

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Apr 29 2014 09:04 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

BRYAN FERGASON,

Appellant,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

Respondent.

Case No.: 62357

APPELLANT'S APPENDIX

VOLUME I

RYAN DANIELS, ESQ.
Sylvester & Polednak
Nevada Bar No. 13094
1731 Village Center Circle
Las Vegas, Nevada 89134
Attorney for Appellant

THOMAS JOSEPH MOREO, ESQ
Chief Deputy District Attorney
Clark County District Attorney
200 Lewis Ave., 3rd Flr.
Las Vegas, NV 89155
Attorney for Respondent

TABLE OF CONTENTS

TAB	DESCRIPTION	VOL	PAGE
1	Amened Indictment in State of Nevada v. Daimon Monroe, et al.	Vol I	00001
2	The Second amended information in State of Nevada v. Daimon Monroe	Vol I	00013
3	Notice of Motion and Motion for Summary Judgment	Vol I	00019
4	Transcript of Proceedings Plaintiff's motion for Summary Judgment Defendant's motion for Summary Judgment and to Strike Plaintiff's motion for summary judgment	Vol I	00123
5	Findings of Fact, Conclusions of Law and Order in Las Vegas Metropolitan Police Department v. U.S. Currency \$281,646.73	Vol I	00137

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

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DEC 15 12 12 PM '06

Shirley E. Rungius
CLERK

DISTRICT COURT

CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,
 11 Plaintiff,

12 -vs-

Case No. C228752
 Dept. No. XII

13 DAIMON MONROE, aka Daimon Devi
 14 Hoyt,
 15 #0715429
 16 TONYA TREVARTHEN, aka Tonya
 17 Michelle Trevarthen
 18 #1760548
 19 BRYAN FERGASON, aka Bryan Michael
 20 Fergason
 21 #1299193
 22 ROBERT HOLMES
 23 #0876216

AMENDED
 INDICTMENT

19 Defendant(s).

21 STATE OF NEVADA }
 22 COUNTY OF CLARK } ss.

23 The Defendant(s) above named, DAIMON MONROE, aka Daimon Devi Hoyt,
 24 TONYA TREVARTHEN, aka Tonya Michelle Trevarthen, BRYAN FERGASON, aka
 25 Bryan Michael Fergason, and ROBERT HOLMES, accused by the Clark County Grand Jury
 26 of the crime(s) of CONSPIRACY TO POSSESS STOLEN PROPERTY AND/OR TO
 27 COMMIT BURGLARY (Gross Misdemeanor - NRS 205.275, 199.480, 205.060); and
 28 POSSESSION OF STOLEN PROPERTY (Felony - NRS 205.275), committed at and within

COUNTY CLERK
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the County of Clark, State of Nevada, on or between September 20, 2006 and November 27, 2006, as follows:

COUNT 1 – CONSPIRACY TO POSSESS STOLEN PROPERTY AND/OR TO COMMIT BURGLARY

did then and there meet with each other and between themselves, and each of them with the other, wilfully and unlawfully conspire and agree to commit a crime, to-wit: possession of stolen property and/or burglary, and in furtherance of said conspiracy, Defendants did commit the acts as set forth in Count 1 through 27, said acts being incorporated by this reference as though fully set forth herein, and/or Defendants did continue after committing said acts in Counts 1 through 27 to conceal and/or hide the proceeds and/or stolen property of Defendants acts.

COUNT 2 - POSSESSION OF STOLEN PROPERTY

did wilfully, unlawfully, and feloniously, for their own gain, possess property of a value of \$2500.00, or more, lawful money of the United States, wrongfully taken from DESERT ROCK SPORTS, to-wit: sleeping bags, clothing and/or camping equipment, which Defendants knew, or had reason to believe, had been stolen.

COUNT 3 - POSSESSION OF STOLEN PROPERTY

did wilfully, unlawfully, and feloniously, for their own gain, possess property of a value of \$2500.00, or more, lawful money of the United States, wrongfully taken from A TOUCH OF VEGAS, to-wit: framed Woodstock picture and ticket, memorabilia and/or artwork, which Defendants knew, or had reason to believe, had been stolen.

COUNT 4 – POSSESSION OF STOLEN PROPERTY

did wilfully, unlawfully, and feloniously, for their own gain, possess property of a value of \$2500.00, or more, lawful money of the United States, wrongfully taken from ANNIE LEE GALLERY, to-wit: original artwork and/or paintings, which Defendants knew, or had reason to believe, had been stolen.

COUNT 5 – POSSESSION OF STOLEN PROPERTY

did wilfully, unlawfully, and feloniously, for their own gain, possess property of a

1 value of \$250.00, or more, lawful money of the United States, wrongfully taken from SPA
2 DEPOT, to-wit: spa chemicals, which Defendants knew, or had reason to believe, had been
3 stolen.

4 COUNT 6 – POSSESSION OF STOLEN PROPERTY

5 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
6 value of \$250.00, or more, lawful money of the United States, wrongfully taken from SEE'S
7 CANDIES, to-wit: chocolate, lollipops and/or boxed candy, which Defendants knew, or had
8 reason to believe, had been stolen.

9 COUNT 7 – POSSESSION OF STOLEN PROPERTY

10 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
11 value of \$2500.00, or more, lawful money of the United States, wrongfully taken from
12 MOUNTAIN SPRINGS WELLNESS, to-wit: oxygen concentrator machine, hyperbaric
13 chamber, compressor and/or tan massage chair, which Defendants knew, or had reason to
14 believe, had been stolen.

15 COUNT 8 – POSSESSION OF STOLEN PROPERTY

16 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
17 value of \$2500.00, or more, lawful money of the United States, wrongfully taken from
18 LAND BARON INVESTMENTS, to-wit: computer, wide screen monitor and/or
19 memorabilia pictures, which Defendants knew, or had reason to believe, had been stolen.

20 COUNT 9 – POSSESSION OF STOLEN PROPERTY

21 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
22 value of \$2500.00, or more, lawful money of the United States, wrongfully taken from
23 ECON DIVISION OF ABSOCOLD CORP., to-wit: Sub-Zero commercial
24 refrigerator/freezer, Sub-Zero freezer, ice makers and/or Kitchenaid washer and dryer with
25 pedestals, which Defendants knew, or had reason to believe, had been stolen.

26 COUNT 10 – POSSESSION OF STOLEN PROPERTY

27 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
28 value of \$2500.00, or more, lawful money of the United States, wrongfully taken from

1 MILTON HOMER FURNISHINGS, to-wit: furniture, lamps, plants, statues, artwork,
2 paintings and/or home accessories, which Defendants knew, or had reason to believe, had
3 been stolen.

4 COUNT 11- POSSESSION OF STOLEN PROPERTY

5 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
6 value of \$2500.00, or more, lawful money of the United States, wrongfully taken from CAL
7 SPAS, to-wit: spa, which Defendants knew, or had reason to believe, had been stolen.

8 COUNT 12 - POSSESSION OF STOLEN PROPERTY

9 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
10 value of \$2500.00, or more, lawful money of the United States, wrongfully taken from
11 HOSHIZAKI WESTERN DISTRIBUTION, to-wit: ice compressor, Serial No. Q04228D,
12 which Defendants knew, or had reason to believe, had been stolen.

13 COUNT 13 - POSSESSION OF STOLEN PROPERTY

14 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
15 value of \$2500.00, or more, lawful money of the United States, wrongfully taken from H.P.
16 MEDIA GROUP, to-wit: Marantz Digial Receiver bearing Serial No. MZ000506001583,
17 Marantz Digial Receiver bearing Serial No. MZ000507004989, Marantz DVD player
18 bearing Serial No. MZ00050902592, JBL Surround Sound Speakers bearing Serial No.
19 HA009102309, JBL Surround Sound Speakers bearing Serial No. HA009102311, JBL
20 Surround Sound Speakers bearing Serial No. HA009102414, JBL Surround Speakers
21 bearing Serial No. HA009102415, two (2) 42" Sony Plasma TVs, 32" Sony Plasma TV, 23"
22 Zenith Flatscreen TV, 61" NEC Plasma TV, 60" Sony Rear Projection TV and/or 20" Sharp
23 LCD TV which Defendants knew, or had reason to believe, had been stolen.

24 COUNT 14 - POSSESSION OF STOLEN PROPERTY

25 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
26 value of \$2500.00, or more, lawful money of the United States, wrongfully taken from KDS
27 CPA, to-wit: framed matchbook collection, framed Norman Rockwell silver proof set,
28 framed Norman Rockwell print with stamps and/or framed signed Joe Namath Jersey, which

1 Defendants knew, or had reason to believe, had been stolen.

2 COUNT 15 – POSSESSION OF STOLEN PROPERTY

3 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
4 value of \$2500.00, or more, lawful money of the United States, wrongfully taken from SEE
5 AMERICA, to-wit: cartoon cells and/or clown pictures/artwork, which Defendants knew, or
6 had reason to believe, had been stolen.

7 COUNT 16 - POSSESSION OF STOLEN PROPERTY

8 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
9 value of \$2500.00, or more, lawful money of the United States, wrongfully taken from
10 McNEILLY ART STUDIO, to-wit: original artwork, which Defendants knew, or had reason
11 to believe, had been stolen.

12 COUNT 17 – POSSESSION OF STOLEN PROPERTY

13 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
14 value of \$2500.00, or more, lawful money of the United States, wrongfully taken from
15 GRAND CANYON CONSTRUCTION, to-wit: Viking 30" electric cook top bearing Model
16 No. DECU105-4BSB and/or 42"Viking Refridgerator bearing Model No. DDSB423SS,
17 which Defendants knew, or had reason to believe, had been stolen.

18 COUNT 18 – POSSESSION OF STOLEN PROPERTY

19 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
20 value of \$250.00, or more, lawful money of the United States, wrongfully taken from DR.
21 RICHARD GROOM, to-wit: stork painting/artwork entitled "Docs Race with a Stork,"
22 which Defendants knew, or had reason to believe, had been stolen.

23 COUNT 19 – POSSESSION OF STOLEN PROPERTY

24 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
25 value of \$250.00, or more, lawful money of the United States, wrongfully taken from
26 PLAZA CAFE, to-wit: commercial meat slicer, which Defendants knew, or had reason to
27 believe, had been stolen.

28 //

1 COUNT 20 – POSSESSION OF STOLEN PROPERTY

2 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
3 value of \$250.00, or more, lawful money of the United States, wrongfully taken from
4 COMPLETE COSMETIC SURGERY, to-wit: two (2) large framed original tapestries,
5 which Defendants knew, or had reason to believe, had been stolen.

6 COUNT 21 – POSSESSION OF STOLEN PROPERTY

7 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
8 value of \$250.00, or more, lawful money of the United States, wrongfully taken from DVD
9 UNLIMITED, to-wit: two (2) computer speakers bearing Serial No. 29SP5B1129 and/or
10 AKAI MPC 2000 MIDI Production Center, which Defendants knew, or had reason to
11 believe, had been stolen.

12 COUNT 22 – POSSESSION OF STOLEN PROPERTY

13 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
14 value of \$2500.00, or more, lawful money of the United States, wrongfully taken from
15 FAMILY MUSIC CENTER, to-wit: guitars, which Defendants knew, or had reason to
16 believe, had been stolen.

17 COUNT 23 – POSSESSION OF STOLEN PROPERTY

18 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
19 value of \$2500.00, or more, lawful money of the United States, wrongfully taken from
20 BRADY INDUSTRIES, to-wit: commercial vacuum, floor scrubber and/or floor buffer,
21 which Defendants knew, or had reason to believe, had been stolen.

22 COUNT 24 – POSSESSION OF STOLEN PROPERTY

23 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
24 value of \$2500.00, or more, lawful money of the United States, wrongfully taken from
25 GLOBAL ENTERTAINMENT, INC., to-wit: framed albums, posters and/or framed map of
26 world, which Defendants knew, or had reason to believe, had been stolen.

27 COUNT 25 – POSSESSION OF STOLEN PROPERTY

28 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a

1 value of \$250.00, or more, lawful money of the United States, wrongfully taken from
2 FURNITURE MARKDOWNS, to-wit: artwork and/or furniture, which Defendants knew, or
3 had reason to believe, had been stolen.

4 COUNT 26 – POSSESSION OF STOLEN PROPERTY

5 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
6 value of \$2500.00, or more, lawful money of the United States, wrongfully taken from
7 PLATINUM COLLECTIBLES, to-wit: signed guitars, signed memorabilia and/or posters,
8 which Defendants knew, or had reason to believe, had been stolen.

9 COUNT 27 – POSSESSION OF STOLEN PROPERTY

10 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
11 value of \$250.00, or more, lawful money of the United States, wrongfully taken from
12 RIGHT ON BEAT PRODUCTIONS, to-wit: Novation super base station, Serial No.
13 020914, Novation drum station, Serial No. 008485 and/or Ensoniq effects processor, which
14 Defendants knew, or had reason to believe, had been stolen.

15 DATED this 15th day of December, 2006.

16
17 DAVID ROGER
18 DISTRICT ATTORNEY
19 Nevada Bar #002781

20 BY Ronald C. Blofham
21 for SANDRA DIGIACOMO
22 Chief Deputy District Attorney
23 Nevada Bar #006204
24
25
26
27
28

1 Names of witnesses testifying before the Grand Jury:
2 MICHAELS, SCOTT, C/O CCDA, MVU, 301 E. CLARK PLACE, LVN 89101
3 KRATZ, BRYAN, CAL SPAS, 2010 RED ROCK ST., LVN 89146
4 LEE, ANNIE, 4030 E POST RD, #101, LVNN 89120
5 MCQUEEN, DAVID, 3199 E. WARM SPRINGS, LVN 89120
6 GIANNEILLA, MARKOS, MILTON HOMER FURNISHINGS, 5955 VALLEY VIEW,
7 LVN 89118
8 THOMPSON, JILL, MILTON HOMER FURNISHINGS, 5955 VALLEY VIEW, LVN
9 89118
10 COLTON, ROBERT, C/O CCDA, MVU, 301 E. CLARK PLACE, LVN 89101
11 KENNEDY, JANET, C/O CCDA, MVU, 301 E. CLARK PLACE, LVN 89101
12 VINCENT, JAMES, C/O CCDA, MVU, 301 E. CLARK PLACE, LVN 89101
13 SALINGER, KURT, KDS CPA, 1601 S. RAINBOW BLVD., #220/B, LVN 89146
14 WALDRON, TODD, MTN SPRINGS WELLNESS, 6480 SPRING MTN RD., #1, LVN
15 89103
16 BELLER, JAMES, 5275 S. DURANGO DR., LVN 89113
17 PELTIER, KEVIN, C/O CCDA, 301 E. CLARK PLACE, LVN 89101
18 TERRY, AMANDA, C/O CCDA, 301 E. CLARK PLACE, LVN 89101
19 GORDON, STEPHEN DR, ADDRESS UNKNOWN
20 DELACRUZ, ESTRELLA, SPA DEPOT, 8350 W. TROPICANA AVE., LVN 89147
21 CAYNE, ROBERT, GLOBAL ENTERTAINMENT, 6160 W. SAHARA AVE, LVN 89146
22 HOLEC, PHILLIP, 8125 W. SAHARA AVE., #210, LVN 89117
23 FRIEDRICHS, KATE, SEES CANDIES, 10300 W. CHARLESTON #27, LVN 89135
24 CARTER, CHRISTINE, 10300 W. CHARLESTON #27, LVN 89135
25 HOBBS, WILLIAMS, 8221 W. CHARLESTON BLVD. #106, LVN 89117
26 GRAVES, TRAVIS, DESERT ROCK SPORTS, 8221 CHARLESTON BLVD #106, LVN
27 89117
28 DRUMMOND, DAVID, BRADY INDUSTRIES, 7055 LINDELL, LVN 89118
//
//

1 VELTRE, KEITH, PLATINUM COLLECTIBLES, 1172 SPENCER POINT DR.,
2 HENDERSON, NV 89074
3 GROOM, RICHARD DR., 1950 PINTO LN, LVN 89106
4 FOREMAN, STEPHEN, C/O CCDA, MVU, 301 E. CLARK PLACE, LVN 89101
5 TREVARTHEN, TONYA, C/O CCDA, MVU, 301 E. CLARK PLACE, LVN 89101
6 IVES, DANIEL, C/O CCDA, MVU, 301 E. CLARK PLACE, LVN 89101
7 WINTERS, CLAIRE, C/O CCDA, MVU, 301 E. CLARK PLACE, LVN 89101
8 WALKER, BRAD, C/O CCDA, MVU, 301 E. CLARK PLACE, LVN 89101
9 ASHLEY, JUDI, C/O CCDA, MVU, 301 E. CLARK PLACE, LVN 89101
10 DENNING, ANGEL, C/O CCDA, MVU, 301 E. CLARK PLACE, LVN 89101
11 McNEILLY, MICHAEL, C/O CCDA, MVU, 301 E. CLARK PLACE, LVN 89101
12 MP4896 KING, MICHAEL D
13 HATCHCOCK, ROBERT, C/O CCDA, MVU, 301 E. CLARK PLACE, LVN 89101
14 MP4896 KING, MICHAEL D
15 LANTSBERGER, MICHAEL, 420 28TH AVE SE, WATERTOWN, SD 57201
16 MOSS, ROGER, HOSHIZAKI WESTER DIST., 5160 S. VALLEY IEW #108, LVN
89107
17 MP3957 BRITT, WESLEY G
18 MP3594 JOHNSON, DARRYL
19 MP3794 FRANC, DALE
20 MP3696 MORRIS, JON
21 MP4498 SCHOENING, TIMOTHY
22 MP6184 CHURCHES, JAMES M
23 MP3399 FLAHERTY, DANIEL P
24 MP4920 HANNERS, ALLEN
25 MP5318 MAUNTEL, MICHAEL
26 MP3594 JOHNSON, DARRYL
27 COLTON, ROBERT, C/O CCDA, MVU, 301 E. CLARK PLACE, LVN
28 MP3698 SIWY, JAMES

1 MP6004 HOLL, JULIE
2 PAULSON, PHYLLIS, FURNITURE MARKDOWN, 6000 S. EASTERN AVE., LVN
3 89120
4 MP4660 MACDONALD, JERRY
5 MP6225 GIANNONE, JOSEPH M
6 MP4311 NICKELL, BRADLEY J
7 Additional witnesses known to the District Attorney at the time of filing this Indictment:
8 MP2566 LEE, THEODORE B
9 MP2993 ELLIOTT, MARIA
10 MP3290 LEE, RUSSEL D
11 MP3400 SULLIVAN, KRIK L
12 MP3661 HOLMAN, WAYNE
13 MP3956 RIESSELMANN, THOMAS
14 MP4356 DANGELO, BARTHOLOMEW
15 MP4489 BRUTCH, ERIC
16 MP4722 WOOTEN, CYNTHIA
17 MP4757 MIZUSAKI, JAMES B
18 MP4784 DEPAULIS, RICHARD
19 MP4910 SUMMERS, STEVEN
20 MP4979 HESTAND, PAUL D
21 MP5099 JONES, EDWARD
22 MP5255 RADKE, TROY E
23 MP5290 LILIENTHAL, CRAIG
24 MP5789 ARCHER, CHRISTOPHER
25 MP5850 HERNANDEZHERNANDEZ, JOSE
26 MP5851 MORGAN, ERNEST E
27 MP6004 HAGER, JULIE
28 MP6930 SANTAROSSA, BRIAN

1 MP7414 BENSON, TROY J
2 MP7533 ARBOREEN, DAVID J.
3 MP8054 WEST, BOBBIE
4 MP8264 SALISBURY, KENNETH D
5 MP8459 VEGA, FRANCISCA
6 GALLARIES, ANNIE LEE, 4030 E POST RD. #101, LVN 89120
7 NARA, RICHARD, 5030 SPRING MTN RD. #3, LVN 89146
8 PETERSON, BRITTANY, MTN SPRINGS WELLNESS, 6480 SPRING MTN RD, #1,
9 LVN 89103
10 COR-DESERT ROCK SPORTS, 8221 W. CHARLESTON BLVD, #106, LVN 89117
11 COR-MTN SPRINGS WELLNESS, 6480 SPRING MTN RD., #1, LVN 89103
12 COR-FAMILY MUSIC CENTER, 8125 W SAHARA AVE#210, LAS VEGAS, NV 89117
13 RYE, HOWARD, FAMILY MUSIC CENTER, 8125 W. SAHARA AVE., #210 LVN 89117
14 COR-BRADY INDUSTRIES, 7055 LINDELL, LVN 89118
15 ENGELKE, JOHN, BRADY INDUSTRIES, 7055 LINDELL, LVN 89118
16 SIMPSON, MICHELLE, 3199 E. WARM SPRINGS RD., LVN 89120
17 MCNEILLY, MICHAEL, 1300 SUMMIT DRIVE, BEVERLY HILLS, CA 90210
18 VELTRE, BRIAN, PLATINUM COLLECTIBLES, 1172 SPENCER POOINT DR.,
19 HENDERSON, NV 89074
20 COR-SEES CANDIES, 10300 W. CHARLESTON #27, LVN 89135
21 KARNs, JASON, CAL SPAS, 7770 INDUSTRIAL RD #306, LVN 89139
22 COR-CAL SPAS, 2010 RED ROCK ST., LVN 89146
23 COR-LAND BARON INVESTMENT, 5275 S. DURANGO, LVN 89133
24 TANON, ANNETTE, 5275 S. DURANGO, LVN 89133
25 COR-ECON DIV OF ABSOCOLD, 245 N. STEPHANIE, HENDERSON, NV 89012
26 MCNEIL, DON, ECON DIV OF ABSOCOLD, 245 N. STEPHANIE, HENDERSON, NV
27 89012
28 DUENAS, JOSE, ECON DIV OF ABSOCOLD, 245 N. STEPHANIE, HENDERSON, NV
89012
COR-FURNITURE MARKDOWN, 6000 S. EASTERN AVE., LVN 89120

1 TERRY, AMANDA, BRASS HILL CT., LVN 89122
 2 LAW, ROBERT, SEVEN STAR RENTALS, 7350 W. CHEYENNE, LVN 89129
 3 HOLLY, ANTHONY, 5081 N. RAINBOW BLVD., #108, LVN 89130
 4 KENNEDY, PAUL, GRAND CANYON CONSTRUCTION, 8208 TODD NEIL CT., LVN
 5 89117
 6 HECK, MICHAEL, HP MEDIA GROUP, 3725 W. TECO AVE #8, LVN 89118
 7 COR-KDS CPA, 1601 S. RAINBOW BLVD. #220/B, LVN 89146
 8 COR-HP MEDIA GROUP, 3725 W. TECO AVE., #8, LVN 89118
 9 COR-GRAND CANYON CONSTRUCTION, 8208 TODD NEIL CT. LVN 89117
 10 COR-RIGHT ON BEAT PRODUCT, 1500 E. TROPICANA AVE #101, LVN 89119
 11 HATHCOCK, ROBERT, 3513 CAPTAIN KIRK, NLVN 89031
 12 COR-SEE AMERICA, 3140 W. DURANGO #103, LVN 89117
 13 COR-SEVEN STAR RENTALS, 7350 W. CHEYENNE, LVN 89129
 14 COR-GLOBAL ENTERTAINMENT, 6160 W. SAHARA AVE, LVN 89146
 15 COR-UPFRONT RECORDING STUDIO, 5329 S. CAMERON ST., LVN 89118
 16 TORRES, JOHN, 102 MEDFORD CT., LONG BEACH, CA 90804
 17 COR-DVD UNLIMITED
 18 STAMATIS, PAUL, SEE AMERICA, 3140 W. DURANGO #103, LVN 89117
 19 FAFELOS, MAE, SEE AMERICA, 3140 W. DURANGO #103, LVN 89117
 20 COR-JONAS PRODUCTIONS, 6295 MCLEOD DR#14, LVN 89121
 21 DODKIN, GREGORY, JONAS PRODUCTIONS, 6295 MCLEOD DR#14, LVN 89121
 22
 23
 24
 25
 26 06AGJ101ABCD/06F21801ABC/06F22662X/ts
 27 LVMPD 061106-0453; 060709-0524;
 28 0609202198; 0202021028; 0203240335;
 0408261484; 0611062190; 9601231528
 PSP; CONSP PSP/COMMIT BURG – F/GM

ORIGINAL

FILED IN OPEN COURT

FEB 06 2008 20

CHARLES J. SHORT
CLERK OF THE COURTBY *Carol Foley*
CAROL FOLEY, CLERK

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

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 DAIMON MONROE aka
13 Daimon Devi Hoyt, #0715429
14 BRYAN M. FERGUSON, #1299193

15 Defendants.

Case No: C227874

Dept No: XX

SECOND AMENDED
INFORMATION

16 STATE OF NEVADA }
17 COUNTY OF CLARK } ss.

18 DAVID ROGER, District Attorney within and for the County of Clark, State of
19 Nevada, in the name and by the authority of the State of Nevada, informs the Court:

20 That DAIMON MONROE aka Daimon Devi Hoyt and BRYAN M. FERGUSON, the
21 Defendant(s) above named, having committed the crimes of BURGLARY (Felony - NRS
22 205.060); GRAND LARCENY (Felony - NRS 205.220, 205.222); POSSESSION OF
23 STOLEN PROPERTY (Felony - NRS 205.275); and POSSESSION OF BURGLARY
24 TOOLS (Gross Misdemeanor - NRS 205.080), on or about the 24th day of September, 2006,
25 within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes
26 in such cases made and provided, and against the peace and dignity of the State of Nevada,

27 COUNT 1 - BURGLARY

28 did then and there wilfully, unlawfully, and feloniously enter, with intent to commit

1 larceny, that certain building occupied by ANKU CRYSTAL PALACE, located at 6015
2 South Fort Apache #180, Las Vegas, Clark County, Nevada; the defendants being
3 responsible under one or more of the following principles of criminal liability, to-wit: (1) by
4 the defendants directly committing the crime; and/or (2) the defendants aiding or abetting in
5 the commission of the crime by accompanying each other to the crime scene where one or
6 both of the defendants entered ANKU CRYSTAL PALACE with intent to commit larceny;
7 the defendants acting as lookout for each other; the defendants left the crime scene together;
8 the defendants encouraging one another throughout by actions and words; the defendants
9 acting in concert throughout each with intent to commit burglary; and/or (3) the defendants
10 acting in furtherance of a conspiracy.

11 COUNT 2 - GRAND LARCENY

12 did then and there wilfully, unlawfully, and feloniously with intent to deprive the
13 owner permanently thereof, steal, take, carry, lead or drive away property owned by ANKU
14 CRYSTAL PALACE, 6015 South Fort Apache, Las Vegas, Clark County, Nevada, having a
15 value of \$2,500.00, or more, to-wit: statues, a crystal fixture, bracelets, a laptop computer, a
16 game cube video game, video games and lawful money of the United States; the defendants
17 being responsible under one or more of the following principles of criminal liability, to-wit:
18 (1) by the defendants directly committing the crime; and/or (2) the defendants aiding or
19 abetting in the commission of the crime by accompanying each other to the crime scene
20 where one or both of the defendants entered ANKU CRYSTAL PALACE and took the
21 aforementioned property; the defendants acting as lookout for each other; the defendants left
22 the crime scene together with the said items belonging to ANKY CRYSTAL PALACE; the
23 defendants encouraging one another throughout by actions and words; the defendants acting
24 in concert throughout each with intent to commit larceny; and/or (3) the defendants acting in
25 furtherance of a conspiracy.

26 COUNT 3 - POSSESSION OF STOLEN PROPERTY

27 did wilfully, unlawfully, and feloniously, for their own gain, possess property of a
28 value of \$2,500.00, or more, lawful money of the United States, wrongfully taken from

1 ANKU CRYSTAL PALACE, 6015 South Fort Apache, Las Vegas, Clark County, Nevada,
2 to-wit: statues, a crystal fixture, bracelets, a laptop computer, a game cub video game, video
3 games and lawful money of the United States, which Defendants knew, or had reason to
4 believe, had been stolen.

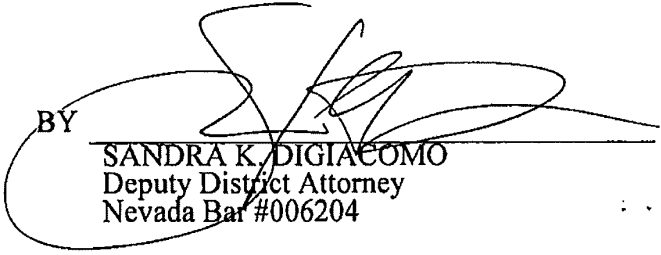
5 COUNT 4 - BURGLARY

6 did then and there wilfully, unlawfully, and feloniously enter, with intent to commit
7 larceny, that certain building occupied by JUST FOR KIDS DENTISTRY, located at 9827
8 West Tropicana #140, Las Vegas, Clark County, Nevada

9 COUNT 5 - POSSESSION OF BURGLARY TOOLS

10 did wilfully and unlawfully have in their possession, a tool and/or tools commonly
11 used for the commission of a burglary, larceny, or other crime, to-wit: false keys, pry bars,
12 bent screwdrivers, hammers, gloves and/or bolt cutters, under circumstances evincing an
13 intent by Defendants to use or employ said tools in the commission of a crime.

14
15
16 BY


SANDRA K. DIGIACOMO
Deputy District Attorney
Nevada Bar #006204

1 Names of witnesses known to the District Attorney's Office at the time of filing this
2 Information are as follows:

3	<u>NAME</u>	<u>ADDRESS</u>
4	AYALA, J.	LVMPD #7906
5	COR	ADT ALARM COMPANY
6	COR	JUST 4 KIDS DENTISTRY
7	COR	LVMPD - DISPATCH
8	ENGLE, BRENT	THE MACK GROUP
9	HARDMAN, L.	LVMPD #6910
10	HARRIS, SAM	JUST 4 KIDS DENTISTRY
11	HERNANDEZ, J.	LVMPD #7771
12	HUMPHREYS, KIM	ADT ALARM COMPANY
13	HUNG, GEORGE	6015 S. FORT APACHE RD., LVN
14	LANGE, OFFICER	LVMPD #7792
15	MACDONALD, J.	LVMPD #4660
16	NICKELL, B.	LVMPD
17	OKAMOTO, KELLY	TIMBERS BAR & GRILL
18	PHIPPS, MICHAEL	TIMBERS BAR & GRILL
19	SALISBURY, K.	LVMPD #8264

20
21 UNDER NO CIRCUMSTANCES IS THE LANGUAGE CONTAINED
22 HEREINAFTER TO BE READ TO A JURY HEARING THE PRIMARY OFFENSE FOR
23 WHICH THE DEFENDANT IS PRESENTLY CHARGED.

24 NOTICE OF PRIOR BURGLARY CONVICTIONS

25 Defendant DAIMON MONROE aka Daimon Devi Hoyt, hereinbefore named, is
26 placed on notice that, in the event of a conviction of Burglary in the instant case, he will not
27 be eligible for probation as Defendant DAIMON MONROE aka Daimon Devi Hoyt has
28 already suffered nine (9) prior Burglary convictions, as more thoroughly described below in
the "Notice of Habitual Criminality".

NOTICE OF HABITUAL CRIMINALITY

Defendant DAIMON MONROE aka Daimon Devi Hoyt, hereinbefore named, is placed on notice that, in accordance with the authorization of NRS 207.010, punishment imposed pursuant to the above-stated habitual criminal statute will be urged upon the Court if said Defendant is found guilty on the primary offenses of BURGLARY; GRAND LARCENY and POSSESSION OF STOLEN PROPERTY, for which the Defendant is presently charged.

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

That said Defendant DAIMON MONROE aka Daimon Devi Hoyt, has been nineteen (19) times convicted of crimes, which, under the laws of the situs of the crime and/or the State of Nevada, amount to felonies, to-wit:

1. That on November 17, 1992, the Defendant was convicted in the Eighth Judicial District Court, County of Clark, State of Nevada, for the crime(s) of Burglary (8 Counts) and Grand Larceny (7 Counts), in Case No. C103744.

2. That on January 20, 1993, the Defendant was convicted in the Eighth Judicial District Court, County of Clark, State of Nevada, for the crime(s) of Burglary and Possession of Stolen Property, in Case No. C105731.

3. That on December 30, 1996, the Defendant was convicted in the Eighth Judicial District Court, County of Clark, State of Nevada, for the crime(s) Possession of a Firearm By Ex-Felon and Stop Required On Signal of Police, in Case No. C137115.

Defendant BRYAN M. FERGUSON, hereinbefore named, is placed on notice that, in accordance with the authorization of NRS 207.010, punishment imposed pursuant to the above-stated habitual criminal statute will be urged upon the Court if said Defendant is found guilty on the primary offenses of BURGLARY; GRAND LARCENY and POSSESSION OF STOLEN PROPERTY, for which the Defendant is presently charged.

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

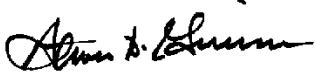
25
26 **DO NOT READ TO THE JURY**

27 DA#06F18594A, B/dd

28 LVMPD EV#0609240418; 0609240427

CONSP; BURG; GL; PSP; PBT - GM/F
(TK8)

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CLERK OF THE COURT

1 **MSJD**
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

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 **NOTICE OF MOTION AND MOTION FOR**
17 **SUMMARY JUDGMENT**

18 DATE OF HEARING: _____
19 TIME OF HEARING: _____

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

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

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

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

NOTICE OF MOTION

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

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

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

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

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

DATED this 1st day of May, 2012.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 DISCUSSION

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

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

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

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

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

28 ///

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

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

21 **POINTS AND AUTHORITIES**

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

1 matter were all convicted of felonies.

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

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

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

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

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

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

4 **CONCLUSION**

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

16 DATED this 1st day of May, 2012.

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

19
20 BY /s/ T J MOREO
21 THOMAS J. MOREO
22 Chief Deputy District Attorney
23 Nevada Bar #002415
24
25
26
27
28

CERTIFICATE OF MAILING

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

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

ROBERT HOLMES, III (BAC #1034184)
Southern Desert Correctional Center
P.O. Box 208
Indian Springs, NV 89070-0208
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 TREVARTHEN
1504 Cutler
Las Vegas, Nevada, 89117
Claimant in Proper Person

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

LVMPD EV#060924-0418/jd

ORIGINAL

FILED

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CLERK OF THE COURT

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

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. **AJ37416**

Dept No. **VII**

Priority Civil NRS 179.1173

Arbitration Exemption
Declaratory Relief NRS 30.030

COMPLAINT FOR FORFEITURE

Plaintiff alleges as follows:

I

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

II

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

III

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

EXHIBIT " 1 "

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

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

8 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

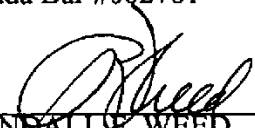
28 ///

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

5 DATED this 8th day of March, 2007.

6
7 DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
8

9
10 BY


11 RANDALL P. WEED
Chief Deputy District Attorney
Nevada Bar #000082
12
13
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27 LVMPD EV#060924-0418; EV#061106-0453; EV#061122-1205; EV#061129-1719;
28 EV#061207-1290; EV#061207-1538; EV#061214-1544; EV#070226-0684/cm

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1 ANSW
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District court
Clark County Nevada

Las Vegas Metropolitan
Police Department
- VS - Plaintiff

U.S. Currency \$281,656.73

Defendant

Case No. A537426

Dept No. V11

Formal Answer to Complaint

comes now Daimon morroe to state his

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

CE08

EXHIBIT 2

1 What officers have interpidid to there on perception
 2 of said calls. Defendant has been found guilty of no crime
 3 And what commenced this whole investigation is now
 4 under court review, with a more likely than not scenario.
 5 That the case will be suppressed, leading all action
 6 there after the initial stop and arrest on Sept 24
 7 2006, TO BE FRUITS OF A POISONOUS TREE DOCTRINE.
 8 Thereby tainting all actions thereafter. All so called
 9 stolen property in the millions, Amounted too items
 10 's, such as, socks, candy, woodstock picture ext. man
 11 items if not all were negligently given away
 12 at Scene with no serial numbers nor identifiable
 13 markings wic/ would allow a person to positively
 14 identify said items. Causing defendant to lose
 15 personal items and family heirlooms. Officers have
 16 A duty to take what is being seized into custody.
 17 And allow a magistrate the decision of who wit
 18 belongs too. By officers reckless disregard for Defendants
 19 Rights under the Constitution 4th Amendment,
 20 Against unreasonable Search and Seizures also see:
 21 Nevada Constitution Article 1 Sec 18 "Defendant has
 22 lost his Right to prove said property is rightfully
 23 His, The chain of evidence in any criminal case is
 24 suppose to be unbroken. Unfortunately because of
 25 The illegal actions of arresting officers there is

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

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

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


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

1 All money's money's Defendant states claim for ~~the~~ were for his
 2 benefit, Defendant Monroe in violation of his 5th and 6th
 3 Amendment lost his attorney's paid for with legal money.
 4 Denying him the right to counsel SEE 6th Amendment
 5 US Constitution. The State ~~even~~ asserts and took
 6 Attorney's paid for by Defendant. Before guilt has been
 7 established the State ~~for~~ Defendant's Monroe's attorney.
 8 The State also took money's borrowed from enclosed
 9 in to bail Defendant Monroe out of jail, thereby
 10 denying defendant Monroe the right to bail. in
 11 violation of the 8th Amendment US Constitution
 12 against cruel and unusual punishment, and of the right
 13 not to have Excessive Bail. It would seem to the De-
 14 fendant denying him bail or taking money's legally
 15 obtained for bail would be excessive. The money
 16 saved at 1504 Cutler was being saved for a new
 17 automobile and was legally obtained by Defendant
 18 Monroe through working and gambling. The State
 19 has no proof otherwise just speculation
 20 and assumptions. This court should not ^{allow} ~~arbitrarily~~
 21 action by a District attorney over ~~reclusly~~ att-
 22 acking persons. The Defendant again asserts his legal
 23 right to all money's mentioned in the above De-
 24 cleration by defendant and prays all money's be
 25 returned to the rightful owner MR. MINER.

26. Demand For Jury trial

MAY-27-07

Respectfully


 Damon Monroe
 Pro Per

ORIGINAL

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

CLERK OF THE COURT

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FILED

DISTRICT COURT
CLARK COUNTY, NEVADA

9 LAS VEGAS METROPOLITAN POLICE
 10 DEPARTMENT,

Plaintiff,

vs.

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

14 Defendant.

Case No. :A537416
 Dept No. :VII

ANSWER TO COMPLAINT FOR FORFEITURE

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

I.

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

II.

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

25

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CLERK OF THE COURT

EXHIBIT " 3 "

1 **FIRST AFFIRMATIVE DEFENSE**

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

5 **SECOND AFFIRMATIVE DEFENSE**

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

9 **THIRD AFFIRMATIVE DEFENSE**

10 The Plaintiffs are estopped from maintaining this action.

11 **FOURTH AFFIRMATIVE DEFENSE**

12 The Plaintiffs waived their rights to maintain this action.

13 **FIFTH AFFIRMATIVE DEFENSE**

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

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

20 DATED this 10th day of April, 2007.

21 ALLEN & DUSTIN, LLC.

22
23 By. 


24 Cynthia L. Dustin, Esq.
25 Nevada State Bar No. 8435
26 601 South 6th Street
27 Las Vegas, Nevada 89101
28 (702) 386-9700

VERIFICATION

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

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

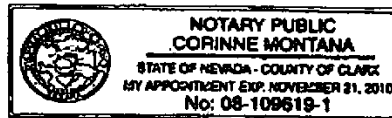
5 That he has read the foregoing ANSWER TO COMPLAINT FOR FORFEITURE and
6 knows the contents thereof; that the same is true and correct except for those matters alleged upon
7 information and belief and as to those matters he believes them to be true.

8
9 
BRYAN M. FERGASON

10 SUBSCRIBED AND SWORN to before me

11 this 10th day of April, 2007.

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

**CERTIFICATE OF MAILING**

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

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

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

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16

FILED

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 CLERK OF THE COURT

1 Sean P. Sullivan, Esq.
 2 KELLY & SULLIVAN, LTD.
 3 Nevada Bar No. 4768
 4 302 E. Carson Ave., Suite 600
 5 Las Vegas, Nevada 89101
 6 (702) 385-7270
 7 Attorney for Real Party in
 8 Interest, Robert Holmes, III

DISTRICT COURT
 CLARK COUNTY, NEVADA

* * *

10 LAS VEGAS METROPOLITAN POLICE)	
11 DEPARTMENT,)	
)	
12 Plaintiff,)	Case No. A537416
)	Dept. No VII
13 vs.)	
)	
14 U.S. CURRENCY \$281,656.73,)	
)	
15 Defendants.)	

AMENDED ANSWER

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

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

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

FIRST CAUSE OF ACTION

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

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KELLY & SULLIVAN, LTD.
 ATTORNEYS AT LAW
 302 E. CARSON AVE., STE 600
 LAS VEGAS, NEVADA 89101
 (702) 385-7270
 FAX: (702) 385-7280

1

EXHIBIT " 4 "

1 allegation contained therein.

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

6 **AFFIRMATIVE DEFENSES**

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

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

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

16 DATED this 14 day of April, 2007.

17 KELLY & SULLIVAN, LTD.

18 By: 

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

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

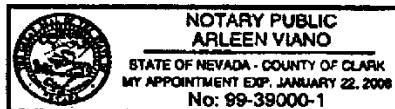
4 ROBERT HOLMES III, being first duly sworn, deposes and
 5 says:

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

Robert Holmes III
 ROBERT HOLMES, III

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


15 *Arleen Viano*
 16 _____
 17 NOTARY PUBLIC



CERTIFICATE OF MAILING

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

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


An employee of
KELLY & SULLIVAN, LTD.

KELLY & SULLIVAN, LTD.
ATTORNEYS AT LAW
322 E. CARSON AVE., STE. 900
LAS VEGAS, NEVADA 89101
(702) 386-7270
FAX: (702) 386-7282

5

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

FILED

APR 5 1 13 PM '07

Clara [Signature]
CLERK OF THE COURT

District Court
CLARK COUNTY NEVADA

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT

Case No. A537416
Dept No. VII

- vs -

U.S. CURRENCY \$281,658.73
Defendant

Motion to Stay Proceedings

Comes NOW Daimon Monroe To this Honorable Court asking this Court a order to stay proceedings for forfeiture. There is a pending Jury trial in Dept XII and 20 pursuant to NRS 179.1173 sub(2) At a proceeding for forfeiture, THE Plaintiff or claimant may file a motion for order staying the proceeding and the court shall grant that motion if a criminal action which is the basis of the proceeding is pending trial. Two trials are pending and case no. are, C228752 Dept 12 other is 0618574H After Defendant is found not guilty on these cases than civil proceedings would be futile. Defendant Monroe prays this court order stay until criminal trial is done pursuant to NRS 179.1173 sub(2).

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APR 5 2007

CLERK OF THE COURT

EXHIBIT " 5 "

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

Sincerely Daimon Monroe
Daimon Monroe/
330. Scasino center

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

● ORIGINAL ●

3

FILED

Oct 3 2 19 PM '08

Edna H. Smith

CLERK OF THE COURT

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

DISTRICT COURT
CLARK COUNTY, NEVADA

9 **THE STATE OF NEVADA,**

10 **Plaintiff,**

11 **-vs-**

12 **TONYA TREVARTHEN, aka**
13 **Tonya Michelle Trevarthen,**
14 **#1760548**

15 **Defendant.**

Case No: C228752

Dept No: VII

EC

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

17 The Defendant previously appeared before the Court with counsel and entered a plea
18 of guilty to the crime(s) of CONSPIRACY TO POSSESS STOLEN PROPERTY AND/OR
19 TO COMMIT BURGLARY (Gross Misdemeanor), in violation of NRS 205.75, 199.480,
20 205.060; thereafter, on the 26th day of September, 2008, the Defendant was present in court
21 for sentencing with her counsel, JONATHAN LORD, and good cause appearing,

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

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

///

///

EXHIBIT " 6 "


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OCT 03 2008
CLERK OF THE COURT

- 1 2. Maintain full time employment.
2 DATED this 3rd day of October, 2008.

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5 DISTRICT JUDGE

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OF THE ORIGINAL ON FILE

CLERK OF DISTRICT COURT

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District Case Inquiry - Minutes

Home Summary Index Calendar Continuance Minutes Parties Def. Detail Next Co-Def. Charges Sentencing Bail Bond Alias Detail Crim. Detail Exhibits Judgments District Case Party Search Corp. Search Atty. Search Bar# Search ID Search Calendar Day Cal. Month Holidays Logout Help Legal Notice	<p>Case 06-C-228752-C Just Ct. 06-GJ-00101 Status ACTIVE</p> <p>Case#</p> <p>Plaintiff State of Nevada Attorney Roger, David J.</p> <p>Defendant Monroe, Daimon Attorney Hart, Marty</p> <p>Judge Bell, Stewart L. Dept. 7 UDocs 2</p> <hr/> <p>Event 09/26/2008 at 08:30 AM SENTENCING</p> <p>Heard By Wall, David</p> <p>Officers Tina Hurd, Court Clerk Susan Jovanovich /sj, Relief Clerk Angela Lee, Reporter/Recorder</p> <p>Parties</p> <table border="0"> <tr> <td>0000 -</td> <td>State of Nevada</td> <td>Yes</td> </tr> <tr> <td>S1</td> <td></td> <td></td> </tr> <tr> <td>006204</td> <td>Digiacombo, Sandra</td> <td>Yes</td> </tr> <tr> <td>0001 -</td> <td>Monroe, Daimon</td> <td>No</td> </tr> <tr> <td>D1</td> <td></td> <td></td> </tr> <tr> <td>0002 - D</td> <td>Trevvarthen, Tonya</td> <td>Yes</td> </tr> <tr> <td>007797</td> <td>Lord, Jonathan J.</td> <td>Yes</td> </tr> <tr> <td>0003 - D</td> <td>Ferguson, Bryan</td> <td>No</td> </tr> <tr> <td>0004 - D</td> <td>Holmes, Robert</td> <td>No</td> </tr> </table> <hr/> <p>DEFT. TREVARTHEN ADJUDGED GUILTY of COUNT 1 - CONSPIRACY TO POSSESS STOLEN PROPERTY AND/OR TO COMMIT BURGLARY (GM). Colloquy regarding recommendation of informal probation. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, Deft. SENTENCED to Clark County Detention Center (CCDC) for SIX (6) MONTHS, SUSPENDED; placed on INFORMAL PROBATION for SIX (6) MONTHS. CONDITIONS:</p> <p>1. Deft. not be arrested for any new offenses other than traffic offenses.</p> <p>2. Maintain full time employment.</p> <p>Count 2 HELD IN ABEYANCE. FURTHER, matter SET for status check on compliance. Court advised Deft. he will waive her presence at next hearing if proof of employment is provided. BOND, if any, EXONERATED.</p> <p>NIC</p> <p>03-31-09 8:30 A.M. STATUS CHECK - COMPLIANCE</p> <hr/> <p>Due to time restraints and individual case loads, the above case record may not reflect all information to date.</p>	0000 -	State of Nevada	Yes	S1			006204	Digiacombo, Sandra	Yes	0001 -	Monroe, Daimon	No	D1			0002 - D	Trevvarthen, Tonya	Yes	007797	Lord, Jonathan J.	Yes	0003 - D	Ferguson, Bryan	No	0004 - D	Holmes, Robert	No
0000 -	State of Nevada	Yes																										
S1																												
006204	Digiacombo, Sandra	Yes																										
0001 -	Monroe, Daimon	No																										
D1																												
0002 - D	Trevvarthen, Tonya	Yes																										
007797	Lord, Jonathan J.	Yes																										
0003 - D	Ferguson, Bryan	No																										
0004 - D	Holmes, Robert	No																										

Top Of Page

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JOCP

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FILED
2009 JAN -5 A 11: 05*E. J. Smith*
CLERK OF THE COURTDISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C228752

-vs-

DEPT. NO. VII

ROBERT HOLMES
#0876216

Defendant.

CC

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

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

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

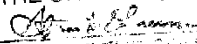
EXHIBIT # 7

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

13
14 DATED this 5 day of January, 2009.

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

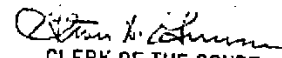
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DISTRICT COURT


 CLERK OF THE COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C228752-1

-vs-

DEPT. NO. IV

 DAIMON MONROE
 aka Daimon Devi Hoyt
 #0715429

Defendant.

 08C228752-1
 AJOC
 Amended Judgment of Conviction
 937710

 AMENDED JUDGMENT OF CONVICTION
 (JURY TRIAL)

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

EXHIBIT " 8 "

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

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


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

3 THEREAFTER, on the 30th day of July, 2010, the Supreme Court ORDERED the
4 judgment of the District Court AFFIRMED IN PART AND REVERSED IN PART AND
5 REMAND this matter for entry of an Amended Judgment of Conviction consistent with
6 this order, therefore, COURT ORDERED, COUNT 11 of Possession of Stolen Property
7 is VACATED and the remaining counts are AFFIRMED.
8
9

10 DATED this 14th day of September, 2010.

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13 KATHY HARDCASTLE
14 DISTRICT JUDGE
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25 APR 23 2012
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27 DOCUMENT ATTACHED IS A
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CLERK OF THE COURT

1 **JOCP**

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

17
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FILED

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E. J. ...
CLERK OF THE COURT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

9 **THE STATE OF NEVADA,**

10 **Plaintiff,**

11 **-vs-**

12 **BRYAN FERGASON, aka,**
 13 **Bryan Michael Fergason, #1299193**

14 **Defendant.**

Case No: C228752

Dept No: IV

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

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

CLERK OF THE COURT

APR 06 2009

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EXHIBIT

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

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


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

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

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

14 DATED this 30th day of March, 2009.

15 *April*

16 
 17 DISTRICT JUDGE

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 OF THE ORIGINAL ON FILE
 Clerk of the Court

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 CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C227874

-vs-

DEPT. NO. XX

 DAIMON MONROE
 aka DAIMON DEVI HOYT
 #0715429

Defendant.

 AMENDED JUDGMENT OF CONVICTION
 (JURY TRIAL)

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

EXHIBIT " 10 "

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CLERK OF DISTRICT COURT

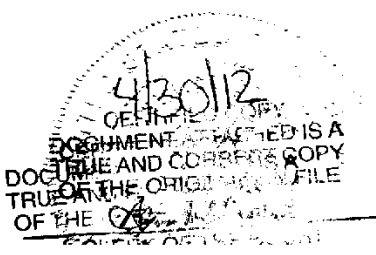
1 violation of NRS 205.220, 205.222; COUNT 4 – BURGLARY (Category B Felony) in
2 violation of NRS 205.060; and COUNT 5 – POSSESSION OF BURGLARY TOOLS
3 (Gross Misdemeanor) in violation of NRS 205.080; thereafter, on the 5th day of May,
4 2008, the Defendant was present in court for sentencing with his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

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

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

15 DATED this 30th day of July, 2008.
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19 DAVID T. WALL
20 DISTRICT JUDGE
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FILED

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ORIGINAL*John J. [Signature]*
CLERK OF COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C227874

-vs-

DEPT. NO. I

BRYAN M. FERGUSON
#1299193

Defendant.

SECOND AMENDED JUDGMENT OF CONVICTION
(JURY TRIAL)

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

EXHIBIT # 11

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

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

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


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

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

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

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24 
25 KEN CORY
26 DISTRICT JUDGE

27 CERTIFIED COPY
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TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


CLERK OF THE COURT
APR 23 2012

ORIGINAL

FILED

2007 APR 23 P 1:38

Clerk of the Court

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

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

11 LAS VEGAS METROPOLITAN POLICE)
 12 DEPARTMENT,)

Plaintiff,

Case No. :A537416

Dept No. :VII

vs.

U.S. CURRENCY \$281,656.73,

Defendant.

MOTION FOR STAY OF FORFEITURE CASE

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

DATED this 16th day of April, 2007.

ALLEN & DUSTIN, LLC

By

CYNTHIA L. DUSTIN, ESQ.

Nevada State Bar No. 8435

601 South 7th Street

Las Vegas, Nevada 89101

Attorney for Claimant, BRYAN M. FERGASON

EXHIBIT " 12 "

CLERK OF THE COURT

APR 23 2007

RECEIVED

1 **NOTICE OF MOTION**

2 TO: LAS VEGAS METROPOLITAN POLICE DEPARTMENT, Plaintiff; and

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

4 YOU AND EACH OF YOU will please take notice that a **MOTION FOR STAY OF**
 5 **FORFEITURE CASE** will come on for hearing before the above-entitled Court on the 30th day of May

6 May, 2007, at the hour of 8:30 a.m. in Department # VII.

7 DATED this 16th day of April, 2007.

8 By 

9 CYNTHIA L. DUSTIN, ESQ.

10 Nevada State Bar No. 8435

11 601 South 7th Street

12 Las Vegas, Nevada 89101

13 Attorney for Claimant, BRYAN M. FERGASON

14 **POINTS AND AUTHORITIES**

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

19 N.R.S. 179.1173 §2 states:

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

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

4 DATED this 16th day of April, 2007.

5 Respectfully submitted,

6 ALLEN & DUSTIN, LLC.

7
8 By 

9 CYNTHIA L. DUSTIN, ESQ.

10 Nevada State Bar No. 8435

11 601 South 7th Street

12 Las Vegas, Nevada 89101

13 Attorney for Claimant, BRYAN M. FERGASON

JOCP

FILED**ORIGINAL**

JUN 29 11 13 AM '07

DISTRICT COURT

CLERK OF THE COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C208321

-vs-

DEPT. NO. XX

BRYAN MICHAEL FERGASON
#1299193

Defendant.

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

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

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CLERK OF THE COURT

EXHIBIT " 13 "

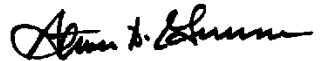
1 THEREAFTER, a parole and probation officer provided the Court with a written
2 statement setting forth that the Defendant has, in the judgment of the parole and
3 probation officer, violated the conditions of probation; and on the 11TH day of April,
4 2007, the Defendant appeared in court with his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

8 IT IS HEREBY ORDERED that the probation previously granted to the Defendant
9 is revoked; and IT IS FURTHER ORDERED that Defendant is SENTENCED as follows:
10 TO A MAXIMUM of THIRTY (30) MONTHS with a MINIMUM parole eligibility of
11 TWELVE (12) MONTHS in the Nevada Department of Corrections (NDC), with TWO
12 HUNDRED THIRTY-SIX (236) DAYS credit for time served.
13
14

15 DATED this 27 day of June , 2007

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18 _____
19 DAVID T. WALL
20 DISTRICT JUDGE
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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

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 LAS VEGAS METROPOLITAN POLICE)
11 DEPARTMENT,)

12 Plaintiff,)

13 vs.)

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

15 Defendant.)

Case No. 07A537416

Dept No. VIII

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

17 **DATE OF HEARING:** _____

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

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

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EXHIBIT # 14

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

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

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

12 **NOTICE OF MOTION**

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

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

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

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

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

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

1 **POINTS AND AUTHORITIES**

2 **BACKGROUND**

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

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

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

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

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

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

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

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

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

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

15 DISCUSSION

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

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CONCLUSION

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

DATED this 5th day of March, 2012.

Respectfully submitted,

STEVEN B. WOLFSON
DISTRICT ATTORNEY
Nevada Bar #001565

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

LVMPD EV#060924-0418/jd

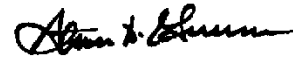
I hereby certify that service of the NOTICE OF MOTION AND MOTION TO LIFT STAY, was made this 5th day of March, 2012, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

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

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

LVMPD EV#060924-0418/jd

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CLERK OF THE COURT

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,**

Plaintiff,

-vs-

**CASE NO: 07A537416
DEPT NO: VIII**

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

ORDER GRANTING MOTION TO LIFT STAY

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

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EXHIBIT " 15 "


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

3 DATED this 25 day of April, 2012.

4
5 
6 DISTRICT JUDGE *pti*

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

10 BY


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

FILED

EIGHTH JUDICIAL DISTRICT COURT 2007 JAN -81 A 9:56

CLARK COUNTY, NEVADA

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

THE STATE OF NEVADA,

Plaintiff,

ORIGINAL

vs.

CASE NO. 06AGJ101ABCD

C22870-2

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

Defendants.

Taken at Las Vegas, Nevada

Tuesday, November 28, 2006

1:52 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 2

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

EXHIBIT " 16 "

C915

1 GRAND JURORS PRESENT ON TUESDAY, NOVEMBER 28, 2006

2

3 MARY JANE BURKHALTER, Foreman

4 DAREL BLUM, Deputy Foreman

5 KERRY DICESARE, Secretary

6 CASSANDRA MORISHITA, Assistant Secretary

7 GARY BUTCHER

8 MARY EVERBACK

9 PHILLIP FISCHBEIN

10 BILL FRITZ

11 ERNEST GOLLIHER

12 GLENN KENNARD

13 JOHN KREMER

14 KAY LONG

15 SHARRON NORTINGTON

16 ANNETTE TSOULOGIANNIS

17 TYRONE YOUNG

18

19 Also present at the request of the Grand Jury:

20 SANDRA DIGIACOMO, Deputy District Attorney

21 SAM BATEMEN, Deputy District Attorney

22

23

24

25

1	<u>INDEX OF WITNESSES</u>	
2		<u>Examined</u>
3	William Hobbins	8
4	Travis Graves	12
5	David Drummond	20
6	Keith Veltre	28
7	Anthony Holly	42
8	Stephen Foreman	51
9	Richard Groom	60
10	Tonya Trevarthen	68
11		
12		
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15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1	<u>INDEX OF EXHIBITS</u>		
2			
3	<u>Grand Jury Exhibits</u>		<u>Identified</u>
4	15	Photograph	96
5	16	Photograph	96
6	17	Photograph	96
7	18	Photograph	96
8	19	Photograph	96
9	20	Photograph	96
10	21	Photograph	96
11	22	Photograph	96
12	23	Photograph	96
13	24	Photograph	96
14	25	Photograph	96
15	26	Photograph	96
16	27	Photograph	96
17	28	Photograph	96
18	29	Photograph	96
19	30	Photograph	96
20	31	Photograph	96
21	32	Photograph	96
22	33	Photograph	96
23	34	Photograph	96
24	35	Photograph	96
25	36	Photograph	96

1	94	Photograph	77
2	95	Photograph	77
3	114	Photograph	15
4	115	Photograph	15
5	116	Photograph	15
6	117	Photograph	15
7	118	Photograph	15
8	119	Photograph	22
9	120	Photograph	35
10	121	Photograph	35
11	122	Photograph	35
12	123	Photograph	35
13	124	Photograph	36
14	125	Photograph	32
15	126	Photograph	32
16	127	Photograph	32
17	128	Photograph	32
18	129	Photograph	32
19	130	Photograph	37
20	131	Photograph	38
21	132	Photograph	46
22	133	Photograph	46
23	134	Photograph	57
24	135	Photograph	57
25	136	Photograph	88

1	137	Photograph	88
2	138	Photograph	63
3	139	Under Seal	68
4	140	Photograph	102
5	141	Photograph	102
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
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1 LAS VEGAS, NEVADA, TUESDAY, NOVEMBER 28, 2006

2 * * * * *

3

4 MARCIA J. HARNESS,

5 having been first duly sworn to faithfully

6 and accurately transcribe the following

7 proceedings to the best of her ability.

8

9 THE FOREPERSON: Please remain standing

10 and raise your right hand.

11 Do you solemnly swear the testimony you're

12 about to give regarding the investigation now pending

13 before this Grand Jury shall be the truth, the whole

14 truth and nothing but the truth, so help you God?

15 MR. HOBBS: I do.

16 THE FOREPERSON: Please be seated. You're

17 advised you are here today to give testimony in an

18 investigation pertaining to the offenses of possession

19 of stolen property and conspiracy to possess stolen

20 property and/or to commit burglary involving Daimon

21 Monroe, Tonya Trevarthen, Bryan Ferguson and Robert

22 Holmes.

23 Do you understand this advisement?

24 MR. HOBBS: Yes.

25 THE FOREPERSON: Would you please state

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

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

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

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

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

18 Q. Do you know Robert Holmes?

19 A. Yes.

20 Q. And what does he go by?

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

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

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

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

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

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

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

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

11 A. Yes.

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

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

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

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

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

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

3 A. Just usually offices. Office buildings.

4 Q. So commercial businesses?

5 A. Right.

6 Q. He didn't do residential burglaries?

7 A. No.

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

10 A. Right.

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

13 A. Mine.

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

16 A. No.

17 Q. Did he have his own?

18 A. No.

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

21 A. Because he never had ID.

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

24 A. He has.

25 Q. I'm sorry?

1 A. He has come home with cash before.

2 Q. What would he do with his cash?

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

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

8 A. He used the ATM card.

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

11 A. Right.

12 Q. He could deposit and withdraw funds?

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

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

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

19 Q. Which one did he have access to?

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

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

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

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

8 A. Right.

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

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

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

16 A. Yes.

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

19 A. Yes.

20 Q. Who would he sell it to?

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

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

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

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

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

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

18 A. Basically, every weekend.

19 Q. Okay. And that was Cutler?

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

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

1 warrant?

2 A. I --

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

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

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

11 A. No.

12 Q. Okay. Whose money was that?

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

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

18 A. Yes.

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

20 A. Yes.

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

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

1 REPORTER'S CERTIFICATE

2

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

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

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

14

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Marcia Harness, C.C.R. No. 204

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Transcript

(Title of Document)

C228752

filed in District Court Case number 06AG5101 ABCD

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

-OR-

5

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

A. A specific state or federal law, to _____

(State specific law)

-OR-

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

Marcia Harness
Signature

1-2-07
Date

Marcia Harness
Print Name

Court Reporter
Title

ORIGINAL

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

v.

BRYAN FERGASON,

Defendant.

CASE NO. C-228752

DEPT. VII

BEFORE THE HONORABLE STEWART L. BELL, DISTRICT COURT JUDGE

TUESDAY, MAY 27, 2008

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

APPEARANCES:

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

For the Defendant: CYNTHIA L. DUSTIN, ESQ.

RECORDED BY: RENEE VINCENT, COURT RECORDER

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EXHIBIT #

17

1	<u>TABLE OF CONTENTS</u>	
2		
3		<u>Page</u>
4	<u>May 27, 2008</u>	
5	<u>Trial By Jury</u>	
6	<u>State's Witness(es):</u>	
7	Marcus Giannella.....	6
8	Kenneth Salisbury.....	32
9	Stephen Gordon, M.D.....	71
10	Allen Hanners.....	81
11	Ernest Morgan.....	90
12	Kevin Peltier.....	96
13	Jose Duenas.....	130
14	James Churches.....	150
15	Amanda Terry.....	170
16	Devan Thorns.....	178
17	Thomas Riesselmann.....	187
18	Tonya Michelle Issa.....	191
19	Bradley Nickell.....	255
20	<u>Defendant's Witness(es):</u>	
21	None.....	
22		
23		
24		
25		

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1	<u>EXHIBITS</u>	
2		
3		
4		<u>Page</u>
5	<u>STATE'S:</u>	
6	Exhibits 166 through 168.....	26
7	Exhibit 3.....	35
8	Exhibit 993.....	43
9	Exhibits 334 through 339.....	74
10	Exhibits 975 through 1033.....	83
11	Exhibits 178 through 209.....	101
12	Exhibits 316 through 319.....	138
13	Exhibits 876 through 973.....	156
14	Exhibit 561.....	214
15	Exhibits 562 through 575.....	266
16	Exhibits 1182 through 1188.....	284
17	Exhibits 1150 through 1155.....	290
18	Exhibits 1189 and 1189-A through 1189-D.....	292
19		
20	<u>DEFENDANT'S:</u>	
21	None	
22		
23		
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25		

1 paid?

2 A Yes.

3 Q Okay. It was always paid in cash?

4 A Yes.

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

6 all?

7 A In 2006, yes, I was working.

8 Q Okay. Where were you working?

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

10 substitute teacher at Deerfield Elementary.

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

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

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

14 A Yes.

15 Q And that's before taxes?

16 A Yes.

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

18 time?

19 A Yes.

20 Q What were you going to school for?

21 A Elementary education.

22 Q Is that how you met Amanda Terry?

23 A Yes.

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

25 have left before you would finish?

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

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1 your house?

2 A Yes.

3 Q Did he hangout on a regular basis?

4 A With Devon he did.

5 Q Okay. Now, during the time that you lived with

6 Devon, from 2001 until 2006, did he have employment?

7 THE COURT: He, who?

8 MS. DIGIACOMO: Devon.

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

10 BY MS. DIGIACOMO:

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

12 A He was cleaning. It was in restaurants. Some sort

13 of cleaning with grease.

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

15 A Yes.

16 Q And, but for the rest of the time you knew him he

17 didn't have any legitimate employment?

18 A Yeah, correct.

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

20 A I'd say pretty well. I saw him pretty often. At

21 least, a few times a week.

22 Q All right. From the time you met him in the end of

23 2001, 2002, until November 2006 --

24 A Not, I guess, not every week, the entire time, but

25 at least that last year or so, and I saw him fairly regularly.

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

1 ATTEST: I do hereby certify that I have truly and correctly
2 transcribed the audio/video recording in the above-entitled
3 case to the best of my ability.
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ERIN LEAH FLYNN, Transcriber

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3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 STATE OF NEVADA,)

6 Plaintiff,)

7 v.)

CASE NO. C-228752

8 DAIMON MONROE,)

DEPT. VII

9 Defendant.)
1011
12 BEFORE THE HONORABLE STEWART BELL, DISTRICT COURT JUDGE

13 MONDAY, MAY 19, 2008

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

17 APPEARANCES:

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

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

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EXHIBIT #

18

1	<u>TABLE OF CONTENTS</u>	
2		
3		<u>Page</u>
4	<u>May 19, 2008</u>	
5	<u>Trial by Jury</u>	
6	<u>State's Witness(es):</u>	
7	Todd Waldron.....	6
8	Andre Hines.....	13
9	Michael Paulson.....	22
10	James Beller.....	35
11	Devan Thorns.....	39
12	Tonya Michelle Issa.....	47
13	Allen Hanners.....	119
14	Bradley Nickell.....	122
15	<u>Defendant's Witness(es):</u>	
16	None	
17		
18		
19		
20		
21		
22		
23		
24		
25		

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1	<u>EXHIBITS</u>	
2		
3		
4		<u>Page</u>
5	<u>STATE'S:</u>	
6	Exhibits 53, 54 and 56.....	9
7	Exhibits 58, 59, 60 and 61.....	9
8	Exhibits 469, 471, 473, 474, 475, 477, 478, 480, 481,	
9	483, 485, 487 and 489.....	24
10	Exhibits 463, 467 and 468.....	25
11	Exhibits 706, 738 and 740.....	52
12	Exhibits 776 and 777.....	54
13	Exhibits 179.....	54
14	Exhibits 211 and 213.....	55
15	Exhibits 992 and 994.....	76
16	Exhibits 55.....	79
17	Exhibits 978, 980 to 983	120
18	Exhibits 1012 through 1033, 1032 and 1033.....	121
19	Exhibit 561 to 575.....	130
20	Exhibit 1151 and 1152.....	140
21	Exhibit 1181, 1181A, 1181B and 1181C.....	151
22	Exhibit 20, 22, 24, 26, 28 and 30.....	172
23		
24		
25		

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1	<u>EXHIBITS</u> (Continued)	
2		
3		<u>Page</u>
4	<u>STATE'S:</u>	
5	Exhibits 75, 77, 219, 222, 230, 234, 250, 252, 254,	
6	256, 258, 260, 262, 264 267, 269, 271, 273, 275,	
7	277, 279, 281, 283, 285, 288, 290, 292, 294, 296,	
8	347, 350, 352, 415, 419, 422, 424, 427, 430, 433,	
9	436, 439, 442, 445, 447, 452, 455, 457, 470, 472,	
10	476, 479, 482, 484, 486 and 488	175
11		
12	<u>DEFENDANT'S:</u>	
13	None	
14		
15		
16		
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18		
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1 bank?
2 A Bank of America.
3 Q And they were in your name?
4 A Yes.
5 Q Did Devon have access to them at all?
6 A Through the ATM card. And he could transfer money
7 online. He had access to online banking. But only through
8 the ATM card could he deposit or withdraw money.
9 Q All right. Now when you worked did your checking,
10 or excuse me, did your paystub or your paycheck go directly
11 into the account?
12 A Yes. I had direct deposit.
13 Q Now did you keep a lot of cash in the house?
14 A There was usually cash in the house because -- in
15 between deposits cash would accumulate at the house.
16 Q So were there a lot of cash deposits made into your
17 accounts?
18 A Yes.
19 Q And who would be the one to make those cash
20 deposits?
21 A Most of the time we'd probably be together in the
22 car.
23 Q Who's "we"?
24 A Devon and I. But sometimes I might have and
25 sometimes he might have alone, but a lot of the time we were

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1 together.

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

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

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

8 A Only when we first moved in together.

9 MR. HART: Objection, Your Honor.

10 THE COURT: What's the objection?

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

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

17 THE WITNESS: Right.

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

19 BY MS. DIGIACOMO:

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

22 A No.

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

25 A No.

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

4 A No.

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

7 A No.

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

10 A I'm not sure of the value.

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

13 A Yes.

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

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

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

25 A No.

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

3 A Yes.

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

6 A Yes.

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

9 A No.

10 Q What about the spa?

11 A No.

12 Q Icemaker?

13 A No.

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

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

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

24 A No.

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

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1 house, did you buy those?

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

7 Q That belonged to you?

8 A Right.

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

10 A I never bought any bedroom --

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

13 A No.

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

16 A No.

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

20 A No.

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

24 A Yes.

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

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1 release the kids into her custody.

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

5 A Yes.

6 Q All right. Tell us about that.

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

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

12 A I believe it was 145,000.

13 Q And why did you give money to him?

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

18 MR. HART: Objection; speculation.

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

21 MS. DIGIACOMO: Okay.

22 THE COURT: Move on.

23 BY MS. DIGIACOMO:

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

1 A Yes.

2 Q Based upon that conversation you decided to give him

3 145,000?

4 A Yes.

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

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

7 Q Okay. And where did that money, I mean, if you're

8 making \$2,000 a month how did you accumulate all that money?

9 A Most --

10 Q Was that from legitimate means?

11 A Most of it was just cash that was made through

12 selling the stolen property.

13 Q Okay. And you were part of that?

14 A Right.

15 Q The money that you gave --

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

17 Defendant count.

18 THE COURT: Overruled.

19 BY MS. DIGIACOMO:

20 Q The money that you gave Bobby Holmes, did you ever

21 try and get that back from him?

22 A Yes, I did.

23 Q Did you get the money back?

24 A No.

25 Q All right. Did you eventually have a discussion

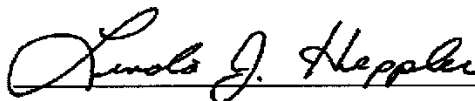
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1 o'clock, and we're going to feed him in the jury room and let
2 them go to work.

3 [Proceedings Concluded at 5:13 P.M.]
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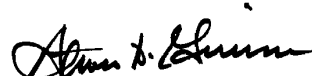
1 ATTEST: I do hereby certify that I have truly and correctly
2 transcribed the audio/video recording in the above-entitled
3 case to the best of my ability.
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CLERK OF THE COURT

RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADALAS VEGAS METROPOLITAN POLICE
DEPARTMENT,

CASE NO. A537416

Plaintiff,

DEPT. NO. VIII

vs.

U.S. CURRENCY \$281,656.73,

Defendant.

BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE
TUESDAY, NOVEMBER 13, 2012

TRANSCRIPT OF PROCEEDINGS
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND TO
STRIKE PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

APPEARANCES:

For the Plaintiff: THOMAS J. MOREO, ESQ.

For Defendant Daimon Monroe: PRO SE

For Defendant Bryan M. Fergason: PRO SE

For Defendant Robert Holmes, III: PRO SE

RECORDED BY: JILL JACOBY, COURT RECORDER

1 TUESDAY, NOVEMBER 13, 2012, 8:10 A.M.

2

3 THE COURT: Las Vegas Metropolitan Police Department versus U.S.
4 Currency, 281,656.73.

5 I've read both motions. Defendants have anything they want to add to
6 their written motions?

7 MR. MONROE: Yeah, I got my -- I got that appeal going still. They haven't
8 sent it back or anything, so I don't know necessarily how the jurisdiction works on
9 that.

10 THE COURT: There's -- tell me what you filed.

11 MR. MONROE: There was -- I filed an appeal on a denial of an opposition
12 that I filed, and the Supreme Court has that right now.

13 THE COURT: On this case?

14 MR. MONROE: Yes.

15 THE COURT: Well, then I don't have jurisdiction.

16 MR. MONROE: Yeah, I believe the jurisdiction -- and I got to present this to
17 the Court for pro per status. It's -- the Supreme Court case number is 61616.

18 THE COURT: Okay.

19 MR. MONROE: Can I give this to you, sir? That, yeah, that's still pending.

20 THE COURT: Well, since you're here, do you have anything you want to add
21 to these -- the written motions for summary judgment?

22 MR. MONROE: Well, I mean, pretty much it's kind of self-explanatory. The
23 problem is, Your Honor, is that --

24 THE COURT: It's very -- it's very clear. But --

25 MR. MONROE: You do understand, yeah, it's just -- I want you to understand

1 that that's, not to make mockery of the Court or -- or some kind of delusion like
2 Peter Pan came to my cell and told me that. I mean, this really happened, and there
3 wasn't a search warrant when the money was taken. The search warrants were
4 actually backdated by Stewart Bell. The reason why I know this and have evidence
5 to that is that the FBI. and Officer Greg Naglick from Intel in CCDC came and
6 discussed it with me. They have e-mails of Bell, Sandra DiGiacomo,
7 Brad Nickells [sic] and some other officers talking about the -- them backdating the
8 search warrants.

9 The problem is then, is just getting the evidence, like the computer
10 entries. You know, when a cop comes to your home and kicks your door through,
11 they have to serve you a search warrant, have you sign it, show you know the scope
12 of the search. They never presented me a warrant because there was no warrant
13 there, and so I asked to see it. The problem was at that time, they called Sandra
14 DiGiacomo to my house and took me to jail. I had hired Al Lasso. Al Lasso asked
15 to see the warrant and was denied and then a big ole thing happened from there to
16 where they froze his bank account and got him off my case.

17 So if I could get the computer entries to the warrant, if I could show you
18 there was no pictures of any warrants left at any of the scenes, and I was never
19 presented with a warrant, I think that causes some -- some concern at least to give it
20 a chance to go to discovery so I could prove that side of it. Because without it, I
21 mean, if there's no warrant, the money should never be before this court. It should
22 have never been taken. In fact, nobody should even be in jail here. And there is
23 no -- there was no warrant, those warrants were signed and backdated ten months
24 after the search by Stewart Bell, Sandra DiGiacomo, and Brad Nickells [sic] and that
25 is not an assumption, that's a actual fact, and that's provable. I could have Officer

1 Greg Naglick come and testify. Stacey Roundtree would come testify. I could have
2 Jennifer Schwartz come testify. It's a big mess right now.

3 THE COURT: Greg who?

4 MR. MONROE: Excuse me?

5 THE COURT: Greg who?

6 MR. MONROE: Greg Naglick from Intel. He retired in -- he came to see me
7 the last day in two thousand -- well, I want to say November 2010, 2011. I mean, I
8 was being briefed a little bit as this was going on. But once the FBI got involved and
9 started investigating the DA's office and Stewart Bell --

10 THE COURT: And who in the FBI talked to you?

11 MR. MONROE: I had a Special Agent Martinez.

12 THE COURT: How did they get involved?

13 MR. MONROE: What had happened was, see, I always knew something was
14 wrong with the search warrant. They had started sending the inmates wearing wires
15 and all this weirdo stuff. And started stacking these cases on me that didn't make
16 sense, that I didn't do. But no one really --

17 THE COURT: How did the FBI get involved?

18 MR. MONROE: Because I wrote them. And I directed them to talk to Naglick
19 and to Stacey and to everybody else.

20 THE COURT: Well, I don't even know -- last I heard Stacey --

21 MR. MONROE: She did. Yeah, she's in Texas. She's in Texas right now.

22 THE COURT: -- Roundtree is on the streets somewhere.

23 MR. MONROE: Yeah, she's in Texas. She just contacted Mr. Holmes's
24 father I think sometime in May.

25 THE COURT: All right. Is there anything else you want to add to this motion?

1 MR. MONROE: No, I just -- I hope the Court will allow it to go to discovery so
2 I'd have a chance.

3 THE COURT: Well, it has to go the Supreme Court. I just want to know if you
4 have anything to add.

5 MR. MONROE: No, I very much appreciate your time, Your Honor.

6 THE COURT: All right.

7 MR. MONROE: Thank you very much.

8 MR. HOLMES: I wanted to add that the -- that the statement -- on these -- it's
9 time-barred under this --

10 THE COURT: All right.

11 MR. HOLMES: -- reconsideration.

12 THE COURT: Hold on while you're arguing. The Supreme Court, we just ran
13 it up, the Supreme Court's dismissed all three appeals. Go ahead.

14 MR. HOLMES: Okay.

15 MR. MONROE: Not on the 616 case, that's still pending. I have criminal
16 cases.

17 THE COURT: Hold on. Let him talk. Just look up.

18 That appeal is Number 60547.

19 MR. MONROE: Yeah, that's not it.

20 THE COURT: 61616.

21 MR. MONROE: That's the property case.

22 THE COURT: 61616.

23 All right, go ahead, sir.

24 MR. HOLMES: Yeah, I just wanted to bring to --

25 THE COURT: Identify yourself though, you need --

1 MR. HOLMES: My names is Robert Holmes, III.

2 THE COURT: And you need to identify yourself that spoke. I'm sorry.

3 MR. MONROE: I'm sorry. Mr. Monroe.

4 THE COURT: All right.

5 MR. HOLMES: Yeah, I just wanted to bring to the Court's attention that you --

6 that this case was dismissed in October 2009. And now I think you, the Honorable
7 Judge, you had dismissed this in '09. And the State did a reconsideration motion.

8 THE COURT: Well, we closed it because there was no movement on it.

9 MR. HOLMES: Right.

10 THE COURT: It was just an administrative thing that we do. If either party
11 wants to open it up, we reopen it. But sometimes people don't go forward with civil
12 cases. This is just civil.

13 MR. HOLMES: Right. But it would --

14 THE COURT: And it's a procedure that happens constantly.

15 MR. HOLMES: But wouldn't after the time -- after the time that you had
16 considered the order when it -- doesn't the time starts from the order? Under the
17 statute of limitations on that, under the -- the six months start running when you --
18 when you -- when they enter your order and when you denied it and dismissed this
19 case --

20 THE COURT: I have to --

21 MR. HOLMES: -- there was a order that was signed.

22 THE COURT: I have to look. That wasn't necessarily --

23 MR. HOLMES: I got the --

24 THE COURT: -- in this, but.

25 MR. HOLMES: I got the -- we got the orders here -- I got the order here that

1 you had signed it, October the 29th, and they -- they did a reconsideration motion
2 two thousand -- on November 2011. And under the statute and the Court Rule of --
3 Court Rule 2.24, it states that any written notice or order must be -- after the time is
4 enlarged, has a ten-day period to even file a reconsideration.

5 THE COURT: Okay.

6 MR. HOLMES: And so they never -- they never filed a timely reconsideration.

7 THE COURT: Well, there wasn't a time to enlarge. I think you're confused --

8 MR. HOLMES: Yeah, yeah, I mean, I'm sorry about that.

9 THE COURT: You're a little confused with that, but that's okay.

10 MR. HOLMES: It was -- it's, you know, right here --

11 THE COURT: I will look at the timing.

12 MR. HOLMES: Yeah, it was -- it says -- it says, must -- under the 60(b) -- or
13 it's 59 or 50(b), must file a motion such relief within ten days after service of written
14 notice of order or judgment and unless the time is shortened or enlarged by a order,
15 which there was never -- it was never enlarged or anything.

16 At that time, the State had a opportunity to file a notice of appeal. At
17 that time, the -- after the judgment was entered, they had ten days after the
18 judgment, even 30 days to file a notice of appeal up to the Supreme Court, which
19 they never did these things.

20 THE COURT: Okay. Thank you.

21 MR. HOLMES: All right.

22 THE COURT: Hold on.

23 MR. FERGASON: I'm Mr. Fergason.

24 THE COURT: Yes.

25 MR. FERGASON: I just want to say, on my motion, I never got a response.

1 So I don't -- I don't even know what their response was. If I could, I would like the
2 paperwork on whatever they responded to.

3 THE COURT: All right.

4 MR. FERGASON: That's all.

5 THE COURT: Thank you.

6 MR. MOREO: Where do you want me to start?

7 THE COURT: Let's start with -- I'm sorry, I missed your name, the gentleman
8 in the middle.

9 MR. MONROE: That's Monroe.

10 MR. MOREO: I'll start as to Mr. Monroe, Your Honor.

11 THE COURT: Okay.

12 MR. MOREO: At least, he keeps talking about the faulty search warrant, but
13 that issue's been resolved at the criminal trial on a number of -- number of times --

14 MR. MONROE: That's not true.

15 MR. MOREO: -- went up to the Supreme Court. It has been resolved.

16 But what Mr. Monroe doesn't understand and forgets to tell the Court is
17 that the money that was seized in this case was not seized personally from him. If
18 Mr. Monroe can remember, he paid this money to Al Lasso, he paid this money to
19 John Lloyd, and -- and he paid this money to Joel Mann who were his attorneys at
20 the time. They were the ones that gave this money up to the police. He was no
21 longer in possessory possession of that money. His attorneys were in possession of
22 that money. They accepted that for the legal fees. They were the ones that gave up
23 that money, not Mr. Monroe.

24 As to Mr. Holmes, the \$70,000 that was Mr. Holmes', that money was in
25 the possession of Sean Sullivan who Mr. Holmes retained. Sean Sullivan gave up

1 that money. That was in his possession at that time. He gave up that money to the
2 police, not Mr. Holmes. That money was never, at this time, in the possessory
3 possession of Mr. Holmes, that's in the possession of Mr. Sullivan.

4 As to Mr. Fergason, that money was traced back to the time when that
5 money was placed in his account, but Tonya Trevarthen testified that all of the
6 money that went in all of these accounts was a direct result of them selling the
7 stolen property, putting that money into the accounts and then that money was
8 seized from those accounts. So in all of these cases, Your Honor, the money wasn't
9 in possession of Mr. Monroe, the money wasn't in possession of Mr. Holmes, and
10 the money for Mr. Fergason was a direct result of the proceeds from the illegal
11 activity that they were all found guilty of, and that's why we're here today. And so --

12 MR. HOLMES: That's not true.

13 THE COURT: Did the State file a response to Fergason?

14 MR. MOREO: Did we file a response?

15 THE COURT: Yeah.

16 MR. MOREO: No.

17 THE LAW CLERK: I don't see one in here.

18 THE COURT: And you don't show one for Mr. Fergason?

19 THE LAW CLERK: I know that he -- in the packet --

20 THE CLERK: He filed an opposition, but there's no response.

21 THE LAW CLERK: He filed an opposition.

22 THE COURT: And Mr. Fergason, are you referring to your opposition?

23 MR. FERGASON: Yeah, they never -- they never answered it.

24 THE COURT: Well, that's not a Complaint. That's a -- an opposition.

25 MR. FERGASON: So they're not supposed to -- to answer? The last judge

1 said they had -- they had, like, two weeks to respond to the 23rd.

2 THE COURT: No, you're opposing their motion for summary judgment.

3 MR. FERGASON: Yeah.

4 THE COURT: They don't have to respond to that. They can argue against
5 that.

6 MR. FERGASON: So they're not arguing against it?

7 THE COURT: Yes, they were -- just argued against it that the money was the
8 proceeds from stolen property, selling stolen property that a -- was it Teresa?

9 MR. MOREO: Yes, Your Honor.

10 THE COURT: Teresa had told them. I don't know who Teresa is.

11 And Mr. Holmes, the money was paid to Sean Sullivan --

12 MR. HOLMES: It was --

13 THE COURT: -- and taken from Sean Sullivan.

14 MR. HOLMES: It was -- it was -- it was -- it was -- I got the paperwork, it
15 was --

16 THE COURT: This is kind of odd that you guys both told me that they seized
17 the money, but it's in attorneys' accounts.

18 MR. HOLMES: No, no.

19 MR. MONROE: That's not necessarily true.

20 MR. HOLMES: That's not true. They -- right here, I got paperwork to show,
21 even on court transcripts -- transcripts that he told me, he say: I advised
22 Mr. Holmes to bring me \$70,000. I advised him to go to his accounts and give me
23 \$70,000 due to they was going to seize my homes. And they're claiming and
24 alleging that they're with the FBI.

25 Come to find out, all my paperwork says ICE, it wasn't the FBI. But

1 they tricked me into giving them my money, you know what I'm saying? And I
2 precisely told Sean, I say: Sean, you want me to give you \$70,000?

3 He said: Yeah, because if you don't, they're going to seize all your
4 properties, all four of your homes, all your cars, all your houses, everything.

5 THE COURT: This is an important fact that you didn't tell me that he gave it
6 to the -- to attorneys.

7 MR. HOLMES: In my -- in my -- in my -- in my paperwork, it's in there.

8 THE COURT: All right.

9 MR. HOLMES: In my paperwork, yeah, all my paperwork, I --

10 THE COURT: I'll cover it -- I'll reread it again.

11 MR. HOLMES: Yeah, yeah.

12 MR. MONROE: Yeah, I mean, it'll be interesting to me if Al Lasso gave that
13 money back to them because I believe they froze his account to take that money.
14 But there was fourteen or fifteen thousand dollars at my house cash that was mine
15 that I don't believe he brought up.

16 And also \$26,000 in a bank account that they took that -- that my
17 lawyers didn't have. And none of this money was given, like he's saying, willingly, I
18 mean, there was -- there was threats about --

19 THE COURT: I'm sure there was threats to the attorneys.

20 MR. MONROE: Yeah, there's no question about that, but see, he brings up
21 an important fact. He says that this is all stemmed from illegal gains. And that's
22 why I'm saying it's important that we be able to prove that there wasn't a search
23 warrant at the time of the search. Because he's bringing up the criminal case to
24 take this money, why can't I bring up the criminal case to try to get my money back?
25 If there wasn't a search warrant, a valid search warrant, and there wasn't, Your

1 Honor, then that money should have never been taken.

2 THE COURT: All right. I'll have to review the criminal stuff. I can't make a
3 ruling anyway if the Supreme Court still has it.

4 MR. MONROE: Yeah, there is a Supreme Court.

5 THE COURT: I'm going to check 61616.

6 MR. MONROE: Yeah, they -- what they had did is they gave me 15 days a
7 while ago because I had to file a pro per status, so I -- I filed for a motion to
8 extension of time, 60 days, and told them that -- what was going on, that this
9 stemmed from a criminal case and I had to represent myself, but I would get one to
10 the Court. I think the Court -- I think I gave it to you. And so I asked for an
11 extension that was, like, I don't know, five days ago.

12 MR. HOLMES: And I'll tell you -- and I'll tell you, explain something else too.
13 When Sean Sullivan advised me to give him this money, I had met -- we met back at
14 the office with Mr. Kelly, and he asked Sean, he said, Why did you give -- have our
15 client give you this money to take to -- take up there -- because we met -- we met
16 on -- we met on -- we met on Charleston right by the Federal Building. And he had
17 me give him \$70,000 cash. I'm like, and he said the only reason -- he said: You got
18 to give it to me because your homes and stuff are going to get seized.

19 And so Mr. Kelly told him, he said: I don't understand why you had him
20 do these things. They have a lot of procedure they have to go through to even
21 establish this money as being -- this money to being stolen or anything, you know
22 what I'm saying?

23 THE COURT: Okay.

24 MR. HOLMES: So, you know, they caught Tonya in -- in -- in Texas with
25 money and when I was -- went to my sentencing, they was trying to get another

1 75,000 that they alleged, that they're claiming. And I -- and my argument is what
2 differentiate -- how do you differentiate the money that -- because obviously, Mr. Bell
3 stated that Mr. Holmes voluntarily gave the money, Tanya got caught in Texas. But
4 if the DA, District Attorney office is stating that none of my attorney money that I paid
5 my attorneys was -- was illegal, was stolen money because I showed proof that I
6 worked on my jobs and all that. What would be -- how -- how would you -- how
7 would you determine that you saying that this money would be stolen compared to
8 the money that I paid my attorneys?

9 My money -- my attorneys never had -- none of their monies was ever
10 seized, taken. I had Kirk Kennedy, Sean Sullivan, and I had Joe Sciscento, and
11 none of their money was ever taken out of their accounts or even seized. That
12 \$70,000 was only given to Sean due to the fact that they was going to seize upon
13 my homes. And so, you know, that's -- that's --

14 THE COURT: But you gave the \$70,000 to him and --

15 MR. HOLMES: He told me, he said: Look, they going to seize your houses --

16 THE COURT: Okay. Don't tell me what he said. You voluntarily gave that to
17 him?

18 MR. HOLMES: I -- me, personally. Yes. Yes, Your Honor. Yes.

19 THE COURT: Okay. That's all I need to know there.

20 All right, I will look at that, we're going to research 61616. I have all the
21 information. I will make a determination from the written pleadings. Thank you.

22 ...

23 ...

24 ...

25 ...

1 MR. MONROE: Thank you, Your Honor.

2 MR. HOLMES: Thank you.

3 THE COURT: Thank you.

4 [Proceeding concluded at 8:27a.m.]

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
22 video recording of this proceeding in the above-entitled case.

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Court Recorder/Transcriber

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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 Trevarthen, (hereinafter referred to as "TONYA M. TREVARTHEN"), and ROBERT HOLMES, III, aka Bobby Holmes, aka Robert Holmes, (hereinafter referred to as "ROBERT HOLMES, III"), and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and

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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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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 TREVARTHEN, 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 TREVARTHEN, 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**

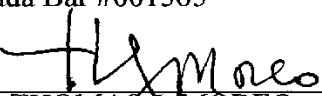
4 THEREFORE, IT IS HEREBY ORDERED that the Motion for Summary Judgment
5 against Claimants DAIMON MONROE, aka Daimon Devi Hoyt, BRYAN M. FERGASON,
6 aka Bryan Michael Ferguson, aka J.B., TONYA M. TREVARTHEN, aka Tonya Michelle
7 Trevarthen, , and ROBERT HOLMES, III, aka Bobby Holmes, aka Robert Holmes,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

9 DATED this 22nd day of November, 2012.

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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

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