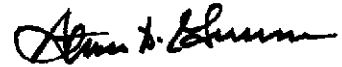

Jessica Daniels, Legal Secretary
District Attorney's Office

LVMPD EV#060924-0418/jd

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

Electronically Filed
08/16/2012 10:45:15 AM



CLERK OF THE COURT

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 LAS VEGAS METROPOLITAN POLICE
11 DEPARTMENT,

12 Plaintiff,

13 -vs-

CASE NO: 07A537416

DEPT NO: VIII

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

15 Defendant.

16 **ORDER RE HEARING HELD AUGUST 7, 2012**

17 THIS MATTER having come on for hearing on the 7th day of August, 2012, on
18 Plaintiff's Motion for Summary Judgment and Claimant DAIMON MONROE's, aka
19 Daimon Devi Hoyt, Motion to Strike Summary Judgment by Plaintiff; the Court having
20 reviewed all documents and good cause appearing;

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 IT IS HEREBY ORDERED that Claimant's, DAIMON MONROE, aka Daimon Devi
2 Hoyt, Motion to Strike Summary Judgment by Plaintiff, is Denied.

3 IT IS FURTHER ORDERED that Plaintiff shall serve Claimant BRYAN M.
4 FERGASON with a copy of Plaintiff's Motion for Summary Judgment.

5 IT IS FURTHER ORDERED that Claimants have until October 9, 2012, to file any
6 opposition to the Motion for Summary Judgment and/or supplemental briefs.

7 IT IS FURTHER ORDERED that Plaintiff's has until November 6, 2012, to file a
8 reply to any oppositions.

9 IT IS FURTHER ORDERED that the hearing on the Motion for Summary Judgment
10 is continued until Tuesday, November 13, 2012 at 8:00 o'clock a.m.

11 DATED this 9 day of August, 2012.

12
13 
14 DISTRICT JUDGE 

15 STEVEN B. WOLFSON
16 Clark County District Attorney
Nevada Bar #001565

17
18 BY


19 THOMAS J. MOREO
Chief Deputy District Attorney
20 Nevada Bar #002415
21
22
23
24
25
26
27

28 LVMPD EVENT #060924-0418/jd


CLERK OF THE COURT

AFOP
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. VIII

AFFIDAVIT FOR ORDER OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)ss:

THOMAS J. MOREO, being first duly sworn, deposes and says that he is a Chief Deputy District Attorney with the Clark County Nevada District Attorney's Office, and that in said capacity is the attorney for Plaintiff in the above-entitled action.

That a Complaint for Forfeiture in the above entitled action was filed in the office of the Clerk of the above entitled Court on the 9th day of March, 2007, and that a Summons was issued on the 9th day of March, 2007, which Summons was directed to TONYA M. TREVARTHEN, aka Tonya Michelle Trevarthen, 1504 Cutler Drive, Las Vegas, NV 89117.

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

forth.

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

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

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

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

Executed on 08/21/12
(date)

/s/ T J MOREO
THOMAS J. MOREO

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

CLARK COUNTY DISTRICT ATTORNEY'S OFFICE

CERTIFICATE OF DUE DILIGENCE

DEFENDANT: TONYA TREVARTHEN
CASE NO.: EVENT # 060924-0418
DEPT. NO.:
WITNESS:

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

SCOPE:	OLD ADDRESS FROM 2006.									
CTRACK:	NOTHING PENDING									
LRMS:	NEGATIVE RESULTS BY NAME AND EVENT#									
CLEAR:	NO LOCAL ADDRESS									
DMV Local:	LICENSE SURRENDERED IN 2008. OLD SCOPE ADDRESS									
DMV 50 States:	TEXAS LICENSE UNDER MARRIED NAME OF ISSA									
NCIC III:	NO WANTS									
Assessor's Office:	NEGATIVE RESULTS									
Marriage License:	NEGATIVE RESULTS									
Business License:	NEGATIVE RESULTS FOR CITY AND COUNTY									
HomeTelephone:	Wrong# or Out-of-Service:									
Work Telephone:	Wrong# or Out-of-Service:	No longer employed:								
Most Recent Address:	SEE BELOW									
	Copy mailed to last known address									
	Copy left at last known address & surrounding neighbors interviewed.									
Witness moved:		Witness unknown:	Apt. Mgmt has no information:							
Utilities checked:	NV. Power:	X	Phone Subscriber:							
Custody Status:	CCDC:	X	LVDC:	X	NLVDC:		NSP:	X	Fed:	X

Additional Information:

HENDERSON DET. CTR: NEGATIVE RESULTS. NEVADA POWER: INACTIVE SINCE 2007.
ADDRESS: NOT A GOOD ADDRESS.

Dated this 20TH day of August, 2012

Signature: [Signature] P#106

NOTE
APPL

Daimon Monroe
Pro Per

FILED

AUG 28 2012

John T. Blum
CLERK OF COURT

- 1.)
- 2.) L.V.M.P.d
- 3.) Plaintiff
- 4.) -VS-
- 5.) US-Currency
- 6.) 281,656.73
- 7.) Defendant

District Court
Clark County, Nevada

Case No. 07A537416

Dept No. VIII

Notice of Appeal

- 8.)
- 9.) Notice of appeal is hereby given that
- 10.) Daimon Monroe above Defendant hereby Appeal to
- 11.) the Supreme Court of Nevada from the final order
- 12.) of motion to strike summary judgment entered in
- 13.) this action on August, NINE, 2012. defendant was
- 14.) Not Heard Nor Facts taken seriously.
- 15.) Dated this 23rd day of August 2012 Daimon Monroe

- 16.)
- 17.) I hereby certify I sent a true copy on the 23rd
- 18.) day of August 2012 of my Notice of Appeal to:

- 19.) Thomas Moreo
- 20.) 200 Lewis Avenue
- 21.) Las Vegas, NV, 89155-2212

Daimon Monroe
Pro Per

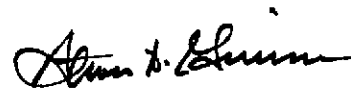
Supreme Court

- 22.)
- 23.)
- 24.) I ALSO ASK the Supreme Court to waive
- 25.) any filing fees as I AM incarcerated
- 26.) and indigent in this matter.

Daimon Monroe

07A537416
NOAS
Notice of Appeal
1945801





CLERK OF THE COURT

ASTA

**DISTRICT COURT
CLARK COUNTY, NEVADA**

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Plaintiff(s),

vs.

U.S. CURRENCY \$281,656.73,

Defendant(s).

Case No: 07A537416
Dept No: VIII

CASE APPEAL STATEMENT

1. Appellant(s): Daimon Monroe

2. Judge: Doug Smith

3. Appellant(s): Daimon Monroe

Counsel:

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

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

Counsel:

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

5. Respondent's Attorney Licensed in Nevada: Yes

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: Summary Judgment

7 11. Previous Appeal: Yes

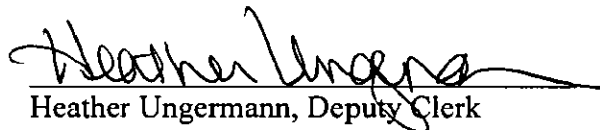
8 Supreme Court Docket Number(s): 60547, 60809, 61094

9 12. Child Custody or Visitation: N/A

10 13. Possibility of Settlement: Unknown

11 Dated This 30 day of August 2012.

12 Steven D. Grierson, Clerk of the Court

13 

14 Heather Ungermann, Deputy Clerk
15 200 Lewis Ave
16 PO Box 551601
17 Las Vegas, Nevada 89155-1601
18 (702) 671-0512
19
20
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27
28

1 **OFF**

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

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 LAS VEGAS METROPOLITAN POLICE)
11 DEPARTMENT)

12 Plaintiff,

13 -vs-

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

15 Defendant.)

Case No. A537416

Dept No. VIII

16 **ORDER FOR PUBLICATION OF FORFEITURE ACTION**

17 The Court having been presented with an Affidavit of Publication for Forfeiture
18 Action by THOMAS J. MOREO, Counsel for Plaintiff, and it appearing therefrom that
19 personal service of process cannot be had as to U.S. CURRENCY \$281,656.73, on
20 prospective TONYA M. TREVARTHEN, aka Tonya Michelle Trevarthen, whose last
21 known addresses are 807 David Curry Drive, Round Rock, Texas 78664 and 1409
22 Hermitage Drive, Round Rock, Texas 78664 and for good cause appearing;

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

28 ///

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

4 DATED this 24 day of August, 2012.

5
6 
7 _____
8 DISTRICT JUDGE
9 

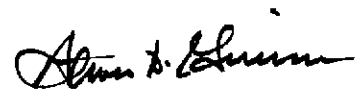
10 Submitted by:

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

14
15 BY 
16 _____

17 THOMAS J. MOREO
18 Chief Deputy District Attorney
19 Nevada Bar #002415
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28 LVMPD EV#060924-0418; EV#061106-0453; EV#061122-1205; EV#061129-1719;
EV#061207-1290; EV#061207-1538; EV#061214-1544; EV#070226-0684/jd



CLERK OF THE COURT

AFFT

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. A537416

Dept No. VIII

AFFIDAVIT OF MAILING

STATE OF NEVADA)
COUNTY OF CLARK) ss:

Jessica Daniels, being first duly sworn deposes and says that she is the affiant herein, and was when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in the within action; that on the 30th day of September, 2012, your affiant deposited in the Post Office located in Las Vegas, Clark County, Nevada, a copy of Summons and Complaint for Forfeiture enclosed in a sealed

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1 envelope upon which first class postage was fully prepaid, certified, return receipt, addressed
2 to: TONYA M. TREVARTHEN, aka Tonya Michelle Trevarthen, 807 David Curry Drive,
3 Round Rock, Texas 78664 and TONYA M. TREVARTHEN, aka Tonya Michelle
4 Trevarthen, 1409 Hermitage Drive, Round Rock, Texas 78664 and that there is a regular
5 communication by mail between the place of mailing and the place so addressed.

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

7
8 Executed on 08/30/12
9 (date)

/s/ Jessica Daniels

Jessica Daniels, Legal Secretary
District Attorney's Office

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

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Motion
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D. Monroe
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520

FILED
SEP 4 2012
District Court
Clark County, Nevada
CLERK OF THE COURT
Case No. 07A537416
DEPT No. VII

07A537416
MOT
Motion
1953746


- 1.)
- 2.) L.V.M.P.d
- 3.) -VS-Plaintiff
- 4.) US currency
- 5.) 2.81,656,53
- 6.) Defendant

MC

- 7.) Notice of Motion
- 8.) You will please take notice that the
- 9.) above motion will come on for a hearing
- 10.) before the above entitled court. on the
- 11.) 8 day of October 2012, at the hour
- 12.) of CHAMBERS o'clock, in department VII of said court.
- 13.)
- 14.) Motion For Return of Seized property
- 15.) and suppression of evidence. NRS 179.335
- 16.) Petitioner Daimon Monroe, hereby moves
- 17.) this court to direct that certain property
- 18.) to which he is the owner of a schedule
- 19.) of which annexed hereto, and which on
- 20.) November 6 2006 at 1504 Catler drive
- 21.) was unlawfully seized and taken from him
- 22.) and the other defendants Mr Robert
- 23.) Holmes III and Bryan Ferguson, by a peace
- 24.) officer of the State of Nevada Brad
- 25.) Nickell's, That it be returned to him

CLERK OF THE COURT

SEP 04 2012

RECEIVED

- 1.) And Suppressed as Evidence against him
- 2.) in any Criminal Proceedings.
- 3.)
- 4.) That Petitioner Further States that
- 5.) the Property was seized against him
- 6.) against his will and without a search warrant.
- 7.)
- 8.) That Petitioner Further States that Stewart
- 9.) Bell signed and Back dated those warrants
- 10.) For Sandra Digiacomo and Brad Wickell's a Felony!
- 11.) And can Be Proven through discovery!

Verification

- 12.)
- 13.) Under penalty of Perjury, Pursuant to N.R.S.
- 14.) 208.165 Et Seq. the undersigned declares
- 15.) he is the petitioner named Know's the
- 16.) Contents thereof, that the Pleading is true
- 17.) and correct to his own Personal Knowledge.

18.)

Daimon

19.)

Daimon Monroe
Pro per

20.)

- 21.) I daimon Monroe do Hereby Certify I
- 22.) Sent on the 28th day of August 2012, a true
- 23.) Copy of the Foregoing Motion to:
- 24.) Tomas moreo
- 25.) 200 Lewis ave
- 26.) Las Vegas, Nev, 89155

FILED

SEP 18 2012

District Court
Clark County, Nevada

- 1.)
- 2.) L.V.M.P. d
- 3.) -VS- Plaintiff
- 4.) U.S currency
- 5.) 281,656,73
- 6.) Defendant

Case No. 07-11-16

Dept No. VIII

Date of Hearing
Time of hearing.

7.) Notice of motion

- 8.) You will please take notice that the above
- 9.) motion will come on for a hearing before the above
- 10.) entitled court on the 22 day of October 2012,
- 11.) at the hour of 10 o'clock, in department VIII
- 12.) of said court. Dated this VIII

07A537416
NOTM
Notice of Motion
1861824



Daimon Monroe
Daimon Monroe

Motion for material Evidence

- 16.) First I can't go to law library I'm in isolation and have
- 17.) no help nor good comprehension of the court filings.
- 18.) So please excuse this. I'm seeking to obtain
- 19.) evidence on the fraudulent search warrants
- 20.) that were used to deprive myself, Robert
- 21.) Holmes III and Bryan Mitchell Ferguson, this legal
- 22.) money. without these felonies, fraudulent documents
- 23.) this money would not be before this court, Judge
- 24.) Stewart Bell signed and back dated these
- 25.) warrants for Sandra Digiacomo and Brad Nickells.
- 26.) I'm seeking to obtain pictures of the scenes
- 27.) searched in the Nov 6 2006 search where no warrants
- 28.) were left, nor did anyone sign any. I would like

CLERK OF THE COURT

SEP 13 2012

- 1.) The Computer Entries to the Nov 6 2006 Warrant S.
- 2.) I would like to obtain all the documents Officer
- 3.) Greg Naglich has, I would like this Court to know all of this
- 4.) Proves this money was illegally taken, And crimes where
- 5.) Committed to cover up a illegal Search and Seizure
- 6.) OF/OF this Pertains to this case, cuz this court would
- 7.) Not have this money before it, without these crimes committed
- 8.) By these OFFICIALS with this Evidence I can Bring it
- 9.) Before this Court and ask for its Return, I could also
- 10.) Prove it was illegally taken, By Fraud, And therefor
- 11.) must Be Returned. This is important information
- 12.) For all our cases, without the criminal case this money
- 13.) would not Be Before this court, So I ASK to have the
- 14.) Supena power to Retrieve this and Present Before
- 15.) this Honorable Court.

Verification

- 17.) under penalty of Perjury, Pursuant to NRS
- 18.) 208.165 Et Seq. The undersigned declares he
- 19.) is the Petitioner named knows the contents
- 20.) Thereof, that the Pleading is true and correct to his
- 21.) own personal knowledge.

22.)

Daimon Monroe

Pro Per

Daimon Monroe

23.)

- 24.) I Daimon Monroe do hereby certify I Sent
- 25.) on the 8 day of September 2012 A true copy of
- 26.) the foregoing motion to:

Daimon Monroe

27.)

Thomas moreno

28.)

200 Lewis ave

Las Vegas, Nev, 89155

1.)

2.)

3.)

4.)

5.)

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District Court Clark County, Nevada

Daimon Monroe

-US- Petitioner

Warden Nevins Et. AL

Respondent

Case No. C-228752-1

Dept No. X X

Time of hearing 830 AM

Date of hearing 9-20-12

Motion in Support

Your honor, why where we not presented with a search warrant

the day of Nov 6 2006, why did no one sign one! Why are there no

pictures of any warrants at any of the search scenes, and

there all on old formats, I ASK to see the warrant Brad Nickells

said NO, then called Sandra disiacomo to the house, and proceed

ed to give my property away. Al lasso asked to see the warrant and

was denied by disiacomo, They went after my family, and started

setting me up, Police officers involved where keeping e-mails and

official documents, That proved everything I've said. Stacey

Roundtree also got documents, I was writing the F.B.I and

reported everything. I've seen some of the documents, and I know

without a doubt there was no warrant, Stewart Bell signed

and back dated those for Sandra disiacomo and R.O.P. That's

what started this whole mess, a stupid illegal search and seizure

take a look at what's been done, This ^{is} criminal, unconstitutional, ^{cruel} ~~and~~

and abusive, myself, Robert Holmes III, Bryan Mitchell, FBASON are

in prison on fraudulent warrants, and obviously I can't prove this

without ur help. let me ask Sandra disiacomo and Brad

Nickell's under oath when the warrants where signed and made.

let me have all the documents Stacey Roundtree obtained

and Jennifer Swartz has, and let me obtain an officer


CLERK OF THE COURT

SEP 13 2012

RECEIVED

- 1.) Greg naslick evidence, IF there is nothing to hide give
- 2.) me the evidence Prove me wrong. its Funny I've Been
- 3.) Saying Sandra disiacomo and Stewart Bell also committed
- 4.) Felonies, and She Said only I Alledged Police misconduct
- 5.) No this is OFFICIAL Corruption, and She is going to prison
- 6.) There is absolute evidence there where no Search warrants, and
- 7.) What they did to my family, and all the setting me up stuff.
- 8.) It's if u will give us the Right to Prove it. we have a
- 9.) Right to this evidence. None of us are suppose to be in
- 10.) Prison, nothing taken, nothing given away. Martin hart
- 11.) and Jennifer Swartz Both know. Allow us the Right to
- 12.) Prove this these are crimes committed By OFFICIAL in ur
- 13.) System Felonies By Judges, d.A's, cops. allow us the
- 14.) Right to prove it. ur a Judge do the Right thing
- 15.) and grant these writs and motion's. The warrants are
- 16.) Fraudulent. Verification

- 17.) Under Penalty of Perjury, Pursuant to N.R.S
- 18.) 208.165 Et Seq. The undersigned declares he
- 19.) is the Petitioner named knows the contents
- 20.) thereof, that the preceding is true and correct
- 21.) to his own personal knowledge:

- 22.) 9-8-12 
- 23.) Drimon Monroe
- 24.) Proper

- 25.) Your honor its all true where not suppose to be here
- 26.) help us prove it we have a Right to. The truth
- 27.) Cant be Ignored forever, They are going to prison
- 28.) do something Right to help us.

District Court Clark County, Nevada

- 1.)
- 2.) Daimon Monroe
- 3.) -VS- Petitioner
- 4.) Warden Nevins et al.
- 5.) Respondent

Case No. C-228752-1

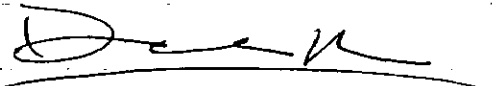
Dept No. XXTime of Hearing 8:30 AMDate of Hearing 9-20-12

Motion of Facts

- 7.) Your Honor. When Stacey Roundtree ~~came~~ got her evidence, on
- 8.) Everything they done, Bell wouldn't let her bring it out, knowing
- 9.) his involvement, Then as police officer's and there was more then
- 10.) Just Greg Nagler who turned over more evidence, It was clear or
- 11.) Stewart Bell's involvement, Not Just Back dating the
- 12.) Warrant's for them, But other things also. as they where tryin
- 13.) to set me up on Blowing up the Bellagio, he was a active participant
- 14.) also, he told the Jail to not let me send my mail sealed, Because
- 15.) he knew I was writing the F-B-I. I haven't been able to
- 16.) talk to my family or friends, They all know, and all are
- 17.) Scared to death, you have no idea what Stewart Bell,
- 18.) Sandra Digiacomo, and these officer's done to keep this
- 19.) Quiet. About 3 years ago I called my friend Steve, I said
- 20.) What the Hell! He said look what's happening to you can happen to
- 21.) any of us where all scared! What's happen, and happening to
- 22.) me, my family friends, is so bad, do u think I would waste my
- 23.) time lying why would I do that. IF they didn't make
- 24.) Fraudient warrants w/ a purpose would it serve
- 25.) to say they did, I mean if they didn't ultimately it

1) would be proven. They fraudulently, feloniously made and
 2) back dated those warrants. Then went ^{after} my family, look
 3) at what they done. And Sandra disiacomo was a active
 4) participant in everything. To cover a illegal search and
 5) seizure, u look at what they done, And I've sat in isolation
 6) never talking to anyone, how do u think this feels for gods
 7) sake. And my Attorney's know, But the feds are in control
 8) I have no idea what this feels like this whole thing is just so
 9) incredible, and it started over a illegal search and seizure.
 10) I've seen some of this evidence, talked to some involved investigators
 11) look Sandra and the rest aint stupid, They know there in trouble ^{and going to prison}
 12) Your honor, why dont u ask Sandra to show u one picture
 13) of the search scene where one warrant was left!
 14) not return's, But warrant, where are they. do it in
 15) your chamber's I dont care, I would Bet u a million
 16) dollars She cant find one. look there where no
 17) warrant's Stewart Bell signed and back dated
 18) those to cover a illegal search and seizure to
 19) cover for Sandra disiacomo and R.O.P, Then they did
 20) everything else to cover it up. And there is proof of
 21) all this or I wouldn't say it. Those warrant's
 22) where signed and back dated, Then they started settin's
 23) me up,
 24)
 25)

Dated:
 9-7-12


 Damon Monroe

D. Monroe #38299

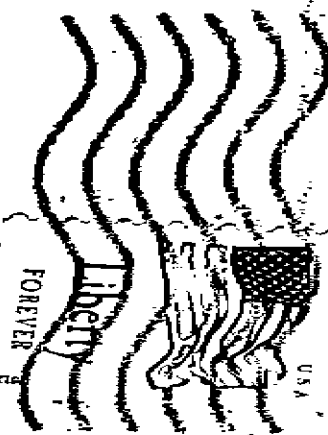
H-D-S-P

P.O. Box 650

Indian Springs, Nev, 89020

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Send copy

Please stamp

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Thank you

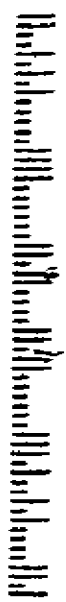
To: County Clerk

Regional Justice Center

200 Lewis Ave

Las Vegas, Nev, 89101

89101630199



Proper

FILED

SEP 21 2012

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CLERK OF COURT

District Court
Clark County, Nevada

- 1.)
- 2.) L.V.M.P.d
- 3.) vs - Plaintiff
- 4.) U.S currency
- 5.) 281,656,73
- 6.) Defendant

Case No. 07-A537416

Dept No. V 11

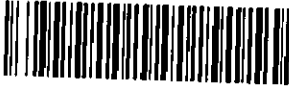
Time of hearing

date of Hearing

7.) Notice of Motion

- 8.) You will please take notice that the
- 9.) above motion will come for a hearing on
- 10.) The 23 day of October 2012, at the hour
- 11.) of 8:00 A o'clock, in department VII or
- 12.) said Court.

07A537416
MSJD
Motion for Summary Judgment
1865941



Dated ___ day of ___ 2012

Daimon Monroe
Proper

- 13.)
- 14.)
- 15.)
- 16.)
- 17.)
- 18.)
- 19.) Defendants motion for Summary
Judgement, and to Strike Plaintiffs motion
for Summary Judgement.

- 20.)
- 21.) First Again I cannot go to law library, I have no help
- 22.) im in isolation, I got a 8th grade education, I cannot
- 23.) site laws cuz I cant get none so please excuse this. ON
- 24.) November 6 2006 Brad Nickell's and R.O.P and Sandra
- 25.) digiacomo, Illegally seized, and searched defendants
- Homes, and person, Bryan Mitchell Ferguson, Robert Holmes III

②

- 1.) and myself. They had no Search warrants until
- 2.) almost a year after illegally arresting, seizing
- 3.) and giving property away. This money was seized
- 4.) from an illegal seizure. Therefore this money would
- 5.) not be in front of this court. We all could ask
- 6.) for immediate return of illegally seized
- 7.) property. So this absolutely affects this
- 8.) case. Defendants have a right to present
- 9.) evidence to this court that the money was
- 10.) illegally seized. But without discovery
- 11.) it's impossible. And considering that a Judge
- 12.) D.A.'s and Police committed felonies to
- 13.) take this money would hinder any defendants
- 14.) ability to get evidence to prove this. Brad
- 15.) Nickells and Sandra diSiacomo asked Stewart
- 16.) Bell to sign and back date those warrants
- 17.) and that these warrants were used to
- 18.) seize the money's before this court. This
- 19.) legally owed money would not be in
- 20.) this court without the illegal acts of
- 21.) Stewart Bell, Sandra diSiacomo, Brad Nickell's making
- 22.) fraudulent warrants, is why this money is before
- 23.) this court, This money has been illegally taken, and
- 24.) felonies committed by Judge Stewart Bell, Sandra
- 25.) diSiacomo, and R.O. officers, This absolutely affects

(3)

- 1.) This case. The d.A's office has produced alleged
- 2.) Crimes, and testimony, That was presented by
- 3.) These Same officials Who committed Felonies
- 4.) of a illegal Search By making Fraudulent warrants,
- 5.) The defendants, can also prove without a doubt that
- 6.) the property given away, was theirs and did not belong
- 7.) to those persons and that severe threats where used
- 8.) to induce false testimony. This all affects this case
- 9.) as MR moreo produced documents that involved
- 10.) The case so why would we not address this. These
- 11.) are crimes committed by officials in these courts
- 12.) Why would we not bring this up, and how could this
- 13.) not affect this case. U cant over look something
- 14.) like this, These are crimes used to deprive person's
- 15.) of the monies, property, and freedom, where is
- 16.) the Justice if u ignore this. IF we are permitted
- 17.) this evidence the court would see the monies
- 18.) has to be returned due to a illegal search
- 19.) and seizure, But without discovery how
- 20.) are we suppose to prove this to you, It
- 21.) makes absolutely No sense that a court
- 22.) would deny Prose. lit's evidence that
- 23.) would prove officials have committed
- 24.) crimes and illegally taken there monies
- 25.) and property. How can this court deny this

- 1.) Evidence. This money was illegally taken
 2.) and can be Proved through discovery. Stewart
 3.) Bell, a Judge Signed and BACK dated those Search
 4.) Warrants For district attorney Sandra clisicano
 5.) and R. O. P officers. And can be Proven through
 6.) discovery. Defendants have a right to prove
 7.) this This is a crime Committed By the same Office
 8.) trying to Forfeit this money. I Request all
 9.) the monies Returned to all defendants as
 10.) it was illegally taken By Fraudulent warrants.

11.) Verification

- 12.) Under penalty of Perjury Pursuant to rules
 13.) 208.165 et seq. The undersigned declares
 14.) He is the Petitioner named knows the contents
 15.) thereof, That the preceding is true and correct.

16.)

Daimon Monroe

17.)

Daimon Monroe

18.)

19.) I Daimon Monroe do hereby certify

20.) I Sent on the 16th day of August 2012

21.) a true copy of the foregoing motion to

22.) Thomas Moreo

23.) 200 Lewis Ave

24.) Las Vegas, NV, 89155

25.)

D. Monroe #38299

H-D-S-P

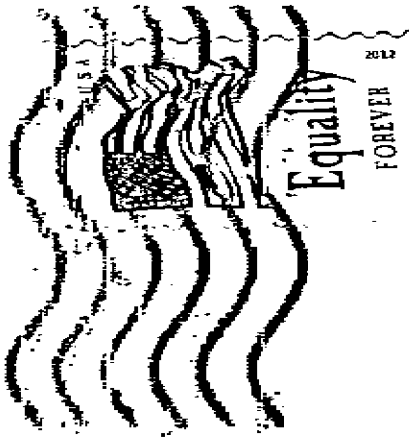
P.O. Box 650

Indian Springs, NV, 89020

Please
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Thank you!

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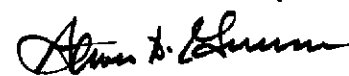
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To: County Clerk
Regional Justice Center
200 Lewis Ave
Las Vegas, NV, 89101

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CLERK OF THE COURT

OPPS

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: VIII

**PLAINTIFF'S OPPOSITION TO CLAIMANT DAIMON MONROE'S MOTION
FOR RETURN OF SEIZED PROPERTY AND SUPPRESSION OF EVIDENCE**

DATE OF HEARING: 10/08/12
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 Opposition to the Motion for Return of Seized Property and Suppression of Evidence filed by Claimant Daimon Monroe, aka Daimon Devi Hoyt.

On September 7, 2012, Claimant DAIMON MONROE, aka Daimon Devi Hoyt, filed a Notice of Motion and Motion for Return of Seized Property and Suppression of Evidence. Claimant's Motion is not a valid motion because it references allegations that were either resolved at trial or at the Supreme Court level and have no basis for argument in the civil forfeiture proceedings and therefore have no bearing in the civil the forfeiture matter.

Therefore, the Claimant's Motion for Return of Seized Property and Suppression of Evident should be denied.

DATED this 19th day of September, 2012.

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

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

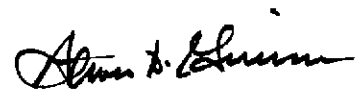
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BRYAN M. FERGASON, (BAC#96803)
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070-0650
Claimant in Proper Person

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

TONYA M. TREVARTHEN
aka Tonya Michelle Trevarthen
1409 Hermitage Drive
Round Rock, Texas 78664
Claimant in Proper Person
Via Certified Mail only

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



CLERK OF THE COURT

OPPS

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: VIII

**PLAINTIFF'S OPPOSITION TO CLAIMANT DAIMON MONROE'S MOTION
FOR MATERIAL EVIDENCE**

DATE OF HEARING: 10/22/12
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 Opposition to the Motion for Material Evidence filed by Claimant Daimon Monroe, aka Daimon Devi Hoyt.

On September 18, 2012, Claimant DAIMON MONROE, aka Daimon Devi Hoyt, filed a Notice of Motion and Motion for Material Evidence. Claimant's Motion is not a valid motion because it is requesting documents in respect to the underlying criminal matters

///

///

1 that have been resolved by way of trial or at the Supreme Court level. Therefore his Motion
2 for Material Evidence has no basis for argument in the civil forfeiture proceedings and
3 therefore has no bearing in the civil the forfeiture matter.

4 Therefore, the Claimant's Motion for Material Evidence should be denied.

5 DATED this 4th day of October, 2012.

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

8
9 BY /s/ T J MOREO

10 THOMAS J. MOREO
11 Chief Deputy District Attorney
12 Nevada Bar #002415
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1 **CERTIFICATE OF MAILING**

2 I hereby certify that service of the PLAINTIFF'S OPPOSITION TO CLAIMANT
3 DAIMON MONROE'S MOTION FOR MATERIAL EVIDENCE was made this 4th day of
4 October, 2012, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

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

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

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

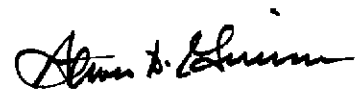
14 TONYA M. TREVARTHEN
15 aka Tonya Michelle Trevarthen
16 807 David Curry Drive
Round Rock, Texas 78664
Claimant in Proper Person
Via Certified Mail only

17 TONYA M. TREVARTHEN
18 aka Tonya Michelle Trevarthen
19 1409 Hermitage Drive
Round Rock, Texas 78664
20 Claimant in Proper Person
Via Certified Mail only

21
22 /s/ Jessica Daniels

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

25
26
27
28 LVMPD EV#060924-0418; EV#061106-0453; EV#061122-1205; EV#061129-1719;
EV#061207-1290; EV#061207-1538; EV#061214-1544; EV#070226-0684/jd



CLERK OF THE COURT

OPPS

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: VIII

**PLAINTIFF'S OPPOSITION TO CLAIMANT DAIMON MONROE'S MOTION
FOR SUMMARY JUDGMENT AND TO STRIKE PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

DATE OF HEARING: 11/13/12
TIME OF HEARING: 8:00 A.M.

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 Opposition to the Motion for Summary Judgment and to Strike Plaintiff's Motion for Summary Judgment filed by Claimant Daimon Monroe, aka Daimon Devi Hoyt.

Claimant DAIMON MONROE, aka Daimon Devi Hoyt, filed a Notice of Motion and Motion for Summary Judgment and to Strike Plaintiff's Motion for Summary Judgment on September 21, 2012.

///

1 Plaintiff has filed numerous motions one after another and in each motion, Monroe
2 makes the same allegations as he does in each of his previous motions. Claimant is not
3 raising any facts or allegations relevant to the civil forfeiture matter. The subject of each of
4 his motions have been in respect to the search warrants obtained and executed in the criminal
5 matters which have no bearing or basis for legal argument in the civil forfeiture matter. As
6 counsel for Plaintiff has reiterated to the Court on many occasions, in each opposition and/or
7 response filed to all of Monroe's frivolous motions, that the criminal matters, which the civil
8 forfeiture matter stemmed from have all been resolved at both the District Court level and
9 the Supreme Court level. Claimant should not be allowed to use this civil forfeiture matter
10 to file frivolous motions regarding allegations that have no bearing in the instant matter.

11 Therefore, the Claimant's Motion for Summary Judgment and to Strike Plaintiff's
12 Motion for Summary Judgment should be denied.

13 DATED this 4th day of October, 2012.

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

16
17 BY /s/ T J MOREO
18 THOMAS J. MOREO
19 Chief Deputy District Attorney
Nevada Bar #002415
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BRYAN M. FERGASON, (BAC#96803)
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070-0650
Claimant in Proper Person

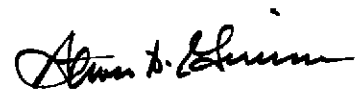
DAIMON MONROE (BAC #38299)
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070-0650
Claimant in Proper Person

TONYA M. TREVARTHEN
aka Tonya Michelle Trevarthen
807 David Curry Drive
Round Rock, Texas 78664
Claimant in Proper Person
Via Certified Mail only

TONYA M. TREVARTHEN
aka Tonya Michelle Trevarthen
1409 Hermitage Drive
Round Rock, Texas 78664
Claimant in Proper Person
Via Certified Mail only

/s/ Jessica Daniels
 Jessica Daniels, Legal Secretary
 District Attorney's Office

660



CLERK OF THE COURT

AFFP
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. VIII

AFFIDAVIT OF PUBLICATION

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

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

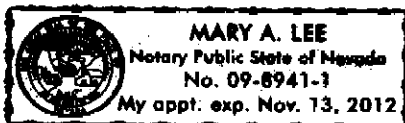
LV METRO POLICE

2288582LV

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was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 5 edition(s) of said newspaper issued from 09/01/2012 to 09/29/2012, on the following days:

09/01/2012
09/08/2012
09/15/2012
09/22/2012
09/29/2012



Signed

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

10th day of Oct 2012.

Notary Public

SUMM Case A537416

Dept. VII
Priority Civil NRS
DISTRICT COURT

CLARK COUNTY, NEVADA
LAS VEGAS METROPOLITAN
POLICE DEPARTMENT, Plaintiff,
-vs- U.S. CURRENCY \$281,656.73,
Defendant

SUMMONS

TO: DAIMON MONROE, (aka Daimon Devi Hoyt), 1504 Cutler Drive, Las Vegas, Nevada, 89117
TO: BRYAN M. FERGASON, (Bryan Michael Fergason, aka J.B.), 7400 Pirates Cove Road, #220, Las Vegas, Nevada, 89145
TO: TONYA M. TREVARTHEN, (Tonya Michelle Trevarthen), 1504 Cutler Drive, Las Vegas, Nevada, 89117

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

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

NOTICE IS HEREBY GIVEN that on the 8th day of March, 2007, the Las Vegas Metropolitan Police Department commenced proceedings seeking the forfeiture of the above described Defendant, U.S. CURRENCY, EV#060924-0418;

EV#061106-0453;

EV#061122-1205;

EV#061129-1719;

EV#061207-1290;

EV#061207-1538;

EV#061214-1544;

EV#070226-0684,

NRS 453.301 (9).

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

1. If you intend to defend this forfeiture, you must, within twenty (20) days after service upon you, exclusive of the day of service: a. File with the Clerk of the Court, 200 Lewis Avenue, Las Vegas, Nevada 89155, a formal written Answer to the Complaint or the nature and existence of any right, title or interest claimed by you in the Defendant U.S. CURRENCY.

(Please Note: A filing fee is required by the Clerk of the Court). b. Serve a copy of your Verified Answer to the Complaint upon the attorney whose name and address is shown above. 2. If you fail to answer within the time provided, judgment by Default will be entered against you for the relief demanded in the Complaint. 3. An attorney who represents you on criminal charges does not automatically represent you in this forfeiture case. You do not have the right to appointed counsel in this civil forfeiture case even if you cannot afford to hire an attorney. If you have a Public Defender, they cannot represent you in this forfeiture proceeding.

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

DATED 8th day of March, 2007.

Submitted by:

DAVID ROGER

Clark County District Attorney

Nevada Bar #002781

By RANDALL E. WEEB

Chief Deputy District Attorney

Nevada Bar #000082

CHARLES J. SHORT,

CLERK OF THE COURT

BY JOHN TAWNEY

DEPUTY CLERK

Date Mar 09 2012

LVMPD EV#060924-0418;

EV#061106-0453;

EV#061122-1205;

EV#061129-1719;

EV#061207-1290;

EV#061207-1538;

EV#061214-1544;

EV#070226-0684,

PUB: Sept. 1, 8, 15, 22, 29, 2012

LV Review-Journal

original

FILED

OCT 05 2012

CLERK OF COURT

Bryan Fergason #96803
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89070
Claimant in Proper Person

07A537416
OMSJ
Opposition to Motion For Summary Judgment
1978695



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

OPPOSITION TO MOTION FOR SUMMARY JUDGMENT
AND OTHER RELIEF.

COMES NOW, Claimant, Bryan Fergason, in Proper Person, and hereby files his Opposition to the Motion for Summary Judgment which is presently set for hearing on October 23, 2012. This Opposition and Request for Relief is made and based upon this Opposition, all pleadings and other documents on file with the Court, as well as any other facts, witnesses, documents, evidence or testimony allowed by this Court at the hearing of this matter, if any.

On or about May 1, 2012, the District Attorney's Office filed a Motion for Summary Judgment on behalf of the Plaintiff relating to a forfeiture action as outlined in the Complaint for Forfeiture that was initiated by Plaintiff back in 2007.

The Other Claimants have all filed various responses and Oppositions that Plaintiff wishes to join to the extent that they contest the Plaintiff's actions leading to the forfeiture and any rights to the seized funds pursuant to both the cited to NRS sections in the Complaint and Motion as well as NRCP 56.

In addition to the joinder of the other Oppositions and Pleadings which contest the forfeiture action, Plaintiff submits the following:

In July of 2012, Claimant's counsel of record, Cynthia Dustin, withdrew from her representation of Claimant in this Matter. As this Court is well aware Ms. Dustin had filed an Answer and Request for Stay on behalf of Claimant. The various claimants had filed the stay pending the resolution of the various legal challenges (appeal and writs) to the convictions in the underlying criminal case that forms the factual and legal basis (disputed) for the forfeiture action.

Claimant is incarcerated at High Desert State Prison. His knowledge of the rules of civil procedure, case law, statutes and other applicable legal

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CLERK OF THE COURT

1 principles is extremely limited, as is his access to the HDSP law library where
2 he is currently imprisoned. This Court can take judicial notice that Claimant
3 has been appointed counsel at every stage of his criminal and appellate proceedings
4 and that he currently only has access to the HDSP law library one half day (which
5 equates to approximately 3 hours) one to two days a week (as he has to compete
6 with 336 other inmates for approximately 25 available slots).

7 Claimant relied upon the fact that Ms. Dustin was going to be able to repre-
8 sent him in these proceedings. Her withdrawal after the filing of the Motion
9 for Summary Judgment, but before the Opposition was due and prior to the hearing
10 has put him at a disadvantage as he is unable to retain other counsel and now
11 only has access to the necessary materials and the law clerks assisting him on
12 a severely limited basis.

13 In order to dispute the factual and evidentiary allegations made as to his
14 portion of the seized proceeds, Claimant is going to need additional time as well
15 as the Court's assistance in gathering the necessary facts, witnesses, documents
16 and other evidence needed to provide materials issues of fact and evidence in
17 Opposition to the Motion for Summary Judgment under NRCP 56.

18 On March 9, 2007, the Plaintiff filed a Complaint for Forfeiture seeking to
19 retain approximately \$281,656.73 in currency seized by Plaintiff and claimed to
20 be subject to forfeiture pursuant to NRS 453.301(a) and NRS 179, et seq.

21 As to those portions of the currency attributable to Claimant Ferguson, the
22 \$124,216.36, from a Bank of America Account (Complaint, Page 4, Lines 9-11) is
23 monies the Plaintiff alleges are "attributable to the commission or attempted
24 commission of felonies" by the named Plaintiffs (Complaint, Page 5, Lines 13-15).

25 None of the cited to allegations in the Complaint or Motion for Summary
26 Judgment indicate that the amounts seized from Ferguson's account were attribut-
27 able to felonies allegedly committed by Ferguson. There are no undisputable facts,
28 witnesses, documents or other evidence to support the Forfeiture Complaint as to
Ferguson. The main so called evidence, the testimony of co-defendant/conspirator/
informant Tonya Trevarthen can hardly qualify as undisputed, as the testimony
amounts to inadmissible hearsay, and to the extent it was introduced at the trial
there is no indication that it was even relied upon by the jury in reaching any
verdicts and she was shown at the various court proceedings to be a liar and the
jury was instructed at trial to disregard her entire testimony. Without some
indicating from the jury as to whether she was even considered in its deliberati-
ons, there is no indicia of reliability as to her supposed allegations as to
Ferguson, and therefore should not be considered "undisputed" as required by

1 NRCP 56.

2 As to the remainder of the allegations, Plaintiff will require the ability,
3 in proper person, to locate and obtain those witnesses, documents and other evidence
4 through discovery by leave of this Court in Order that this Motion be heard on
5 the merits. Claimant, as an offer of proof, is requesting this Court issue subpoenas
6 for the following:

- 7 (1) Claimant's W-2's and tax records from 1996-2006;
- 8 (2) Claimant's bank records from 1996-2006;
- 9 (3) The business records of D & B Power Washing (the company founded and
10 run by Claimant and Daimon Monroe);
- 11 (4) Other documents and paperwork seized by Plaintiff and retained by the
12 State that are needed to Answer the Motion for Summary Judgment.

13 Claimant believed that his withdrawn counsel was obtaining the above from
14 the following sources:

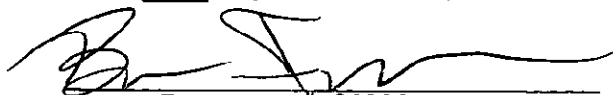
- 15 (1) The Internal Revenue Service;
- 16 (2) Bank of America and Wells Fargo;
- 17 (3) Damon Monroe/the person most knowledgeable/custodian of records of D & B
18 Power Washing;
- 19 (4) Las Vegas Metropolitan Police Department/District Attorney's Office re:
20 Paperwork and Records of Bryan Ferguson.

21 These documents, and in particular #'s (2) and (3), supra, will allow Claimant
22 to establish that the monies deposited in the BOA account were in part, the
23 proceeds, and depository for the D & B Power Washing Company, and the capital used
24 to fund and operate the Company, as well as the proceeds of gambling, and also
25 legitimate income, gifts and other monies in the lawful possession of Claimant.
26 In the case of Halimi v. Blacketer, 770 P.2d 531 (1989) the Nevada Supreme Court
27 held that an appellant's request for additional time for discovery in his memorandum
28 in opposition to a summary judgment motion was sufficient for purposes of
subsection (f) of Rule 56. It was further held in Ameritrade, Inc. v. First Interstate Bank,
782 P.2d 1318 (1989) that it would be an abuse of discretion to deny a good faith request for additional time.

In addition to this Memorandum in Opposition, Claimant is also including an affidavit in Compliance with Rule 56(f) for this Court's consideration.

Respectfully submitted,

This 1 day of October, 2012.


Bryan Ferguson # 96803
High Desert State Prison
P.O. Box 650 / Indian Springs, Nevada 89070
Claimant in Proper Person

Affidavit of Claimant Bryan Ferguson

STATE OF NEVADA)
COUNTY OF CLARK) ss:

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

That he has read the foregoing OPPOSITION to MOTION FOR SUMMARY JUDGMENT AND OTHER RELIEF and knows the contents thereof; that the same is true and correct except for those matters alleged on information and belief and to those matters he believes them to be true.

Additionally:

(1) Claimant believed that his Counsel, Cynthia Dustin, would be representing him during the pendency of this action.

(2) That her unexpected and unanticipated withdrawal of counsel has left him unprepared to respond to the Motion for Summary Judgment in the time frame that is presently set by this Court.

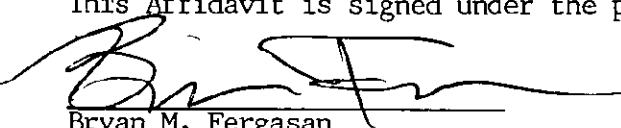
(3) Claimant needs to conduct the discovery in the form of subpoenas that are outlined in the Opposition and that those records will create genuine issues of material fact as to the source of the funds that were seized by Plaintiff.

(4) That the records will allow him to dispute that the monies were obtained as a result of the commission of any alleged crime. Specifically the tax records and bank records will show that legitimate sources of the funds in the seized account which will require the funds be returned/released to Claimant.

(5) Claimant reasonably relied upon the fact that his counsel was in the process of obtaining the records for him to respond to the Motion, and the fact that she did not, is not attributable to Claimant, and therefore the request is being made in good faith.

(6) Claimant is also reviewing the testimony of his co-defendant to add those portions of the testimony to his Supplemental Opposition as she and her testimony lack credibility as to be considered "undisputed facts."

This Affidavit is signed under the penalty of perjury and NRS 208.165.


Bryan M. Ferguson

Certificate of Mailing

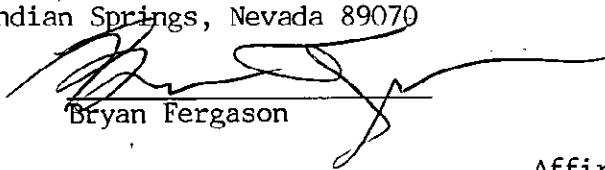
I, Bryan Fergason, hereby certify that on the 1 day of October, 2012, I deposited a true and correct copy of the Opposition to Motion for Summary Judgment and Other Relief in the law library of the HDSP, first class postage pre-paid, and addressed to the following:

Clark County District Attorney
200 Lewis Avenue
Las Vegas, Nevada 89155

Daimon Monroe #38299
HDSP / P.O. Box 650
Indian Springs, Nevada 89070

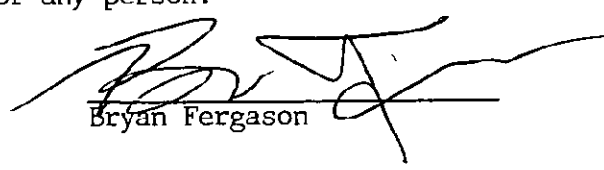
Robert Homes III #1034184
SDCC / P.O. Box 208
Indian Springs, Nevada 89070-0208

Tonya Trevarthen aka Tonya Issa
1409 Hermitage Drive
Round Rock, Texas 78681


Bryan Fergason

Affirmation

I, Bryan Fergason, hereby certify that the foregoing Opposition to Motion for Summary Judgment and Other Relief does not contain the social security number of any person.


Bryan Fergason

Robert Holmes ID NO. 1034184

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

Please
send stamp
File Copy

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OCT 05 2012

CLERK OF COURT

District Court

Clark County

Las Vegas Metropolitan
Police Department
State of Nevada
Plaintiff

v.

US Currency \$281,656.73

Robert Holmes III

Claimant

CASE NO.: 07A537416

DEPT. NO.: VIII

DOCKET:

07A537416

OMSJ

Opposition to Motion For Summary Judgment

1976717



Claimant Robert Holmes III (First) Supplement
AND
Opposition to Plaintiff's Motion For
Summary Judgment

COMES NOW, Robert, Holmes III pro se, herein above respectfully
moves this Honorable Court for an supplement and opposition
to plaintiff's Motion For Summary Judgment
under Rules (59e) and Rules (60 B) This Honorable lacks Jurisdiction

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

DATED: this 28 day of September, 2012

BY: Robert Holmes III

Robert Holmes III # 1034184
Defendant In Proper Personam

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CLERK OF THE COURT

1

12TS

1 Eighth Judicial District Court

2 Rule 2.24(b) reads in pertinent part:

3
4 (b) A party seeking reconsideration of a ruling
5 of the court, other than any order
6 which may be addressed by motion
7 pursuant to N.R.C.P. 50(b), 59 or 60,
8 must file a motion for such relief
9 within 10 days after service of written
10 notice of the order or judgment unless
11 the time is shortened or enlarged by order.
12 A motion for rehearing or reconsideration
13 must be served, noticed, filed and heard
14 as is any other motion. A motion for
15 reconsideration does not toll the 30-day
16 period for filing a notice of appeal from
17 a final order or judgment. see District Court Rule
18 2.24 sub section (b) EJDCC

19 So plaintiff's are time barred
20 and this Honorable Court lacks
21 jurisdiction due to untimely
22 reconsideration motion filed by
23 plaintiff's District Court Judge
24 Douglas Smith dismissed this instant forfeiture
25 case on October 29, 2009 the plaintiff's
26 filed a reconsideration motion on 11-30-2011
27 2 years and one month after the District Court

1 Judge Dismissed this instant forfeiture case.
2 according to Eighth Judicial Rule 2.24(b)
3 N.R.C.P. 50(b), 59 or 60; Must file a motion
4 for such relief within 10 days after service
5 of written notice of the order. According
6 to Rule 2.24(b) A Motion for reconsideration
7 does not toll the 30-day period for filing a notice
8 of appeal from a final order or judgment.

9
10 20 Rule 60(b) Clerical Mistakes

11 a motion shall be made
12 within a reasonable time and
13 for reason (1) and (2) not more
14 than six months after the judge
15 order. 6 months statute of limitation
16 begins running when judgment is entered.
17 Rule does not authorize relief from judgment
18 involving property. Case *V. Isbell* 108 Nev
19 524, 5280 471 p.2d 257 1974

20 Time limitation is jurisdictional, Motion to
21 Reconsider must be filed within 6 months period.
22 Failure under N.R.C.P. 60(b) Deletes District Court
23 from its jurisdiction *Kramer v. Kramer* 96 Nev
24 752, 64 p.3d 395 (1980)

25
26 Substantive alteration of Judgment More than
27 60 months after it was entered was void.

1 Where district court made substantive changes
2 to Judgment more than 6 months after it was entered,
3 Judgment as corrected was void because, pursuant
4 to M.R.C.P. 60(b), district court can substantively
5 alter Judgment only within 6 months after it is
6 Entered. ^{see} Pickett v. Camanche Const. Inc., 108
7 Nev. 432, 836 P.2d 40 (1992)

8 Motion to Vacate Void Judgment
9 Filed Nearly 2 Years after entry of
10 Judgment was not made within reasonable
11 time under circumstances
12 Supreme court held that it is unreasonable
13 for respondent to have waited nearly 2 years
14 after entry of Judgment to file Motion
15 to Vacate Judgment District Court's granting
16 of Respondent's Motion therefore constituted
17 abuse of discretion ^{see} Deal v. Baines, 110 Nev. 509
18 874 P.2d 775 (1994).

19 This Honorable Court "Dismissed" this instant
20 Forfeiture Case on October 29, 2009 the
21 plaintiff's waited over 2 years and one month
22 to file a reconsideration Motion on 11-30-2011
23 The District Court granted plaintiff's
24 reconsideration Motion on January 19, 2012
25 See and Reference to EX B See EX 23 inside of EX B
26 Order granting Plaintiff's Motion to Reconsider
27 Electronically Filed 1-24-2012 signed order

1 Dated 1-19-2012. also Reference to EX A
→ 2 see EX 16 inside of EX A Order To
3 Statistically Close Case Filed Date
4 October 29, 2009 Dismissed By District
5 Court Judge Douglas E. Smith Final Disposition:
6 and signed By Judge Douglas E. Smith.
7 EX.A is Motion to Dismiss Plaintiff's Motion
8 to Reconsider Court Statistically. Closing Case
9 Which is attached to Claimant Robert Holmes in
10 Opposition To Plaintiff's Motion for summary Judgment.
11 EVEN if this Court allege that Judge Smith
12 Made a Error, Rule 60(b) Clerical Mistakes
13 a Motion shall be Made Within a reasonable time
14 and for Reason (1) and (2) Not more than
15 six Months after the Honorable Judge Douglas E. Smith
16 Order. 6 Months Statute of Limitation begins
17 Running When Judgment is Entered. The Order
18 Was Entered Statistically Closing Case on
19 October 29, 2009. The 6 month Statute Ran out
20 on April 29, 2010. [Plaintiff's Became procedurally
21 Time Barred on April 29 2010]

22 This Honorable Court Lacks Jurisdiction
23 According to ^{see} Kramer v. Kramer 96 Nev 759, 64 p.3d 666 P.2d
24 395 (1980) District Court's Granting of Plaintiff's
25 Motion to Reconsider constituted abuse of Discretion.
26 Deal v. Baines, 110 Nev. 509, 874 P.2d 775 (1994).

1 This is a 14th, 6th, and 5th, Amendment
2 Right+ Violation under the U.S Constitution
3 of Due process that is being Denied
4 By the Las Vegas Clark County Eighth
5 Judicial District Court. Robert Holmes III
6 The Claimant for the Specific Amount of
7 \$70,000 is entitled to the return of his
8 \$70,000 which was illegally seized. These
9 False allegation Have Never been Established
10 as being True. ^{ONLY} Heresay from Tonya Trevathan
11 who was caught in Texas with this alleged
12 stolen Money, who was also a co-Defendant
13 and the Girlfriend of Damien Monroe Hoot
14 who's Home and storage units was allegedly
15 full of stolen property and the ^{ONLY} name
16 on MR Monroe's Home was Tonya Trevathan
17 and Tonya Trevathan was the ONLY name
18 on these alleged storage units and Tonya
19 Trevathan was the ONLY one caught in Texas
20 with stolen Money see Holmes sentencing
21 statements EX 4 and EX 5 The Honorable Judge
22 Bell stated they caught Tonya Trevathan
23 in Texas with stolen Money. Besides
24 Tonya Trevathan False statements there has
25 not been anything that Establish any truth
26 to these false statements and false allegations.
27 (1st) Holmes worked on the same Job for 14 years

1 at the Bivious Horseshoe. (2nd) Holmes Had
2 Multiple Homes (3rd) Holmes and His wife
3 Had Multiple Line of Credits. (4th) Holmes
4 Had 3 Businesses. (5th) Holmes and His
5 Wife Had Multiple Bank Accounts. (6th)
6 The State and or plaintiff's Have not
7 proven that Holmes Had any stolen Money.
8 To Take a person property, Liberty, Life
9 you have to have proof not Just Hearsay
10 from a Co-Defendant who was caught in Texas
11 with stolen Money. Under the 14th, 5th, and 6th
12 Amendments Holmes Has Due process and
13 Equal Protection Under the U.S. Constitution.
14 Holmes has presented this Court with sworn
15 statements from his Mother Ernestine Holmes,
16 Robert Holmes JR, His father, His Wife Princess
17 Holmes, His Mother-in-law Fely Tejero. which
18 these statements Have all been Notorized.

19 There is still Disputable claims and
20 Disputable Facts in Regard to this instant
21 Forfeiture Case This Honorable Court Has absolutely
22 No Reason to keep Claimant \$70,000 that
23 He received from Home loans that still affects
24 Holmes and His wife's credit. Holmes is asking
25 This Court to Denie plaintiff's Motion for
26 Summary Judgment not only are they time Barred
27 But Holmes Money Has never been Established

1 as being stolen and it has never been Establish
2 that he received any money from Tonya Trevarthen
3 Holmes Had been on his same Job for 14 years
4 at the Binions Horseshoe. Tonya Trevarthen
5 was Caught in Texas with this alleged stolen money
6 Holmes prays That this Honorable Court
7 Returns His \$70,000.

14 Submitted By
15 Robert Holmes III
16 Robert Holmes III

18 Dated 9-28-2012

CERTIFICATE OF SERVICE BY MAILING

I, Robert Holmes III, hereby certify, pursuant to NRCP 5(b), that on this _____ day of September, 2012, I mailed a true and correct copy of the foregoing, "Claimant's First Supplement and Opposition to Plaintiff's Motion for Summary Judgment" by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid, addressed as follows:

District Attorney
Office DA Steve Wolfson
200 Lewis Avenue
Las Vegas, NV 89155

CC: FILE

DATED: this 28 day of September, 2012.

Robert Holmes III
Robert Holmes III # 1034184
/In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

(First) supplement and opposition to plaintiff's Motion for
(Title of Document) *Summary Judgment*

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 III
Signature

9-28-2012
Date

Robert Holmes III
Print Name

pro se
Title

10

Robert Holmes III 1034184
50th P.O. Box 208
Indian Springs Nevada 89070

3763

Masler

FIRST CLASS MAIL

10/02/2012

US POSTAGE

100000050

1042



ZIP 89101
011012002491

CONFIDENTIAL
66 LEGAL MAIL

STEVEN D. GRIERSON
Clerk of The Court
200 Lewis Avenue
3rd Floor
Las Vegas Nevada 89155-1160

ROUTED TO DESK
OF THE DIRECTOR
OCT 02 2012
OFFICE
12-11

07A537416

IN THE SUPREME COURT OF THE STATE OF NEVADA

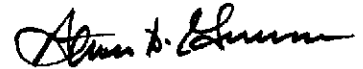
ROBERT HOLMES, III,
Appellant,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

Supreme Court No. 60547

District Court Case No. A537416

Electronically Filed

10/09/2012 09:01:05 AM



CLERK OF THE COURT

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Tracie Lindeman, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER these appeals DISMISSED."

Judgment, as quoted above, entered this 5th day of September, 2012.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
October 01, 2012.

Tracie Lindeman, Supreme Court Clerk

By: Tiffany Maccagno
Deputy Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT HOLMES, III,
Appellant,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

ROBERT HOLMES, III,
Appellant,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

ROBERT HOLMES, III,
Appellant,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

No. 60547 ✓

FILED

SEP 05 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT

No. 60809

DEPUTY CLERK

No. 61094

ORDER DISMISSING APPEALS

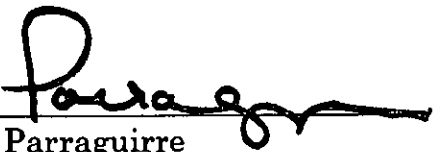
Our review of the documents before us in these appeals reveals a jurisdictional defect. Specifically, it appears that the orders appellant is challenging are not final, appealable judgments. See NRAP 3A(b)(1) (providing for an appeal from a final judgment in an action or proceeding). A final judgment is one that disposes of all issues presented in the case, and leaves nothing for the future consideration of the district court, except for post-judgment issues such as attorney fees and costs. Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000). Accordingly,

as it appears that a final, written judgment has not been entered in the underlying case, we lack jurisdiction to consider these appeals and we

ORDER these appeals DISMISSED.¹

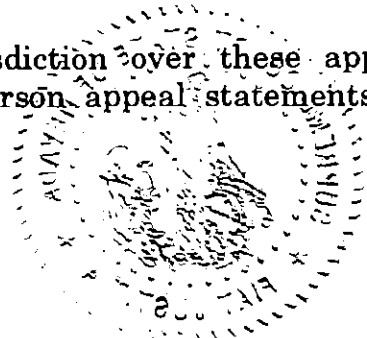

_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Doug Smith, District Judge
Robert Holmes, III
Clark County District Attorney
Eighth District Court Clerk

¹As we conclude that we lack jurisdiction over these appeals, appellant need not file the civil proper person appeal statements and transcript request forms sent to him.



CERTIFIED COPY

This document is a full, true and correct copy of the original on file and of record in my office.

DATE: October 13, 2013

Supreme Court Clerk, State of Nevada

By J. MacCagnolo Deputy

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT HOLMES, III,
Appellant,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

Supreme Court No. 60547
District Court Case No. A537416

REMITTITUR

TO: Steven Grierson, Clark County District Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: October 01, 2012

Tracie Lindeman, Clerk of Court

By: Tiffany Maccagno
Deputy Clerk

cc (without enclosures):
Hon. Doug Smith, District Judge
Robert Holmes, III
Clark County District Attorney

RECEIPT FOR REMITTITUR

Received of Tracie Lindeman, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on OCT 09 2012.

HEATHER UNGERMANN

Deputy District Court Clerk

07A537416

IN THE SUPREME COURT OF THE STATE OF NEVADA

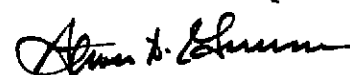
ROBERT HOLMES, III,
Appellant,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

Supreme Court No. 60809

District Court Case No. A537416

Electronically Filed

10/09/2012 09:01:26 AM



CLERK OF THE COURT

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Tracie Lindeman, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER these appeals DISMISSED."

Judgment, as quoted above, entered this 5th day of September, 2012.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
October 01, 2012.

Tracie Lindeman, Supreme Court Clerk

By: Tiffany Maccagno
Deputy Clerk



IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT HOLMES, III,
Appellant,
vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

ROBERT HOLMES, III,
Appellant,
vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

ROBERT HOLMES, III,
Appellant,
vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

No. 60547

FILED

SEP 05 2012

No. 60809

TRACIE K. LINDEMAN

CLERK OF SUPREME COURT

DEPUTY CLERK


No. 61094


ORDER DISMISSING APPEALS

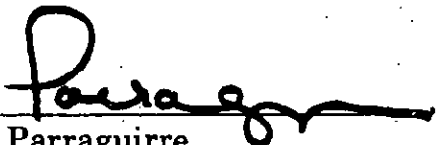
Our review of the documents before us in these appeals reveals a jurisdictional defect. Specifically, it appears that the orders appellant is challenging are not final, appealable judgments. See NRAP 3A(b)(1) (providing for an appeal from a final judgment in an action or proceeding). A final judgment is one that disposes of all issues presented in the case, and leaves nothing for the future consideration of the district court, except for post-judgment issues such as attorney fees and costs. Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000). Accordingly,

as it appears that a final, written judgment has not been entered in the underlying case, we lack jurisdiction to consider these appeals and we

ORDER these appeals DISMISSED.¹


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Doug Smith, District Judge
Robert Holmes, III
Clark County District Attorney
Eighth District Court Clerk

¹As we conclude that we lack jurisdiction over these appeals, appellant need not file the civil proper person appeal statements and transcript request forms sent to him.



CERTIFIED COPY

This document is a full, true, and correct copy of the original on file and of record in my office.

DATE: October 12, 2012

Supreme Court Clerk, State of Nevada

By J. Maccagno Deputy

.3IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT HOLMES, III,
Appellant,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

Supreme Court No. 60809
District Court Case No. A537416

REMITTITUR

TO: Steven Grierson, District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: October 01, 2012

Tracie Lindeman, Clerk of Court

By: Tiffany Maccagno
Deputy Clerk

cc (without enclosures):

Hon. Doug Smith, District Judge
Robert Holmes, III
Clark County District Attorney/Thomas Joseph Moreo, Chief Deputy District
Attorney

RECEIPT FOR REMITTITUR

Received of Tracie Lindeman, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on OCT 09 2012.

HEATHER UNGERMANN
Deputy District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

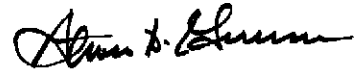
ROBERT HOLMES, III,
Appellant,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

Supreme Court No. 61094

District Court Case No. A537416

Electronically Filed

10/09/2012 09:01:46 AM



CLERK OF THE COURT

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Tracie Lindeman, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

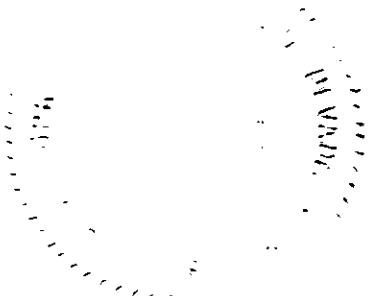
"ORDER these appeals DISMISSED."

Judgment, as quoted above, entered this 5th day of September, 2012.

IN WITNESS WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court at my Office in Carson City, Nevada this October 01, 2012.

Tracie Lindeman, Supreme Court Clerk

By: Tiffany Maccagno
Deputy Clerk



IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT HOLMES, III,
Appellant,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

ROBERT HOLMES, III,
Appellant,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

ROBERT HOLMES, III,
Appellant,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

No. 60547

FILED

SEP 05 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT

No. 60809

DEPUTY CLERK


No. 61094 ✓

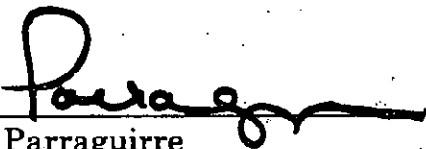
ORDER DISMISSING APPEALS

Our review of the documents before us in these appeals reveals a jurisdictional defect. Specifically, it appears that the orders appellant is challenging are not final, appealable judgments. See NRAP 3A(b)(1) (providing for an appeal from a final judgment in an action or proceeding). A final judgment is one that disposes of all issues presented in the case, and leaves nothing for the future consideration of the district court, except for post-judgment issues such as attorney fees and costs. Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000). Accordingly,

as it appears that a final, written judgment has not been entered in the underlying case, we lack jurisdiction to consider these appeals and we ORDER these appeals DISMISSED.¹


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Doug Smith, District Judge
Robert Holmes, III
Clark County District Attorney
Eighth District Court Clerk

¹As we conclude that we lack jurisdiction over these appeals, appellant need not file the civil proper person appeal statements and transcript request forms sent to him.

CERTIFIED COPY

This document is a full, true and correct copy of the original on-file and of record in my office.

DATE: October 1, 2012

Supreme Court Clerk, State of Nevada

By J. Macagno Deputy

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT HOLMES, III,
Appellant,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

Supreme Court No. 61094
District Court Case No. A537416

REMITTITUR

TO: Steven Grierson, Clark County District Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: October 01, 2012

Tracie Lindeman, Clerk of Court

By: Tiffany Maccagno
Deputy Clerk

cc (without enclosures):

Hon. Doug Smith, District Judge
Robert Holmes, III
Clark County District Attorney/Thomas Joseph Moreo, Chief Deputy District
Attorney

RECEIPT FOR REMITTITUR

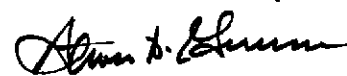
Received of Tracie Lindeman, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on OCT 09 2012.

HEATHER UNGERMANN

Deputy District Court Clerk

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



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Plaintiff,

-vs-

U.S. CURRENCY \$281,656.73,

Defendant.

CASE NO: 07A537416

DEPT NO: VIII

ORDER

THIS MATTER having come on for hearing on the 22nd day of October, 2012, on Claimant DAIMON MONROE's, aka Daimon Devi Hoyt, Motion to for Material Evidence; the Court having reviewed all documents and good cause appearing;

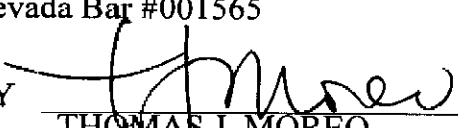
IT IS HEREBY ORDERED that Claimant DAIMON MONROE's, aka Daimon Devi Hoyt, Motion for Material Evidence, is Denied.

DATED this 1st day of November, 2012.

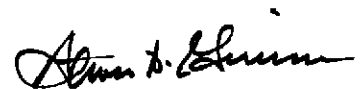

DISTRICT JUDGE 

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

BY


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

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



CLERK OF THE COURT

1 **NEOJ**

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

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

9 LAS VEGAS METROPOLITAN POLICE
10 DEPARTMENT,

11 Plaintiff,

12 -vs-

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

14 Defendant.

CASE NO: 07A537416

DEPT NO: VIII

15 **NOTICE OF ENTRY OF ORDER**

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

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

20 TO: DAIMON MONROE
21 Claimant In Proper Person

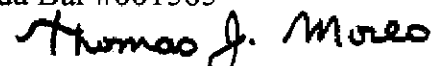
22 TO: TONYA TREVARTHEN
23 Claimant In Proper Person

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

26 DATED this 13th day of November, 2012.

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

BY



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

CERTIFICATE OF MAILING

I hereby certify that service of the NOTICE OF ENTRY OF ORDER was made the 13th day of November, 2012, by depositing a copy in the U.S. Mail, postage prepaid, addressed to:

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

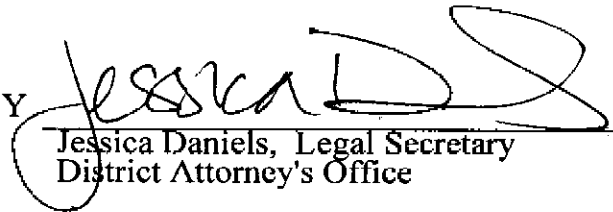
ROBERT HOLMES, III (BAC #1034184)
Southern Desert Correctional Center
P.O. Box 208
Indian Springs, NV 89070-0208

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

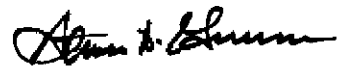
TONYA TREVARTHEN
aka Tonya Issa
1409 Hermitage Drive
Round Rock, Texas 78681-1924
(via certified mail, return receipt)

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

BY


Jessica Daniels, Legal Secretary
District Attorney's Office

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


CLERK OF THE COURT

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

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Plaintiff,

-vs-

U.S. CURRENCY \$281,656.73,

Defendant.

CASE NO: 07A537416

DEPT NO: VIII

ORDER

THIS MATTER having come on for hearing on the 22nd day of October, 2012, on Claimant DAIMON MONROE's, aka Daimon Devi Hoyt, Motion to for Material Evidence; the Court having reviewed all documents and good cause appearing;

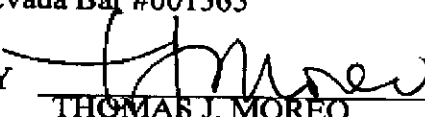
IT IS HEREBY ORDERED that Claimant DAIMON MONROE's, aka Daimon Devi Hoyt, Motion for Material Evidence, is Denied.

DATED this 7th day of November, 2012.

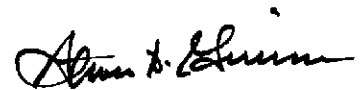

DISTRICT JUDGE

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

BY


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

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



CLERK OF THE COURT

FCL
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,

CASE NO: 07A537416
DEPT NO: VIII

-vs-

U.S. CURRENCY \$281,656.73,

Defendant.

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

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

THIS CAUSE having come on for hearing before the Honorable Douglas Smith, District Judge, on the 13th day of November, 2012, the Plaintiff being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through THOMAS J. MOREO, Chief Deputy District Attorney, and the 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 Trevarten, (hereinafter referred to as "TONYA M. TREVARTHEN"), and ROBERT HOLMES, III, aka Bobby Holmes, aka Robert Holmes, (hereinafter referred to as "ROBERT HOLMES, III"), and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and

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

3 **FINDINGS OF FACT**

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

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

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

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

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

24 ///

25 ///

26 ///

27 ///

28 ///

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

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

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

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

CONCLUSIONS OF LAW

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

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

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

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

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

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

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

3 **ORDER**

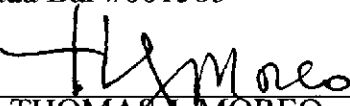
4 THEREFORE, IT IS HEREBY ORDERED that the Motion for Summary Judgment
5 against Claimants DAIMON MONROE, aka Daimon Devi Hoyt, BRYAN M. FERGASON,
6 aka Bryan Michael Fergason, aka J.B., TONYA M. TREVARTHEN, aka Tonya Michelle
7 Trevarthen, , and ROBERT HOLMES, III, aka Bobby Holmes, aka Robert Holmes,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

9 DATED this 27th day of November, 2012.

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11 
DISTRICT JUDGE TG

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

15 BY


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

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

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