

44

Bryan Ferguson #96803

In Propria Personam
Post Office Box 650 [HDSP]
Indian Springs, Nevada 89018

FILED
DEC 21 2012

Electronically Filed
Dec 28 2012 11:54 a.m.
Tracie K. Lindeman
Clerk of Supreme Court
NOAS
Notice of Appeal
2095200

DISTRICT COURT
CLARK COUNTY, NEVADA



Las Vegas Metropolitan
Police Dept. Plaintiff,

vs.
U.S. Currency \$281,656.73
Defendant.

Case No. 07AS37416
Dept. No. VIII
Docket _____

Notice to the Court / or alternative
Notice of Appeal

COMES NOW, Defendant, Bryan Ferguson, herein above respectfully
moves this Honorable Court for an Notice to the Court / or
alternative Notice of Appeal.

This Notice is made and based upon the accompanying Memorandum of Points and Authorities.

DATED: this 17 day of 12, 2012.

BY Bryan Ferguson
Bryan Ferguson #96803
Defendant/In Propria Personam

RECEIVED

DEC 21 2012

CLERK OF THE COURT

1 On November 13, 2012 8:00 Am Defendant
2 went to court room VIII for Motion for Summary
3 Judgment/and other motions. In open Court
4 Judge Douglas Smith said he could not rule
5 on motion for Summary Judgment. The Court
6 advised it would review the Criminal case
7 and noted it would RESERVE its ruling
8 pending the appeal. See Exhibit 1

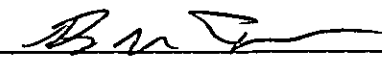
9 Now on December 3, 2012 I recieved in
10 the mail the findings of fact for the
11 November 13, 2012 court date and it says
12 after the Honorable Douglas Smith in Dept
13 VIII reviewing all documents, and hearing oral
14 arguments, the Court granted Plaintiff's motion
15 for Summary Judgment.

16 I believe this document to be felonious.
17 The district attorney filed this order without
18 the Judges Signature. Someone else signed
19 for him and put there initials by it.

20 See Exhibit 2

21 If the court determines that this is a
22 felonious order then disregard the
23 Notice of appeal.

24 If this is a ligetamit court order then
25 consider this notice to the court as a
26 Notice of appeal.

27 
Bryan Ferguson #96803
In Propria Personam
P.O. Box 650 H.D.S.P.
Indian Springs WV
89018

CERTIFICATE OF SERVICE BY MAILING

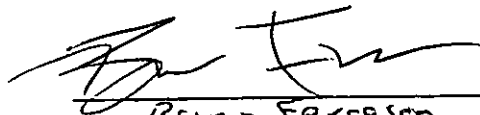
I, Bryan Ferguson, hereby certify, pursuant to NRCP 5(b), that on this 17
day of 12, 2012, I mailed a true and correct copy of the foregoing, "Notice
to the Court / or alternate Notice of Appeal"
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

Steven D. Grierson
clerk of the court
200 Lewis Ave 3rd floor
Las Vegas NV 89155-1160

Office of the District Attorney
Forfeiture Unit
200 Lewis Ave
P.O. Box 552212
Las Vegas, NV 89155

CC:FILE

DATED: this 17 day of 12, 2012.



Bryan Ferguson

#96803

/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 Notice to the
Court/or alternative Notice of Appeal
(Title of Document)

filed in District Court Case number 07A537416

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

-OR-

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

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

(State specific law)

-or-

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

Bryan Ferguson
Signature

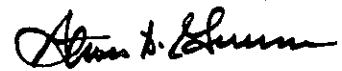
12-17-12
Date

Bryan Ferguson
Print Name

Defendant
Title

07A537416

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



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

DISTRICT COURT
CLARK COUNTY, NEVADA

12 LAS VEGAS METROPOLITAN POLICE
13 DEPARTMENT,

14 Plaintiff,

15 -vs-

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

CASE NO: 07A537416

DEPT NO: VIII

NOTICE OF ENTRY OF ORDER

18 TO: BRYAN M. FERGASON
19 Claimant In Proper Person

20 TO: ROBERT HOLMES, III
21 Claimant In Proper Person

22 TO: DAIMON MONROE
23 Claimant In Proper Person

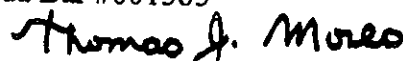
24 TO: TONYA TREVARTHEN
25 Claimant In Proper Person

26 YOU WILL PLEASE TAKE NOTICE that a Findings of Fact, Conclusion of Law
27 and Order was entered on the 28th day of November, 2012, in the above-entitled action, a
28 copy of which is attached hereto.

DATED this 29th day of November, 2012.

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

BY



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

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CERTIFICATE OF MAILING

I hereby certify that service of the NOTICE OF ENTRY OF ORDER was made the 29th 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

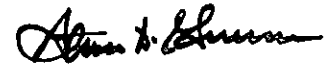
TONYA TREVARTHEN
aka Tonya Issa
1409 Hermitage Drive
Round Rock, Texas 78681-1924
(via certified mail, return receipt)

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



CLERK OF THE COURT

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

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 LAS VEGAS METROPOLITAN POLICE
11 DEPARTMENT,

12 Plaintiff,

CASE NO: 07A537416
DEPT NO: VIII

13 -vs-

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

15 Defendant.

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

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

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

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

3 **FINDINGS OF FACT**

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

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

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

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

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

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

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

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

22 ///

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1 8. On March 5, 2012, Plaintiff filed a Motion to Lift the Stay of this forfeiture
2 matter as the Defendants had been adjudicated in all of the criminal cases, Case Nos.
3 C228752, 06F18594 (which was bound over to District Court as Case No. C227874), and
4 C208321. The Order Granting Motion to Lift Stay was filed with the Court on April 27,
5 2012. Plaintiff thereafter filed a Motion for Summary Judgment in the instant matter on June
6 5, 2012.

7 CONCLUSIONS OF LAW

8 On November 13, 2012, after the Honorable Douglas Smith in Department VIII,
9 reviewing all documents, and hearing oral arguments, the Court granted Plaintiff's Motion
10 for Summary Judgment, pursuant to NRS 179.1171(1), 179.1171(5) and 179.1156 to
11 179.121.

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

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

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

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

25 In respect Claimant MONROE's allegations that they never received copies of the
26 search warrants at the time of the seizure of the proceeds by Las Vegas Metropolitan Police
27 Department. It has been confirmed by the Court that all Claimants were served with the
28 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 23rd day of November, 2012.

10 
11 DISTRICT JUDGE Tb

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

14
15 BY 

16 THOMAS J. MOREO
Chief Deputy District Attorney
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

Bryan Ferguson #96803

H.D.S.P.

P.O. Box 650

Indian Springs NV 89070

CONFIDENTIAL

LOST MAIL

Steven D. Grier
Clerk of the Court
Zach Lewis Avenue, 3rd Floor
Las Vegas NV 89155-1160

Mesler

12/18/2012

US POSTAGE

\$02.29



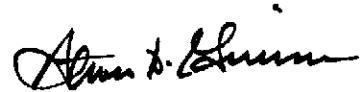
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RECEIVED

Feb 17 2012

HIGH DESERT STATE PRISON
LAW LIBRARY



CLERK OF THE 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

14
15 **CASE APPEAL STATEMENT**

16 1. Appellant(s): Bryan Fergason

17 2. Judge: Doug Smith

18 3. Appellant(s): Bryan Fergason

19 Counsel:

20 Bryan Fergason #96803
21 P.O. Box 650
Indian Springs, NV 89070

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

23 Counsel:

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

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

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

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

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

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

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

6 Type of Judgment or Order Being Appealed: Summary Judgment

7 11. Previous Appeal: Yes

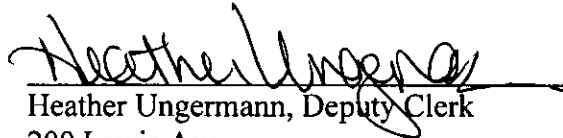
8 Supreme Court Docket Number(s): 60547, 60809, 61094, 61616, 62264, 62274

9 12. Child Custody or Visitation: N/A

10 13. Possibility of Settlement: Unknown

11 Dated This 27 day of December 2012.

12 Steven D. Grierson, Clerk of the Court

13
14 
15 Heather Ungermann, Deputy Clerk
16 200 Lewis Ave
17 PO Box 551601
18 Las Vegas, Nevada 89155-1601
19 (702) 671-0512
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DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

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

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§
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§

Location: **Department 8**
Judicial Officer: **Smith, Douglas E.**
Filed on: **03/09/2007**
Case Number History:
Conversion Case Number: **A537416**
Supreme Court No.: **60547**
60809
61094
61616
62264
62274

CASE INFORMATION

Statistical Closures

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

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

DATE

CASE ASSIGNMENT

Current Case Assignment

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

PARTY INFORMATION

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

Pro Se

DATE

EVENTS & ORDERS OF THE COURT

INDEX















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

07A5374160001.tif pages



DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

03/20/2007	 Affidavit Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>AFFIDAVIT OF SERVICE</i>	07A5374160002.tif pages
03/20/2007	Affidavit Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>AFFIDAVIT OF SERVICE</i>	07A5374160003.tif pages
03/20/2007	 Summons Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>SUMMONS ISSUED ONLY</i>	07A5374160004.tif pages
03/20/2007	Summons Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>SUMMONS ISSUED ONLY</i>	07A5374160005.tif pages
03/20/2007	Summons Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>SUMMONS ISSUED ONLY</i>	07A5374160006.tif pages
03/20/2007	Summons Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>SUMMONS ISSUED ONLY</i>	07A5374160007.tif pages
03/20/2007	Summons Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>SUMMONS ISSUED ONLY</i>	07A5374160008.tif pages
03/27/2007	 Order for Service by Publication Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>ORDER FOR PUBLICATION OF FORFEITURE ACTION</i>	07A5374160009.tif pages
03/27/2007	 Affidavit Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>AFFIDAVIT FOR ORDER OF PUBLICATION</i>	07A5374160010.tif pages
03/28/2007	 Affidavit of Mailing Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>AFFIDAVIT OF MAILING</i>	07A5374160011.tif pages
03/28/2007	 Acceptance of Service Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>ACCEPTANCE OF SERVICE</i>	07A5374160013.tif pages
03/28/2007	Acceptance of Service Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>ACCEPTANCE OF SERVICE</i>	07A5374160014.tif pages
03/28/2007	Acceptance of Service Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>ACCEPTANCE OF SERVICE</i>	07A5374160015.tif pages
03/28/2007	 Affidavit Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>AFFIDAVIT OF SERVICE</i>	07A5374160016.tif pages

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

03/29/2007	 Answer Filed By: Other Defendant Holmes III, Robert <i>ANSWER</i>	07A5374160012.tif pages
03/29/2007	 Initial Appearance Fee Disclosure Filed By: Other Defendant Holmes III, Robert <i>INITIAL APPEARANCE FEE DISCLOSURE</i>	07A5374160017.tif pages
04/05/2007	 Answer Filed By: Other Defendant Monroe, Daimon <i>FORMAL ANSWER TO COMPLAINT</i>	07A5374160018.tif pages
04/05/2007	 Motion Filed By: Other Defendant Monroe, Daimon <i>MOTION TO STAY PROCEEDINGS</i>	07A5374160019.tif pages
04/05/2007	 Order to Proceed In Forma Pauperis Granted for: Other Defendant Monroe, Daimon <i>ORDER TO PROCEED IN FORMA PAUPERIS</i>	07A5374160020.tif pages
04/05/2007	 Application to Proceed in Forma Pauperis Filed By: Other Defendant Monroe, Daimon <i>APPLICATION TO PROCEED IN FORMA PAUPERIS</i>	07A5374160021.tif pages
04/10/2007	 Answer Filed By: Other Defendant Fergason, Bryan M <i>ANSWER TO COMPLAINT FOR FORFEITURE</i>	07A5374160022.tif pages
04/10/2007	 Initial Appearance Fee Disclosure Filed By: Other Defendant Fergason, Bryan M <i>INITIAL APPEARANCE FEE DISCLOSURE</i>	07A5374160024.tif pages
04/12/2007	 Amended Answer Filed By: Other Defendant Holmes III, Robert <i>AMENDED ANSWER</i>	07A5374160025.tif pages
04/13/2007	 Motion <i>DEFT MONROE'S MTN OF CLAIMANTS FAILURE TO VERIFY ANSWER /1</i>	07A5374160023.tif pages
04/17/2007	 Motion <i>MONROE'S NOTICE OF HEARING/MOTION TO STAY PROCEEDINGS /2 VC 5/16/07</i>	07A5374160026.tif pages
04/23/2007	 Motion <i>CLAIMANT'S MTN FOR STAY OF FORFEITURE CASE/3 VJ 5/16/07</i>	07A5374160027.tif pages
04/23/2007	 Receipt of Copy Filed by: Other Defendant Fergason, Bryan M <i>RECEIPT OF COPY</i>	07A5374160028.tif pages
04/26/2007	 Response Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>PLTFS RESPONSE TO CLAIMANTS MOTION FOR STAY OF FORFEITURE PROCEEDINGS</i>	07A5374160029.tif pages

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416















05/08/2007	 Affidavit of Publication <i>AFFIDAVIT OF PUBLICATION</i>	07A5374160030.tif pages
05/16/2007	Motion (8:30 AM) Events: 04/13/2007 Motion <i>DEFT MONROE'S MTN OF CLAIMENTS FAILURE TO VERIFY ANSWER /1 Relief</i> <i>Clerk: Carole D'Aloia Reporter/Recorder: Renee Vincent Heard By: Stewart Bell</i>	
05/18/2007	 Three Day Notice of Intent to Default Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>THREE DAY NOTICE OF INTENT TO TAKE DEFAULT</i>	07A5374160031.tif pages
05/21/2007	<i>CANCELED</i> Motion to Stay (8:30 AM) Events: 04/17/2007 Motion <i>Vacated</i>	
05/21/2007	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>NOTICE OF ENTRY OF ORDER</i>	07A5374160032.tif pages
05/30/2007	<i>CANCELED</i> Motion to Stay (8:30 AM) Events: 04/23/2007 Motion <i>Vacated</i>	
06/01/2007	 Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>MOTION FOR PARTIAL JUDGMENT BY DEFAULT</i>	07A5374160033.tif pages
06/01/2007	 Default Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>PARTIAL DEFAULT</i>	07A5374160034.tif pages
06/19/2007	 Change of Address Filed By: Also Known As Holmes, Robert <i>CHANGE OF ADDRESS</i>	07A5374160035.tif pages
08/20/2008	 Motion <i>SULLIVAN'S MTN TO WITHDRAW AS COUNSEL /04 VI 9-18-08</i>	07A5374160039.tif pages
08/21/2008	 Certificate of Mailing Filed By: Other Defendant Holmes III, Robert <i>CERTIFICATE OF MAILING</i>	07A5374160040.tif pages
09/22/2008	<i>CANCELED</i> Motion to Withdraw as Counsel (3:00 AM) (Judicial Officer: Cadish, Elissa F.) Events: 08/20/2008 Motion <i>Vacated</i>	
10/29/2009	 Order to Statistically Close Case	
05/13/2010	 Notice of Motion Filed By: Other Defendant Holmes III, Robert	
06/11/2010	 Motion (8:33 AM) (Judicial Officer: Smith, Douglas E.)	

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

















Events: 05/13/2010 Notice of Motion
Deft. Robert Holmes III's Motion For Return of Illegally Seized Preoperty and Money

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














DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

02/28/2012	 All Pending Motions (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Deft's Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case; Defendant's Motion for Enlargement of time to Respond to Plaintiff's Motion to Reconsider Court Statistically Closing Case</i>
03/05/2012	 Notice of Motion Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Motion and Motion to Lift Stay</i>
03/09/2012	 Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order RE Hearing Held January 28, 2012</i>
03/12/2012	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Entry of Order</i>
03/15/2012	 Motion Filed By: Other Defendant Holmes III, Robert <i>Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative for Appearance by Telephone or Video Conference</i>
03/15/2012	 Supplement Filed by: Other Defendant Holmes III, Robert <i>Second Supplement to Motion to Dismiss Plaintiff's Motion to Reconsider Court Statistically Closing Case</i>
03/26/2012	 Notice of Appeal (criminal) Party: Other Defendant Holmes III, Robert
03/27/2012	 Opposition to Motion Filed By: Other Defendant Holmes III, Robert <i>Opposition to Plaintiff's Motion to Lift Stay</i>
03/27/2012	 Case Appeal Statement
03/28/2012	 Response Filed by: Plaintiff Las Vegas Metropolitan Police Dept <i>Response to Opposition to Motion to Lift Stay</i>
03/30/2012	 Motion Filed By: Other Defendant Monroe, Daimon <i>Motion of Specific Facts and to Ask Court Consider Leaving Stay</i>
04/09/2012	 Motion (3:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Plaintiff's Motion to Lift Stay</i>
04/16/2012	 Reply Filed by: Other Defendant Holmes III, Robert <i>Reply to Response to Opposition to Motion to Lift Stay</i>
04/27/2012	 Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Order Granting Motion to Lift Stay</i>

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416














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

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416










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

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

Order for Production of Inmate Daimon Monroe, BAC #38299














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

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

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

DEPARTMENT 8
CASE SUMMARY
CASE NO. 07A537416

Judgment

11/13/2012	 All Pending Motions (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Defendant's Motion for Summary Judgment and to Strike Plaintiff's Motion for Summary Judgment; Plaintiff's Motion for Summary Judgment</i>
11/28/2012	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Findings of Fact, Conclusions of Law and Order</i>
11/28/2012	Summary Judgment (Judicial Officer: Smith, Douglas E.) Debtors: Daimon Monroe (Other Defendant), Daimon D Hoyt (Also Known As), Bryan M Ferguson (Other Defendant), J B Ferguson (Also Known As), Tonya M Trevarthen (Other), Robert Holmes III (Other Defendant), Bobby Holmes (Also Known As), Robert Holmes (Also Known As) Creditors: Las Vegas Metropolitan Police Dept (Plaintiff) Judgment: 11/28/2012, Docketed: 12/05/2012
11/29/2012	 Notice of Entry of Order Filed By: Plaintiff Las Vegas Metropolitan Police Dept <i>Notice of Entry of Order</i>
12/06/2012	 Order to Statistically Close Case <i>Civil Order to Statistically Close Case</i>
12/07/2012	 Notice of Appeal Filed By: Other Defendant Monroe, Daimon
12/10/2012	 Case Appeal Statement Filed By: Other Defendant Monroe, Daimon <i>Case Appeal Statement</i>
12/10/2012	 Notice of Appeal
12/11/2012	 Case Appeal Statement Filed By: Other Defendant Holmes III, Robert <i>Case Appeal Statement</i>
12/18/2012	 Notice of Appeal <i>First Pro Se Amended Notice Of Appeal And Appeal Statement</i>
12/18/2012	 Designation of Record on Appeal
12/19/2012	 Case Appeal Statement Filed By: Other Defendant Holmes III, Robert <i>Case Appeal Statement</i>
12/21/2012	 Notice of Appeal <i>Notice To The Court / Or Alternative Notice Of Appeal</i>
12/27/2012	 Case Appeal Statement Filed By: Other Defendant Ferguson, Bryan M <i>Case Appeal Statement</i>

DEPARTMENT 8
CASE SUMMARY

CASE No. 07A537416

DATE

FINANCIAL INFORMATION

Conversion Extended Connection Type No Convert Value @ 07A537416

Total Charges 202.00

Total Payments and Credits 202.00

Balance Due as of 12/27/2012 0.00

Plaintiff Las Vegas Metropolitan Police Dept

Total Charges 0.00

Total Payments and Credits 0.00

Balance Due as of 12/27/2012 0.00

ORIGINAL

CIVIL COVER SHEET

Clark County, Nevada

Case No.

(Assigned by Clerk's Office)

A 88746

VII

I. Party Information

Plaintiffs: **Las Vegas Metropolitan Police Department**

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

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

Attorney:

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

☐ Arbitration Requested

Civil Cases

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

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

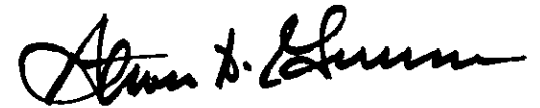
<input type="checkbox"/> NRS Chapters 78-88	<input type="checkbox"/> Investments (NRS 104B)	<input type="checkbox"/> Enhanced Case Mgmt/Business
<input type="checkbox"/> Commodities (NRS 90)	<input type="checkbox"/> Deceptive Trade Practices (NRS 598)	<input type="checkbox"/> Other Business Court Matters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

8 March 07

Date

[Signature]

Signature of initiating party or representative



CLERK OF THE COURT

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

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 LAS VEGAS METROPOLITAN POLICE
11 DEPARTMENT,

12 Plaintiff,

CASE NO: 07A537416
DEPT NO: VIII

13 -VS-

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

15 Defendant.

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

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

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

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

FINDINGS OF FACT

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

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

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

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

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

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

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

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

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

CONCLUSIONS OF LAW

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

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

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

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

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

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

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

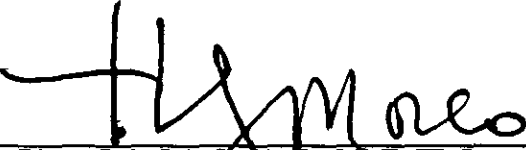
3 **ORDER**

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

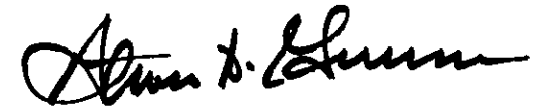
9 DATED this 27th day of November, 2012.

10 
11 DISTRICT JUDGE *TG*

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

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

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



CLERK OF THE COURT

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

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 LAS VEGAS METROPOLITAN POLICE
10 DEPARTMENT,

11 Plaintiff,

12 -vs-

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

CASE NO: 07A537416

DEPT NO: VIII

14 **NOTICE OF ENTRY OF ORDER**

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

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

19 TO: DAIMON MONROE
20 Claimant In Proper Person

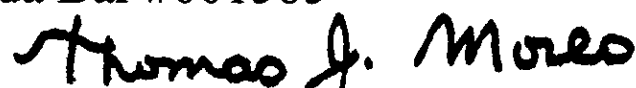
21 TO: TONYA TREVARTHEN
22 Claimant In Proper Person

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

26 DATED this 29th day of November, 2012.

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

BY



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

1 CERTIFICATE OF MAILING

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

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

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

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

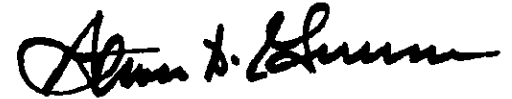
13 TONYA TREVARTHEN
14 aka Tonya Issa
15 1409 Hermitage Drive
Round Rock, Texas 78681-1924
(via certified mail, return receipt)

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

19
20
21 BY


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

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



CLERK OF THE COURT

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

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 LAS VEGAS METROPOLITAN POLICE
11 DEPARTMENT,

12 Plaintiff,

CASE NO: 07A537416
DEPT NO: VIII

13 -vs-

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

15 Defendant.

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

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

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

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

3 **FINDINGS OF FACT**

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

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

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

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

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

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

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

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

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

CONCLUSIONS OF LAW

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

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

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

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

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

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

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


3 **ORDER**

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

9 DATED this 22nd day of November, 2012.

10
11 
DISTRICT JUDGE TG

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

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

May 16, 2007

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

May 16, 2007 8:30 AM Motion

HEARD BY: COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Weed, Randall F. Attorney

JOURNAL ENTRIES

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

07A537416

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

September 22, 2008

07A537416	Las Vegas Metropolitan Police Dept vs U S Currency \$281,656.73
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September 22, 2008 3:00 AM Motion to Withdraw as Counsel

HEARD BY: Cadish, Elissa F.

COURTROOM: RJC Courtroom 15B

COURT CLERK:

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

June 11, 2010

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

June 11, 2010

8:33 AM

Motion

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

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

January 09, 2012

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

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

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 06, 2012

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 21, 2012

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

February 21, 2012

8:00 AM

Motion

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

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

February 28, 2012

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

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

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT: Moreo, Thomas Joseph Attorney

JOURNAL ENTRIES

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

April 09, 2012

Minutes Date: May 16, 2007

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

June 05, 2012

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

June 05, 2012

8:00 AM

Motion for Summary Judgment

Plaintiff's Motion for Summary Judgment

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT: Moreo, Thomas Joseph Attorney

JOURNAL ENTRIES

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

July 23, 2012

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

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

August 07, 2012

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

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

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Debbie Winn

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

PRINT DATE: 12/27/2012

Page 11 of 16

Minutes Date:

May 16, 2007

07A537416

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

October 08, 2012

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

October 08, 2012	3:00 AM	Motion	Defendant, Daimon Monroe's Pro Per Motion For Return of Seized Property and Suppresion of Evidence
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HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER:

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

October 22, 2012

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

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

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Filing

COURT MINUTES

November 13, 2012

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

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

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

PRINT DATE: 12/27/2012

Page 15 of 16

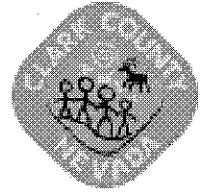
Minutes Date:

May 16, 2007

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



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT



BRYAN FERGASON #96803
P.O. BOX 650
INDIAN SPRINGS, NV 89070

DATE: December 27, 2012
CASE: A537416

RE CASE: LAS VEGAS METROPOLITAN POLICE DEPARTMENT vs. U.S. CURRENCY \$281,656.73

NOTICE OF APPEAL FILED: December 21, 2012

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☒ \$24 – District Court Filing Fee (Make Check Payable to the District Court)
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

“The district court clerk must file appellant’s notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12.”

Please refer to Rule 3 for an explanation of any possible deficiencies.

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE TO THE COURT /OR ALTERNATIVE NOTICE OF APPEAL;
CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET;
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF ENTRY OF ORDER;
DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Plaintiff(s),

vs.

U.S. CURRENCY \$281,656.73,

Defendant(s).

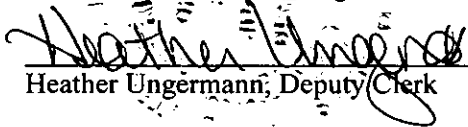
Case No: A537416

Dept No: VIII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 27 day of December 2012.

Steven D. Grierson, Clerk of the Court


Heather Ungermann, Deputy Clerk