

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAQUEZ D. BARBER,) No. 62649
Appellant,)
v.)
THE STATE OF NEVADA,)
Respondent.)

Electronically Filed
Sep 11 2013 08:59 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

APPELLANT'S APPENDIX- VOLUME I - PAGES 001-245

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Counsel for Respondent

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Case No. 62649

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JUSTICE COURT, LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

SEP 30 10 10 AM '10

THE STATE OF NEVADA,

Plaintiff,

JUSTICE COURT
CLARK COUNTY, NEVADA
BY RC

DEPT CASE NO: 10F18646X

-VS-

DEPT NO: 11

JAQUEZ BARBER, aka,
Jaquez Dejuan Barber, #2705160,

Defendant.

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of BURGLARY (Felony - NRS 205.060) and GRAND LARCENY (Felony - NRS 205.220, 205.222), in the manner following, to-wit: That the said Defendant, on or about the 21st day of January, 2009, at and within the County of Clark, State of Nevada,

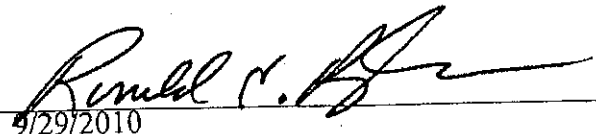
COUNT 1 - BURGLARY

did then and there wilfully, unlawfully, and feloniously enter, with intent to commit larceny, that certain building occupied by ALDEGUNDA MENDOZA, located at 1873 Star Sapphire Court, Las Vegas, Clark County, Nevada.

COUNT 2 - GRAND LARCENY

did then and there wilfully, unlawfully, and feloniously with intent to deprive the owner permanently thereof, steal, take, carry, lead or drive away property owned by ALDEGUNDA MENDOZA, having a value of \$250.00, or more, to-wit: \$7,000.00.

All of which is contrary to the form, force and effect of Statutes in such cases made and provided and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration subject to the penalty of perjury.


9/29/2010

10F18646X/no
LVMPD EV# 0901211550
(TK11)

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JUSTICE COURT, LAS VEGAS TOWNSHIP

STATE VS. BARBER, JAQUEZ AKA JAQUEZ DEJUAN BARBER

CASE NO. 10F18646X

PAGE: 1

DATE, JUDGE
OFFICERS OF COURT
PRESENT

APPEARANCES - HEARING

CONTINUED TO:

SEPTEMBER 30, 2010	CRIMINAL COMPLAINT FILED COUNT 1 - BURGLARY COUNT 2 - GRAND LARCENY	LP
OCTOBER 5, 2010 E. GOODMAN A. NANCE, DA D. DICKSON, PD APPOINTED P. SMITH, CR L. PEREZ, CLK	INITIAL ARRAIGNMENT DEFENDANT PRESENT IN COURT IN CUSTODY DEFENDANT ADVISED OF CHARGES/WAIVES READING OF COMPLAINT PRELIMINARY HEARING DATE SET DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF	10/19/10 9AM #11 LP
OCTOBER 19, 2010 E. GOODMAN A. NANCE, DA C. MAXEY, PD AND C. ROMNEY, PD P. SMITH, CR J. MONTERROSO, CLK	TIME SET FOR PRELIMINARY HEARING DEFENDANT PRESENT IN COURT *IN CUSTODY* PER NEGOTIATIONS: DEFENDANT UNCONDITIONALLY WAIVES THE RIGHT TO A PRELIMINARY HEARING DEFENDANT BOUND OVER TO DISTRICT COURT AS CHARGED DEFENDANT TO APPEAR IN THE LOWER LEVEL ARRAIGNMENT COURTROOM A DATE SET DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF	10/28/10 9:00 DCA Jm
	CASE FORWARDED TO OCT 21 2010 DISTRICT COURT CLERK'S OFFICE	

C268471
Page 1
ORIGINAL
FILED

1 CASE NO. C268471
2 DEPT. NO. 11

3
4 IN THE JUSTICE COURT OF THE LAS VEGAS TOWNSHIP
5 COUNTY OF CLARK, STATE OF NEVADA

6
7
8 THE STATE OF NEVADA,

9 Plaintiff,

10 Vs

11 JAEQUEZ BARBER,

12 Defendant.

13
14 REPORTER'S TRANSCRIPT
15 OF
16 UNCONDITIONAL WAIVER OF PRELIMINARY HEARING
17 BEFORE THE HONORABLE ERIC A. GOODMAN
18 JUSTICE OF THE PEACE
19 TAKEN ON TUESDAY, OCTOBER 19, 2010
20 AT 9:00 A.M.

21 APPEARANCES:

22 For the State: PHILIP BROWN
Chief Deputy District Attorney

23 For the Defendant: CLAUDIA ROMNEY
Deputy Public Defender

24 REPORTED BY: PATSY K. SMITH, C.C.R. #190

25 PATSY K. SMITH, OFFICIAL COURT REPORTER
(702) 671-3795

Nov 22 9 34 AM '10

CLERK

Page 3

1 THE COURT: All right, sir, do you
2 understand the negotiation this morning?
3 THE DEFENDANT: Yes.
4 THE COURT: Did you have a chance to talk
5 to your attorney about the negotiation?
6 THE DEFENDANT: Yes.
7 THE COURT: Is that a negotiation you wish

8 to accept?

9 THE DEFENDANT: Yes.
10 THE COURT: Do you understand that you
11 have a right to a preliminary hearing. You have the right

12 to confront and cross-examine the witnesses that the State
13 presents. You have the right to present witnesses and
14 evidence on your own behalf. You have the right to testify
15 and the right to remain silent and that may not be held
16 against you.

17 Do you understand that you are waiving
18 these rights today?

19 THE DEFENDANT: Yes.

20 THE COURT: When you get to District
21 Court, if you change your mind about these negotiations,
22 you will proceed to trial on the original charges. You
23 will not be able to come back to Justice Court for a
24 preliminary hearing.

25 Do you understand that?

PATSY K. SMITH, OFFICIAL COURT REPORTER
(702) 671-3349

Page 2

1 LAS VEGAS, NEVADA, TUESDAY, OCTOBER 19, 2010

2 * * * * *

3
4 THE COURT: Jaquez Barber, 10F18646X.

10:21AM 5 MR. BROWN: Good morning, your Honor.

6 Phil Brown for the State.

7 MS. ROMNEY: Judge, this case is resolved.

8 This morning he is going to

10:21AM 9 unconditionally waive his right to preliminary hearing. In

10 District Court, he's going to plead, by way of Alford, to

11 grand larceny, a Category C felony.

12 Both parties will stipulate to a sentence
13 of 12-to-30 months in the Nevada Department of Corrections
14 concurrent to?

10:21AM 15 MR. BROWN: C253779D.

16 THE COURT: All right.

17 MS. ROMNEY: And -- go ahead.

18 MR. BROWN: Additionally, the State will

10:21AM 19 put -- he is already up in prison on that case and he is

20 doing some programming. We will put in there a

21 recommendation that he be allowed to continue with whatever

22 program at the prison that he's currently doing.

23 THE COURT: All right.

24 Is that all correct?

10:21AM 25 MS. ROMNEY: That's correct.

PATSY K. SMITH, OFFICIAL COURT REPORTER
(702) 671-3795

Page 4

1 THE DEFENDANT: Yes.

2 THE COURT: It appearing to me, from the
3 Complaint on file herein, that the following crimes have
4 been committed, Count 1, burglary, Count 2, grand larceny,
5 and the defendant having unconditionally waived his
6 preliminary hearing, I hereby order said defendant be held
7 to answer said charges in the Eighth Judicial District
8 Court, State of Nevada, County of Clark, on the following
9 date and time.

10:22AM 10 THE CLERK: October 28, 9:00 a.m., Lower
11 Level Arraignment.

12 MR. BROWN: Thank you, your Honor.

13 THE COURT: Thank you.

14
15 * * * * *

16
17 ATTEST: FULL, TRUE, ACCURATE AND CERTIFIED TRANSCRIPT OF
18 PROCEEDINGS.

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C-10-268471-1
TRAN
Reporters Transcript
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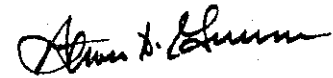


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NOV 22 2010

PATSY K. SMITH, OFFICIAL COURT REPORTER
(702) 671-3795

2a



CLERK OF THE COURT

INFO

DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
PHILIP BROWN
Chief Deputy District Attorney
Nevada Bar #006240
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

**I.A. 10/28/2010
9:00 A.M.**

**DISTRICT COURT
CLARK COUNTY, NEVADA**

PUBLIC DEFENDER

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAQUEZ DEJUAN BARBER,
#2705160

Defendant.

Case No: C268471-1
Dept No: IV

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

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

That JAQUEZ DEJUAN BARBER, the Defendant above named, having committed the crime of **GRAND LARCENY (Category C Felony - NRS 205.220, 205.222)** in the manner following, to-wit: That the said Defendant, on or about the 21st day of January, 2009, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

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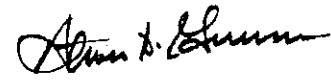
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1 did, then and there, willfully, unlawfully, and feloniously with intent to deprive the owner
2 permanently thereof, steal, take, carry, lead or drive away property owned by
3 ALDEGUNDA MENDOZA, having a value of \$250.00, or more, to-wit: \$7,000.00.

4 DAVID ROGER
5 DISTRICT ATTORNEY
6 Nevada Bar #002781

7 BY /s/ PHILIP BROWN
8 PHILIP BROWN
9 Chief Deputy District Attorney
10 Nevada Bar #006240
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27 DA#10F18646X/hjc/SVU
28 LVMPD EV#0901211550
(TK11)


CLERK OF THE COURT

1 AINF
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 PHILIP BROWN
6 Chief Deputy District Attorney
7 Nevada Bar #006240
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAQUEZ DEJUAN BARBER,
#2705160

Defendant.

Case No: C268471-1
Dept No: IV

AMENDED
INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

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

That JAQUEZ DEJUAN BARBER, the Defendant above named, having committed the crime of BURGLARY (Category B Felony - NRS 205.060) and GRAND LARCENY (Category B Felony - NRS 205.220, 205.222) in the manner following, to-wit: That the said Defendant, on or about the 21st day of January, 2009, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

//

//

1 COUNT 1 - BURGLARY

2 did then and there wilfully, unlawfully, and feloniously enter, with intent to commit
3 larceny, that certain building occupied by ALDEGUNDA MENDOZA, located at 1873 Star
4 Sapphire Court, Las Vegas, Clark County, Nevada.

5 COUNT 2 - GRAND LARCENY

6 did then and there wilfully, unlawfully, and feloniously with intent to deprive the
7 owner permanently thereof, steal, take, carry, lead or drive away property owned by
8 ALDEGUNDA MENDOZA, having a value of \$250.00, or more, to-wit: \$7,000.00.

9 DAVID ROGER
10 DISTRICT ATTORNEY
Nevada Bar #002781

11
12 BY /s/ PHILIP BROWN

13 PHILIP BROWN
14 Chief Deputy District Attorney
Nevada Bar #006240

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

17 COR or Designee; LVMPD RECORDS

18 DAHN, ROBBIE; LVMPD#05947

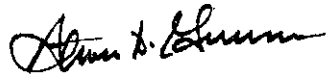
19 FARNHAM, VICKI; LVMPD#07836

20 MENDOZA, ALDEGUNDA; 1873 STAR SAPPHIRE CT., LVN 89106

21 NORDSTROM, JAYME; LVMPD#08254

22 PAGE, LELAND; COURT INTERPRETER

23
24
25
26
27 DA#10F18646X/hjc/SVU
28 LVMPD EV#0901211550
(TK11)


CLERK OF THE COURT

1 **NOTC**
2 **DAVID ROGER**
3 **Clark County District Attorney**
4 **Nevada Bar #002781**
5 **PHILIP BROWN**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #006240**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

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

10 **THE STATE OF NEVADA,**

11 **Plaintiff,**

12 **-vs-**

13 **JAQUEZ DEJUAN BARBER,**
14 **#2705160**

15 **Defendant.**

CASE NO: C268471-1

DEPT NO: IV

16 **NOTICE OF WITNESSES AND/OR EXPERT WITNESSES**
17 **[NRS 174.234]**

18 **TO: JAQUEZ DEJUAN BARBER, Defendant; and**

19 **TO: PUBLIC DEFENDER, Counsel of Record:**

20 **YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE** that the STATE
21 **OF NEVADA** intends to call the following witnesses in its case in chief:

22 **COR or Designee; LVMPD RECORDS**

23 **DAHN; LVMPD#05947**

24 **FARIS; LVMPD#12814**

25 **FARNHAM; LVMPD#07836; Will testify as an expert as to the collection, analysis**
26 **and identification of finger print evidence.**

27 **MENDOZA, ALDEGUNDA; 1873 STAR SAPPHIRE CT., LVN 89106**

28 **NORDSTROM; LVMPD#08254**

1 PAGE, LELAND; COURT INTERPRETER

2 PALMER; LVMPD#09870

3 SHEVLIN; LVMPD#13411

4 STEINMETZ; LVMPD#13767

5 WILSON; LVMPD#09114

6 These witnesses are in addition to those witnesses endorsed on the Information and
7 any other witness for which a separate Notice has been filed. The substance of each expert
8 witness testimony and copy of all reports made by or at the direction of the expert witness
9 has been provided in discovery.

10 A copy of each expert witness curriculum vitae, if available, is attached hereto.

11 DAVID ROGER
12 DISTRICT ATTORNEY
Nevada Bar #002781

13
14 BY /s/ PHILIP BROWN
15 PHILIP BROWN
16 Chief Deputy District Attorney
Nevada Bar #006240

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18
19
20 **CERTIFICATE OF FACSIMILE TRANSMISSION**

21 I hereby certify that service of NOTICE OF WITNESSES AND/OR EXPERT
22 WITNESSES, was made this 17TH day of November, 2010, by facsimile transmission to:

23 PUBLIC DEFENDER
24 FAX #455-5112

25 /s/ HOWARD CONRAD
26 Secretary for the District Attorney's Office
27

28 hjc/SVU

Statement of Qualifications

Name:

Page: 2

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
STATEMENT OF QUALIFICATIONS**

Date: 7-14-03Name: Vicki Farnham P#: 7836 Classification: Latent Print Examiner ICurrent Discipline of Assignment: Latent Prints

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)

Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints	X	Crime Scene Investigations	X
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	
Quality Assurance		Technical Support /	

EDUCATION

<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
Leeward Community College	1985 - 1986	General Education	
Grossmont College	1987 - 1988	Criminal Justice evidence Technology	A.S.

ADDITIONAL TRAINING / SEMINARS

<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
88 th International Association for Identification Educational Conference	Ottawa, Canada	7/03
FW21 and LEXS Upgrade User Methods and Operations - NEC	Las Vegas, NV	2/03

Statement of Qualifications

Name:

Page: 2

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Civilian Orientation for Civilians	Las Vegas, NV	1/03
Driver's Training	Las Vegas, NV	12/02
LEXS AFIS Software	Las Vegas, NV	12/02
CPR & First Aid - American Medical Response	Las Vegas, NV	11/02
3 rd Annual Educational Conference - Nevada State Division IAI	Las Vegas, NV	4/01
1 st Annual Educational Conference - Nevada State Division IAI	Las Vegas, NV	4/99
Advanced Ridgeology Techniques IAI - Pat Wertheim	Nokesville, VA	9/97
Fingerprint Examiners' Seminar - Commonwealth of VA	Virginia Beach, VA	5/97
Educational Seminar - Chesapeake Bay Division of IAI	Virginia Beach, VA	11/96
Educational Seminar - Chesapeake Bay Division of IAI	Williamsburg, VA	3/96
3 rd Annual Investigation for Identification Conference - Florida Association of Medical Examiners	Pensacola, FL	9/95
Latent Print Development Techniques - FBI	Hampton, VA	1/95
AFIS Users Training Session - Commonwealth of VA	Hampton, VA	1/94
Basic Investigation School - Hampton Roads Regional Academy of CJ	Hampton, VA	8/93
Advanced Palm Print Identification - Ron Smith, Mississippi Crime Lab	Williamsburg, VA	7/93
Fingerprint Examiners' Seminar - Commonwealth of VA	Virginia Beach, VA	5/93
Regional AFIS Seminar - Commonwealth of VA	Chesapeake, VA	2/92
Defensive Driving Course - City of Hampton	Hampton, VA	9/91
Fingerprint Examiners' Seminar - Commonwealth of VA	Virginia Beach, VA	9/91
Evidence Handling & Submission Seminar -	Hampton, VA	6/91

Statement of Qualifications

Name:

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ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Commonwealth of VA		
Impression Evidence Seminar - Commonwealth of VA	Hampton, VA	6/91
Omnichrome 1000 Training - Omnichrome	Hampton, VA	2/91
Fingerprint Examiners' Seminar - Commonwealth of VA	Virginia Beach, VA	5/90
Bloodstain Pattern Workshop - Commonwealth of VA	Hampton, VA	5/90
American Institute of Applied Science - AIAS	Correspondence	3/90
Advanced Latent Fingerprint Techniques - FBI	Norfolk, VA	1/90
Fingerprint Classification - FBI	Hampton, VA	12/89
Crime Scene Photography Course - Commonwealth of VA	Richmond, VA	8/89
Identi-Kit System - Identi-Kit Co., Inc	Virginia Beach, VA	8/89
Collection & Preservation of Physical Evidence - FBI	Hampton, VA	5/89
Latent Print Tracing Techniques - State of CA	San Diego, CA	9/88
Internship / Forensic Photography & Fingerprinting - San Diego County Morgue	San Diego, CA	Spring 1988
Fingerprint Science AOJ 148 - Grossmont College	El Cajon, CA	Fall 1987
COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
Philadelphia, PA Federal Court	Crime Scene / Latent Prints	1
Norfolk, VA	Crime Scene / Latent Prints	1
Hampton General District Court	Latent Prints	~ 20
Hampton General District Court	Crime Scene	~ 25
Hampton Circuit Court	Latent Prints	~ 20
Hampton Circuit Court	Crime Scene	~ 50

Statement of Qualifications

Name:

Page: 2

COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
Hampton Juvenile Court	Latent Prints	~ 20
Hampton Juvenile Court	Crime Scene	~ 25
San Diego County	Latent Prints	1
Newport News General District Court	Latent Prints	~ 3
Newport News Circuit Court	Latent Prints	~ 3

EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
Hampton Police Department / Hampton, VA	Forensic Technician	4/89 to 10/98
San Diego County Sheriff's Department	Fingerprint Examiner Technician	6/88 to 2/89

PROFESSIONAL AFFILIATIONS	
<i>Organization</i>	<i>Date(s)</i>
International Association of Identification Parent Body	1992 to present
Nevada State Division of International Association of Identification	1999 to present
Chesapeake Bay Division of International Association of Identification	1992 to 1998

PUBLICATIONS / PRESENTATIONS:
DNA Impact Presentation
AFIS Impact Presentation
ALS Impact Presentation
Vacuum Chamber Impact Presentation

OTHER QUALIFICATIONS:
Certified Latent Print Examiner since 2/10/96

Statement of Qualifications

Name:

Page: 5

[FL 11/00]

ORIGINAL

FILED

DEC 09 2010

John L. Blum
CLERK OF COURT

0026
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

JAQUEZ DEJUAN BARBER,
Defendant.

CASE NO. C-10-268471-1

DEPT. NO. IV

DATE: December 14, 2010

TIME: 9:00 A.M. (S)

MOTION TO CONTINUE TRIAL DATE

COMES NOW the Defendant, JAQUEZ DEJUAN BARBER, by and through his attorney, CLAUDIA L. ROMNEY, Deputy Public Defender, and respectfully moves this court for an order vacating the January 18, 2011 trial date and requesting a new trial setting on a date convenient to the court.

This Motion is made based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, Memorandum of Points and Authorities in support hereof, and oral argument at the time set for hearing this Motion.

DATED this 8th day of December, 2010.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By *Claudia L. Romney*
CLAUDIA L. ROMNEY, #10353
Deputy Public Defender

RECEIVED

DEC 09 2010

CLERK OF THE COURT

C-10-268471-1
MCNT
Motion to Continue
1094668



DECLARATION

CLAUDIA L. ROMNEY makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada, I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and I am familiar with the facts and circumstances of this case.

2. Both defense trial attorneys have trials scheduled for the same date as the instant case. We have represented Mr. Barber on this case from the initial proceedings in Juvenile Court and feel it would be detrimental to Mr. Barber for new counsel to be assigned at this late stage in the proceedings.

3. Counsel has notified Mr. Barber of the scheduling conflict. Mr. Barber agrees to waive the 60-day rule for this limited purpose. Therefore, counsel requests a February trial date.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 8th day of December, 2010.


CLAUDIA L. ROMNEY

NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the foregoing Motion to Continue Trial
Date will be heard on December 14, 2010, at 9:00 am in Department No. IV of the Eighth Judicial
District Court.

DATED this 8th day of December, 2010.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

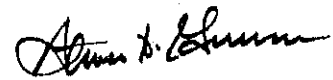
By Claudia Romney
CLAUDIA L. ROMNEY, #10353
Deputy Public Defender

RECEIPT OF COPY

RECEIPT OF COPY of the above and foregoing Motion to Continue Trial Date is
hereby acknowledged this 9 day of December, 2010.

CLARK COUNTY DISTRICT ATTORNEY

By James Clark



CLERK OF THE COURT

1 NOTC
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 309 South Third Street, Suite #226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,
11 Plaintiff,
12 v.
13 JAQUEZ DEJUAN BARBER,
14 Defendant.

CASE NO. C-10-268471-1

DEPT. NO. XX

15 DEFENDANT'S NOTICE OF WITNESSES, PURSUANT TO NRS 174.234 AND NOTICE
16 OF POSSIBLE ALIBI WITNESS

17 TO: CLARK COUNTY DISTRICT ATTORNEY:

18 You, and each of you, will please take notice that the Defendant, JAQUEZ
19 DEJUAN BARBER, intends to call the following witness(s) in his case in chief:

- 20 1. Gayland Seaberry
21 c/o Clark County Public Defender's Office
22 309 S. Third St.
23 Las Vegas, NV 89155
- 24 2. Terrance Gofferner; will testify as an alibi witness as to Jaquez Barber's usual
25 routine during the month of January 2009.
26 Address Unknown
27 Las Vegas, NV

28 DATED this 28th day of October, 2009.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Claudia L. Romney
CLAUDIA L. ROMNEY, #10353
Deputy Public Defender

CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing Notice of Alibi Witness was made via e-filing to PDMotions@ccdancv.com on this 11th day of March, 2011.

CLARK COUNTY PUBLIC DEFENDER

By: /s/ Carolyn Gray
An employee of the Clark County Public Defender

ORIGINAL

FILED

MAR 14 2011

John A. Blum
CLERK OF COURT

PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

C-10-268471-1
MOIS
Motion for Discovery
1288086



DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

JAQUEZ DEJUAN BARBER,

Defendant.

CASE NO. C-10-268471-1

DEPT. NO. XX

DATE: March 15, 2011

TIME: 9:00 A.M.

*Entered
3/14/11
jm*

MOTION FOR DISCOVERY

COMES NOW, the Defendant, JAQUEZ DEJUAN BARBER, by and through
CLAUDIA L. ROMNEY, Deputy Public Defender and hereby requests this Honorable Court order
the state to provide a copy of the enumerated items that Mr. Moore has a reasonable belief that the
state, or its agents, possess:

1. forensic quality photos or scans of the front and back of any and all latent print lift cards relating to LVMPD Event #090121-1550, if any;
2. forensic quality photos or scans of any and all file prints to which latent print lift cards were compared relating to LVMPD Event #090121-1550, if any;
3. any and all notes and/or reports from latent fingerprint examiner(s) relating to LVMPD Event #090121-1550, if any;
4. any and all notes and/or reports from crime scene analyst(s) relating to LVMPD Event #090121-1550;
5. any AFIS list of all possible suspects as a result of fingerprint analysis relating to LVMPD Event #090121-1550;
6. any and all reports connected to fingerprint comparisons relating to LVMPD Event #090121-1550;


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CLERK OF THE COURT

- 1 7. any and all officer and/or detective reports relating to LVMPD Event #090121-1550;
2 8. any and all officer and/or detective notes relating to LVMPD Event #090121-1550;
3 9. any and all criminal history relating to Aldegunda Mendoza; and
4 10. any other reports, witness statements, affidavits, declarations, video, or other material the
5 state is relying upon or plans to present in its case in chief.

6 This Motion is made and based upon all the papers and pleadings on file herein, the
7 attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

8 DATED this 11 day of March, 2011.

9 PHILIP J. KOHN
10 CLARK COUNTY PUBLIC DEFENDER

11 By: 
12 CLAUDIA L. ROMNEY, #10353
13 Deputy Public Defender
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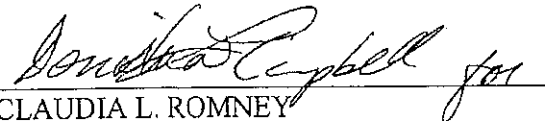
DECLARATION

CLAUDIA L. ROMNEY makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and the Defendant has represented the following facts and circumstances of this case.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 11 day of March, 2011.


CLAUDIA L. ROMNEY

MEMORANDUM OF POINTS AND AUTHORITIES

FACTS

Mr. Jaquez Barber is charged by way of Information with one count of Burglary and one count of Grand Larceny. This crime is alleged to have occurred on January 21, 2009. Mr. Barber unconditionally waived his right to a preliminary hearing on October 19, 2010. On November 18, 2010 Mr. Barber entered a not guilty plea. A trial date is scheduled for March 21, 2011.

ARGUMENT

According to NRS 174.235¹ and Brady v. Maryland, 373 U.S. 83 (1963), the state has a duty to disclose material evidence. Failure to do so results in a violation of Due Process under the Fifth and Fourteenth Amendments of the United States Constitution. The rule applies regardless of how the state has chosen to structure its overall discovery process. Brady v. Maryland, 373 U.S. 83 (1963); Kyles v. Whitley, 514 U.S. 419 (1995); Strickler v. Greene, 527 U.S. 263 (1999). The government has a duty to disclose Brady material even in the absence of a request by the defense. See Kyles, *supra*.

The Nevada Supreme Court has addressed the import of N.R.S. 174.235:

"The trial court is vested with the authority to order discovery and inspection of materials in the possession of the state. The exercise of the court's discretion, however, is predicated on a showing that the evidence sought is material to the preparation of the defense and the existence of the evidence is known or, by the exercise of due diligence, may become known to the district attorney."

Riddle v. State, 96 Nev. 589, 590, 613 P.2d 1031 (1980).

A prosecutor's duty under Brady necessarily requires the cooperation of other government agents who might possess Brady material. United States v. Blanco, No. 03-10390 U.S. Court of Appeals, Ninth Circuit, p. 17276 (December 27, 2004). In United States v. Zuno-Arce, 44 F.3d

¹ NRS 174.235 in relevant part provides: "At the request of a defendant, the prosecuting attorney shall permit the defendant to inspect and copy or photograph any relevant: (a) Written or recorded statements or confessions made by the defendant, or any written or recorded statements made by any witness, or copies thereof, within the possession, custody or control of the state, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney...."

1 1420 (9th Cir. 195) (as amended), the Court explained why "it is the government's not just the
2 prosecutor's, conduct which may give rise to a Brady violation." Id. at 1427. It noted:

3 "Exculpatory evidence cannot be kept out of the hands of the
4 defense just because the prosecutor does not have it, where an
5 investigating agency does. That would undermine Brady by
6 allowing the investigating agency to prevent production by keeping a
7 report out of the prosecutor's hands until the agency decided the
8 prosecutor ought to have it, and by allowing the prosecutor to tell the
investigators not to give him certain materials unless he asked for
them."

9 Id.; see also United States v. Monroe, 943 F.2d 1007, 1011 n.2 (9th Cir. 1991) (stating that "the
10 prosecution must disclose any [Brady] information within the possession or control of law
11 enforcement personnel") (quoting United States v. Hsieh Hui Mei Chen, 754 F.2d 817, 824 (9th
12 Cir. 1985)).

13 Brady material is that evidence which is: 1) material, 2) relevant to guilt or punishment, 3)
14 favorable to the accused, and 4) within the actual or constructive possession of anyone acting on
15 behalf of the state. See Brady, 373 U.S. 83 (1963).

16 1. Materiality

17 When the defense makes a specific request for Brady material and the state does not
18 provide such material, the Nevada Supreme Court has held that there are grounds for reversal of a
19 conviction "if there exists a reasonable possibility that the claimed evidence would have affected
20 the judgment of the trier of fact." Roberts v. State, 110 Nev. 1121, 881 P.2d 1, 5 (1994); See
21 Jimenez v. State, 112 Nev. 610, 619, 918 P.2d 687, 692 (1996), and State v. Bennett, 119 Nev.
22 589, 81 P.3d 1, 8 (2003).

23 Even if a specific request has not been made, reversal is also warranted "if there exists a
24 reasonable probability that, had the evidence been disclosed, the result of the proceeding would
25 have been different." United States v. Bagley, 473 U.S. 667, 682, 685 (1985); Pennsylvania v.
26 Ritchie, 480 U.S. 39, 57 (1986). A 'reasonable probability' is a probability sufficient to undermine
27 confidence in the outcome. Bagley, 473 U.S. at 678, 685; Ritchie, 480 U.S. at 57; Roberts, 110
28 Nev. at 1128-1129.

1 Therefore, absent a specific request for Brady material, anything that might have created a
2 probability that the confidence of the verdict was undermined is considered material. Where a
3 specific request is made, however, anything that creates a reasonable possibility that the evidence
4 might have affected the fact-finder's judgment is material.

5 All of the evidence requested in this case is material because it relates to the police
6 investigation of these alleged crimes.

7 **2. Relevance to Guilt or Punishment**

8 Brady material applies not only to evidence which might affect the defendant's
9 guilt, but also includes evidence which could serve to mitigate a defendant's sentence if convicted.
10 Jimenez v. State, 112 Nev. 610, 918 P.2d 687 (1996). Essentially, anything which could convince
11 the court to impose something less than a maximum sentence, or rebut alleged aggravating
12 circumstances would be relevant to punishment.

13 All of the requested material is relevant to the question of Mr. Barber's guilt or
14 punishment. The requested material relates to the police investigation.

15 **3. Favorability to the Accused**

16 Impeachment evidence is exculpatory evidence within the meaning of Brady. See Giglio v.
17 United States, 405 U.S. 150 (1972), cited in United States v. Blanco, No. 03-10390 U.S. Court of
18 Appeals, Ninth Circuit, p. 17275 (December 27, 2004). Brady/Giglio information includes
19 "material ... that bears on the credibility of a significant witness in the case." (citations omitted).
20 Blanco, supra. The Nevada Supreme Court has spoken directly to what is considered "favorable to
21 the accused" and therefore proper Brady material. In Mazzan v. Warden, 116 Nev. 48, 67, 993
22 P.2d 25, 37 (2000) the Court stated:

23 Due process does not require simply the disclosure of "exculpatory"
24 evidence. Evidence also must be disclosed if it provides grounds for
25 the defense to attack the reliability, thoroughness, and good faith of
26 the police investigation, to impeach the credibility of the state's
27 witnesses, or to bolster the defense case against prosecutorial
28 attacks. Furthermore, "discovery in a criminal case is not limited to
investigative leads or reports that are admissible in evidence."
Evidence "need not have been independently admissible to have
been material." (citations omitted)

1 Therefore, Brady material under this standard, would include criminal records or other
2 evidence concerning state's witnesses which might show their bias or otherwise impeach their
3 credibility. All of the requested material relates to the police investigation and could result in
4 impeachment evidence.

5 **4. Within the Actual or Constructive Possession of Anyone Acting on Behalf of**
6 **the State.**

7 Based on prior experience, it is anticipated that the prosecution may assert that it has an
8 "open file" policy and that the requested material is not available in its file. This argument is
9 unavailing. In Strickler v. Green, 527 U.S. at 283, the United States Supreme Court explicitly held
10 that a prosecutor's open file policy does not in any way substitute for or diminish the state's
11 obligation to turn over Brady material. The Nevada Supreme Court is in accord. "It is a violation
12 of due process for the prosecutor to withhold exculpatory evidence, and his motive for doing so is
13 immaterial." Jimenez v. State, 112 Nev. 610, 618, 918 P.2d 687, 692 (1996). Furthermore, "even
14 if the detectives withheld their reports without the prosecutor's knowledge, 'the state attorney is
15 charged with constructive knowledge and possession of evidence withheld by other state agents,
16 such as law enforcement officers.'" Id. 112 Nev. at 620 (citation omitted).

17 In Kyles v. Whitley, *supra*, the United States Supreme Court made it clear that the
18 prosecutor has an affirmative obligation to obtain Brady material and provide it to the defense,
19 even if the prosecutor is initially unaware of its existence. In so finding, the Supreme Court noted
20 that "[t]he prosecution's affirmative duty to disclose evidence favorable to a defendant can trace its
21 origins to early 20th century strictures against misrepresentation and is of course most prominently
22 associated with this Court's decision in Brady v. Maryland. . ." Id. 514 U.S. at 432. The Kyles
23 Court also made it clear that this obligation exists even where the defense does not make a request
24 for such evidence. Id.

25 The Kyles Court additionally made the following observations when finding the state had
26 breached its duty to Kyles and discussing the prosecutor's obligations.

27 This in turn means that the individual prosecutor has a duty to learn
28 of any favorable evidence known to the others acting on the
government's behalf in the case, including the police. But whether

1 the prosecutor succeeds or fails in meeting this obligation (whether,
2 that is, a failure to disclose is in good faith or bad faith), the
3 prosecution's responsibility for failing to disclose known, favorable
4 evidence rising to a material level of importance is inescapable.

5 Kyles, 514 U.S. at 437,438 (citations and footnotes omitted).

6 There can be little question, therefore, that despite its "open file policy," the prosecution
7 has an affirmative duty to seek out the previously discussed Brady material, regardless of whether
8 such material is in the hands of the prosecutor or in the hands of some other entity acting on behalf
9 of the state. All items requested in the instant matter are in the hands of the prosecutor or police.

10 CONCLUSION

11 In order for Mr. Barber to exercise his constitutional right to a fair trial, it is imperative that
12 the state disclose and permit the defense to have a copy of all material evidence in a timely fashion
13 prior to trial. Should this information be provided for the first time during trial, the defense will
14 demand dismissal of all charges against Mr. Barber for a Brady violation that violates the Due
15 Process Clauses of the Fifth and Fourteenth Amendments to the U.S. Constitution.

16 DATED this 11 day of March, 2011.

17 PHILIP J. KOHN

18 CLARK COUNTY PUBLIC DEFENDER

19 By: 

20 CLAUDIA L. ROMNEY, #10353
21 Deputy Public Defender
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NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing Motion on for hearing before the Court on the 15th day of March, 2011, at 9:00 a.m. in Department XX of the Eighth Judicial District Court.

DATED this 16 day of March, 2011.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

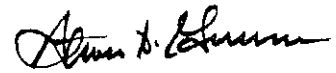
By: *Claudia L. Romney*
CLAUDIA L. ROMNEY, #10353
Deputy Public Defender

RECEIPT OF COPY

RECEIPT OF COPY of the above and foregoing Motion for Discovery is hereby acknowledged this 14 day of March, 2011.

CLARK COUNTY DISTRICT ATTORNEY

By: *Erin McCarthy*



CLERK OF THE COURT

1 NOTC
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 MEGAN THOMSON
6 Deputy District Attorney
7 Nevada Bar #011002
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,)

CASE NO: C268471-1

11 -vs-)

DEPT NO: XX

12 JAQUEZ BARBER, aka,
13 Jaquez Dejuan Barber, #2705160)

14 Defendant.)

SUPPLEMENTAL NOTICE OF EXPERT WITNESSES
[NRS 174.234(2)]

17 TO: JAQUEZ BARBER, aka, Jaquez Dejuan Barber, Defendant; and

18 TO: CLAUDIA ROMNEY, Deputy Public Defender, Counsel of Record:

19 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
20 NEVADA intends to call the following witnesses in its case in chief:

21 1.) CATHERYN AOYAMA, LVMPD #8025, is a Latent Print Examiner with the Las
22 Vegas Metropolitan Police Department. She is an expert in the area of latent print
23 examination and comparison and will give scientific opinions related thereto. She will
24 testify regarding the various latent print comparisons performed in this case.

25 2.) EDWARD GUENTHER, LVMPD #5891, is a Latent Print Examiner with the Las
26 Vegas Metropolitan Police Department. He is an expert in the area of latent print
27 examination and comparison and will give scientific opinions related thereto. He will
28 testify regarding the various latent print comparisons performed in this case.

1 The substance of each expert witness' testimony and a copy of all reports made by or
2 at the direction of the expert witness has been provided in discovery.

3 A copy of each expert witness' curriculum vitae, if available, is attached hereto.
4

5
6 BY



7 DAVID ROGER
8 DISTRICT ATTORNEY
9 Nevada Bar #002781

10 CERTIFICATE OF FACSIMILE TRANSMISSION
11

12 I hereby certify that service of Supplemental Notice of Expert Witnesses, was made
13 this 14th day of March, 2011, by facsimile transmission to:

14 CLAUDIA ROMNEY, Deputy Public Defender
15 FAX #366-1177

16 /s/ J. Motl
17 Secretary for the District Attorney's Office
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**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
STATEMENT OF QUALIFICATIONS**

Date: 01-10-08

Name: Kathryn Aoyama P#: 8025 Classification: Forensic Scientist Trainee

Current Discipline of Assignment: Latent Prints

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints	X	Crime Scene Investigations	
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	
Quality Assurance		Technical Support /	

EDUCATION			
Institution	Dates Attended	Major	Degree Completed
University of California, San Diego	9/84 to 6/89	Biology - Animal Physiology	B.A.
University of Nevada, Las Vegas	8/83 to 5/84	Biology	None

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
Forensic Digital Imaging	Las Vegas, NV	1/7/08 - 1/10/08
Finding Latent Prints with Chemistry and Light	Henderson, NV	12/11/07 - 12/14/07
Advanced Palm Print Comparison Techniques	Fresno, CA	11/13/07 - 11/15/07
2007 2 nd Tri-Division IAI Educational Conference	Salt Lake City, UT	11/8 /07 - 11/9/07
Introduction to Firearms Safety	Las Vegas, NV	10/24/07
SCAFO 16 th Annual Training Conference	Riverside, CA	10/01/07 - 10/2/07
IAI 92 nd International Educational Conference	San Diego, CA	7/23/07 - 7/27/07
Driver's Training	Las Vegas, NV	7/3/07

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
2006 1 st Tri-Division IAI Educational Conference	Henderson, NV	8/21/06 - 8/24/06
Forensic Photography II	Las Vegas, NV	1/06 - 5/06
Testifying in Court	Las Vegas, NV	11/30/05
Problem Solving, Independent Decision Making	Las Vegas, NV	8/10/05
Effective Interpersonal Communication	Las Vegas, NV	6/23/05
Searching Public Records Part I and II	Las Vegas, NV	3/2 /05 - 3/3/05
Criminal Law for Civilians	Las Vegas, NV	11/4/04
Forensic Photography I	Las Vegas, NV	8/04 - 12/04
Forensic Science 101 and 201, American Institute of Applied Science	NC	8/03 - 5/04
COURTROOM EXPERIENCE		
Court	Discipline	Number of Times
None		
EMPLOYMENT HISTORY		
Employer	Job Title	Date
Las Vegas Metropolitan Police Department	Forensic Scientist Trainee - Latent Prints	3-31-07 to present
PROFESSIONAL AFFILIATIONS		
Organization	Date(s)	
International Association for Identification (IAI)	7-10-07 to present	

PUBLICATIONS / PRESENTATIONS:	
Presentations:	
11-7-07	Back to Basics - The Biological Basis for Latent Print Examination, 2007 2 nd Tri-Division IAI Educational Conference, Salt Lake City, UT
OTHER QUALIFICATIONS:	
None	

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
STATEMENT OF QUALIFICATIONS**

Date: 01/15/08

Name: Edward S. Guenther P#: 5691 Classification: Forensic Scientist II

Current Discipline of Assignment: Latent Prints

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints / Shoe Track Analysis	X	Crime Scene Investigations	X
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	
Quality Assurance		Technical Support /	
EDUCATION			
Institution	Dates Attended	Major	Degree Completed
University of South Florida	9/82 - 12/84	Criminal Justice	BA
Ohio University	9/77 - 12/79	Criminal Justice	n/a
University of Akron	9/73 - 6/75	Biology	n/a
ADDITIONAL TRAINING / SEMINARS			
Course / Seminar	Location	Dates	
Fingerprint Technician School	FBI - Washington, D.C.	9/75 - 11/75	
Basic Latent Print Training	London, Ohio	2/77 - 5/77	
Basic Footwear Identification Training	Tallahassee & Tampa, FL	10/81 - 12/82	
Identification Photography	Quantico, VA	4/83	
Latent Fingerprint Analyst Seminar	Tallahassee, FL	11/83	
Bloodstain Evidence Workshop	Tallahassee, FL	3/85	
Basic Crime Scene Training	Tampa & Tallahassee, FL	8/85 - 10/85	
Forensic Footwear and Tire Track Seminar	Tallahassee, FL	3/86	
Forensic Archeology and Anthropology Seminar	Tallahassee, FL	2/87	

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
Police Arson School	Quantico, VA	4/88
Forensic Identification of Shoe & Tire Prints	Tallahassee, FL	4/88
Collection and Preservation of Physical Evidence	Quantico, VA	3/89
Advanced Techniques in Crime Scene Seminar	Tallahassee, FL	3/90
Advanced Latent Fingerprint Examiners Seminar	Tampa, FL	9/90
Demystifying Palm Prints	Tampa, FL	1/92
AFIS Training Seminar	Tampa, FL	12/92
Identification of Vehicles Through Tire Tracks	Tallahassee, FL	5/93
Latent Print Development Techniques	Tallahassee, FL	11/95
Tire Tracks as Evidence	Panama City, FL	10/96
NESTC Laboratory Auditing	Las Vegas, NV	6/99
Digital Enhancement for the ID/Forensic Section	El Cajon, CA	8/99
Conducting Performance Audits	Las Vegas, NV	3/00
Forensic Identification Training Seminars, LLC - Advanced Ridgeology Comparison Techniques	Las Vegas, NV	1/01
Digital Imaging Workshop	Las Vegas, NV	9/01
Digital Imaging Workshop	Las Vegas, NV	10/01
ABFDE Daubert Seminar - The Daubert World - Past, Present and Future	Las Vegas, NV	6/02
NEC AFIS Training / FW21-Latent User Methods and Operations	Las Vegas, NV	7/02
NEC / Archive User Methods and Operations	Las Vegas, NV	8/02
Computer Basics	Las Vegas, NV	1/04
Nevada State Division of the International Association for Identification - <i>A Friction Ridge Story</i>	Las Vegas, NV	4/04
Nevada State Division of the International Association for Identification - <i>Death Investigations Role of the Medical Examiner</i>	Las Vegas, NV	4/04
Nevada State Division of the International Association for Identification - <i>Digital Imagery</i>	Las Vegas, NV	4/04

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
Audit Refresher	Las Vegas, NV	09/04
Ridgeology Science Workshop	Las Vegas, NV	11/06
Paradigm Shift in Forensic Sciences	Las Vegas, NV	11/06
Analysis of Distortion in Latent Prints	Las Vegas, NV	5/07
FBI-Universal Latent Workstation Training Program	Phoenix, AZ	09/27/07
Forensic Digital Imaging	Las Vegas, NV	01/07-01/10/08
Meetings		
International Association for Identification	Orlando, FL	8/83
International Association for Identification	Savannah, GA	7/85
FDIAI Conference	Stuart, FL	10/87
FDIAI Conference	Tallahassee, FL	10/91
FDIAI Conference	Tampa, FL	10/96
FDIAI Conference	Panama City, FL	10/96
FDIAI Conference	Palm Beach, FL	10/97
1998 Printrak Users Conference	Anaheim, CA	9/98
International Association for Identification - 87 th	Las Vegas, NV	8/02
International Educational Conference		
International Association for Identification - 92 nd	San Diego, CA	7/07
International Educational Conference		
COURTROOM EXPERIENCE		
Court	Discipline	Number of Times
State Courts of Florida, Ohio & Nevada	Latent Prints	>200
Federal Courts of Florida & Nevada	Latent Prints	> 10
State Courts of Florida & Nevada	Shoe Tracks	> 50
Federal Courts of Nevada	Shoe Tracks	1
State Courts of Florida	Crime Scene Analysis	approx 30
EMPLOYMENT HISTORY		
Employer	Job Title	Date
Las Vegas Metropolitan Police Dept.	Forensic Scientist II	5/98 - current

EMPLOYMENT HISTORY		
Employer	Job Title	Date
Florida Department of Law Enforcement	Senior Crime Lab Analyst - Latents, Shoes, Crime Scene	3/80 - 5/98
Ohio Bureau of Criminal Identification and Investigation	Latent Print Examiner	2/77 - 3/80
Federal Bureau of Investigation	Fingerprint Technician	6/75 - 11/76

PROFESSIONAL AFFILIATIONS	
Organization	Date(s)
Active member of the International Association for Identification	current
Active member of the Florida Division of the International Association for Identification	1986 - 1988

PUBLICATIONS / PRESENTATIONS:
None

OTHER QUALIFICATIONS:
Certified Latent Print Examiner by the International Association for Identification - expires 12/18/10 (certified since December 1997)

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

MAR 14 2011

BY, *Tia Everett*

TIA EVERETT, DEPUTY

0026

DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
MEGAN THOMSON
Deputy District Attorney
Nevada Bar #0011002
200 Lewis Avenue
Las Vegas, Nevada 89155-2211
(702) 671-2500
Attorney for Plaintiff

C-10-288471-1
NOTM
Notice of Motion
1302824



DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

JAQUEZ BARBER,
2705160

Defendant.

CASE NO: C268471
DEPT NO: XX

NOTICE OF MOTION AND MOTION TO CONTINUE

DATE OF HEARING: 3/15/2011
TIME OF HEARING: 9:00 A.M.

TO: JAQUEZ BARBER, Defendant; and

TO: PD Romney, Attorney for Defendant

YOU, AND EACH OF YOU WILL PLEASE TAKE NOTICE that the State
respectfully moves this Court to continue the above entitled case.

This Motion, which will be heard in District Court on the 15th day of March, 2011, at

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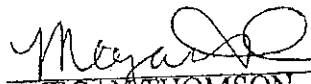
///

///

1 9:00 o'clock, A.M., is based upon Hill v. Sheriff of Clark County, 85 Nev. 234 (1969), and is
2 supported by the following Affidavit.

3 DATED this 14th day of March, 2011

4 DAVID ROGER
5 DISTRICT ATTORNEY
6 Nevada Bar #002781

7 BY 
8 MEGAN THOMSON
9 Deputy District Attorney
10 Nevada Bar #0011002
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AFFIDAVIT

STATE OF NEVADA
COUNTY OF CLARK

} ss:

MEGAN THOMSON, being first duly sworn, deposes and says:

1. That Vicki Farnham is a witness for the State of Nevada in this matter; that her present address is in New Mexico;

2. That the following efforts were made to procure the attendance of this witness at the trial scheduled in this matter for 3/15/2011; that a subpoena was issued on February 17, 2011; that a subpoena was faxed to the lab for her presence and after a follow up phone call to confirm receipt of all of the discovery and to receive an oral promise to appear for trial it was discovered that she no longer works for the metro lab and has moved out of state;

3. That Vicki Farnham is an essential witness in that she is the finger print analyst who was noticed and she did the original comparison of fingerprints; that to affiant's present knowledge there is no other witness who is properly noticed who could so testify;

4. That a qualified witness will be available to testify after April 4, 2011; that it will be necessary to seek a continuance in this matter due to the unavailability of this witness and the surprise to the State that she was no longer employed by the lab; that affiant first learned on March 14, 2011, that this witness would not be available to testify at the scheduled trial in that she is no longer employed by the lab and is now living in a different state;

5. That this Motion is made in good faith and not for the purpose of delay.

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

Executed on 14th Mar 11
(Date)

Megan Thomson
(Signature)

ORIGINAL

FILED

MAR 18 2 11 PM '11

Alvin J. L. L...
CLERK OF THE COURT

1 OPI

2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781

5 MEGAN THOMSON
6 Deputy District Attorney

7 Nevada Bar #011002
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2211
10 (702) 671-2500

11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,

13 Plaintiff,

14 -VS-

15 JAQUEZ BARBER, aka,
16 Jaquez Dejuan Barber, 2705160

17 Defendant.

CASE NO: C268471-1
DEPT NO: XX

C-10-268471-1
OPI
Order for Production of Inmate
1303648



ORDER FOR PRODUCTION OF INMATE
JAQUEZ BARBER, BAC #1039024

DATE OF HEARING: March 15, 2011
TIME OF HEARING: 9:00 A.M.

TO: DWIGHT W. NEVEN, Warden of the High Desert State Prison;

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

Upon the ex parte application of THE STATE OF NEVADA, Plaintiff, by DAVID ROGER, District Attorney, through MEGAN THOMSON, Deputy District Attorney, and good cause appearing therefor,

IT IS HEREBY ORDERED that DWIGHT W. NEVEN, Warden of the High Desert State Prison shall be, and is, hereby directed to produce JAQUEZ BARBER, in Case No. C268471-1, wherein THE STATE OF NEVADA is the Plaintiff, inasmuch as the said Defendant is currently incarcerated in the High Desert State Prison located in Indian Springs,

and his presence will be required in Las Vegas, Nevada commencing on March 15,

RECEIVED

MAR 18 2011

CLERK OF THE COURT

P:\WPDOCS\ORDR\FORDR\018\01864601.doc

1 2011, at the hour of 9:00 o'clock A.M. and continuing until completion of the prosecution's
2 case against the said Defendant.

3 IT IS FURTHER ORDERED that DOUGLAS C. GILLESPIE, Sheriff of Clark
4 County, Nevada, shall accept and retain custody of the said Defendant in the Clark County
5 Detention Center, Las Vegas, Nevada, pending completion of said matter in Clark County,
6 or until the further Order of this Court; or in the alternative shall make all arrangements for
7 the transportation of the said Defendant to and from the Nevada State Prison facility which
8 are necessary to insure the Defendant's appearance in Clark County pending completion of
9 said matter, or until further Order of this Court.

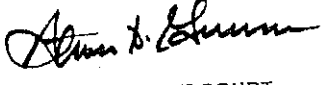
10 DATED this 11th day of March, 2011.

11
12 
13 DISTRICT JUDGE
14

15 DAVID ROGER
16 DISTRICT ATTORNEY
Nevada Bar #002781

17 BY 

18 MEGAN THOMSON
19 Deputy District Attorney
Nevada Bar #011002
20
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28


CLERK OF THE COURT

1 **RSPN**
2 **DAVID ROGER**
3 Clark County District Attorney
4 Nevada Bar #002781
5 **MEGAN THOMSON**
6 Deputy District Attorney
7 Nevada Bar #011002
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9)
10 THE STATE OF NEVADA,
11 Plaintiff,

CASE NO: C268471-1
DEPT NO: XX

12 -vs-
13 JAQUEZ BARBER, aka,
14 Jaquez Dejuan Barber, #2705160
Defendant.

15 **STATE'S RESPONSE TO DEFENDANT'S MOTION FOR DISCOVERY**

16 DATE OF HEARING: May 12, 2011
17 TIME OF HEARING: 9:00 AM

18 COMES NOW, the State of Nevada, by DAVID ROGER, District Attorney, through
19 MEGAN THOMSON, Deputy District Attorney, and hereby submits the attached Points and
20 Authorities in State's Response to Defendant's Motion for Discovery.

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

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1 POINTS AND AUTHORITIES

2 ARGUMENT

3 The State recognizes and readily accepts its continuing disclosure obligation as
4 defined in Brady v. Maryland, 373 U.S. 83, 83 S. Ct. 1194 (1963), and its interpretive
5 progeny. It should be noted that under Brady, a formal request by the defense is not
6 necessary. The case has been interpreted to require prosecutors, in the absence of any
7 specific request, to turn over all obviously exculpatory material. United States v. Agurs, 427
8 U.S. 97, 96 S. Ct. 2392 (1976).

9 It is the position of the Clark County District Attorney's Office to permit discovery
10 and inspection of any relevant material pursuant to the appropriate discovery statutes (NRS
11 174.235, et seq.) and any exculpatory material as defined by Brady. However, the District
12 Attorney's Office will not permit discovery to be used as a vehicle wherein the State of
13 Nevada is required to investigate and prepare the defendant's case.

14 NRS 174.235, as amended in 1997, states as follows with regard to the scope of
15 discovery to be provided by the State:

16 1. Except as otherwise provided in NRS 174.233 to 174.295, inclusive, at the
17 request of a defendant, the prosecuting attorney shall permit the defendant to
inspect and to copy or photograph any:

18 (a) Written or recorded statements or confessions made by the defendant, or
19 any written or recorded statements made by a witness the prosecuting
20 attorney intends to call during the case in chief of the state, or copies thereof,
within the possession, custody or control of the state, the existence of which
21 is known, or by the exercise of due diligence may become known, to the
prosecuting attorney;

22 (b) Results or reports of physical or mental examinations, scientific tests or
23 scientific experiments made in connection with the particular case, or copies
thereof, within the possession, custody or control of the state, the existence of
24 which is known, or by the exercise of due diligence may become known, to
the prosecuting attorney; and

25 (c) Books, papers, documents, tangible objects, or copies thereof, which the
26 prosecuting attorney intends to introduce during the case in chief of the state
and which are within the possession, custody or control of the state, the
27 existence of which is known, or by the exercise of due diligence may become
known, to the prosecuting attorney.

28 2. The defendant is not entitled, pursuant to the provisions of this section, to
the discovery or inspection of:

1 (a) An internal report, document or memorandum that is prepared by or on
2 behalf of the prosecuting attorney in connection with the investigation or
prosecution of the case.

3 (b) A statement, report, book, paper, document, tangible object or any other
4 type of item or information that is privileged or protected from disclosure or
inspection pursuant to the constitution or laws of this state or the Constitution
5 of the United States.

6 3. The provisions of this section are not intended to affect any obligation
7 placed upon the prosecuting attorney by the constitution of this state or the
Constitution of the United States to disclose exculpatory evidence to the
defendant.

8 NRS 174.235. Pursuant to NRS 174.235(3) as quoted above and Brady, supra, exculpatory
9 evidence in the possession of the State will be provided to the defendant. Additionally, the
10 State has an "open file" policy in the instant case and will continue to make its files open for
11 inspection upon reasonable notice.

12 It is the State's position that some of Defendants' itemized requests go beyond the
13 dictates of the Nevada discovery statutes and applicable case law, and other of Defendants'
14 itemized requests have already been provided to the defense. The State responds to each
15 request as follows:

16 **A. Latent Print Cards and file prints**

17 The State is aware that prints were lifted but has not yet attempted to get copies of them
18 for defense counsel however by the date of the hearing they will either have been provided
19 or significant steps in that regard will have been taken.

20 **B. Notes of Fingerprint examiner(s)**

21 To the extent that the fingerprint examiners are still employed with the Metro Lab the
22 State will inquire, request and provide any notes taken by the examiners if they exist. To the
23 extent that the examiners are no longer employed and they have taken or destroyed any notes
24 taken the State may be unable to provide notes, however any examiners no longer employed
25 by the lab will not be testifying in the instant case.

26 **C. Notes of Crime Scene Analysts**

27 The State is not aware of any notes taken by the crime scene analyst however, as with the
28 fingerprint examiners the State will inquire, request and provide any notes that do exist.

1 **D. Potential Other Fingerprint Suspects and Reports**

2 The State will inquire of the fingerprint examiners and confirm that all records made
3 during the examination of prints are provided to defense.

4 **E. Officer and Detective Reports**

5 It is the State's belief that all reports related to the case, either officer or detective, have
6 been provided to counsel however a full file will be subpoenaed from metro records before
7 the next trial date, and as with all cases, counsel is encouraged to come review the State's
8 file to confirm that there is not any discovery missing from their file.

9 **F. Notes of Law Enforcement**

10 The State will contact all law enforcement officers related to this event and request any
11 notes taken. At this time the State is not in possession of any or aware of whether or not they
12 exist.

13 **G. Criminal History of Aldegunda Mendoza**

14 The State is not aware of any criminal history of Aldegunda Mendoza, nor is it
15 appropriate for the State to be ordered to run a SCOPE of Mendoza and do the investigation
16 readily available to defense counsel for them. To the extent that Mendoza may have out of
17 State contacts with law enforcement the State is unaware of any and has not run an NCIC.
18 The State would note that legally, an NCIC may not be provided to defense counsel.

19 Pursuant to 28 C.F.R. §20.33(b) as codified under 28 U.S.C.A. §534(2002), criminal
20 history information may only be disseminated to law enforcement agencies, those hired by
21 law enforcement agencies and those who have entered into signed agreements for the
22 specific and authorized use of criminal background information. Pursuant to 28 C.F.R.
23 §20.25,

24 Any agency or individual violating subpart B of
25 these regulations shall be subject to a civil penalty
26 not to exceed \$10,000 for a violation occurring
 before September 29, 1999, and not to exceed
 \$11,000 for a violation occurring after September
 29, 1999.

27 ///

28 ///

1 In addition, pursuant to 28 C.F.R. §20.38,

2 Access to systems managed or maintained by the
3 FBI is subject to cancellation in regard to any
4 agency or entity that fails to comply with the
5 provision of subpart C of this part.

6 If the State is forced to disseminate such information to the defense in this matter, the
7 State and/or the individual who actually provides the NCIC information runs the risk of civil
8 penalties and loss of future access to the NCIC system. In addition, the Multi-System Guide
9 4 (MSG4) published by the Las Vegas Metropolitan Police Department (LVMPD) state that
10 "[d]ata stored in each of our criminal justice systems...must be protected to ensure correct,
11 legal and efficient dissemination and use." P. 21. The MSG4 further states that
12 "[d]issemination for CHI [Criminal History Information] that does not belong to the
13 LVMPD or is obtained through NCIC, NCJIS or NLETS is **prohibited.**" Id.

14 As a user of the Nation Crime Information Center (NCIC) data base, the State is
15 prohibited from dissemination criminal history information to non-criminal justice agencies
16 as defined by Title 28 Code of Federal Regulations (CFR) § 20.33, which describes a criminal
17 justice agency as : (1) Courts; and (2) a government agency or any subunit thereof which
18 performs the administration of criminal justice pursuant to a statute or executive order, and
19 which allocates a substantial part of its annual budget to the administration of criminal
20 justice. Unless specifically authorized by federal law, access to the NCIC/III for non-
21 criminal justice purposes is prohibited.

22 A 1989 United State Supreme Court case looked at this issue from the standpoint of
23 an invasion of privacy and ruled accordingly:

24 Accordingly, we hold as a categorical matter
25 that a third party's request for law enforcement
26 records or information about a private citizen
27 can reasonably be expected to invade that
28 citizen's privacy, and that when the request
seeks no "official information" about a
Government agency, but merely records that the
Government happens to be storing, the invasion
of privacy is "unwarranted."

United State Department of Justice v. the Reporters Committee for Freedom of the Press., 109
S. Ct. 1468, 1485 (1980).

1 Criminal defense attorneys, public or private, are not within the definition of
2 "criminal justice agency," nor is the criminal defense function considered a "criminal justice
3 purpose." Therefore, Defendant is not entitled to criminal history information from NCIC.

4 It is the state's position that if the NCIC report is not already in our file, it is a
5 violation of FBI regulations to run it on request of defense counsel or court order. However,
6 if the State becomes aware of any felony convictions or convictions relating to crimes of
7 honesty, by whatever medium of discovery, the State will comply with their already existing
8 obligations and inform defense of that information.

9 **H. All other Potential Discovery**

10 As previously noted, the State believes that everything currently in its file has already
11 been provided to counsel, however, again, the State strongly encourages a timely file review
12 by defense to ensure the completeness of their file.

13 **CONCLUSION**

14 Based on the aforementioned points and authorities, the State respectfully requests
15 that to the extent that Defendant's Motion for Discovery requires the State to commit a
16 federal offense that it be denied, however with regard to request 1-8, and 10 the State agrees
17 to provide any material in existence.

18
19 DATED this 1st day of April, 2011.

20 Respectfully submitted,

21 DAVID ROGER
22 Clark County District Attorney
23 Nevada Bar #002781

24
25 BY /s/ Megan Thomson
26 MEGAN THOMSON
27 Deputy District Attorney
28 Nevada Bar #011002

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that service of State's Response to Defendant's Motion for Discovery,
was made this 1st day of April, 2011, by facsimile transmission to:

CLAUDIA ROMNEY, Deputy Public Defender
FAX #366-1177

/s/ J. Motl
Secretary for the District Attorney's Office

MT/jm

Jaquez Barber, Jaquez Barber #1039024
P.O. Box 650
Indian Springs, NV 89070
(In Pro-Per)

FILED

JUN 22 2011

Ann. & Blum
CLERK OF COURT

District Court
Clark County, Nevada

C-10-268471-1
MEMO
Memorandum
1485786



State of Nevada,
Plaintiff,

vs.

Jaquez Barber,
Defendant,

Case No. C-10-268471-1
Dept. No. 20

Memorandum to the Court

Comes Now, Jaquez Barber, Defendant, proceeding in propria persona by and through this memorandum to the Court, respectfully moves the Court for a dismissal for lack of evidence.

This memorandum to the Court is made based upon the Fifth, Sixth and Eighth Amendment to the United States Constitution, the attached declaration, all points and authorities, all files and records of this case, and any other evidence presented whether oral or documentary.

Dated this 19th day of June, 2011

/s/ Jaquez Barber #1039024

RECEIVED
JUN 22 2011
CLERK OF THE COURT

Declaration

Jaquez Barber makes the following declaration:

- 1.) I am the Defendant herein the instant matter, and I am familiar with the facts and circumstances of this case.
- 2.) That I have read the following memorandum to the Court, know the contents thereof, and that the same is true of my own knowledge, except for those matters therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury
that the foregoing is true and correct.
(NRS 208.165 and NRS 53.045).

Executed at: High Desert State Prison

This 19th day of June, 2011.

/S/ Jaquez Barber *1039024
Defendant/In pro-per

Memorandum of Points And Authorities
- In Support -

Comes Now the defendant, Jaquez Barber, by and through this memorandum to the Court, and submits the following Points and Authorities in support of his memorandum.

Statement of the Facts:

(NRS 7.055 states in pertinent part)

An attorney who has been discharged by his/her client shall upon demand and payment of the fee due from the client, immediately deliver to the client all papers, documents, pleadings and items of tangible personal property which belong to or were prepared for that client.

Accordingly, this court should also conclude that it lacks evidence to withstand trial in this case and order the case dismissed with prejudice.

Argument I

A defendant whose counsel is unwilling to provide effective or adequate assistance is no better off than a defendant who has no counsel at all. See: Cuyler v. Sullivan, 100 S. Ct. 1708 (1980); Frazier v. United States, 18 F.3d 778 (9th Cir. 1994).

Therefore, Claudia Romney / Kerri Maxey, counsel in this matter, has failed to motion this court to dismiss this case against defendant Barber as a matter of law. And such failure based on the courts lack of evidence demonstrates ineffective assistance of counsel.

Strickland v. Washington, 104 S. Ct. 2052 (1984). The deficiency in counsel's representation is prejudicial to the defendant's defense and undermines his rights to due process and the right to "effective assistance" of counsel in this case. Strickland, supra. Where defense counsel fails to object, the Nevada Supreme court will consider plain error where the error affects the defendant's substantial rights. (NRS 178.602.) The Nevada supreme court will evaluate whether the error had a prejudicial impact or seriously affected the integrity or public reputation of the proceedings. Rowland v. State, 118 Nev. 31, 38 (2002). Therefore, to sacrifice due process for the interest of a conviction would surely undermine the true administration of justice. cf., Brady v. Maryland, 373 U.S. 83 (1963). The Nevada supreme court will address plain error sua sponte. Patterson v. State, 907 P.2d 984 (1995), "An error is plain if the error is so unmistakable that it reveals itself by a casual inspection of the record."

This is one of those instances where the "obvious" deficiencies in representation will be addressed by the Nevada Supreme court sua sponte. U.S. v.

Massara, 123 s. ct. 1690, 1696 (2003); Because the adversarial process protected by the sixth Amendment requires that the accused have "Counsel acting in the role of an advocate". Anders v. California, 37 s. ct. 1396, 1399 (1967); Strickland, supra. And in this instance, the defendant is without counsel.

Dated this 19th day of June, 2011

/s/ Jaguer Barber # 1039024
Defendant / In pro-persona
Post Office box 650 (HID SP)
Indian Springs, NV 89018
In forma Pauperis

CC: JB.

Jaquez Barber #1039024

High Desert State Prison

Box 650

Indian Springs, NV 89070-0650

[illegible]

Steven D. Grierson, Clerk of the Court
200 Lewis Avenue, 3RD Floor
Las Vegas, NV 89155-1160

SECRET



USA FIRST CLASS FOREVER


CLERK OF THE COURT

0042
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
309 South Third Street, Suite #226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

JAQUEZ DEJUAN BARBER,

Defendant.

CASE NO. C-10-268471-1
DEPT. NO. XX
DATE: August 4, 2011
TIME: 9:00 a.m.

MOTION TO WITHDRAW AS ATTORNEY OF RECORD

COMES NOW, the Defendant, JAQUEZ DEJUAN BARBER, by and through
CLAUDIA L. ROMNEY, Deputy Public Defender, and hereby requests this Honorable Court allow
the Public Defender's withdraw as attorney of record and appoint new counsel.

This Motion is based upon all the papers and pleadings on file herein, the attached
Declaration of Counsel, Affidavit of Defendant, Memorandum of Points and Authorities in support
hereof, and oral argument at the time set for hearing this Motion.

DATED this 15th of July, 2011.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By /s/ Claudia L. Romney
CLAUDIA L. ROMNEY, #10353
Deputy Public Defender

1 Jaquez Barber #1039024
2 Defendant/In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

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

7 State of Nevada
8 Plaintiff,

9 vs.

10 Jaquez Barber #1039024
11 Defendant,

Case No. C-10-268471-1

Dept. No. 20

Docket _____

12 **MOTION TO WITHDRAW COUNSEL**

13 Date of Hearing: _____

14 Time of Hearing: _____

15 'ORAL ARGUMENT REQUESTED, Yes ☒ No ☐

16 COMES NOW, Defendant, Jaquez Barber, proceeding in proper person,

17 moves this Honorable Court for an ORDER Granting him permission to withdraw his present counsel

18 of record in the proceeding action, namely,

19 Claudia Romney / Kerri Maxey

20 This Motion is made and based on all papers and pleadings on file with the Clerk of the Court
21 which are hereby incorporated by this reference, the Points and Authorities herein, and attached
22 Affidavit of Defendant.

23 DATED: this 19th day of June, 2011.

24 BY: J. Barber # 1039024
25 Defendant/In Propria Personam

1 Jaquez Barber # 1039024
2 Defendant/ In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

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

7
8 State of Nevada
9 Plaintiff

10 vs.

11 Jaquez Barber # 1039024
12 Defendant

Case No. C-10-268471-1

Dept No. 20

Docket _____

13
14 **NOTICE OF MOTION**

15 **YOU WILL PLEASE TAKE NOTICE, that** _____

16
17 **will come on for hearing before the above-entitled Court on the** _____ **day of** _____, 20____
18 **at the hour of** _____ **o'clock** _____ **M. In Department** _____ **of said Court.**

19
20 **CC:FILE**

21
22 **DATED: this** 19th **day of** June, 2011.

23
24 **BY:** J. Barber 1039024
25 #
26 Defendant /In Propria Personam
27
28

POINTS AND AUTHORITIES

NRS 7.055 states in pertinent part:

1. An attorney who has been discharged by his client shall upon demand and payment of the fee due from the client, immediately deliver to the client all papers, documents, pleadings and items of tangible personal property which belong to or were prepared for that client.
2. ... If the court finds that an attorney has, without just cause, refused or neglected to obey its order given under this section, the court may, after notice and fine or imprison him until the contempt purged. If the court finds that the attorney has, without just cause, withheld the client's papers, documents, pleadings, or other property, the attorney is liable for costs and attorney's fees.

Counsel in the above-entitled case was court-appointed due to Defendant's indigence. Defendant does not owe counsel any fees.

WHEREFORE, Defendant prays this Honorable Court, Grant his Motion to Withdraw Counsel and that counsel deliver to Defendant all papers, documents, pleadings, discovery and any other tangible property which belong to or were prepared for the Defendant to allow Defendant the proper assistance that is needed to insure that justice is served.

DATED: this 19th day of June, 2011.

Respectfully submitted,

BY: J. Brunk # 1039024
Defendant/In Propria Personam
Post Office Box 650 [HDSP]
Indian Springs, Nevada 89018

1
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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
7

8 State of Nevada
9 Plaintiff,

10 vs.

11 Jaquez Barber # 1039024
12 Defendant,

Case No. C-10-248471-1

Dept. No. 20

Docket _____

13
14 ORDER

15 Upon reading the motion of defendant, Jaquez Barber, requesting
16 withdrawal of counsel, Claudia Romney/Kern Muxey, Esq., of the Clark county Public
17 Defender's Office, and Good Cause Appearing,

18 IT IS HEREBY ORDERED that defendant's Motion for Withdrawal of Counsel is
19 GRANTED.

20 IT IS HEREBY FURTHER ORDERED that Counsel deliver to defendant at his address, all
21 documents, papers, pleadings, discovery and any other tangible property in the above-entitled case.

22
23 DATED and DONE this 19th day of June, 2011.

24
25
26 DISTRICT COURT JUDGE
27
28

NAME: Josue Barber, # 1039024

HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NEVADA 89018

DATE: June, 19th 2011

TO: Claudia Romney
Public Defender's
Office, 309 S. Third St.
Las Vegas, NV 89155

SUBJECT: TERMINATION OF COUNSEL/TRANSFER OF RECORDS

CASE NO.: C-10-268471-1

DEPT. NO.: 20

CASE NAME: _____

Please be advised that from this date forward, your authority as Attorney of Record in the above-stated action is hereby terminated. All of the professional relations of Attorney and Client do hereby cease.

Please enter your withdrawal from this action with the Court immediately.

Pursuant to NRS 7.055, I respectfully request that you deliver to me, forthwith, all documents, papers, pleadings and tangible personal property that is in your possession that relates to the above-named action.

Your prompt attention to this request is genuinely appreciated.

Respectfully,

J. Barber 1039024

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AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding 01 of the _____

Motion to Withdraw Counsel
(Title of Document)

filed in District Court Case number C-10-268471-1

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

-OR-

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

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

(State specific law)

-or-

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

J. Barker
Signature

06/19th/2011
Date

Jacquez Barber
Print Name

Title

CERTIFICATE OF SERVICE BY MAILING

I, Jaques Barber, hereby certify, pursuant to NRCP 5(b), that on this 19th
day of June, 2011, I mailed a true and correct copy of the foregoing, "Notice of
Motion to Withdraw Counsel"

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

David Roger
District Attorney
200 Lewis Ave
Las Vegas, NV 89155-2212

CC: FILE

DATED: this 19th day of June, 2011.

Jaques Barber # 10390241
Jaques Barber /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing Defendant's Motion to Withdraw Counsel was made via e-filing to PDMotions@ccdancv.com on this 15th day of July, 2011.

DATED this _____ day of June, 2011.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Claudia L. Romney
CLAUDIA L. ROMNEY, #10353
Deputy Public Defender

Case Name: Jaquez Barber

Case No.: C-10-268471-1

Dept. No.: XX

FILED

NOV 28 2011

CLERK OF COURT

Barber, Jaquez, D. #1034024
Defendant/In Propria Personam
Post Office Box 650 [HDSP]
Indian Springs, Nevada 89018

IN THE Eighth JUDICIAL DISTRICT COURT OF THE

STATE OF NEVADA IN AND FOR THE COUNTY OF Clark

State of Nevada

Plaintiff,

vs.

Jaquez Barber #1039024
Defendant,

Case No. 268471

Dept. No. XII 26

Docket _____

MOTION TO WITHDRAW COUNSEL

Date of Hearing: _____

Time of Hearing: _____

'ORAL ARGUMENT REQUESTED, Yes ☒ No _____

COMES NOW, Defendant, Barber, Jaquez, D. #1039024, proceeding in proper person,
moves this Honorable Court for an ORDER Granting him permission to withdraw his present counsel
of record in the proceeding action, namely,

Claudia Bonney

This Motion is made and based on all papers and pleadings on file with the Clerk of the Court
which are hereby incorporated by this reference, the Points and Authorities herein, and attached
Affidavit of Defendant.

DATED: this 17 day of November, 2011.

BY: BARBER, Jaquez, D. #1034024
Barber, Jaquez, D. #1034024
Defendant/In Propria Personam

C-10-268471-1
MDC
Motion to Dismiss Counsel
1702732



RECEIVED

NOV 22 2011

CLERK OF THE COURT

1 Barber, Jaquez, D. # 1039024
2 Defendant / In Propria Personam
3 Post Office Box 650 [HDSP]
4 Indian Springs, Nevada 89018

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 State of Nevada
8 Plaintiff,

9
10 vs. Barber, Jaquez # 1039024
11 Defendant.
12

Case No. 268471
Dept No. B
Docket _____

13
14 NOTICE OF MOTION

15 YOU WILL PLEASE TAKE NOTICE, that Barber, Jaquez # 1039024

16
17 will come on for hearing before the above-entitled Court on the _____ day of _____, 20____,
18 at the hour of _____ o'clock _____ M. In Department _____ of said Court.

19
20 CC:FILE

21
22 DATED: this 17 day of November, 2011.

23
24 BY: BARBER, Jaquez, D. # 1039024
25 Barber, Jaquez, D. # 1039024
26 Defendant / In Propria Personam
27
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POINTS AND AUTHORITIES

NRS 7.055 states in pertinent part:

1. An attorney who has been discharged by his client shall upon demand and payment of the fee due from the client, immediately deliver to the client all papers, documents, pleadings and items of tangible personal property which belong to or were prepared for that client.
2. . . . If the court finds that an attorney has, without just cause, refused or neglected to obey its order given under this section, the court may, after notice and fine or imprison him until the contempt purged. If the court finds that the attorney has, without just cause, withheld the client's papers, documents, pleadings, or other property, the attorney is liable for costs and attorney's fees.

Counsel in the above-entitled case was court-appointed due to Defendant's indigence. Defendant does not owe counsel any fees.

WHEREFORE, Defendant prays this Honorable Court, Grant his Motion to Withdraw Counsel and that counsel deliver to Defendant all papers, documents, pleadings, discovery and any other tangible property which belong to or were prepared for the Defendant to allow Defendant the proper assistance that is needed to insure that justice is served.

DATED: this 17 day of November, 2011.

Respectfully submitted,

BY: BARBER, Jacques D. #1039024
Barber, Jacques D. #1039024
Defendant/In Propria Personam
Post Office Box 650 [HDSP]
Indian Springs, Nevada 89018

NAME: Barker, Jacques D., # 1039024

HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NEVADA 89018

DATE: 11/17/2011

TO: Charles Ramsey

SUBJECT: TERMINATION OF COUNSEL/TRANSFER OF RECORDS

CASE NO.: 268471

DEPT. NO.: 9

CASE NAME: _____

Please be advised that from this date forward, your authority as Attorney of Record in the above-stated action is hereby terminated. All of the professional relations of Attorney and Client do hereby cease.

Please enter your withdrawal from this action with the Court immediately.

Pursuant to NRS 7.055, I respectfully request that you deliver to me, forthwith, all documents, papers, pleadings and tangible personal property that is in your possession that relates to the above-named action.

Your prompt attention to this request is genuinely appreciated.

Respectfully,

J. Barker # 1039024

/////

/////

/////

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Motion to Withdraw Counsel
(Title of Document)

filed in District Court Case number 268471

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

-OR-

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

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

(State specific law)

-or-

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

Barber, Inez D. # 2039024
Signature

11/17/2011
Date

Barber, Inez D. # 2039024
Print Name

Motion to Withdraw Counsel
Title

CERTIFICATE OF SERVICE BY MAILING

I, Barber, Inez D. #1034024, hereby certify, pursuant to NRCP 5(b), that on this 17
day of November, 2011, I mailed a true and correct copy of the foregoing, "Motion"
To Withdraw Counsel
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

CC: FILE

DATED: this 17 day of November, 2011.

BARBER, Inez D. #1034024
Barber, Inez D. #1034024
Defendant /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

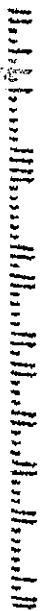
Jacques Berber
HDSR - P.O. Box 650
Indian Springs, NV 89070

LAS VEGAS NV 890
18 NOV 2011 PM 4 T



Steven D. Emerson, Clerk of the Court
200 Lewis Avenue
Las Vegas, NV 89155

594 04 55 5000



ORIGINAL

FILED

Dec 29 10 57 AM '11

[Signature]
CLERK OF THE COURT

OPI
DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
BERNIE ZADROWSKI
Chief Deputy District Attorney
Nevada Bar #006545
200 Lewis Avenue
Las Vegas, Nevada 89155-2211
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-VS-

JAQUEZ BARBER, aka,
Jaquez Dejuan Barber, #2705160
Defendant.

CASE NO: C-10-268471-1
DEPT NO: XX

C-10-268471-1
OPI
Order for Production of Inmate
1733001



ORDER FOR PRODUCTION OF INMATE
JAQUEZ BARBER, BAC #1039024

DATE OF HEARING: January 3, 2012
TIME OF HEARING: 8:30 A.M.

TO: DWIGHT NEVEN, Warden of the High Desert State Prison;

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

Upon the ex parte application of THE STATE OF NEVADA, Plaintiff, by DAVID ROGER, District Attorney, through BERNIE ZADROWSKI, Chief Deputy District Attorney, and good cause appearing therefor,

IT IS HEREBY ORDERED that DWIGHT NEVEN, Warden of the High Desert State Prison shall be, and is, hereby directed to produce JAQUEZ BARBER, in Case No. C-10-268471-1, wherein THE STATE OF NEVADA is the Plaintiff, inasmuch as the said JAQUEZ BARBER is currently incarcerated in the High Desert State Prison located in Indian Springs, Nevada and his presence will be required in Las Vegas, Nevada commencing

P:\WPDOCS\ORDR\FORDR\018\01864602.doc

CLERK OF THE COURT

DEC 29 2011

DEC 29 2011
CLERK OF THE COURT

1 on January 3, 2012, at the hour of 8:30 o'clock A.M. and continuing until completion of the
2 prosecution's case against the said Defendant.

3 IT IS FURTHER ORDERED that DOUGLAS C. GILLESPIE, Sheriff of Clark
4 County, Nevada, shall accept and retain custody of the said JAQUEZ BARBER in the Clark
5 County Detention Center, Las Vegas, Nevada, pending completion of said matter in Clark
6 County, or until the further Order of this Court; or in the alternative shall make all
7 arrangements for the transportation of the said JAQUEZ BARBER to and from the Nevada
8 State Prison facility which are necessary to insure the JAQUEZ BARBER's appearance in
9 Clark County pending completion of said matter, or until further Order of this Court.

10 DATED this 27 day of December, 2011.

11
12 
13 DISTRICT JUDGE

14 DAVID ROGER
15 DISTRICT ATTORNEY
16 Nevada Bar #002781

17 BY 

18 BERNIE ZADROWSKI
19 Chief Deputy District Attorney
20 Nevada Bar #006545

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FILED

1 EXPR
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

SEP 13 9 23 AM '12

John T. T...
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C-10-268471-1

DEPT. NO. XX

JAQUEZ DEJUAN BARBER,

Defendant.

C-10-268471-1
EXPR
Ex Parte Order
1958325



EX PARTE ORDER FOR TRANSPORT

Upon the ex parte application of the above-named Defendant, by and through CLAUDIA L. ROMNEY, Clark County Public Defender, and good cause appearing therefor,

IT IS HEREBY ORDERED that the High Desert State Prison transport the Defendant, JAQUEZ DEJUAN BARBER, I.D. No. 1039024, from High Desert State Prison to the Clark County Courthouse, District Court Department 20, located at 200 Lewis Avenue, Las Vegas, Nevada, on September 20, 2012 at 8:00 am, for the purpose of being present for a Faretta Hearing.

DATED this 11th day of September, 2012.

John T. T...
DISTRICT COURT JUDGE

Submitted by:

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By *Claudia L. Romney*
CLAUDIA L. ROMNEY, #10353
Deputy Public Defender

RECEIVED

SEP 11 2012

DEPT. 20

CLERK OF THE COURT
SEP 13 2012

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CERTIFICATE OF SERVICE BY FACSIMILE

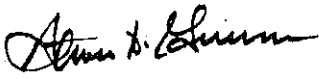
It is hereby certified that a copy of the Ex Parte Order for Transport was served on the High Desert State Prison, via facsimile, to fax number 702-879-6613 on the _____ day of September, 2012.

By _____
Employee CLARK COUNTY PUBLIC DEFENDER'S
OFFICE

Case Name: JAQUEZ DEJUAN BARBER

Case No.: C-10-268471-1

Dept. No.: XX


CLERK OF THE COURT

NWEW
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
HAGAR TRIPPIEDI
Deputy District Attorney
Nevada Bar #10114
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO: C-10-268471-1

-vs-

JAQUEZ BARBER, aka,
Jaquez Dejuan Barber, #2705160

DEPT NO: XX

Defendant.

SECOND SUPPLEMENTAL NOTICE OF EXPERT WITNESSES
[NRS 174.234(2)]

TO: JAQUEZ BARBER, aka, Jaquez Dejuan Barber, Defendant; and

TO: CLAUDIA ROMNEY, Deputy Public Defender, Counsel of Record.

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
NEVADA intends to call the following witnesses in its case in chief:

1. MACEO, ALICE V., P#7828, Forensic Laboratory Manager or
Designee - Las Vegas Metropolitan Police Department; will testify as an expert as to the
procedures, techniques and science employed in fingerprint analysis, all procedures
employed in this case and reports provided.

The substance of each expert witness' testimony and a copy of all reports made by or
at the direction of the expert witness have been provided in discovery.

///

///

1 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

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

5
6 BY /s/ Hagar Trippiedi
7 HAGAR TRIPPIEDI
8 Deputy District Attorney
9 Nevada Bar #10114

10 CERTIFICATE OF FACSIMILE TRANSMISSION

11 I hereby certify that service of Second Supplemental Notice of Expert Witnesses, was
12 made this 2nd day of October, 2012, by facsimile transmission to:

13 CLAUDIA ROMNEY, Deputy Public Defender
14 FAX# 366-1177

15 BY: /s/ C. Bush
16 Secretary of the District Attorney's Office
17

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
STATEMENT OF QUALIFICATIONS**

Date: 06/24/10

Name: Alice V. Maceo P#: 7828 Classification: Forensic Lab Manager

Current Discipline of Assignment: Management of the Latent Print Detail

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints	X	Crime Scene Investigations	X
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	
Quality Assurance		Technical Support /	

EDUCATION			
Institution	Dates Attended	Major	Degree Completed
University of Alaska, Anchorage	1/92 - 8/94	Biology	BS
St. Mary's College of Maryland	9/90 - 12/91	Biology	

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
Leadership Development	Las Vegas, NV	1/5 - 1/6/10
Diversity	Las Vegas, NV	12/16/09
ASCLD/LAB-International Preparation Course	Henderson, NV	12/1 - 12/3/09
Leadership Development	Las Vegas, NV	11/17 - 11/18/09
Introduction to Mathematical Statistics	California State University - LB	8/3 - 9/9/09
IAI 94 th Educational Conference	Tampa, FL	8/17 - 8/21/09

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
Fingerprints and Probability	Nokesville, VA	7/13 - 07/17/09
Introduction to Statistics	UNLV, Las Vegas, NV	6/1 - 7/2/09
HFACS/HFIX Super-user Training	Las Vegas, NV	6/12/09
HFACS/HFIX Two-day Basic Training	Las Vegas, NV	6/10 - 6/11/09
Forensic Science for the 21 st Century, ASU	Tempe, AZ	4/3/09 - 4/4/09
IAI 93 rd Educational Conference	Louisville, KY	8/18 - 8/22/08
Application of Statistics to Ridgeology And ACE-V Methodology	Las Vegas, NV	03/31 - 04/04/08
Forensic Imaging Techniques	Las Vegas, NV	01/08
The Management Conference	Las Vegas, NV	12/13/07
The Women's Conference	Las Vegas, NV	10/22/07
Interpersonal Communication Skills for Business Professionals	Las Vegas, NV	10/9 - 10/10/07
The Biometric Consortium Conference	Baltimore, MD	9/11 - 9/13/07
Managing Emotions Under Pressure	Las Vegas, NV	9/10/07
IAI 92 nd Educational Conference	San Diego, CA	7/23 - 7/27/07
Indiana University Expert Cognitive Psychology Study	Bloomington, Indiana	5/17 - 5/20/07
The Paradigm Shift in Forensic Sciences	Las Vegas, NV	11/9 - 11/10/06
ASCLD Meeting	San Francisco, CA	10/2 - 10/5/06
Management Problems of the Technical Person in a Leadership Role	Las Vegas, NV	9/11/06
Forensic Digital Imaging	Thornton, CO	7/24 - 7/26/06
IAI 91 st Educational Conference	Boston, MA	7/3 - 7/7/06
International Symposium on Fingerprints	Interpol Headquarters, Lyon, France	5/17 - 5/18/06
Indiana University Latent Print Research Consulting Meeting	Bloomington, Indiana	5/15 - 5/16/06

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
NIST Latent Testing Workshop	Gaithersburg, MD	4/5 - 4/6/06
Workshop on Ethical and Social Implications of Biometric Identification Technology: Towards and International Approach	European Commission on Science and Society, Brussels, Belgium	12/15 - 12/16/05
New England Division IAI Educational Conference	Burlington, VT	11/2/05 - 11/4/05
ANSI/NIST Fingerprint Standard Update	Gaithersburg, MD	4/26 - 4/28/05
Fingerprint Society Lectures 30 th Annual Conference	Brighton, England	3/18 - 3/20/05
Daubert and The Comparative Sciences	Las Vegas, NV	10/29 - 10/30/04
Team Building is for Everyone	Las Vegas, NV	9/28/04
IAI 89 th Educational Conference	St. Louis, MO	8/23 - 8/27/04
Problem Solving, Independent Decision Making Alt	Las Vegas, NV	8/12/04
Indiana University Expert Cognitive Psychology Study	Bloomington, Indiana	12/15/03
Indiana Division IAI Training Conference	Indianapolis, Indiana	10/21 - 10/23/03
IAI 88 th Educational Conference	Ottawa, Ontario Canada	7/7 - 7/11/03
Driver's Training	Las Vegas, NV	4/17/03
28 th Annual Educational Conference of Fingerprint Society	Oxford, England	3/7 - 3/9/03
FW21 and LEXS Upgrade User Methods and Operations	NEC, Las Vegas, NV	2/5/03
Southern California Association of Fingerprint Officers (SCAFO) Meeting	West Covina, CA	10/11 - 10/12/02
IAI 87 th Educational Conference	Las Vegas, NV	8/4 - 8/10/02
"The Daubert World: Past, Present, and Future"	Las Vegas, NV	6/21 - 6/23/02
Physical Fracture Match Workshop	Arlington, TX	12/01

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
The Fingerprint Society Centennial Conference on Identification	London, England	6/25 - 6/29/01
Crime Scene Reconstruction	Miami, FL	9/00
IAI 85 th Educational Conference	Charleston, WV	7/23 - 7/29/00
Latent Print Searches in AFIS 21	Anchorage, AK	6/21 - 6/22/00
Combined Advanced Ridgeology, Demystifying Palm Prints and Comparison Techniques: Research and Graduate Assistant	Salem, Oregon	10/18 - 10/29/99
IAI 84 th Educational Conference	Milwaukee, WI	7/11 - 7/17/99
Investigative Photography - Intermediate Level	Anchorage, AK	4/99
Administrative Advanced Latent Fingerprint School	Quantico, VA	3/8 - 3/26/99
Bloodstain Pattern Analysis	Miami, FL	12/98
Combined Advanced Ridgeology, Demystifying Palm Prints and Comparison Techniques	Meridian, Mississippi	10/26 - 11/6/98
Crime Scene Investigation II	Miami, FL	8/98
Advanced Ridgeology Comparison Techniques	Mesa, AZ	5/4 - 5/8/98
Mastering Expert Testimony	Mesa, AZ	4/27 - 5/1/98
Crime Scene Investigation	Miami, FL	2/98
Methods of Instruction	Anchorage, AK	1/12 - 1/16/98
Photography	Anchorage, AK	11/13/97
Latent Fingerprint Development	Anchorage, AK	6/3 - 6/5/97
Uniform Investigator Training	Anchorage, AK	5/19 - 5/22/97

COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
District Court of Clark County	Latent Print Examination	24
Nevada Grand Jury	Latent Print Examination	12
Nevada Justice Court	Latent Print Examination	11
Nevada Federal Court	Latent Print Examination	8
Alaska Superior Court	Latent Print Examination	5
Alaska Grand Jury	Latent Print Examination	2

EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
Self-employed	Forensic Instructor	12/06 - present
LVMPD Forensic Laboratory	Forensic Lab Manager	7/06 - present
LVMPD Forensic Laboratory	Latent Print Examiner II	9/02 - 6/06
Henderson Police Department	Crime Scene Analyst II	8/01 - 7/02
Henderson Police Department	Forensic Consultant	5/01 - 8/01
State of Alaska Crime Laboratory	Latent Print Examiner III	4/97 - 4/01

PROFESSIONAL AFFILIATIONS	
<i>Organization</i>	<i>Date(s)</i>
Expert Working Group on Human Factors in Latent Print Analysis	2008 - present
Journal of Forensic Identification Editorial Review Board	2007 - present
General Forensics Technology Working Group	2007 - 2009
The Fingerprint Society, Fellow	2002 - 2007
Scientific Working Group on Friction Ridge Analysis, Study and Technology (SWGFAST)	2001 - present
International Association for Identification (IAI), Distinguished Member 2004	1997 - present

PUBLICATIONS / PRESENTATIONS:

Publications:

Maceo, Alice. "Qualitative Assessment of Skin Deformation: A Pilot Study", *Journal of Forensic Identification*, 59(4): 390-440.

Maceo, Alice. "Friction Ridge Skin - Morphogenesis and Overview" *Criminalistics Section of the Wiley Encyclopedia of Forensic Science*, John Wiley & Sons, Ltd. Editors-in-Chief Allan Jamieson and Andre Moenssens; Volume 3:1322-1331.

Maceo, Alice. "Documentation of Friction Ridge Impressions: From the Scene to the Conclusion" Chapter 11 of the Friction Ridge Source Book, *West Virginia University*, In press 2010.

Maceo, Alice. "Anatomy and Physiology of Adult Friction Ridge Skin" Chapter 2 of the Friction Ridge Source Book, *West Virginia University*, In press 2010.

Maceo, Alice. "Scars in Friction Ridge Skin", *Evidence Technology Magazine*, July 2005, p.26-28.

Maceo, Alice. "The Basis for The Uniqueness and Persistence of Scars in the Friction Ridge Skin", *Fingerprint Whorld*, 2005, 31(121):147-161.

Maceo, Alice. "The Biology of Skin", *Journal of Forensic Identification* 2003, 53(5):585-595.

Wertheim, Kasey and Maceo, Alice. "The Critical Stage of Friction Ridge and Pattern Formation", *Journal of Forensic Identification*, 2002, 52(1):23-73.

Maceo, Alice and Wertheim, Kasey. "Use of Ninhydrin in the Recovery of Latent Prints on Adhesive Surfaces Attached to Porous Surfaces", *Journal of Forensic Identification*, 2000, 50(6):581-594.

Presentations and Courses:

5/13 – 5/14/10 "Analysis of Distortion in Latent Prints", Michigan State Police, Detroit, MI

4/15 – 4/16/10 "Analysis of Distortion in Latent Prints", California Criminalistics Institute, Sacramento, CA

3/25/10 "Careers and Internships in Forensic Science" UNLV College of Sciences, Las Vegas, NV

3/23/10 "Admissibility of Latent Print Evidence", UNLV Law School, Las Vegas, NV

3/5 – 3/6/10 "Analysis of Distortion in Latent Prints", Colorado Bureau of Investigation, Denver, CO

12/10 – 12/11/09 "Analysis of Distortion in Latent Prints", Northern Colorado Regional Crime Laboratory, Ft. Collins, CO

10/15 – 10/16/09 "Analysis of Distortion in Latent Prints", Indiana IAI, Greenwood, IN

8/21/09 "Analysis of Distortion in Latent Prints", 94th IAI Educational Conference, Tampa, FL

PUBLICATIONS / PRESENTATIONS:

8/19/09 Panel Discussion: Potential Effects of Bias in Latent Print Examination

8/19/09 "Analysis of Distortion in Latent Prints", 94th IAI Educational Conference, Tampa, FL

8/18/09 "Analysis of Distortion in Latent Prints", 94th IAI Educational Conference, Tampa, FL

4/15 - 4/17/09 "Analysis of Distortion in Latent Prints" Los Angeles County Sheriff's Department, Los Angeles, CA

3/19 - 3/20/09 "Analysis of Distortion in Latent Prints" San Bernardino County Sheriff's Office, San Bernardino, CA

2/19 - 2/20/09 "Analysis of Distortion in Latent Prints" Oregon State Police, Clackamas, OR

2/9 - 2/10/09 "Analysis of Distortion in Latent Prints" LVMPD, Las Vegas, NV

1/22 - 1/23/09 "Analysis of Distortion in Latent Prints" California Criminalistics Institute, Sacramento, CA

8/22/08 "Analysis of Distortion in Latent Prints", 93rd IAI Educational Conference, Louisville, KY

8/21/08 "Analysis of Distortion in Latent Prints", 93rd IAI Educational Conference, Louisville, KY

8/19/08 "Analysis of Distortion in Latent Prints", 93rd IAI Educational Conference, Louisville, KY

6/26 - 6/27/08 "Analysis of Distortion in Latent Prints" Minnesota BCA, St. Paul, MN

6/13/08 "Introduction to Forensic Lab Services" Nevada DPS, Las Vegas, NV

5/29 - 5/30/08 "Analysis of Distortion in Latent Prints" FBI Laboratory, Quantico, VA

2/22/08 "Daubert and Pattern Evidence" - Panel Discussion, American Academy of Forensic Sciences, Washington DC

1/24 - 1/25/08 "Analysis of Distortion in Latent Prints" Ohio Bureau of Criminal Identification, London, OH

1/16/08 "Introduction to Latent Print Collection", LVMPD Laughlin Substation, NV

11/8/07 "Analysis of Distortion in Latent Prints", NEDIAI, Newport, RI

9/13/07 "Analysis of Distortion in Latent Prints", Maryland State Police, Pikesville, MD

8/9 - 8/10/07 "Analysis of Distortion in Latent Prints", Los Angeles County Sheriff's Department, San Dimas, CA

7/27/07 "Analysis of Distortion in Latent Prints", 92nd IAI Educational Conference, San Diego, CA

7/25/07 "Analysis of Distortion in Latent Prints", 92nd IAI Educational Conference, San Diego, CA

7/24/07 "Analysis of Distortion in Latent Prints", 92nd IAI Educational Conference, San Diego, CA

PUBLICATIONS / PRESENTATIONS:

7/23/07 "Moving Forward with Objectivity" - Panel Discussion, 92nd IAI Educational Conference, San Diego, CA

6/18/07 "Latent Print Evidence", LVMPD CSA Academy, Las Vegas, NV

6/6/07 "Introduction to Forensic Science: Latent Prints", Clark County District Attorney's Office, Las Vegas, NV

5/31 - 6/1/07 "Analysis of Distortion in Latent Prints", Contra Costa County Sheriff's Office, Martinez, CA

5/23/07 "Introduction to Latent Print Collection", LVMPD Laughlin Substation, NV

5/14 - 5/15/07 "Analysis of Distortion in Latent Prints", LVMPD, Las Vegas, NV

5/3 - 5/4/07 "Analysis of Distortion in Latent Prints", New York Department of Criminal Justice, Albany, NY

3/19 - 3/20/07 "Analysis of Distortion in Latent Prints", Arizona Identification Council, Mesa, AZ

12/18 - 12/19/06 "Analysis of Distortion in Latent Prints", Dutch National Police, Zoetermeer, Netherlands

12/15/06 "Forensic Science Series: Latent Prints", Clark County District Attorney's Office, Las Vegas, NV

11/10/06 "Error Rates in Non-Forensic Disciplines", ABFDE Daubert Symposium, Las Vegas, NV

10/9/06 "Error Rates: Method, Theory, and Practice", Indiana IAI Division 13th Annual Educational Conference of Forensic Investigation, Examination and Identification, Indianapolis, IN

10/9/06 "Aging and Wound Healing of the Friction Ridge Skin", Indiana IAI Division 13th Annual Educational Conference of Forensic Investigation, Examination and Identification, Indianapolis, IN

9/29/06 "Persistence of Scars in Friction Skin", SCAFO 15th Annual Forensic Training Seminar, Diamond Bar, CA

9/29/06 "Friction Ridge Skin Distortion", SCAFO 15th Annual Forensic Training Seminar, Diamond Bar, CA

8/24/06 "Biology of Friction Ridge Skin", NSDIAI Tri-State Educational Conference, Las Vegas, NV

7/7/06 "Analysis of Distortion in Latent Prints", IAI 91st Educational Conference, Boston, MA

7/5/06 "Error Rates: Method, Theory, and Practice", IAI 91st Educational Conference, Boston, MA

7/4/06 "Analysis of Distortion in Latent Prints", IAI 91st Educational Conference, Boston, MA

7/4/06 "Aging and Wound Healing in the Friction Ridge Skin", IAI 91st Educational Conference, Boston, MA

PUBLICATIONS / PRESENTATIONS:

7/3/06 "Analysis of Distortion in Latent Prints", IAI 91 st Educational Conference, Boston, MA
5/17/06 "Analysis of Distortion in Fingerprints", International Symposium on Fingerprints, Interpol Headquarters, Lyon, France
12/16/05 "Biometrics: Gold Mine or Land Mine For Law Enforcement", Workshop on Ethical and Social Implications of Biometric Identification Technology: Towards an International Approach organized by the European Commission on Science and Society, Brussels, Belgium
10/21/05 "Biological Basis of Uniqueness and Persistence of the Friction Ridge Skin", Arizona Identification Council Conference, Maricopa, Arizona
10/5/05 "Analysis of Distortion in Latent Prints", Midwestern Association of Forensic Scientists, St. Louis, Missouri.
3/31/05 "Biological Basis of the Uniqueness, Persistence and Pattern Formation", Wisconsin IAI Educational Conference, Madison, WI
3/21/05 "Biological Basis of the Uniqueness, Persistence and Pattern Formation", Dutch National Police, Ridgeology Workshop, Zoetermeer, Netherlands
3/20/05 "Aging and Wound Healing of the Friction Ridge Skin", Fingerprint Society Lectures, Brighton, England
2/22/05 "Biological Basis of the Uniqueness, Persistence and Pattern Formation", Toronto Police Identification Conference, Toronto, Canada
1/13/05 "Introduction to Physical Evidence", Nevada Department of Wildlife, Las Vegas, Nevada
12/15/04, "A Friction Ridge Story", Phoenix Police Department, Phoenix, AZ
11/18/04, "The Impact of Check 21 on Latent Print Examinations", International Association of Financial Crimes Investigators, Las Vegas, NV
10/30/04, "A Friction Ridge Story", Daubert and the Comparative Sciences, Las Vegas, NV
9/21/04, "Crime Scene Chemicals", American Bio-Recovery Association, Las Vegas, NV
8/25/04, "A Friction Ridge Story", IAI 89 th Educational Conference, St. Louis, Missouri
5/12/04, "A Friction Ridge Story", California State Division IAI Conference, Sacramento, California
4/8/04, "A Friction Ridge Story", Nevada State Division IAI Conference, Las Vegas, Nevada
3/9/04, "CSI: The 9 Part Series - Session 3: Latent Print Examinations", Clark County Bar Association, Las Vegas, Nevada
10/23/03, "Scientific Working Groups Update", Indiana Division IAI Training Conference

PUBLICATIONS / PRESENTATIONS:

10/21/03, "Pattern Formations in Nature and Fetal Ridge Formation", Indiana Division IAI Training Conference

7/8/03, "Patterns in Nature: Natural Selection vs. Physics", IAI 88th Educational Conference, Ottawa, Canada

3/9/03 "Biology of Friction Ridge Skin", 28th Annual Educational Conference of Fingerprint Society, Oxford, England

10/11/02 "Biology of Friction Ridge Skin", Southern California Association of Fingerprint Officers (SCAFO) Meeting, West Covina, CA

6/29/01 "Friction Ridge Skin and Pattern Formation During the Critical Stage: Fact and Theory", Centennial Conference on Identification - London, England

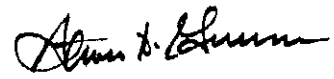
7/25/00 "Friction Ridge Skin and Pattern Formation During the Critical Stage: Fact and Theory", IAI 85th Educational Conference - Charleston, West Virginia

7/14/99 "Use of Ninhydrin in the Recovery of Latent Prints on Adhesive Surfaces Attached to Porous Surfaces", IAI 84th Educational Conference, Milwaukee, Wisconsin

OTHER QUALIFICATIONS:

Certified Latent Print Examiner by the International Association for Identification (IAI) 2001 to present

Certified Crime Scene Analyst by the International Association for Identification (IAI) 2000 - 2003


CLERK OF THE COURT

NOTC
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
CLAUDIA ROMNEY, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 10353
309 South Third Street, Suite #226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C-10-268471-1
)	
v.)	DEPT. NO. XX
)	
JAQUEZ DEJUAN BARBER,)	
)	
Defendant.)	

DEFENDANT'S NOTICE OF WITNESSES, PURSUANT TO NRS 174.234

TO: CLARK COUNTY DISTRICT ATTORNEY:

You, and each of you, will please take notice that the Defendant, JAQUEZ DEJUAN BARBER, intends to call the following witness in his case in chief:

Gayland Seaberry, Investigator

c/o Office of the Public Defender

DATED this 5th day of October, 2012.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Claudia L. Romney
CLAUDIA L. ROMNEY, #10353
Deputy Public Defender

CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing Notice was made via e-filing to
PDMotions@ccdancv.com on this 5th day of October, 2012.

CLARK COUNTY PUBLIC DEFENDER

By: /s/ Carolyn Gray
An employee of the Clark County Public Defender

Case Name: Jaquez Dejuan Barber

Case No.: C-10-268471-1

Dept. No.: XX

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

OCT 09 2012

BY Linda Skinner
LINDA SKINNER, DEPUTY

1 AINF
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #1565
5 HAGAR TRIPPIEDI
6 Deputy District Attorney
7 Nevada Bar #10114
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

C-10-268471-1
AINF
Amended Information
1981746



10 THE STATE OF NEVADA,
11 Plaintiff,

12 -vs-

13 JAQUEZ DEJUAN BARBER,
14 #2705160
15 Defendant.

Case No: C-10-268471-1
Dept No: XX

SECOND AMENDED
INFORMATION

17 STATE OF NEVADA

18 COUNTY OF CLARK

STEVEN WOLFSON
DAVID ROGER

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

21 That JAQUEZ DEJUAN BARBER, the Defendant above named, having committed
22 the crime of BURGLARY (Category B Felony - NRS 205.060) and GRAND LARCENY
23 (Category B Felony - NRS 205.220, 205.222) in the manner following, to-wit: That the
24 said Defendant, on or about the 21st day of January, 2009, at and within the County of Clark,
25 State of Nevada, contrary to the form, force and effect of statutes in such cases made and
26 provided, and against the peace and dignity of the State of Nevada,

27 //

28 //

PAWPDOCS\INF\018\01864606.DOC

1 COUNT 1 - BURGLARY

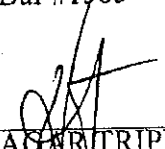
2 did then and there wilfully, unlawfully, and feloniously enter, with intent to commit
3 larceny, that certain building occupied by ALDEGUNDA MENDOZA and/or SERGIO
4 MARTIN, located at 1873 Star Sapphire Court, Las Vegas, Clark County, Nevada.

5 COUNT 2 - GRAND LARCENY

6 did then and there wilfully, unlawfully, and feloniously with intent to deprive the
7 owner permanently thereof, steal, take, carry, lead or drive away property owned by
8 ALDEGUNDA MENDOZA and/or SERGIO MARTIN, having a value of \$250.00, or more,
9 to-wit: \$6,000.00.

10 STEVEN B. WOLFSON
11 DISTRICT ATTORNEY
12 Nevada Bar #1565

13 BY

14 
15 HAGAR TRIPPIEDI
16 Deputy District Attorney
17 Nevada Bar #10114

18 Names of witnesses known to the District Attorney's Office at the time of filing this

19 Information are as follows:

20 COR or Designee; LVMPD RECORDS

21 DAHN, ROBBIE; LVMPD#05947

22 FARNHAM, VICKI; LVMPD#07836

23 MENDOZA, ALDEGUNDA; 1873 STAR SAPPHIRE CT., LVN 89106

24 NORDSTROM, JAYME; LVMPD#08254

25 PAGE, LELAND; COURT INTERPRETER

26
27 DA#10F18646X/ckb/L-4
28 LVMPD EV#0901211550
(TK11)

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

OCT 09 2012

ORIGINAL

DISTRICT COURT

CLARK COUNTY, NEVADA

BY Linda Skinner
LINDA SKINNER, DEPUTY

JURL

STATE OF NEVADA

Plaintiff(s),

-VS-

JAQUEZ DEJUAN BARBER

Defendant(s).

CASE NO. C-10-268471

DEPT. NO. XX

C-10-268471-1

JURL

Jury List

1881749



JURY

1. JANET NAKAE

2. JUDY BARRON

3. VICKY KRAGOR

4. RAFAEL CERROS

5. GAIL SPRIGGS

6. NIKI LAWRENCE

7. LONNIE SMITH

8. CEASAR FERNANDEZ

9. ELIZABETH YOUNG

10. JANET BELLER

11. XAVIER MORALES

12. STEPHEN BILLETS

13. SANDRA COOPER

14. CLAUDIA IGLESIAS

ALTERNATES

SECRET FROM ABOVE

1
T:\DEPT 20\JURY LISTS\BARBER.doc/10/9/2012

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

OCT 11 2012

JURL

DISTRICT COURT

BY Linda Skinner
LINDA SKINNER, DEPUTY

CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff(s),

-VS-

JAQUEZ DEJUAN BARBER

Defendant(s).

CASE NO. C-10-268471

DEPT. NO. XX

C-10-268471-1
AJUR
Amended Jury List
1982987



AMENDED JURY LIST

- | | |
|------------------|---------------------|
| 1. JANET NAKAE | 7. LONNIE SMITH |
| 2. JUDY BARRON | 8. CEASAR FERNANDEZ |
| 3. VICKY KRAGOR | 9. ELIZABETH YOUNG |
| 4. RAFAEL CERROS | 10. JANET BELLER |
| 5. GAIL SPRIGGS | 11. XAVIER MORALES |
| 6. NIKI LAWRENCE | 12. STEPHEN BILLETS |

ALTERNATES

- | | |
|------------------|---------------------|
| 1. SANDRA COOPER | 2. CLAUDIA IGLESIAS |
|------------------|---------------------|

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T:\DEPT 20\JURY LISTS\BARBER.AMD.doc\10/11/2012

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

OCT 15 2012

By Linda Skinner
LINDA SKINNER, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff(s).

CASE NO. C-10-268471

-VS-

DEPT. NO. XX

JAQUEZ DEJUAN BARBER

Defendant(s).

C-10-268471-1
PINU
Proposed Jury Instructions Not Used At Trial
1982982



DEFENDANT'S PROPOSED JURY INSTRUCTION NOT USED AT TRIAL

Attached hereto are the proposed jury instructions which were offered to the Court, but not submitted to the jury in the above entitled action.

DATED: This 15th day of October, 2012

Steven D. Grierson, Clerk of the Court

By Linda Skinner
Linda Skinner, Deputy Clerk

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You are instructed that the Court deems the evidence insufficient to warrant a conviction as to the crimes of Burglary and Grand Larceny. However, you are not bound by this advice.

NRS 175.381(1)

1 INST

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

OCT 11 2012

BY Linda Skinner
LINDA SKINNER, DEPUTY 3:27pm

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -VS-

11 JAQUEZ BARBER, aka,
12 Jaquez Dejuan Barber,

Defendant.

CASE NO: C-10-268471-1

DEPT NO: XX

13 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. 1)

14 MEMBERS OF THE JURY:

15 It is now my duty as judge to instruct you in the law that applies to this case. It is
16 your duty as jurors to follow these instructions and to apply the rules of law to the facts as
17 you find them from the evidence.

18 You must not be concerned with the wisdom of any rule of law stated in these
19 instructions. Regardless of any opinion you may have as to what the law ought to be, it
20 would be a violation of your oath to base a verdict upon any other view of the law than that
21 given in the instructions of the Court.

C-10-268471-1
INST
Instructions to the Jury
1981506



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INSTRUCTION NO. 2

1
2 If, in these instructions, any rule, direction or idea is repeated or stated in different
3 ways, no emphasis thereon is intended by me and none may be inferred by you. For that
4 reason, you are not to single out any certain sentence or any individual point or instruction
5 and ignore the others, but you are to consider all the instructions as a whole and regard each
6 in the light of all the others.

7 The order in which the instructions are given has no significance as to their relative
8 importance.
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2 An Amended Information is but a formal method of accusing a person of a crime and
3 is not of itself any evidence of his guilt.

4 In this case, it is charged in an Amended Information that on or about the 21st day of
5 January, 2009, the Defendant committed the offense(s) of BURGLARY (Category B Felony
6 - NRS 205.060) and GRAND LARCENY (Category B Felony - NRS 205.220, 205.222).

7 It is the duty of the jury to apply the rules of law contained in these instructions to the
8 facts of the case and determine whether or not the Defendant is guilty of one or more of the
9 offense(s) charged.

10 COUNT 1 - BURGLARY

11 did then and there wilfully, unlawfully, and feloniously enter, with intent to commit
12 larceny, that certain building occupied by ALDEGUNDA MENDOZA and/or SERGIO
13 MARTIN, located at 1873 Star Sapphire Court, Las Vegas, Clark County, Nevada.

14 COUNT 2 - GRAND LARCENY

15 did then and there wilfully, unlawfully, and feloniously with intent to deprive the
16 owner permanently thereof, steal, take, carry, lead or drive away property owned by
17 ALDEGUNDA MENDOZA and/or SERGIO MARTIN, having a value of \$250.00, or more,
18 to-wit: \$6,000.00.
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2 To constitute the crime charged, there must exist a union or joint operation of an act
3 forbidden by law and an intent to do the act.

4 The intent with which an act is done is shown by the facts and circumstances
5 surrounding the case.

6 Do not confuse intent with motive. Motive is what prompts a person to act. Intent
7 refers only to the state of mind with which the act is done.

8 Motive is not an element of the crime charged and the State is not required to prove a
9 motive on the part of the Defendant in order to convict. However, you may consider
10 evidence of motive or lack of motive as a circumstance in the case.

1
2 The Defendant is presumed innocent until the contrary is proved. This presumption
3 places upon the State the burden of proving beyond a reasonable doubt every material
4 element of the crime charged and that the Defendant is the person who committed the
5 offense.

6 A reasonable doubt is one based on reason. It is not mere possible doubt but is such a
7 doubt as would govern or control a person in the more weighty affairs of life. If the minds of
8 the jurors, after the entire comparison and consideration of all the evidence, are in such a
9 condition that they can say they feel an abiding conviction of the truth of the charge, there is
10 not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or
11 speculation.

12 If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a
13 verdict of not guilty.
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INSTRUCTION NO. 6

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2 The evidence which you are to consider in this case consists of the testimony of the
3 witnesses, the exhibits, and any facts admitted or agreed to by counsel.

4 There are two types of evidence; direct and circumstantial. Direct evidence is the
5 testimony of a person who claims to have personal knowledge of the commission of the
6 crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof
7 of a chain of facts and circumstances which tend to show whether the Defendant is guilty or
8 not guilty. The law makes no distinction between the weight to be given either direct or
9 circumstantial evidence. Therefore, all of the evidence in the case, including the
10 circumstantial evidence, should be considered by you in arriving at your verdict.

11 Statements, arguments and opinions of counsel are not evidence in the case.
12 However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation
13 as evidence and regard that fact as proved.

14 You must not speculate to be true any insinuations suggested by a question asked a
15 witness. A question is not evidence and may be considered only as it supplies meaning to
16 the answer.

17 You must disregard any evidence to which an objection was sustained by the court
18 and any evidence ordered stricken by the court.

19 Anything you may have seen or heard outside the courtroom is not evidence and must
20 also be disregarded.

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2 The credibility or believability of a witness should be determined by his manner upon
3 the stand, his relationship to the parties, his fears, motives, interests or feelings, his
4 opportunity to have observed the matter to which he testified, the reasonableness of his
5 statements and the strength or weakness of his recollections.

6 If you believe that a witness has lied about any material fact in the case, you may
7 disregard the entire testimony of that witness or any portion of his testimony which is not
8 proved by other evidence.
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2 A witness who has special knowledge, skill, experience, training or education in a
3 particular science, profession or occupation is an expert witness. An expert witness may
4 give his opinion as to any matter in which he is skilled.

5 You should consider such expert opinion and weigh the reasons, if any, given for it.
6 You are not bound, however, by such an opinion. Give it the weight to which you deem it
7 entitled, whether that be great or slight, and you may reject it, if, in your judgment, the
8 reasons given for it are unsound.

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INSTRUCTION NO. 9

1 Every person who, by day or night, enters any structure, with the intent to commit a
2 larceny therein is guilty of Burglary.
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INSTRUCTION NO. 10

Larceny is defined as the stealing, taking and carrying away of the personal goods or property of another with the intent to permanently deprive the owner thereof.

If the value of the personal goods or property taken is \$250.00 or more, it is Grand Larceny.

INSTRUCTION NO. 11

The intention with which entry was made is a question of fact which may be inferred from the defendant's conduct and all other circumstances disclosed by the evidence.

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2 Although you are to consider only the evidence in the case in reaching a verdict, you
3 must bring to the consideration of the evidence your everyday common sense and judgment
4 as reasonable men and women. Thus, you are not limited solely to what you see and hear as
5 the witnesses testify. You may draw reasonable inferences from the evidence which you feel
6 are justified in the light of common experience, keeping in mind that such inferences should
7 not be based on speculation or guess.

8 A verdict may never be influenced by sympathy, prejudice or public opinion. Your
9 decision should be the product of sincere judgment and sound discretion in accordance with
10 these rules of law.
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In your deliberation you may not discuss or consider the subject of punishment, as that is a matter which lies solely with the court. Your duty is confined to the determination of the guilt or innocence of the Defendant.

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2 When you retire to consider your verdict, you must select one of your member to act
3 as foreperson who will preside over your deliberation and will be your spokesperson here in
4 court.

5 During your deliberation, you will have all the exhibits which were admitted into
6 evidence, these written instructions and forms of verdict which have been prepared for your
7 convenience.

8 Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it
9 signed and dated by your foreperson and then return with it to this room.

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2 If, during your deliberation, you should desire to be further informed on any point of
3 law or hear again portions of the testimony, you must reduce your request to writing signed
4 by the foreperson. The officer will then return you to court where the information sought
5 will be given you in the presence of, and after notice to, the district attorney and the
6 Defendant and his/her counsel.

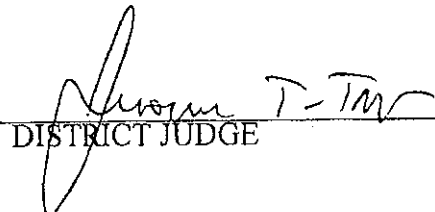
7 Playbacks of testimony are time-consuming and are not encouraged unless you deem
8 it a necessity. Should you require a playback, you must carefully describe the testimony to
9 be played back so that the court recorder can arrange his/her notes. Remember, the court is
10 not at liberty to supplement the evidence.

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INSTRUCTION NO. 16

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN:


DISTRICT JUDGE

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VER

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

OCT 11 2012

DISTRICT COURT
CLARK COUNTY, NEVADA

BY Linda Skinner
LINDA SKINNER, DEPUTY
3:27pm

THE STATE OF NEVADA,

Plaintiff,

CASE NO: C-10-268471-1

-VS-

DEPT NO: XX

JAQUEZ BARBER, aka,
Jaquez Dejuan Barber,

Defendant.

VERDICT

We, the jury in the above entitled case, find the Defendant JAQUEZ BARBER, aka,
Jaquez Dejuan Barber, as follows:

COUNT 1 - BURGLARY

(please check the appropriate box, select only one)

☒ Guilty of Burglary

☐ Not Guilty

C-10-268471-1
VER
Verdict
1981603



We, the jury in the above entitled case, find the Defendant JAQUEZ BARBER, aka,
Jaquez Dejuan Barber, as follows:

COUNT 2 - GRAND LARCENY

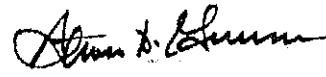
(please check the appropriate box, select only one)

☒ Guilty of Grand Larceny

☐ Not Guilty

DATED this 11 day of October, 2012

Opus Bell
FOREPERSON


CLERK OF THE COURT

JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAQUEZ DEJUAN BARBER
#2705160

Defendant.

CASE NO. C268471-1

DEPT. NO. XX

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 - BURGLARY (Category B Felony), in violation of NRS 205.060; and COUNT 2 - GRAND LARCENY (Category B Felony), in violation of NRS 205.220, 205.222; 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; and COUNT 2 - GRAND LARCENY (Category B Felony), in violation of NRS 205.220, 205.222; thereafter, on the 10TH day of January, 2013, the Defendant was present in court for sentencing with his counsels, CLAUDIA ROMNEY, Deputy Public Defender, and KERRI MAXEY, Deputy Public Defender, and good cause appearing,

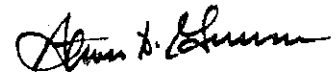
THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to the \$25.00 Administrative Assessment Fee, and to PAY \$7,000.00

JAN 15 2013

1 RESTITUTION, the Defendant is SENTENCED to the Nevada Department of
2 Corrections (NDC) as follows: AS TO COUNT 1 - TO A MAXIMUM of THIRTY (30)
3 MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS; and AS TO
4 COUNT 2 - TO A MAXIMUM of THIRTY (30) MONTHS with a MINIMUM parole
5 eligibility of TWELVE (12) MONTHS, COUNT 2 to run CONCURRENT with COUNT 1
6 and this Sentence to run CONSECUTIVE to Case C253779; with NINETY (90) DAYS
7 Credit for Time Served. As the Fee and Genetic Testing have been previously imposed,
8 the Fee and Testing in the current case are WAIVED.
9
10

11 DATED JAN 22 2013
12

13 
14 JEROME TAO
15 DISTRICT JUDGE
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CLERK OF THE COURT

1 NOAS
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR No. 0556
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant
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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C-10-268471-1
)	
v.)	DEPT. NO. XX
)	
JAQUEZ DEJUAN BARBER,)	
)	
Defendant.)	
)	<u>NOTICE OF APPEAL</u>

TO: THE STATE OF NEVADA

STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY,
NEVADA and DEPARTMENT NO. XX OF THE EIGHTH JUDICIAL
DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE
COUNTY OF CLARK.

NOTICE is hereby given that Defendant, Jaquez Dejuan Barber, presently incarcerated in the Nevada State Prison, appeals to the Supreme Court of the State of Nevada from the judgment entered against said Defendant on the 24th day of January, 2013, whereby he was convicted of Ct. 1 - Burglary; Ct. 2 - Grand Larceny and sentenced to \$25 Admin. fee; \$7,000 restitution; Ct. 1 - 12-30 months in prison; Ct. 2 - 12-30 months in prison; Ct. 2 to run concurrent with Ct. 1 and this sentence to run consecutive to

1 Case C253779; 90 days CTS; fee and genetic testing previously
2 imposed and waived.

3 DATED this 15th day of February, 2013.

4 PHILIP J. KOHN
5 CLARK COUNTY PUBLIC DEFENDER

6 By: /s/ Sharon G. Dickinson
7 SHARON G. DICKINSON, #3710
8 Deputy Public Defender
9 309 S. Third Street, Ste. 226
10 Las Vegas, Nevada 89155
11 (702) 455-4685
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DECLARATION OF MAILING

Carrie Connolly, an employee with the Clark County Public Defender's Office, hereby declares that she is, and was when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that on the 15th day of February, 2013, declarant deposited in the United States mail at Las Vegas, Nevada, a copy of the Notice of Appeal in the case of the State of Nevada v. Jaquez Dejuan Barber, Case No. C-10-268471-1, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to Jaquez Dejuan Barber, c/o High Desert State Prison, P.O. Box 650, Indian Springs, NV 89018. That there is a regular communication by mail between the place of mailing and the place so addressed.

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

EXECUTED on the 15th day of February, 2013.

/s/ Carrie M. Connolly
An employee of the Clark County
Public Defender's Office

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing
was made this 15th day of February, 2013, by Electronic Filing to:

District Attorneys Office

E-Mail Address:

PDMotions@ccdany.com

Jennifer.Garcia@ccdany.com

Eileen.Davis@ccdany.com

/s/ Carrie M. Connolly

Secretary for the
Public Defender's Office

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

October 28, 2010

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

October 28, 2010 9:00 AM Initial Arraignment

PARTIES

PRESENT: Barber, Jaquez Defendant
 Campbell, Cara L. Attorney
 Maxey, Kerri Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Mr. Maxey requested a continuance to review plea agreement with Deft.
COURT SO ORDERED.

CUSTODY

11/04/10 9:00 ARRAIGNMENT CONTINUED (LLA)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

November 04, 2010

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

November 04, 2010 9:00 AM Arraignment Continued

PARTIES

PRESENT:

Barber, Jaquez	Defendant
Brown, Philip H.	Attorney
Maxey, Kerri	Attorney
Romney, Claudia L.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Counsel requested a continuance to allow State to file an Amended Information. COURT ORDERED, MATTER CONTINUED.

CUSTODY

11/18/10 9:00 A.M. ARRAIGNMENT CONTINUED (LLA)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

November 18, 2010

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

November 18, 2010 9:00 AM Arraignment Continued

PARTIES

PRESENT: Barber, Jaquez Defendant
 Brown, Philip H. Attorney
 Maxey, Kerri Attorney
 Public Defender Attorney
 Romney, Claudia L. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Ms. Maxey advised Defendant will be entering a not guilty plea. DEFENDANT BARBER ARRAIGNED, PLED NOT GUILTY AND INVOKED THE SIXTY (60) DAY RULE. Court ACCEPTED plea and, ORDERED, matter set for JURY TRIAL.

CUSTODY

1/11/11 9:00 AM CALENDAR CALL

1/18/11 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

December 14, 2010

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

December 14, 2010 9:00 AM Motion to Continue

PARTIES

PRESENT: Romney, Claudia L. Attorney
 State of Nevada Plaintiff
 Westmeyer, Daniel Attorney

JOURNAL ENTRIES

- Deft. not present. Ms. Romney advised she has another firm trial setting at the same time and represented that Deft. will waive his right to a trial within 60 days. COURT ORDERED, MOTION GRANTED; trial date reset. Court directed Ms. Romney to provide a written waiver from Deft.

CUSTODY

3/15/11 9:00 A.M. CALENDAR CALL

3/21/11 10:00 A.M. JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

March 15, 2011

C-10-268471-1

State of Nevada

vs

Jaquez Barber

March 15, 2011

9:00 AM

Calendar Call

**PARTIES
PRESENT:**

JOURNAL ENTRIES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

March 15, 2011

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

March 15, 2011

9:00 AM

Motion

**PARTIES
PRESENT:**

JOURNAL ENTRIES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

March 15, 2011

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

March 15, 2011 9:00 AM All Pending Motions

PARTIES

PRESENT:	Barber, Jaquez	Defendant
	Kramer, Kristen B.	Attorney
	Maxey, Kerri	Attorney
	Public Defender	Attorney
	Romney, Claudia L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- CALENDAR CALL...DEFENDANT'S MOTION FOR DISCOVERY

State's Motion To Continue Trial FILED IN OPEN COURT. Ms. Romney announced ready for trial although she was advised yesterday that the State would be filing a motion to continue although she has not seen the motion as of yet. Ms. Kramer advised this is Ms. Thompson case and who on 3/14/2011 learned the finger print expert in this case was no longer with the Metro lab and is seeking a continuance to obtain a new expert. Upon Court's inquiry, Ms. Romney advised she objects to the continuance as she is ready for trial, Defendant is in custody, and she believes State would have access to this information prior to the day before calendar call. Colloquy regarding scheduling. COURT ORDERED, State's Motion GRANTED; trial VACATED and RESET.

CUSTODY

5/12/2011 9:00 AM DEFENDANT'S MOTION FOR DISCOVERY

C-10-268471-1

6/14/2011 9:00 AM CALENDAR CALL

6/20/2011 10:30 AM JURY TRIAL

CLERK'S NOTE: As Defendant's Motion was a late add to the calendar and not addressed in Open Court, COURT FURTHER ORDERED, Defendant's Motion for Discovery CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

May 12, 2011

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

May 12, 2011

9:00 AM

Motion

PARTIES

PRESENT:

Kramer, Kristen B.	Attorney
Public Defender	Attorney
Romney, Claudia L.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Romney advised the Defendant was not transported from Nevada Department of Corrections (NDC). COURT ORDERED, matter CONTINUED and DIRECTED to prepare an order to transport for Defendant. Court suggested parties meet and confer prior to next date.

CUSTODY (COC-NDC)

CONTINUED TO: 5/26/2011 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

May 26, 2011

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

May 26, 2011

9:00 AM

Motion

PARTIES

PRESENT:

Barber, Jaquez	Defendant
Kramer, Kristen B.	Attorney
Maxey, Kerri	Attorney
Public Defender	Attorney
Romney, Claudia L.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Romney requested matter be continued to get an update. COURT SO
ORDERED.

CUSTODY (COC-NDC)

CONTINUED TO: 6/2/2011 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

June 02, 2011

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

June 02, 2011

9:00 AM

Motion

PARTIES

PRESENT:	Barber, Jaquez	Defendant
	Maxey, Kerri	Attorney
	Public Defender	Attorney
	Romney, Claudia L.	Attorney
	State of Nevada	Plaintiff
	Thomson, Megan	Attorney

JOURNAL ENTRIES

- Ms. Thomson advised she has spoken with Ms. Romney and advised she has issued a subpoena for the items Ms. Romney has requested and will provide the items once they have been received although there are items which have been requested and an order from the Court will be required. Defendant stated he would like to fire his attorney. Court advised Defendant he will need to file the appropriate motion. COURT ORDERED, matter CONTINUED.

CUSTODY (COC-NDC)

CONTINUED TO: 6/14/2011 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

June 14, 2011

C-10-268471-1

State of Nevada
vs
Jaquez Barber

June 14, 2011

9:00 AM

Calendar Call

**PARTIES
PRESENT:**

JOURNAL ENTRIES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

June 14, 2011

C-10-268471-1

State of Nevada

vs

Jaquez Barber

June 14, 2011

9:00 AM

Motion

**PARTIES
PRESENT:**

JOURNAL ENTRIES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

June 14, 2011

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

June 14, 2011

9:00 AM

All Pending Motions

PARTIES

PRESENT:

Barber, Jaquez	Defendant
Maxey, Kerri	Attorney
Public Defender	Attorney
Romney, Claudia L.	Attorney
State of Nevada	Plaintiff
Thomson, Megan	Attorney

JOURNAL ENTRIES

- CALENDAR CALL ... MOTION FOR DISCOVERY

Ms. Romney stated the motion for discovery has been continued for the State to obtain the information requested which subpoenas were issued for and based on waiting for this information parties will need to continue to trial. Ms. Thomson agreed. COURT ORDERED, trial date VACATED and RESET and Defendant's Motion for Discovery CONTINUED.

CUSTODY (COC-NDC)

10/25/2011 9:00 AM CALENDAR CALL ... DEFENDANT'S MOTION FOR DISCOVERY

10/31/2011 10:30 AM JURY TRIAL

PRINT DATE: 02/20/2013

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Minutes Date: October 28, 2010

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

August 04, 2011

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

August 04, 2011 9:00 AM Motion to Withdraw as Counsel

PARTIES

PRESENT: Public Defender Attorney
 Romney, Claudia L. Attorney
 Schifalacqua, Barbara Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Ms. Romney advised that Defendant was not transported this morning and this is his motion believes Defendant needs to be present. Upon Court's inquiry, Ms. Romney stated this case is set for trial. COURT ORDERED, matter CONTINUED and DIRECTED State to prepare an Order to Transport Defendant.

CUSTODY (COC-NDC)

CONTINUED TO: 8/25/2011 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

August 25, 2011

C-10-268471-1

State of Nevada

vs

Jaquez Barber

August 25, 2011

8:30 AM

Motion to Withdraw as Counsel

PARTIES

PRESENT:

Barber, Jaquez	Defendant
Campbell, Donishia L.	Attorney
Public Defender	Attorney
Schifalacqua, Barbara	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- CONFERENCE AT BENCH. Upon Court's inquiry, Defendant stated he does not agree with his attorney and he has had no contact with his attorney except for Court appearances. Ms. Campbell stated this is Ms. Romney's case and submitted the matter on the motion. Ms. Schifalacqua stated she opposes the motion as Defendant has failed to show any reason for the motion and there have been extensive pretrial motions heard by this Court. COURT ORDERED, Motion DENIED.

CUSTODY (COC-NDC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

October 25, 2011

C-10-268471-1

State of Nevada

vs

Jaquez Barber

October 25, 2011

8:30 AM

Calendar Call

**PARTIES
PRESENT:**

JOURNAL ENTRIES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

October 25, 2011

C-10-268471-1

State of Nevada

vs

Jaquez Barber

October 25, 2011

8:30 AM

Motion

**PARTIES
PRESENT:**

JOURNAL ENTRIES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

October 25, 2011

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

October 25, 2011

8:30 AM

All Pending Motions

PARTIES

PRESENT:

Barber, Jaquez	Defendant
Maxey, Kerri	Attorney
Public Defender	Attorney
Romney, Claudia L.	Attorney
State of Nevada	Plaintiff
Trippiedi, Hagar L	Attorney

JOURNAL ENTRIES

- CALENDAR CALL ... DEFENDANT'S MOTION FOR DISCOVERY

Ms. Romney advised there was a discovery motion previously continued to this morning, however, at this time she believes that she has everything and the motion can be taken off calendar. COURT ORDERED, Defendant's Motion OFF CALENDAR. Parties announced ready for trial with 2 - 3 days for trial, however, based on scheduling of counsel and witnesses parties requested trial begin on Wednesday. Colloquy regarding scheduling. CONFERENCE AT BENCH. COURT ORDERED, trial VACATED and RESET.

CUSTODY (COC-NDC)

1/03/2012 8:30 AM CALENDAR CALL

1/09/2012 10:30 AM JURY TRIAL

PRINT DATE: 02/20/2013

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Minutes Date: October 28, 2010

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross
Misdemeanor****COURT MINUTES****December 08, 2011**

C-10-268471-1

State of Nevada
vs
Jaquez Barber**December 08, 2011****8:30 AM****Motion****PARTIES****PRESENT:**

Adams, Danae K	Attorney
Public Defender	Attorney
Romney, Claudia L.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Romney advised the Defendant has not been transported from Nevada Department of Corrections. CONFERENCE AT BENCH. Court noted this is not a proper motion as Defendant is represented by counsel; however, based on the conference at the bench there does seem to be a break down in communications between the Defendant and counsel and COURT ORDERED, matter CONTINUED and DIRECTED State to prepare an Order to Transport.

CUSTODY (COC-NDC)**CONTINUED TO: 12/22/2011 8:30 AM**

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

December 22, 2011

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

December 22, 2011 8:30 AM Motion

PARTIES

PRESENT: Jimenez, Sonia V. Attorney
 Public Defender Attorney
 Romney, Claudia L. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Ms. Romney advised this matter was previously continued for Defendant to be transported and he still has not been transported. COURT ORDERED, matter CONTINUED and DIRECTED State to prepare order to transport. Court advised parties to be ready for trial.

CUSTODY (COC-NDC)

CONTINUED TO: 1/03/2012 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

January 03, 2012

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

January 03, 2012

8:30 AM

Calendar Call

**PARTIES
PRESENT:**

JOURNAL ENTRIES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

January 03, 2012

C-10-268471-1

State of Nevada
vs
Jaquez Barber

January 03, 2012

8:30 AM

Motion

**PARTIES
PRESENT:**

JOURNAL ENTRIES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

January 03, 2012

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

January 03, 2012

8:30 AM

All Pending Motions

PARTIES

PRESENT:

Barber, Jaquez	Defendant
Maxey, Kerri	Attorney
Public Defender	Attorney
Romney, Claudia L.	Attorney
Schwartz, Michael J.	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- CALENDAR CALL ... DEFENDANT'S PRO SE MOTION TO WITHDRAW COUNSEL

CONFERENCE at the BENCH. Court noted Defendant has filed a Pro Per Motion to withdraw counsel; however, Defendant has failed to provide little reasoning for the request and is not accepting calls from his attorneys. Upon Court's inquiry, Defendant stated he has not had contact with his attorneys and does not feel they have his best interests in mind. COURT ORDERED, Motion DENIED as it seems to be a communication issue. Ms. Romney and State announced ready for trial with 8 - 10 witnesses and anticipate 3 days for trial. Ms. Romney requested Defendant be remanded to CCDC for trial preparation. COURT ORDERED, trial SET to begin Monday, 1/09/2012 at 9:00 AM and Defendant REMANDED to the Clark County Detention Center for trial.

CUSTODY

1/09/2012 9:00 AM JURY TRIAL

PRINT DATE: 02/20/2013

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38

Minutes Date: October 28, 2010

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

January 10, 2012

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

January 10, 2012

8:30 AM

Further Proceedings

PARTIES

PRESENT:

Barber, Jaquez	Defendant
Public Defender	Attorney
Romney, Claudia L.	Attorney
State of Nevada	Plaintiff
Trippiedi, Hagar L	Attorney

JOURNAL ENTRIES

- Ms. Romney advised parties are ready for trial; however, due to scheduling issues parties have agreed to continue the trial and with scheduling trial will need to be set in October. Defendant stated he would like to represent himself. COURT ORDERED, trial VACATED and RESET. Court noted Defendant has expressed an interest to represent himself and DIRECTED Ms. Romney to meet with Defendant regarding representing himself and the necessary ferretta information.

CUSTODY (COC-NDC)

10/02/2012 8:30 AM CALENDAR CALL

10/08/2012 10:30 AM JURY TRIAL

PRINT DATE: 02/20/2013

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38

Minutes Date: October 28, 2010

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

September 20, 2012

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

September 20, 2012 8:30 AM Hearing

PARTIES

PRESENT: Adams, Danae K Attorney
 Barber, Jaquez Defendant
 Public Defender Attorney
 Romney, Claudia L. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Conference at the Bench. Upon Court's inquiry, Defendant advised he does not want to represent himself, however, would like a different Public Defender. Statements by Ms. Romney as to the procedures. **COURT ORDERED** matter OFF CALENDAR.

CUSTODY (COC-NDC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

October 02, 2012

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

October 02, 2012

8:30 AM

Calendar Call

PARTIES

PRESENT:

Barber, Jaquez	Defendant
Public Defender	Attorney
Romney, Claudia L.	Attorney
State of Nevada	Plaintiff
Trippiedi, Hagar L	Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Ms. Romney advised she is ready for trial. Ms. Trippiedi advised she is ready as well with 4 witnesses and lasting 1-2 days, however, they requested a Thursday start date. Conference at the Bench. Pursuant to that conference, COURT ORDERED, matter CONTINUED to Thursday to check the availability of the witnesses and Jury selection would begin on Tuesday. Ms. Romney requested Defendant be remanded to CCDC. COURT SO ORDERED.

H. TRIPPIEDI / C. ROMNEY / 1-2 DAYS / 4 WITNESSES

CUSTODY

10/9/12 1:00 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

October 04, 2012

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

October 04, 2012 8:30 AM Calendar Call

PARTIES

PRESENT: Barber, Jaquez Defendant
 Maxey, Kerri Attorney
 Public Defender Attorney
 Romney, Claudia L. Attorney
 State of Nevada Plaintiff
 Trippiedi, Hagar L Attorney

JOURNAL ENTRIES

- Ms. Romney advised she has provided Defendant with a Guilty Plea Agreement and Second Amended Information and he is requesting a continuance to this afternoon to speak to his family as to the negotiations. **MATTER TRAILED.**

4:20 PM **MATTER RECALLED:** Ms. Romney advised she and Ms. Maxey have gone over the Guilty Plea Agreement and Second Amended Information with Defendant; that the offer is 3 Gross Misdemeanors to run concurrent with each other and concurrent with the sentence he is now serving, however, Defendant does not want to accept this and wants to go to trial. Statements by Court. Ms. Trippiedi advised the offer would no longer be on the table, that Defendant would now have to plead straight up to 2 felonies. Court explained that to Defendant. Defendant advised he understood and wants to go to trial. **COURT ORDERED,** Jury selection would begin at 12:30 on Tuesday.

H. TRIPPIEDI / C. ROMNEY / 4 WITNESSES / 2 DAYS

CUSTODY

PRINT DATE: 02/20/2013

Page 29 of
38

Minutes Date: October 28, 2010

10/9/12 12:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

October 09, 2012

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

October 09, 2012 12:30 AM Jury Trial

PARTIES

PRESENT:	Barber, Jaquez	Defendant
	Maxey, Kerri	Attorney
	Public Defender	Attorney
	Romney, Claudia L.	Attorney
	State of Nevada	Plaintiff
	Trippiedi, Hagar L	Attorney

JOURNAL ENTRIES

- 12:35 PM OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Colloquy as to procedure for Jury selection. 1:18 PM PROSPECTIVE JURY PANEL: Introductions by Court and counsel. Jury selection begins. OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Discussions as to releasing prospective Juror #279. Colloquy as to prospective Juror #173 speaking to prospective Juror #208 as to Religious beliefs. 3:36 PM PROSPECTIVE JURY PANEL: Jury selection continues. 4:55 PM Jury and 2 Alternates selected and sworn, however, Alternates are secret until they retire to deliberate. EVENING RECESS.

... CONTINUED 10/10/12 12:30 PM

PRINT DATE: 02/20/2013

Page 31 of
38

Minutes Date: October 28, 2010

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

October 10, 2012

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

October 10, 2012 12:00 AM Jury Trial

PARTIES

PRESENT:	Barber, Jaquez	Defendant
	Maxey, Kerri	Attorney
	Public Defender	Attorney
	Romney, Claudia L.	Attorney
	State of Nevada	Plaintiff
	Trippiedi, Hagar L	Attorney

JOURNAL ENTRIES

- 12:26 PM OUTSIDE PRESENCE OF JURY: Colloquy as to Defendant being in custody and the witnesses being admonished not to refer to him as being in custody. Arguments by Ms. Romney and Ms. Trippiedi as to the point of entry. Ms. Maxey requested to take the "expert" on voir dire as her resume is 4 years old. Statements by Ms. Trippiedi including that she will have the witness fill in the last 4 years. 12:56 PM JURY PRESENT: Counsel stipulated to the presence of the Jury. Instructions by Court. Information read by Clerk. Exclusionary rule invoked. Opening statements by Ms. Trippiedi and Ms. Romney. Testimony and exhibits presented (see worksheets). 3:10 PM OUTSIDE PRESENCE OF JURY: Arguments by counsel as to statements made by Officer Dahn. Matter resolved. 3:25 PM JURY PRESENT: Counsel stipulated to the presence of the Jury. Testimony and exhibits continued (see worksheets). 5:17 PM OUTSIDE PRESENCE OF JURY: Defendant admonished of his right to testify. 5:30 PM EVENING RECESS.

... CONTINUED 10/11/12 12:00 PM

PRINT DATE: 02/20/2013 Page 32 of 38 Minutes Date: October 28, 2010

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

October 11, 2012

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

October 11, 2012 12:00 AM Jury Trial

PARTIES

PRESENT:	Barber, Jaquez	Defendant
	Maxey, Kerri	Attorney
	Public Defender	Attorney
	Romney, Claudia L.	Attorney
	State of Nevada	Plaintiff
	Trippiedi, Hagar L	Attorney

JOURNAL ENTRIES

- 12:05 PM JURY PRESENT: Counsel stipulated to the presence of the Jury. Testimony and exhibits continued (see worksheets). 12:24 PM STATE RESTS. OUTSIDE PRESENCE OF JURY: Jury instructions settled on the record. Ms. Romney requested an advisory instruction be given. Arguments by Ms. Trippiedi. Following additional arguments, Court DENIED request. 12:59 PM JURY PRESENT: Counsel stipulated to the presence of the Jury. DEFENSE RESTS. Jury instructions read by Court. Closing arguments by Ms. Trippiedi and Ms. Maxey. Rebuttal by Ms. Trippiedi. 1:30 PM Jury RETIRED to deliberate. 3:06 PM OUTSIDE PRESENCE OF JURY: Note from Jury discussed as to a Juror being ill. Additionally, Ms. Romney stated that they found out that Juror #7, is friends with a DA that was not divulged during the selection process. Marshall advised the Jury has stated given about 10 more minutes, they will have a verdict. Ms. Romney requested the Juror that is ill be questioned as well as Juror #7. Following colloquy, it was decided the Foreperson and Juror #7 would be questioned. Jury Foreperson stated the ill Juror has a headache, however, seems to be better and wants to continue. Juror #7 stated that he knows this DA but he is more friends with her husband than with her, so did not mention it. Court advised all would continue. 3:27 PM JURY PRESENT:

PRINT DATE: 02/20/2013 Page 34 of Minutes Date: October 28, 2010

Counsel stipulated to the presence of the Jury. Jury Foreperson advised a Verdict had been reached. Clerk read the following: VERDICT:

COUNT 1 - Burglary - GUILTY;

COUNT 2 - Grand Larceny - GUILTY.

Jury polled at request of Defense. Court thanked and excused the Jury and Alternates. Further, Court REFERRED matter to the Division of Parole and Probation for a Pre-sentence Investigation Report and ORDERED, set for sentencing. Additionally, Defendant may be returned to High Desert.

CUSTODY (COC-NDC)

12/13/12 8:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

December 13, 2012

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

December 13, 2012 8:30 AM Sentencing

PARTIES

PRESENT: Maxey, Kerri Attorney
 Public Defender Attorney
 State of Nevada Plaintiff
 Wong, Hetty O. Attorney

JOURNAL ENTRIES

- Court noted Defendant is in prison and as he is not present, ORDERED, matter CONTINUED THIRTY (30) DAYS. ADDITIONALLY, Court directed Ms. Wong prepare a Transportation Order.

CUSTODY (COC-NDC)

... CONTINUED 1/10/13 8:30 AM

PRINT DATE: 02/20/2013

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38

Minutes Date: October 28, 2010

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Felony/Gross
Misdemeanor**

COURT MINUTES

January 10, 2013

C-10-268471-1 State of Nevada
 vs
 Jaquez Barber

January 10, 2013 8:30 AM Sentencing

PARTIES

PRESENT:	Barber, Jaquez	Defendant
	Maxey, Kerri	Attorney
	Public Defender	Attorney
	Romney, Claudia L.	Attorney
	State of Nevada	Plaintiff
	Trippiedi, Hagar L	Attorney

JOURNAL ENTRIES

- By virtue of the Jury's findings and by Order of this Court, DEFENDANT BARBER ADJUDGED GUILTY of COUNT 1 - BURGLARY (F) and COUNT 2 - GRAND LARCENY (F). Statements by Ms. Trippiedi and Ms. Romney. No statement by Defendant. COURT ORDERED, in addition to the \$25 Administrative Assessment fee and \$150 DNA Analysis fee is WAIVED as previously taken, DEFENDANT SENTENCED to the Nevada Department of Corrections as to:

COUNT 1 - a MAXIMUM term of THIRTY (30) MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS and;

COUNT 2 - a MAXIMUM term of THIRTY (30) MONTHS with a MINIMUM parole eligibility of TWELVE (12) MONTHS, to run CONCURRENT with Count 1 and PAY \$7,000 RESEITUATION with 90 days credit for time served. Sentence to run CONSECUTIVE to C253779. BOND, if any, EXONERATED.

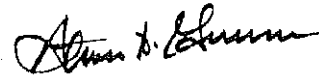
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PRINT DATE: 02/20/2013

Page 37 of
38

Minutes Date: October 28, 2010

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CLERK OF THE COURT

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
7

8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 JAQUEZ DEJUAN BARBER,

12 Defendant.
13

CASE NO. C-10-268471-1

DEPT. XX

(ARRAIGNMENT HELD IN DEPT. LLA)

14 BEFORE THE HONORABLE MELISA DE LA GARZA, HEARING MASTER
15 THURSDAY, OCTOBER 28, 2010

16 **RECORDER'S TRANSCRIPT OF HEARING RE:**
17 **ARRAIGNMENT**

18
19 APPEARANCES:

20 For the State:

PHILIP BROWN, ESQ.,
Deputy District Attorney

21 For the Defendant:

KERRI J. MAXEY, ESQ.,
CLAUDIA L. ROMNEY, ESQ.,
Deputy Public Defenders

22
23
24
25 RECORDED BY: KIARA SCHMIDT, COURT RECORDER

-1-

ROUGH DRAFT TRANSCRIPT

1 THURSDAY, OCTOBER 28, 2010

2 * * * * *

3 P R O C E E D I N G S

4
5 THE COURT: Okay. This is page 21 of our nine o'clock calendar, State of
6 Nevada versus Jaquez DeJuan Barber, C268471. He is present in custody.
7 Counsel, if you'd just state your appearance for the record.

8 MS. MAXEY: Kerri Maxey, PD's office. Your Honor, we would ask for a
9 one-week continuance so we can have a little bit more time to go over the written
10 plea agreement with him and also discuss it with his family.

11 THE COURT: Do you have any objection to that, State?

12 MR. BROWN: No, Judge.

13 THE COURT: One week.

14 THE CLERK: November 4, nine a.m.

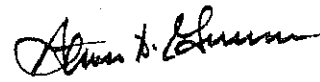
15 (Whereupon, the proceedings concluded.)

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17 ATTEST: Pursuant to Rule 3C(d) of the Nevada Rules of Appellate Procedure, I
18 certify that this is a rough draft transcript, expeditiously prepared, not proofread,
19 corrected, or certified to be an accurate transcript.

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21 Kiara Schmidt, Court Recorder/Transcriber


CLERK OF THE COURT

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
7

8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 JAQUEZ DEJUAN BARBER,

12 Defendant.
13

CASE NO. C-10-268471-1

DEPT. XX

(ARRAIGNMENT HELD IN DEPT. LLA)

14 BEFORE THE HONORABLE MELISA DE LA GARZA, HEARING MASTER
15 THURSDAY, NOVEMBER 4, 2010

16 **RECORDER'S TRANSCRIPT OF HEARING RE**
17 **ARRAIGNMENT CONTINUED**

18 APPEARANCES:
19

20 For the State:

PHILIP BROWN, ESQ.,
Deputy District Attorney

21 For the Defendant:
22

KERRI J. MAXEY, ESQ.,
CLAUDIA L. ROMNEY, ESQ.,
Deputy Public Defenders
23
24

25 RECORDED BY: KIARA SCHMIDT, COURT RECORDER

-1-

ROUGH DRAFT TRANSCRIPT

1 THURSDAY, NOVEMBER 4, 2010

2 * * * * *

3 P R O C E E D I N G S

4
5 THE COURT: This is page 13, State of Nevada versus Jaquez DeJuan
6 Barber, C268471. He is present in custody.

7 MR. BROWN: Good morning, your Honor. Phil Brown for the State.

8 MS. ROMNEY: Judge --

9 THE COURT: Counsels, if you'd state your appearance for the record.

10 MS. ROMNEY: Claudia Romney with the Public Defender's office.

11 MS. MAXEY: Kerri Maxey, Public Defender's office.

12 MR. BROWN: Judge, this was a waiver up of the prelim. Apparently, he is
13 going to reject the offer, which is fine, but we need to file an amended Information
14 and have him arraigned on that.

15 THE COURT: What do you need, one week?

16 MR. BROWN: That'd be fine.

17 MS. MAXEY: I would ask for two weeks because I'm going to be out of the
18 office next week and I'd like to be present for the next court date.

19 THE COURT: Two weeks.

20 THE CLERK: November 18th, nine a.m.

21 THE COURT: Thank you.

22 MS. MAXEY: Thank you.

23 ///

24 ///

25 ///

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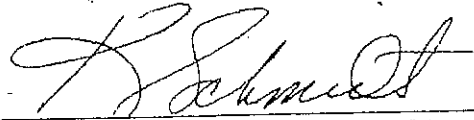
ROUGH DRAFT TRANSCRIPT

1 MS. ROMNEY: Thank you, your Honor.

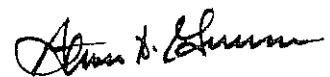
2 (Whereupon, the proceedings concluded.)

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4 ATTEST: Pursuant to Rule 3C(d) of the Nevada Rules of Appellate Procedure, I
5 certify that this is a rough draft transcript, expeditiously prepared, not proofread,
6 corrected, or certified to be an accurate transcript.

7 

8 Kiara Schmidt, Court Recorder/Transcriber


CLERK OF THE COURT

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
7

8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 JAQUEZ DEJUAN BARBER,

12 Defendant.
13

) CASE NO. C-10-268471-1

) DEPT. XX

) (ARRAIGNMENT HELD IN DEPT. LLA)
14

15 BEFORE THE HONORABLE DAVID BARKER, DISTRICT COURT JUDGE
16 THURSDAY, NOVEMBER 18, 2010

17 **RECORDER'S TRANSCRIPT OF HEARING RE:
ARRAIGNMENT CONTINUED**

18
19 **APPEARANCES:**

20 For the State:

PHILIP BROWN, ESQ.,
Deputy District Attorney

21 For the Defendant:

KERRI J. MAXEY, ESQ.,
CLAUDIA L. ROMNEY, ESQ.,
Deputy Public Defenders

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25 RECORDED BY: KIARA SCHMIDT, COURT RECORDER

-1-

ROUGH DRAFT TRANSCRIPT

1 THURSDAY, NOVEMBER 18, 2010

2 * * * * *

3 P R O C E E D I N G S

4
5 THE COURT: C268471, State of Nevada versus -- what -- is it first name
6 J-a-q-u-e-z, Barber. Record should reflect the presence of the Defendant in custody
7 with counsel representing the State. It's time set for initial arraignment. Where are
8 we at? I don't have any documents.

9 MS. ROMNEY: Judge, this is going to be a case that we are setting for trial. I
10 have a copy of the amended Information. We'll waive its reading. I believe
11 Mr. Barber will be invoking his speedy trial rights.

12 THE COURT: Okay. Mr. Barber, do you have a copy of the Information that
13 charges you with grand larceny?

14 THE DEFENDANT: Yes.

15 THE COURT: Have you gone through that charging document with your
16 attorney; has she answered any questions you might have regarding that offense?

17 THE DEFENDANT: Yes.

18 MR. BROWN: Judge, I'm sorry, if I may? What happened was he originally
19 waived up on the charge of grand larceny. Can I borrow that Information?

20 MS. ROMNEY: Yup.

21 MR. BROWN: He backed out of the deal so we passed it to file an amended
22 Information. So we have the original charges of burglary and grand larceny.

23 THE COURT: Okay.

24 MR. BROWN: I gave a copy to counsel. We electronically filed that copy as
25 well. Counsel and the Defendant have a copy of that as well.

-2-

ROUGH DRAFT TRANSCRIPT

1 THE COURT: Mr. Barber, do you have a copy of the amended Information
2 that charges you now with the charges as originally represented in Justice Court of
3 burglary and grand larceny?

4 THE DEFENDANT: Yes.

5 THE COURT: And also had an opportunity to go over and review those
6 charges with our attorney?

7 THE DEFENDANT: Yes.

8 THE COURT: She answered any questions you might have regarding both
9 those charges?

10 THE DEFENDANT: Yes.

11 THE COURT: How do you plead to those charges now, guilty or not guilty?

12 THE DEFENDANT: Not guilty.

13 THE COURT: Now you have a right to a trial within 60 days. Your attorney is
14 indicating your intent is to invoke that right; is that true?

15 THE DEFENDANT: Yes.

16 THE COURT: On a 60-day date, in custody, Department 4.

17 THE CLERK: Calendar call will be January 11th at nine a.m., with a jury trial
18 January 18th at ten a.m., in District Court 4.

19 THE COURT: Any questions, Mr. Barber, about what happens next?

20 THE DEFENDANT: Nope.

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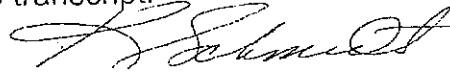
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1 THE COURT: All right.

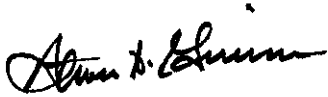
2 (Whereupon, the proceedings concluded.)

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4 ATTEST: Pursuant to Rule 3C(d) of the Nevada Rules of Appellate Procedure, I
5 certify that this is a rough draft transcript, expeditiously prepared, not proofread,
6 corrected, or certified to be an accurate transcript.

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8 Kiara Schmidt, Court Recorder/Transcriber


CLERK OF THE COURT

1 TRAN

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4
5 THE STATE OF NEVADA,) CASE NO. C268471-1
6 Plaintiff,) DEPT. NO. IV
7 vs.)
8 JAQUEZ DEJUAN BARBER,)
9 Defendant.)

10
11 BEFORE THE HONORABLE KATHY HARDCASTLE, DISTRICT COURT JUDGE

12 TUESDAY, DECEMBER 14, 2010

13
14 RECORDER'S TRANSCRIPT RE:
15 MOTION TO CONTINUE TRIAL

16
17
18
19
20 APPEARANCES:

21 For the Plaintiff:

PHIL BROWN,
Deputy District Attorney

22
23 For the Defendant:

CLAUDIA L. ROMNEY,
Deputy Public Defender

24

25
RECORDED BY: LARA CORCORAN, COURT RECORDER

1 LAS VEGAS, NEVADA, TUESDAY, DECEMBER 14, 2010, 9:26 A.M.

2 * * * * *

3 THE COURT: Page 10, C268471, State versus Jaquez Barber.

4 MR. BROWN: Good morning, Your Honor, Phil Brown for the State.

5 MS. ROMNEY: Judge, he is in custody. I think he is in prison; that's
6 why he's not here today.

7 THE COURT: All right. This is your motion to continue trial date.

8 MS. ROMNEY: It is, Judge. As I stated in the motion, I have another
9 trial that is set for the same week, and so does my second chair, Kerri Maxey, so
10 we are asking –

11 THE COURT: Well, why does that one not get continued, and this one
12 is?

13 MS. ROMNEY: It's a firm trial date. We're not gonna be able to move
14 that one, Judge.

15 THE COURT: Well, when you say firm trial date –

16 MS. ROMNEY: That's definitely going.

17 THE COURT: What's the nature of the other case?

18 MS. ROMNEY: It's a violate case, Judge.

19 MR. BROWN: Judge –

20 MS. ROMNEY: And I talked to Mr. Barber; he's willing to waive the
21 sixty-day rule for the purpose of resetting this trial date. I'm requesting a date in
22 February. I know that's a little bit of a short turnaround for the State to issue –
23 reissue subpoenas for the new date, so there is some flexibility.

24 THE COURT: But we don't have a February.

25 MS. ROMNEY: Anything in March?

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THE CLERK: We could do March 14th or March 21st.

MS. ROMNEY: Either one is fine with me.

THE COURT: I'll need a written waiver from your client, since he's not here today; or I can pass it to have him brought here.

MS. ROMNEY: I'll leave that up to you, Judge.

MR. BROWN: Judge, Ms. Romney did inform me of this; for the record, I don't have any objection to that. I appreciate her calling me in advance and letting me know, rather than on the day of calendar call. So, whatever the Court's pleasure.

THE COURT: Okay. Get a written waiver from your client –

MS. ROMNEY: Yes.

THE COURT: – on the sixty days. And we'll reset this in March.

MS. ROMNEY: Thank you.

THE CLERK: Is March 21st okay?

MR. BROWN: Yes.

MS. ROMNEY: That's fine.

THE CLERK: March 21st at 10 a.m. for jury trial, March 15th at 9 a.m. for calendar call.

MR. BROWN: Thank you, Your Honor.


MS. ROMNEY: Thank you.

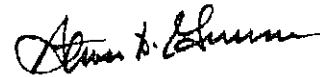
PROCEEDING CONCLUDED AT 9:28 A.M.

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ATTEST: I do hereby certify that I have transcribed the audio-video recording of this proceeding in the above-entitled case to the best of my ability.


RICHARD L. KANGAS
Court Recorder/Transcriber


CLERK OF THE COURT

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DISTRICT COURT
CLARK COUNTY, NEVADA

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STATE OF NEVADA,

6

Plaintiff(s),

7

vs.

8

JAQUEZ DEJUAN BARBER,

9

Defendant.

10

11

BEFORE THE HONORABLE JEROME T. TAO, DISTRICT COURT JUDGE

12

13

TUESDAY, MARCH 15, 2011

14

ROUGH DRAFT
RECORDER'S TRANSCRIPT OF CALENDAR CALL

15

16

17

APPEARANCES:

18

For the State:

KRISTEN B. KRAMER
Deputy District Attorney

19

20

For the Defendant:

CLAUDIA L. ROMNEY
KERRI J. MAXEY
Deputies Public Defender

21

22

23

24

25

RECORDED BY: LARA CORCORAN, COURT RECORDER

1 LAS VEGAS, NEVADA, TUESDAY, MARCH 15, 2011, 10:18 A.M.

2 THE COURT: You know what, there's a calendar call that we haven't gotten
3 to. State versus -- is it Jaquez or Jaquez Barber, C268471, page 3. Morning.

4 MS. ROMNEY: Good morning.

5 THE COURT: Mr. Barber is present in custody. What's the status of this?
6 You probably heard that I set another case, and there's another case I might be
7 sending to overflow, so this one's not going to go, but what's the status?

8 MS. ROMNEY: Judge, we're announcing ready today, but I was notified late
9 yesterday that the State intended to file a motion to continue.

10 THE COURT: Oh, okay.

11 MS. KRAMER: Judge, if I can approach. I do have a motion to continue the
12 trial in open court today.

13 THE COURT: Okay. Sure.

14 Yeah, everybody state their appearances for the record.

15 MS. ROMNEY: Sure. Claudia Romney with the public defender's office.

16 MS. MAXEY: Kerri Maxey with the public defender's office.

17 MS. ROMNEY: Do you have an extra copy for me?

18 MS. KRAMER: Oh; I gave them all to her. I'll go get you a copy back. Sorry
19 about that.

20 MS. ROMNEY: Thank you.

21 Judge, I didn't have the benefit of getting the actual copy of the motion in
22 advance. It's my understanding that the motion is based --

23 THE COURT: Looks like it's based on the fingerprint analyst.

24 MS. ROMNEY: On the fingerprint expert. Well, you're the moving party. You
25 go first.

1 MS. KRAMER: As far as I understand, Judge, this is Ms. Thomson's motion.
2 Her notes indicate that on March 14th, they discovered that the fingerprint expert
3 does not work for the Metro lab any more, and she's actually moved out-of-state,
4 excuse me, so they'd be asking for a continuance based on that matter.

5 THE COURT: Are you asking for a continuance to get her or to get another
6 fingerprint analyst.

7 MS. KRAMER: I think it's to get another fingerprint analyst, Judge. That's my
8 understanding of the motion.

9 MS. ROMNEY: That's my understanding of the motion.

10 THE COURT: Okay. Based on the -- I just read the affidavit and the motion.
11 Ms. Romney, based on the substance of the motion and the affidavit, do you have
12 an objection?

13 MS. ROMNEY: Well, Judge, I mean we do object to a continuance because
14 Mr. Barber is in custody. We were ready to go. I don't know why the State would
15 have found out so late that their fingerprint expert no longer worked at the lab,
16 especially because from what I was told yesterday by Ms. Thomson, there was
17 someone else who could have been noticed within the 21-day deadline, as well,
18 originally in this case, and for whatever reason, wasn't; so I don't know how at, you
19 know, the day before calendar call, they just found out that she doesn't work there
20 any more.

21 We're ready to go. We were -- have been prepping the trial. Mr. Barber did
22 initially invoke when this case was set down in the lower level. We had to do a
23 motion to continue because of our trial schedules, and so he waived for that limited
24 purpose, and so certainly our request would be to go forward next week without the
25 fingerprint expert.

1 MS. KRAMER: Your Honor, if I could. It looks like this is the State's first
2 continuance. The last continuance was Defendant's motion to continue. I could just
3 point out to the Court, you know, he's not just in custody on this case, Judge. He's
4 actually doing time on an attempt murder, so a continuance really isn't any prejudice
5 to the Defendant, as he's not going anywhere anyways.

6 MS. ROMNEY: But I think -- I think the difficulty in that argument, Judge, is to
7 say: Well, he's doing time on another case, so he's not hurt here. He still is. The
8 credit that he's earning goes to the other case, so further delaying trial and any
9 potential sentence down the road, you know, does prejudice him. He's sitting in
10 custody. He invoked originally. We did a very short continuance for the purpose of
11 accommodating counsels' trial schedule, and we're ready to go, and so to come in
12 the day beforehand -- you know, this isn't a lay witness, where, you know, perhaps
13 there would have been a change in address, or, you know, some difficulty finding
14 them, and that's why, you know, the day before calendar call they, you know, got
15 new information or didn't know where they were. This is an expert, who was
16 employed by metro, who, though I couldn't say for sure, probably gave notice if she
17 was no longer working at the lab, so certainly they would have had access to this
18 witness much more easily than a lay witness to know whether or not she was going
19 to be available.

20 THE COURT: Right.

21 MS. KRAMER: Judge, Metro doesn't exactly tell us when every single person
22 from Metro leaves their office. I mean we're not -- they don't work for us.

23 THE COURT: What is the April 4th date come from? Is that -- I mean is
24 someone retesting the fingerprints, or is someone just going to read her report and
25 come in and testify?

1 MS. KRAMER: I don't know the answer to that, Judge. I'm sorry.

2 THE COURT: All right. Well, based on the substance of the motion -- just for
3 the record, the substance of the motion is that they -- the State subpoenaed Vicki
4 Farnham, who was a Metro fingerprint analyst. A subpoena was issued on February
5 17, 2011. They subsequently as some point discovered that she's no longer
6 employed there, so it looks like they need to get someone else from Metro to testify.
7 Again, I don't know if they're -- this is the question I just asked. I don't know if
8 they're going to retest the fingerprints of if this person's going to use Ms. Farnham's
9 report.

10 MS. ROMNEY: And I guess that's also part of the problem that I have, Judge,
11 is that they don't even give us who -- they don't even give us the alternative and
12 what they're going to do, whether they're retesting or not. It just says that a qualified
13 witness will be available after April 4th. I don't even know where they get that date
14 from.

15 THE COURT: Well, I'm assuming they got that from the Metro fingerprint lab,
16 but I don't know, but -- I mean, the problem is if whoever tested the fingerprints is no
17 longer employees -- is no longer employed there, obviously, they can't -- and if she
18 lives out-of-state, that limits the State's ability to get her in to testify, so -- based on
19 the affidavit that I have before me that was signed by Megan Thomson, I believe
20 that good cause has been shown for a continuance, and it looks like a witness will
21 be available after April 4th, which is only a delay of like three weeks. Do you want to
22 set it for that week, or --

23 MS. ROMNEY: Well, Judge. I don't think we can, because if they -- once
24 they have -- they'd have 21 days to file notice of their expert. We obviously would
25 need a chance to get that information and determine whether or not we would be,

1 you know, either questioning that expert or potentially getting our own to refute that
2 expert. We didn't do that for this setting, so I don't know that it would necessarily be
3 a problem next time either, but technically we really can't have a continuance that
4 would be less than 30 days in order to accommodate that, because we would also
5 have to comply with the 21 days.

6 THE COURT: Well, hang on. Whether or not the witness was available to
7 testify next week, have you not gotten her report yet? I'm assuming you have, right?

8 MS. ROMNEY: We have, and so based on Vicki Farnham, we didn't have any
9 issues in terms of, you know, making the decision whether or not to hire our own
10 expert, but we're still entitled to make that decision once they notice whoever it is
11 that they're going to have.

12 THE COURT: Okay, so what was the trial date that you were thinking of
13 then?

14 MS. ROMNEY: Well, I have trials set back-to-back in April, so I was hoping
15 for something mid-May.

16 [Conversation with staff - not transcribed]

17 THE COURT: May 23rd into June for four weeks is the next criminal stack.

18 MS. ROMNEY: I already have a case that's scheduled the last part of May
19 that's a firm setting that will be going forward.

20 THE COURT CLERK: I have June 6th, June 13th, and June 20th.

21 MS. ROMNEY: I'd have to do late June. I'm double-stacked in June, as well,
22 so whatever the last stack in June is, or the last week in June.

23 THE COURT: June 20th?

24 MS. ROMNEY: Would that work for you?

25 MS. KRAMER: All right. That's fine with the State.

1 THE COURT: Okay. June 20th.

2 THE COURT CLERK: Calendar call's going to be June 14th at 9:00 a.m. Jury
3 trial June 20th at 10:30 a.m.

4 THE COURT: All right, and Ms. Kramer, you know, I'm sure you know this,
5 but make sure Ms. Thomson -- as soon as she finds out the name of the new expert,
6 to pass that on to the defense along with any report that she may -- again, I don't
7 know if she's going to just use Ms. Farnham's report or generate a new one, but
8 obviously, you know what the rules are with regard to reports.

9 MS. ROMNEY: Thank you.

10 PROCEEDING CONCLUDED AT 10:26 A.M.

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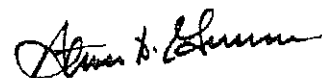
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SARA RICHARDSON
Court Recorder/Transcriber


CLERK OF THE COURT

1 RTRAN

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DISTRICT COURT
CLARK COUNTY, NEVADA

4

5

STATE OF NEVADA,

6

Plaintiff(s),

7

vs.

8

JAQUEZ DEJUAN BARBER,

9

Defendant.

10

11

BEFORE THE HONORABLE JEROME T. TAO, DISTRICT COURT JUDGE

12

13

THURSDAY, MAY 12, 2011

14

ROUGH DRAFT
RECORDER'S TRANSCRIPT OF MOTION FOR DISCOVERY

15

16

17

APPEARANCES:

18

For the State:

19

KRISTEN B. KRAMER
Deputy District Attorney

20

For the Defendant:

21

CLAUDIA L. ROMNEY
Deputy Public Defender

22

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25

RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 LAS VEGAS, NEVADA, THURSDAY, MAY 12, 2011, 9:57 A.M.

2 THE COURT: Bottom of 6, State versus Jaquez or Jaquez -- I'm, sorry if I'm
3 mispronouncing that -- Barber, C268471. Is Mr. Barber present?

4 MS. ROMNEY: Actually, it doesn't look like he was transported, Judge. He's
5 being housed in the Nevada Department of Corrections.

6 THE COURT: Oh, okay.

7 MS. KRAMER: I don't have the file.

8 MS. ROMNEY: And I believe this is Ms. Thompson's case, so I don't believe
9 Ms. Kramer has the file for it.

10 MS. KRAMER: I don't, Judge. I know that Ms. Thompson is in trial, so I'm not
11 sure that she will be here today.

12 THE COURT: All right. This is on for the public defender's motion for
13 discovery. Looks like we have a calendar call date on June 14th.

14 MS. ROMNEY: Judge, if you want to pass this to Tuesday, so that Ms.
15 Thompson can be here. I did get her response, and there were a couple of things
16 that she indicated that she had requested but had not yet received, and --

17 THE COURT: Right. I saw that.

18 MS. ROMNEY: -- I haven't had any updates from her since then, and so I
19 figure it best for her to be here in person, and I don't mind kicking it to Tuesday, if
20 that's convenient for the Court.

21 THE COURT: Yeah. That's fine. It's a discovery -- Yeah; that's fine. Again,
22 it'll be Judge Bonaventure next week, but it's a discovery motion, but in the
23 meantime if you hear anything, 'cause on discovery motions a lot of it, as you guys
24 know, ends up being moved because the State either doesn't have it or it doesn't
25 exist, or they'll give it to you, --

1 MS. ROMNEY: Right.

2 MS. KRAMER: Right.

3 THE COURT: -- so rather than -- if you guys can talk before then, and
4 anything that you guys have worked out, then I don't have to make a finding on, that
5 makes it easier for everybody.

6 MS. ROMNEY: I'll shoot her an email and hopefully when she has a break in
7 between trials --

8 THE COURT: Right.

9 MS. ROMNEY: -- she could let me know. The only other thing I'd ask is I
10 know it would be short since we're continuing it to Tuesday. Mr. Barber doesn't, I
11 guess, necessarily have to be here for these, but I think it would benefit him to hear
12 about, you know, the progress of the discovery, --

13 THE COURT: He's not going to be here by --

14 MS. ROMNEY: -- just --

15 THE COURT: He's not going to be here by Tuesday, though if he's in NSP.

16 MS. ROMNEY: Well, true, but I think he probably should have been
17 transported the first day anyway, so I'm a little bit surprised that he wasn't -- not
18 entirely, but you know.

19 THE COURT: You never tell, right.

20 MS. ROMNEY: Right.

21 MS. KRAMER: Do you want us to --

22 THE COURT: So what do you want to do, do you want to try for Tuesday or
23 not?

24 MS. ROMNEY: I mean is it possible to maybe fax something over so that
25 they're aware of Tuesday's date. Otherwise, you know, we can address it.

1 MS. KRAMER: We have to get a court order.

2 THE COURT: Yeah. You have to do an order to transport, and, you know, I
3 mean it's already Thursday. There's no way that they'll have him here by Tuesday.
4 They probably won't --

5 MS. ROMNEY: I'll -- I can fax something over. We've done that before.

6 THE COURT: All right. We'll give that a shot; so you want to set it for
7 Tuesday, then; and if he's not here on Tuesday, then, do you want to go ahead with
8 it or not? That's -- that's my question.

9 MS. ROMNEY: Well, let's see. What would be the two-week date, and
10 maybe that would --

11 THE COURT CLERK: The 26th.

12 MS. ROMNEY: Is that okay with you, do you think?

13 MS. KRAMER: That's fine.

14 MS. ROMNEY: And then that way that'll be enough time to do an order and
15 still give us plenty of time before that.

16 MS. KRAMER: An, yeah, you try; we'll try, and --

17 MS. ROMNEY: Yup.

18 THE COURT: All right. Let's try the 26th then.

19 THE COURT CLERK: May 26th, 9:00 a.m., and the State's going to prepare
20 an Order of Transport?

21 MS. KRAMER: We will.

22 THE COURT: All right. See you then. Hopefully, he'll be here.

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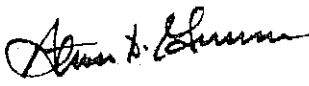
1 PROCEEDING CONCLUDED AT 10:00 A.M.

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6 SARA RICHARDSON
7 Court Recorder/Transcriber


CLERK OF THE COURT

1 RTRAN

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 STATE OF NEVADA,

6 Plaintiff(s),

7 vs.

8 JAQUEZ DEJUAN BARBER,

9 Defendant.

CASE NO. C268471

DEPT. NO. XX

10
11 BEFORE THE HONORABLE SENIOR DISTRICT COURT
12 JUDGE JOSEPH BONAVENTURE,

13 THURSDAY, MAY 26, 2011

14 **ROUGH DRAFT**
15 **RECORDER'S TRANSCRIPT OF MOTION FOR DISCOVERY**
16

17
18 APPEARANCES:

19 For the State:

KRISTEN B. KRAMER
Deputy District Attorney

20 For the Defendant:

CLAUDIA L. ROMNEY
Deputy Public Defender

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23
24
25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 LAS VEGAS, NEVADA, THURSDAY, MAY 26, 2011, 9:05 A.M.

2 THE COURT: Jaquez Barber.

3 MS. ROMNEY: He's present in custody, Your Honor.

4 THE COURT: You can sit down, Mr. Barber. This is a motion for discovery. I
5 take it the State agrees to most of the -- counsel?

6 MS. ROMNEY: Your Honor, we had actually continued this last time for
7 Megan Thompson to be present, because she was going to --

8 THE COURT: Who's Megan Thompson?

9 MS. ROMNEY: There were a couple of things that we were waiting on.

10 THE COURT: Whatever you want to do. You want to continue it again for a
11 couple of weeks or a week? When is the trial date? Trial date's not 'til June 14th.

12 MS. ROMNEY: Judge, if we could pass this to next week --

13 THE COURT: Yeah. Next week. All right.

14 MS. ROMNEY: -- and that way I get with her.

15 THE COURT: All right. So you need a few other things from her. All right;
16 next week.

17 THE COURT CLERK: June 2nd, 9:06 a.m.

18 PROCEEDING CONCLUDED AT 9:06 A.M.

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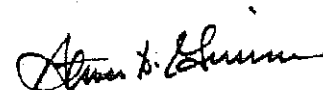
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SARA RICHARDSON
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CLERK OF THE COURT

1 RTRAN

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3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 STATE OF NEVADA,

CASE NO. C268471

6
7 Plaintiff(s),

8 vs.

DEPT. NO. XX

9 Jaquez DeJuan Barber,

10 Defendant.

11 BEFORE THE HONORABLE JEROME T. TAO, DISTRICT COURT JUDGE

12
13 THURSDAY, JUNE 2, 2011

14
15 **ROUGH DRAFT**
16 **RECORDER'S TRANSCRIPT OF MOTION FOR DISCOVERY**

17 APPEARANCES:

18 For the State:

MEGAN S. THOMSON
Deputy District Attorney

19
20 For the Defendant:

CLAUDIA L. ROMNEY
Deputy Public Defender

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23
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25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 LAS VEGAS, NEVADA, THURSDAY, JUNE 2, 2011, 10:40 A.M.

2 THE COURT: Bottom of 13, State versus Jaquez Dejuan Barber, C268471.
3 Mr. Barber's present in custody. This is on for a motion for discovery. It looks like
4 the -- yeah, calendar call is actually June 14th in this case. All right --

5 MS. THOMSON: And, Judge, I've spoken with Ms. Romney about this.
6 There's a bunch of stuff that she'd asked for that we have not yet gotten. I have
7 subpoenaed for it and have not yet received it. Obviously, when I do get it, I will
8 provide it. I would note that in my response, I made a note that we would attempt to
9 get items that actually need to be subpoenaed. I had informed Ms. Romney on April
10 4th of those items that she can get an order for from the Court. I just said
11 subpoenaed. I meant that they need to be gotten by order from the Court, and I --
12 Ms. Romney is aware of which items those are. That would be my only change to
13 my response, and I'm working on getting the items they requested.

14 THE COURT: So, wait. Did you just say you need an order from the Court to
15 get these things.

16 MS. THOMSON: For the forensic quality scans of lift cards and the forensic
17 body scans of print compares -- the prints compared. Before the lab to release
18 those, we need a court order.

19 THE COURT: All right. Do you have or are you going to prepare an order for
20 me to sign?

21 MS. THOMSON: I informed Ms. Romney if she wanted to --

22 MS. ROMNEY: I can prepare one, Judge.

23 THE COURT: Okay. That's fine. If that's the agreement, that's fine.

24 MS. ROMNEY: Other than that, we're just waiting for the other items that Ms.
25 Thomson subpoenaed. We don't, at this point, really know when we'll be getting

1 that, and so, I don't know how that might affect the trial date at this point, 'cause until
2 we get it and have a chance to review it, if there's an issue with experts or anything
3 like that, obviously, then that would affect the trial date, but we just won't know until
4 we get it.

5 THE COURT: No. I understand. All right. Well, we have a calendar call in a
6 couple of weeks, or, I mean, less than a couple of weeks now, so I-guess we can
7 just --

8 MS. ROMNEY: We'll just have to wait, I think.

9 THE COURT: Yeah. See what happens at calendar call, and if you've got
10 everything or not. I'm sorry.

11 THE DEFENDANT: May I speak before this is over with?

12 THE COURT: Well, do you think it's a good idea? Do you want to talk with --
13 or maybe run what you're going to say by your lawyer first, 'cause you're coming
14 upon a trial date in only a couple of weeks. I don't want you to say anything that's
15 going to jeopardize you.

16 THE DEFENDANT: There's a conflict of interest between me and my lawyer.
17 I'd like to fire my lawyer right here right now.

18 THE COURT: Well, first of all, I'm not going to take a oral motion to do that,
19 because that's -- I don't have any idea what's going on. If you want to do that, then --
20 - well first what I'd recommend that you do is maybe have a conversation with her.
21 Whatever difference that you have, maybe it's something that you can smooth out or
22 not, but I can't just sit here and just listen to a verbal statement, and, you know,
23 without knowing anything about it, so --

24 THE DEFENDANT: All right.

25 THE COURT: All right?

1 MS. ROMNEY: The only thing I'll --

2 THE COURT: You need to go -- you should probably go and talk with him and

3 --

4 MS. ROMNEY: I will, Judge. The only thing I want to just have him be aware
5 of is that if you write something down, the clerk's office won't take it, but if he sends
6 it to us, we'll put a cover sheet on it and file on his behalf.

7 THE COURT: All right. Did you hear that? If you want to file a motion, what
8 you do is send it to the PD's office, because if you file it yourself, they're going to
9 say: Well, you have a lawyer, and not accept it. If you send it to her office, they'll
10 put a cover sheet on it and file it without any changes. All right?

11 THE DEFENDANT: All right.

12 THE COURT: What's that? Well, whatever you want to do.

13 THE COURT CLERK: [Inaudible]

14 THE COURT: Yeah. It's exactly what we're doing.

15 THE COURT CLERK: June 14th, 9:00 a.m.

16 PROCEEDING CONCLUDED AT 10:43 A.M.

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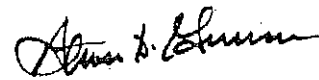
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SARA RICHARDSON
Court Recorder/Transcriber


CLERK OF THE COURT

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DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff(s),

vs.

JAQUEZ DEJUAN BARBER,

Defendant.

CASE NO. C268471

DEPT. NO. XX

BEFORE THE HONORABLE JEROME T. TAO, DISTRICT COURT JUDGE

TUESDAY JUNE 14, 2011

ROUGH DRAFT
RECORDER'S TRANSCRIPT OF CALENDAR CALL AND
MOTION FOR DISCOVERY

APPEARANCES:

For the State:

MEGAN S. THOMSON
Deputy District Attorney

For the Defendant:

CLAUDIA L. ROMNEY
Deputy Public Defender

RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 LAS VEGAS, NEVADA, TUESDAY, JUNE 14, 2011, 9:37 A.M.

2 THE COURT: Bottom of page 3, State versus Jaq -- is it Jaquez or Jaquez
3 Barber? Sorry, if I'm mispronouncing that; C268471.

4 MS. ROMNEY: It's Jaquez Barber.

5 THE COURT: Jaquez; okay, and this is the time set for Calendar Call. Is Mr.
6 Barber -- he's in -- he's listed as in custody.

7 MS. ROMNEY: He's --

8 CORRECTIONS OFFICER: Sir, stand up.

9 THE COURT: Which one is he? All right. He is present; in custody. This is
10 the time set for Calendar Call. What's the status?

11 MS. ROMNEY: Judge, we had been continuing a discovery motion we are
12 still waiting to receive. The State's issued the subpoenas like they mentioned
13 previously for some of the items we requested in our discovery motion. We expect
14 to get that probably within the next few weeks. I don't think it will take much longer
15 than that.

16 THE COURT: Okay.

17 MS. ROMNEY: But, because of scheduling, we've actually -- we're going to
18 have to reset the trial, and we've gotten a date in the October stack that works for
19 everybody.

20 THE COURT: Okay. All right. What was the date that you guys have?

21 THE COURT CLERK: Calendar call's going to be October 25th at 9:00 a.m.
22 Jury trial is October 31st at 10:30 a.m.; vacating the trial, correct?

23 THE COURT: Yes. Trial date vacated.

24 THE COURT CLERK: Can we continue the motion for discovery to the
25 calendar call date?

1 THE COURT: Yeah. Exactly.

2 MS. ROMNEY: Do you want to wait as long -- I didn't know if you wanted to
3 set it out maybe in September? That way, instead of waiting to the calendar call
4 date, that way if there were some issues -- might not --

5 THE COURT: Okay. It's up --

6 MS. ROMNEY: -- 'cause we've been pushing it, and I don't want to push that
7 trial date again.

8 THE COURT: It's up to you. Well, here's the thing is I kind of usually do that.
9 It's up to you guys, because I know that everybody files these motions in every case
10 to try to kind of preserve the issue, but a lot of times, there's no ruling that actually
11 needs to be entered. It's kind of worked out eventually. In this case it sounds like
12 there's something. There may be issues in contention. Do you want me to put it on
13 calendar early? I'm happy to do that. I just normally put it by calendar call, because
14 most of the time people say: Oh, it's -- you know, it's fine. We got everything we
15 needed.

16 MS. ROMNEY: Whatever you prefer is fine with me.

17 THE COURT: Let's do this. Let's save it until the calendar call date. If there's
18 an issue that you think has come up, something that the State's refusing to give you
19 or can't find, or something like that, you can put it on calendar. It only takes 48
20 hours to do so, and I'm happy to deal with it that way, but, you know, --

21 MS. ROMNEY: Sure.

22 THE COURT: -- my preference is that you guys at least try to work it out and
23 see what is or isn't out there. All right?

24 MS. ROMNEY: We can do that. Thank you.

25 MS. THOMSON: Thank you.

1 THE COURT: All right. Thanks.

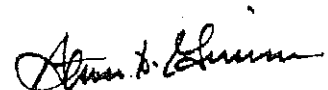
2 PROCEEDING CONCLUDED AT 9:39 A.M.

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21 ATTEST: Pursuant to Rule 3C(9) of the Nevada Rules of Appellate Procedure, I
22 acknowledge that this is a rough draft transcript, expeditiously prepared, not
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25 SARA RICHARDSON
Court Recorder/Transcriber


CLERK OF THE COURT

1 RTRAN

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 STATE OF NEVADA,

6
7 Plaintiff(s),

8 vs.

9 JAQUEZ DEJUAN BARBER,

10 Defendant.

CASE NO. C268471

DEPT. NO. XX

11 BEFORE THE HONORABLE JEROME T. TAO, DISTRICT COURT JUDGE

12
13 THURSDAY, AUGUST 4, 2011

14 **ROUGH DRAFT**
15 **RECORDER'S TRANSCRIPT OF MOTION**
16 **TO WITHDRAW AS ATTORNEY OF RECORD**

17 APPEARANCES:

18 For the State:

BARBARA F. SCHIFALACQUA
Deputy District Attorney

19
20 For the Defendant:

CLAUDIA L. ROMNEY
Deputy Public Defender

21
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23
24
25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 LAS VEGAS, NEVADA, THURSDAY, AUGUST 4, 2011, 9:07 A.M.

2 THE COURT: Top of 4, State versus Jaquez or Jaquez Barber, C268471.

3 MS. ROMNEY: Your Honor, it doesn't look like he was transported this
4 morning, and since this is his motion, he needs to be present.

5 THE COURT: Yeah. It's a motion in proper person. Is he in -- he's in NSP or
6 CCDC?

7 MS. ROMNEY: NSP.

8 THE COURT: Well, do we need to transport him? This is just the motion to
9 have the PD's office withdrawn as his counsel. Since he's already been sentenced,
10 I can grant that and then --

11 MS. ROMNEY: He hasn't been sentenced, Your Honor. This case is set for
12 trial.

13 MS. ROMNEY: Right. This is a different -- I think you're thinking of a different
14 case, Judge.

15 THE COURT: Oh, you know what, I am. There's another -- you know what,
16 there is another motion. Okay. I'm getting it mixed up. All right. Well, we need to
17 get him transported, then, so how much time do we need to do an order to transport,
18 probably a week?

19 MS. SCHIFALACQUA: Judge, I would ask for two -- at least two weeks.

20 THE COURT: Let's set it out three, just in case.

21 MS. SCHIFALACQUA: Thank you.

22 THE COURT CLERK: August 25th at 9 -- or 8:30 a.m.

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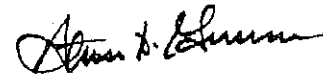
1 PROCEEDING CONCLUDED AT 9:08 A.M.

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4 ATTEST: Pursuant to Rule 3C(9) of the Nevada Rules of Appellate Procedure, I
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8 SARA RICHARDSON
9 Court Recorder/Transcriber
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CLERK OF THE COURT

1 RTRAN

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3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 STATE OF NEVADA,

6
7 Plaintiff(s),

8 vs.

9 Jaquez DeJuan Barber,

10 Defendant.

CASE NO. C268471

DEPT. NO. XX

11 BEFORE THE HONORABLE JEROME T. TAO, DISTRICT COURT JUDGE

12
13 THURSDAY, AUGUST 25, 2011

14 **ROUGH DRAFT**
15 **RECORDER'S TRANSCRIPT OF**
16 **MOTION TO WITHDRAW AS ATTORNEY OF RECORD**

17 APPEARANCES:

18 For the State:

BARBARA F. SCHIFALACQUA
Deputy District Attorney

19
20 For the Defendant:

DONISHIA CAMPBELL
Deputy Public Defender

21
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25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 LAS VEGAS, NEVADA, THURSDAY, AUGUST 25, 2011, 9:52 A.M.

2 THE COURT: Bottom of 4, State versus Jaquez or Jaquez Barber, C268471,
3 and Mr. Barber's present in custody. I'm not exactly sure what's going on here. I
4 have a motion to withdraw as attorney of record, but there's kind of no reason in it. I
5 don't know --

6 MS. CAMPBELL: Your Honor, may we approach?

7 THE COURT: Yes.

8 [Bench Conference - not transcribed]

9 THE COURT: All right. Mr. Barber, this is a motion that -- essentially it's a
10 motion that you filed, but then your attorney just kind of put a cover sheet on it, so
11 that it could be properly filed with the clerk's office. What's going on here?

12 THE DEFENDANT: It's like I have a conflict of interest with my counsel like
13 we don't see eye-to-eye on anything. I want to go to trial. They're trying to force me
14 to take a deal. Been on the case for about a year now, and I've been requesting a
15 motion for discovery the whole time. I still haven't got it at all. I can't -- I don't have
16 no contact with them at all, and they're telling my contact is in the courtroom right
17 before I see your honor. It's just like -- it's not going to work out for me wanting to
18 go to trial, and I don't -- I don't have -- I don't feel like I'll have a fair chance at all.

19 THE COURT: So, I'm not sure what you want. You want -- you want to get -

20 THE DEFENDANT: I just want to --

21 THE COURT: -- rid of the public defender and represent yourself, or do you
22 have another attorney that you're talking to? What is it that you want?

23 THE DEFENDANT: I just want to go to trial with counsel with me -- possibly
24 get another one.

25 THE COURT: -- and then --

1 THE DEFENDANT: -- if possible.

2 THE COURT: Well, I mean are you looking to hire somebody or I'm not -- you
3 want me to appoint somebody different? I'm not sure what you're asking for?

4 THE DEFENDANT: I'd rather you appoint somebody, just somebody different.

5 THE COURT: Well, it doesn't really work that way. I mean, under the law,
6 you're entitled to the appointment of a -- of counsel, who's competent and able, and
7 I can state that Ms. Romney is, but you're not necessarily entitled to a counsel of
8 your choice at State expense. I mean, you're entitled to hire any attorney that you
9 want to, but if you want one appointed, you don't get to pick and choose: Hey, I
10 want this particular person and not anybody else. That's not really how it works.
11 But, I mean I have the motion here, but you didn't really set forth any real reasons
12 for it. You just of sort of say; Well, I want a different attorney, but you didn't -- you
13 know, kind of make a record of what the issue is here; but in any event, Ms.
14 Campbell, was there anything that you wanted to add?

15 MS. CAMPBELL: Your Honor, Ms. Romney actually is the attorney of record.
16 I'm just standing in for her today. She asked that we submit on the motion, and let
17 Mr. Barber explain the reasoning for his wanting to remove her. If it's an issue of
18 discovery, he said a motion for discovery, I know there has been a motion for
19 discovery filed. Because I'm not directly involved with the case, I don't know if
20 everything has been received to this point, or even if that motion has yet been
21 entertained by the Court. If it's an issue of him being provided with discovery,
22 certainly, we have no problem giving him his discovery, and I can make sure that
23 gets done fairly quickly, even in Ms. Romney's absence. If it's some other issue, I
24 mean it's for Mr. Barber at this point to explain what the problem is, and for Your
25 Honor to make a ruling. Ms. Romney does not have any problem with representing

1 Mr. Barber, and certainly is capable of representing Mr. Barber on these charges.

2 MS. SCHIFALACQUA: And, Judge, we would obviously oppose a motion to
3 withdraw the public defender's office at this point. We don't see any reason for. I
4 look -- this isn't my case, Judge, but as I peruse the file, there have been pretrial
5 motions already submitted to this Court. With regard to discovery motions, it looks
6 like there might be alibi witnesses filed. I mean it is not as if Ms. Romney's not
7 doing it looks like a number of pretrial motions in order to prepare for trial, so at this
8 point I see absolutely zero reason why we would just have the State pay for
9 appointing, you know, a number of counsel, because at this point, Ms. Romney may
10 or may not have presented him with offers that the State has made, which she has
11 to present to him. I mean, you know, and she might give him her honest opinion or
12 not, but it looks like she's preparing full -- in full force for trial as the motions
13 themselves are shown by the record, Judge. So, and if there's anything
14 outstanding, obviously, Ms. Romney, we will give copies of anything we have in our
15 file that she doesn't have as well, Judge; so --

16 THE COURT: All right.

17 MS. CAMPBELL: If I may just add one thing to follow up with something Ms.
18 Schifalacqua said. This matter -- just as a matter of history, this matter originally at
19 the preliminary hearing was intended to be negotiated. It -- the preliminary hearing
20 was waived. There was a statement made that the matter had been negotiated. At
21 some point, Mr. Barber decided that he did not want to take that deal, and it appears
22 that Ms. Romney has been working up the file for trial, so I don't believe it's an issue
23 that offers have not been communicated, because certainly he waived his
24 preliminary hearing in anticipation of taking a negotiation, and it appears that that
25 has been communicated to him and later he has decided not to go forward with that

1 negotiation.

2 THE COURT: Right. All right. Mr. Barber, here's what's going on. It sounds
3 like your attorney has actually filed a number of motions on your behalf. I don't
4 know if maybe you didn't get copies of them, or whatever, but it's not like she's
5 doing nothing. I mean they're saying that they're looking through the file, and
6 there's a bunch of stuff out there.

7 Now in terms of an offer, if the State makes a plea bargain offer, your attorney
8 is required by law to take it to you and tell you what the offer is and make a
9 recommendation. You don't have to take it, but the fact that she's, you know,
10 suggesting that: Hey, here's an offer. It's a pretty good offer, and you might want to
11 think about it, doesn't mean that she's forcing you to take it. It doesn't mean that
12 she doesn't want to go to trial. She's required by law to reconvey any offer to you.
13 If she doesn't, she can actually be disciplined for that by the State Bar, so -- and it's
14 -- so I'm not sure -- I don't know exactly what it is that you're unhappy about. It
15 sounds like you had an issue with discovery, but it sounds like motions have been
16 made, so, you know, at this stage, I'm not sure what -- I mean sort of what the
17 problem is, but it's not like your attorney's not doing anything, and so -- I mean,
18 unless there's something that you want to -- something else that you want to state to
19 me --

20 THE DEFENDANT: Okay. They say there's been motions filed and whatnot.
21 I haven't seen or received anything, and like I said, I can't -- I don't even have Ms.
22 Romney's phone number to even make contact, period at all, nor an address,
23 whatever.

24 THE COURT: All right. So what I'm going to do then, Ms. Campbell, I'm
25 going to suggest to you that maybe -- it sounds like maybe there's a lack of

1 communication here, because he doesn't -- you know, it sounds like there's motions
2 that have been filed, but for whatever reason, maybe, you know -- I know that
3 routinely motions -- in the PD's office they send motions to you guys in jail, but
4 whether the jail delivers them to you, you know what I mean, is a whole different
5 ballgame; but -- so, what I'm going to ask that Ms. Campbell do is tell Ms. Romney
6 to maybe come, you know, talk to you or come visit you, so she can go through what
7 has been done, because it sounds like she's done a lot that you -- for whatever
8 reason, don't even know about, and maybe that will make you feel a lot better if you
9 realize that: Hey, this attorney's out there doing stuff for me. You know what I
10 mean? So, I'm going to ask them to do that, and maybe that will make you feel a lot
11 better about what's going on. All right?

12 MS. CAMPBELL: Your Honor, it appears -- I'm not sure exactly where he's
13 being housed. The State is pointing out to me that they had to transport him from
14 another facility. That might be a part of the problem in the level of communication.

15 THE COURT: That might be exactly, and it also may be -- may be why he's
16 not receiving copies of anything --

17 THE DEFENDANT: I'm at High Desert.

18 THE COURT: -- if it's not getting forwarded at wherever you are. That
19 actually sounds like it might be what's going on here.

20 MS. CAMPBELL: I'll go ahead and make a note in the file that everything is
21 provided to him at High Desert.

22 THE COURT: Right. All right. So, here's what I'm going to do. I'm going to
23 deny the motion for now, 'cause it really sounds like it's more of a, you know, an
24 issue of -- you weren't aware that your attorney was doing all this stuff, maybe
25 'cause you're at High Desert and they're not forwarding the stuff to you, but, you

1 know, I'm going to ask that she kind of update you, 'cause maybe that will make you
2 feel a lot better about what's going on, all right?

3 THE DEFENDANT: All right.

4 THE COURT: All right.

5 PROCEEDING CONCLUDED AT 10:01 A.M.

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21 ATTEST: Pursuant to Rule 3C(9) of the Nevada Rules of Appellate Procedure, I
22 acknowledge that this is a rough draft transcript, expeditiously prepared, not
proofread, corrected, or certified to be an accurate transcript.

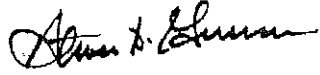
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SARA RICHARDSON
Court Recorder/Transcriber


CLERK OF THE COURT

1 RTRAN

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 STATE OF NEVADA,

CASE NO. C268471

6 Plaintiff(s),

7 vs.

DEPT. NO. XX

8 JAQUEZ DEJUAN BARBER,

9 Defendant.

10
11 BEFORE THE HONORABLE J. CHARLES THOMPSON,
12 SENIOR DISTRICT COURT JUDGE

13 TUESDAY, OCTOBER 25, 2011

14
15 **ROUGH DRAFT**
16 **RECORDER'S TRANSCRIPT OF CALENDAR CALL AND**
17 **MOTION FOR DISCOVERY**

18 APPEARANCES:

19 For the State:

J. TIM FATTIG
Chief Deputy District Attorney
HAGAR TRIPPIEDI
Deputy District Attorney

21
22 For the Defendant:

CLAUDIA L. ROMNEY
Deputy Public Defender

23
24
25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 LAS VEGAS, NEVADA, TUESDAY, OCTOBER 25, 2011, 8:34 A.M.

2 THE COURT: Jaquez Barber. Mr. Barber, the record reflect the presence of
3 the Defendant. I've got a motion for discovery in this.

4 MS. ROMNEY: Your Honor, this was -- the motion for discovery was
5 continued from a previous date. I have everything. I don't believe there's any
6 discovery outstanding, so the motion can actually be taken off calendar at this point.

7 THE COURT: A request, it's off calendar.

8 MS. ROMNEY: It's also on for calendar call, I believe.

9 THE COURT: It is?

10 MS. ROMNEY: At least --

11 THE COURT: Ready for trial?

12 MS. ROMNEY: I am. My only issue is I would ask for a Wednesday start.

13 MR. FATTIG: Judge, could we trail this one briefly. Ms. Trippiedi from our
14 office has this case. She's supposed to be down here.

15 THE COURT: Trippiedi? I don't know that name.

16 MR. FATTIG: Trippiedi, Hagar Trippiedi.

17 THE COURT: That's a new one, huh?

18 MR. FATTIG: Tricky one.

19 THE COURT: Okay. All right. I'll -- Is --

20 MR. FATTIG: She should be here -- nope that's Ms. Claudia.

21 MS. ROMNEY: Not yet.

22 THE COURT: All right. I'll trail it.

23 MR. FATTIG: Thank you.

24 [Matter trailed at 8:35 a.m.]

25 [Matter recalled at 8:50 a.m.]

1 THE COURT: State of Nevada versus Jaquez Barber.

2 MS. ROMNEY: Judge, the defense will be ready to go to trial next week.

3 THE COURT: You ready --

4 MS. TRIPPIEDI: Your Honor, --

5 THE COURT: Okay.

6 MS. TRIPPIEDI: The State's going to be asking for a continuance. Our lead
7 detective, which is a required witness is out of town on vacation and won't be
8 returning to duty until looks like November 1st, actually.

9 THE COURT: November when?

10 MS. TRIPPIEDI: November 1st, so we might actually --

11 MS. ROMNEY: We could do a Wednesday start?

12 MS. TRIPPIEDI: Be able to do a later start.

13 THE COURT: Judge Tao apparently can't start late. He can start on Monday
14 with this case.

15 MS. ROMNEY: Judge, could we approach?

16 THE COURT: Yes.

17 [Bench Conference - not transcribed]

18 THE COURT: All right. This matter is going to have to be reset, and I
19 understand the Defendant has waived the 60-day rule, so it's set in January.

20 THE COURT CLERK: How many days do you anticipate for trial?

21 THE COURT: Two to three.

22 MS. ROMNEY: Two to three.

23 THE COURT CLERK: Two to three days. I can do January 9th.

24 MS. TRIPPIEDI: That works for the State.

25 MS. ROMNEY: That's fine.

1 THE COURT CLERK: Calendar call will be January 3rd at 8:30 a.m. Jury trial
2 is January 9th at 10:30 a.m.

3 THE DEFENDANT: Okay, Your Honor, may I say something?

4 THE COURT: Yeah.

5 THE DEFENDANT: I heard you say I waived my 60-day right to trial. I never
6 waived my 60-day rights at all. In fact --

7 MS. ROMNEY: Yes, he did.

8 THE COURT: Notes I have here say you did.

9 THE DEFENDANT: When I went to my preliminary thing, I asked for a 60-day
10 speedy trial. It's just been pushed back constantly.

11 THE COURT: The notes I have here say that on December 14th, you waived
12 your 60-day rule.

13 THE DEFENDANT: Do you have the right transcripts?

14 THE COURT: I only get notes. I don't get transcripts.

15 THE DEFENDANT: All right.

16 MS. ROMNEY: He waived, Judge. You're correct.

17 THE COURT: All right.

18 MS. ROMNEY: Thank you.

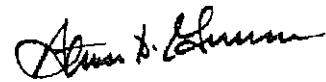
19 MS. TRIPPIED: Thank you.

20 PROCEEDING CONCLUDED AT 8:53 A.M.

21 * * * * *

22 ATTEST: Pursuant to Rule 3C(9) of the Nevada Rules of Appellate Procedure, I
23 acknowledge that this is a rough draft transcript, expeditiously prepared, not
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25 SARA RICHARDSON
Court Recorder/Transcriber


CLERK OF THE COURT

1 RTRAN

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 STATE OF NEVADA,

CASE NO. C268471

6 Plaintiff(s),

DEPT. NO. XX

7 vs.

8 JAQUEZ DEJUAN BARBER,

9 Defendant.

10
11 BEFORE THE HONORABLE JEROME T. TAO, DISTRICT COURT JUDGE

12 THURSDAY, DECEMBER 8, 2011

13
14 **ROUGH DRAFT**
15 **RECORDER'S TRANSCRIPT OF DEFENDANT'S**
16 **PRO SE MOTION TO WITHDRAW COUNSEL**

17
18 APPEARANCES:

19 For the State:

DANAE ADAMS
Chief Deputy District Attorney

20
21 For the Defendant:

CLAUDIA L. ROMNEY
Deputy Public Defender

22
23
24
25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 LAS VEGAS, NEVADA, THURSDAY, DECEMBER 8, 2011, 9:53 A.M.

2 THE COURT: Bottom of 8, State versus Jaquez Barber, C268471.

3 MS. ROMNEY: Judge, I don't think he got transported over from the prison,
4 but could we approach just briefly.

5 THE COURT: Sure.

6 [Bench conference -- not transcribed]

7 THE COURT: All right. This is a motion filed in proper person to withdraw
8 counsel, and the Defendant is not here, but based on the representations that have
9 been made at the bench, it sounds like -- although the motion is -- I'll note -- first of
10 all the motion's technically not proper because it was filed in proper person even
11 though the Defendant is represented by an attorney, and the motion doesn't really
12 contain any reasons why he wants to change attorneys. It's really kind of a blank
13 motion, but based on some of the representations that have been made at the
14 bench, it appears that there has been some kind of breakdown in communication, so
15 what I'm going to do is continue this for two weeks, and we'll have the State do an
16 order to transport, and we'll bring Mr. Barber here and find out what's going on.
17 There's been a representation that he's not even returning calls from his attorney,
18 which is unusual, because the normal complaint from Defendants is that their
19 attorney isn't calling them enough, so this is obviously something going on here, so
20 let's bring him up here and try to find out what's going on, so we'll set it out two
21 weeks, and is two weeks enough time for an order to transport?

22 MS. ADAMS: Are you asking the State to do it, sure? Hopefully.

23 THE COURT: You're the only one they listen to.

24 MS. ADAMS: That's fine, Your Honor.

25 THE COURT: All right. Let's do two weeks and have the State do an order to

1 transport, then.

2 THE COURT CLERK: December 22nd, 8:30 a.m.

3 THE COURT: All right. See you guys then.

4 MS. ROMNEY: Thank you.

5 PROCEEDING CONCLUDED AT 9:58 A.M.

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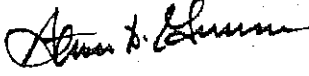
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SARA RICHARDSON
Court Recorder/Transcriber


CLERK OF THE COURT

1 RTRAN

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DISTRICT COURT
CLARK COUNTY, NEVADA

4

5 STATE OF NEVADA,

6

Plaintiff(s),

7

vs.

CASE NO. C268471

8

JAQUEZ DEJUAN BARBER,

9

Defendant.

10

11

BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE

12

THURSDAY, DECEMBER 22, 2011

13

14

ROUGH DRAFT
RECORDER'S TRANSCRIPT OF DEFENDANT'S
PRO SE MOTION TO WITHDRAW COUNSEL

15

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APPEARANCES:

18

For the State:

19

SONIA V. JIMENEZ
Chief Deputy District Attorney

20

For the Defendant:

21

CLAUDIA L. ROMNEY
Deputy Public Defender

22

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RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 LAS VEGAS, NEVADA, THURSDAY, DECEMBER 22, 2011, 9:33 A.M.

2 THE COURT: C268471, Page 1A, Jaquez Barber, who's housed at Nevada --
3 Indian Springs.

4 MS. ROMNEY: That's correct.

5 THE COURT: His motion to withdraw counsel, which is granted. You're
6 allowed to withdraw. The public defender will send the file to Barber, and then file a
7 one-page verification that you -- what you sent.

8 MS. ROMNEY: We've previously sent it, Judge, but I'm happy to send it
9 again.

10 MS. JIMENEZ: He is a pro per requesting to withdraw his counsel, but he
11 filed it in October.

12 THE COURT: Oh. I thought he'd already been convicted. Sorry, I didn't look
13 at these notes. Well, he can't withdraw. Let's --

14 MS. ROMNEY: Judge, this was continued from December 8th, because Mr.
15 Barber was not transported, and Judge Tao wanted him transported to be here to
16 address his concerns directly with the court. I don't know if you'd want to continue it
17 another two weeks.

18 THE COURT: Well, we have -- we'll have to have him here.

19 MS. JIMENEZ: Okay. I'll make a note.

20 THE COURT: You guys go hocus pocus and get him here.

21 MS. JIMENEZ: Yes, Judge.

22 THE COURT CLERK: The calendar call date is January 3rd. You want to just
23 continue it to that date?

24 THE COURT: Yeah. We'll continue it to January 3rd. Be prepared to go to
25 trial.

1 MS. ROMNEY: We are.

2 THE COURT CLERK: January 3rd, 8:30 a.m.

3 MS. ROMNEY: Thank you.

4 THE COURT: Thank you.

5 PROCEEDING CONCLUDED AT 9:35 A.M.

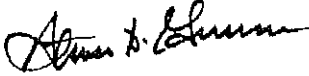
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25 SARA RICHARDSON

Court Recorder/Transcriber


CLERK OF THE COURT

1 RTRAN

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 STATE OF NEVADA,

6 Plaintiff(s),

7 vs.

8 JAQUEZ DEJUAN BARBER,

9 Defendant.

CASE NO. C268471

DEPT. NO. XX

10
11 BEFORE THE HONORABLE JEROME T. TAO, DISTRICT COURT JUDGE

12 TUESDAY, JANUARY 3, 2012

13
14 **ROUGH DRAFT**
15 **RECORDER'S TRANSCRIPT OF CALENDAR CALL AND**
16 **DEFENDANT'S PRO SE MOTION TO WITHDRAW COUNSEL**

17 APPEARANCES:

18 For the State:

MICHAEL J. SCHWARTZER
Deputy District Attorney

19 For the Defendant:

20 CLAUDIA L. ROMNEY
21 KERRI J. MAXEY
22 Deputies Public Defender

23
24 RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 LAS VEGAS, NEVADA, TUESDAY, JANUARY 3, 2012, 9:09 A.M.

2 THE COURT: Bottom of 3, State versus Jaquez Barber, C268471. You're
3 Mr. Barber? All right. He's present in custody.

4 MS. ROMNEY: Judge, can we approach, please?

5 THE COURT: Sure.

6 [Bench Conference - not transcribed]

7 THE COURT: All right. Before we get to the calendar portion of the case, Mr.
8 Barber has filed a motion on his own without his attorney seeking to have his
9 counsel withdrawn from the case, but, Mr. Barber, you didn't put a lot of reasons in
10 here. It's just sort of -- you filled in the blanks, but I don't know what's going on
11 here. Based on -- it's my understanding that you're not accepting calls from your
12 attorney. What's going on here?

13 THE DEFENDANT: Just the exact opposite, man. I've been trying to get a
14 hold of them for like a past month. I couldn't get hold of her at all. I don't know if it's
15 because they were in court, or they're just not there; but I mean that's not the only
16 reason. I've been trying to go to trial for about a year. It's being getting pushed
17 back for uncause [sic] of reasons. I just had to file the motion I'm on to get my
18 discovery which they had since March of last year. I mean, it's no effort, coming up
19 from their side at all.

20 THE COURT: All right. So, you're saying that you've actually been trying to
21 reach your attorney? Is that what you're saying?

22 THE DEFENDANT: Yes.

23 THE COURT: All right. So, it's not that you're necessarily -- that they've done
24 anything specific. You just -- you're just not being able to communicate with them.
25 Is that's what's going in, and they're not responding to your requests for discovery?

1 THE DEFENDANT: Yeah. I just feel like they don't got my best interests in
2 what I want to do in this case at all.

3 THE COURT: All right. Well, I know sometimes the PDs are a little bit hard to
4 reach, because they are in court basically all morning long, and I know that you guys
5 have limited times when you can actually use the phone, and plus sometimes when
6 you try to call in there, they might, you know, even let you know that there's a call for
7 you. So let's do this. It doesn't sound like what's going on here is really
8 irreconcilable. It's a communication problem. I take it the parties are not
9 announcing ready, obviously, since it sounds like there hasn't even been
10 communication. So here's what we're going to do. We're going to vacate the trial
11 date based on what's going on here.

12 MS. ROMNEY: Actually, we are ready.

13 THE COURT: Oh, you are ready?

14 MS. ROMNEY: The case has been going on long enough.

15 THE COURT: Right.

16 MS. ROMNEY: It was continued for discovery reasons previously. We have
17 everything that we need, so at this point we're ready to go.

18 THE COURT: All right. Mr. Barber, your --

19 MR. SCHWARTZER: State's ready, as well, Judge.

20 THE COURT: Your attorney is saying that they're actually ready to go to trial.
21 I understand that, you know, maybe they haven't talked with you as much as you
22 would have liked, but it sounds like they've got everything they need. They've been
23 doing some investigation. You ready to go to trial?

24 THE DEFENDANT: Absolutely.

25 THE COURT: All righty. How many days; how many witnesses?

1 MS. ROMNEY: We think it will be about 3 days.

2 MR. SCHWARTZER: State has 8 to 10 witnesses; 3 days, Judge.

3 THE COURT: All right. So based on what I'm hearing, then, the motion to
4 withdraw counsel that was filed in proper person is denied, and this is the lowest
5 case number, and nobody else on the stack has invoked, so you guys are up, then,
6 next week starting on Monday, then.

7 MS. ROMNEY: And, Judge, I just ask that he stay at CCDC until his trial date

8 --
9 THE COURT: Right. That makes sense.

10 MS. ROMNEY: so that we can go visit him.

11 THE COURT: All right. So, you guys are set. We'll set you guys Monday
12 morning at 9:00 o'clock, unless you guys can't make it. I don't know if you have
13 justice court appearances or anything, but that's -- you know, Monday we can do a
14 full trial date and get the jury picked, hopefully by lunch, depending. Let's do that,
15 and then I will order that Mr. Barber be held at CCDC so that he can assist in his
16 defense and his counsel over next week.

17 All right. You guys are set then. See you Monday morning.

18 MS. ROMNEY: Thank you.

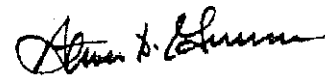
19 PROCEEDING CONCLUDED AT 9:13 A.M.

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24 SARA RICHARDSON
25 Court Recorder/Transcriber


CLERK OF THE COURT

1 RTRAN

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 STATE OF NEVADA,

6 Plaintiff(s),

7 vs.

8 JAQUEZ DEJUAN BARBER,

9 Defendant.

CASE NO. C268471

DEPT. NO. XX

10
11 BEFORE THE HONORABLE JEROME T. TAO, DISTRICT COURT JUDGE

12
13 TUESDAY, JANUARY 10, 2012

14 **ROUGH DRAFT**

15 **RECORDER'S TRANSCRIPT OF FURTHER PROCEEDINGS: RESET TRIAL**

16
17 APPEARANCES:

18 For the State:

HAGAR TRIPPIEDI
Deputy District Attorney

19
20 For the Defendant:

CLAUDIA L. ROMNEY
Deputy Public Defender

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24
25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 LAS VEGAS, NEVADA, TUESDAY, JANUARY 10, 2012, 10:35 A.M.

2 THE COURT: Top of 14, State versus Jaquez or Jaquez Barber, C268471.

3 This is on for resetting of trial. Mr. Barber's present in custody. We had an issue
4 with the attorneys, was it last week or this week? I can't remember.

5 MS. ROMNEY: It was late last week, Judge. We were obviously ready to go
6 forward --

7 THE COURT: Right.

8 MS. ROMNEY: -- with trial. The DA notified us about some issues and why
9 we weren't able to go forward with trial this week as planned, so we were able to
10 contact chambers. Just so that it's on the record, and so Mr. Barber knows. I'll be
11 going on leave, and so the next stack in March is not an option, and the first trial
12 setting where we're both back from leave is in October, and I understand that that's
13 a large continuance, and I know he's not happy about that.

14 THE DEFENDANT: And you know, what's the chance of me representing
15 myself? I've been doing this way too long.

16 MS. ROMNEY: I can send him information on *Faretta* if he wants to --

17 THE COURT: Yeah, you just --

18 MS. ROMNEY: -- explore that, but --

19 THE COURT: -- give him the canvass, yeah, sheet, but, I mean, the problem
20 is is apparently everybody on this track's pregnant is the problem.

21 MS. ROMNEY: So, like I said, I know he's not happy about that, but -- and
22 you know, Judge, that we have kind of a strict policy about vertical representation,
23 which is why I have to keep the case. I can't have someone just fill in for me while
24 I'm gone, --

25 THE COURT: Right.

1 MS. ROMNEY: -- especially at this point in the proceeding, and so --

2 THE COURT: All right.

3 MS. ROMNEY: -- the date we got was October.

4 MR. TRIPPIED: I would also like to put on the record, Your Honor, that the
5 Defendant is also in custody on another matter, so this isn't the only case that he's
6 being held on right now.

7 THE COURT: All right. All right. Here's what I'm going to do. Based on the
8 representations, let's set this for whatever we have in Octoberish --

9 MS. ROMNEY: I think we got the first week.

10 THE COURT CLERK: The first week that it's available is October 7th for jury
11 trial at 10:30; calendar call will be October 1st at 8:30.

12 THE COURT: And here's what I'm going to do is, Mr. Barber, if you want to --

13 THE MARSHAL: Stand up, Mr. Barber. Stand up.

14 THE DEFENDANT: I was.

15 THE MARSHAL: Stand up.

16 THE DEFENDANT: Get me the fuck out of here, man.

17 MS. ROMNEY: Stand up. You can't -- I'm not going to come until you stand
18 up.

19 THE DEFENDANT: He can't -- he can't come to me.

20 MS. ROMNEY: I know. Stand up.

21 THE DEFENDANT: Look; I'm angry.

22 THE MARSHAL: Stand up in this courtroom. Go ahead and sit down,
23 gentlemen. You stay standing while the Judge is addressing you. You understand
24 me?

25 THE DEFENDANT: He ain't addressing me.

1 THE MARSHAL: Yes, he is addressing you, and your case.

2 THE DEFENDANT: I'm ready to go.

3 THE COURT: All right. Reset the trial for October 7th. Here's what I'm going
4 to do. Mr. Barber, if you want to represent yourself, all right, what your attorney's
5 going to do is she's going to come talk to you and explain to you the procedures for
6 doing so. You have the right to do so if that's what you want to do, but we have to
7 make sure that you actually understand what you're getting into. You understand
8 that? Mr. Barber, did you hear what I just said?

9 THE DEFENDANT: Yeah.

10 THE COURT: All right. So, Ms. Romney, you'll talk with him about that and
11 about *Faretta* and all that?

12 MS. ROMNEY: I will, and then if there's something --

13 THE COURT: And if he really wants to go ahead and do it, then put it back on
14 calendar for a canvass, all right?

15 MS. ROMNEY: I will, and then just to make sure there's no confusion, Judge.
16 He had been remanded to CCDC pending trial. Since, obviously, we're not going
17 forward, I didn't want there to be any delay in having him go back to the prison to be
18 housed.

19 THE COURT: Right. All right. So I'm going to vacate the previous order that
20 he be remanded to CCDC, so they'll take him wherever he -- I don't know what's
21 going with the other case, but wherever is appropriate, they'll, you know, make that
22 call. All right. So, Mr. Barber, if you want to represent yourself, talk to your lawyer
23 about it. We'll put it back on calendar and get that procedure started if that's what
24 you really want to do. All right? Mr. Barber, I just asked you a question.

25 THE DEFENDANT: What's up?

1 THE COURT: You know what I could do, Mr. Barber? Regardless of whether
2 you're even convicted in this case, I could sentence you to six months in jail even if
3 you're innocent. You want me to do that?

4 THE DEFENDANT: I'm not guilty and I never was.

5 THE COURT: I can add that on to the end. In October, even if you're found
6 not guilty, or whatever sentence I give you, I can throw you in jail for contempt for an
7 additional time. Do you want me to do that?

8 All right. I have now asked Mr. Barber, the same question twice. Are you
9 answering or you're not answering?

10 THE DEFENDANT: I don't got nothing to say, Your Honor. I already told you
11 that.

12 THE COURT: All right. Well, I don't even know --

13 MS. ROMNEY: Judge, I --

14 THE COURT: -- if it's worth it to put an order to show cause hearing on for
15 you and find you in contempt and sentence you to more time. I don't even know if
16 it's worth it. On behalf of your client.

17 MS. ROMNEY: Judge, I know you're frustrated, and I don't know that there's
18 necessarily an excuse for Mr. Barber to be disrespectful, but I would at least note
19 that he's just disappointed with the fact that this case now has been continued. I
20 explained why we had to continue it, but I just think he's letting -- he's reacting
21 emotionally, and letting his anger get the best of him here in court, and that's why
22 he's not acting appropriately, so.

23 THE COURT: All right. Well, we're set for October 7th. If you guys want to
24 put it on calendar for anything else, you're welcome to do so. All right?

25 MS. ROMNEY: Thank you.

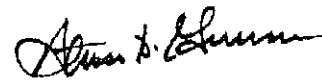
1 PROCEEDING CONCLUDED AT 10:40 A.M.

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3 ATTEST: Pursuant to Rule 3C(9) of the Nevada Rules of Appellate Procedure, I
4 acknowledge that this is a rough draft transcript, expeditiously prepared, not
proofread, corrected, or certified to be an accurate transcript.

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6 SARA RICHARDSON
7 Court Recorder/Transcriber


CLERK OF THE COURT

1 RTRAN

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 STATE OF NEVADA,

6 Plaintiff(s),

7 vs.

8 JAQUEZ DEJUAN BARBER,

9 Defendant.

CASE NO. C268471

DEPT. NO. XX

10
11 BEFORE THE HONORABLE JEROME T. TAO, DISTRICT COURT JUDGE

12 THURSDAY, SEPTEMBER 20, 2012

13
14 **ROUGH DRAFT**
15 **RECORDER'S TRANSCRIPT OF HEARING: FARETTA HEARING**

16 APPEARANCES:

17 For the State:

DANAE ADAMS
Chief Deputy District Attorney

18
19 For the Defendant:

CLAUDIA L. ROMNEY
Deputy Public Defender

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24 RECORDED BY: SARA RICHARDSON, COURT RECORDER

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Rough Draft - page 1

1 LAS VEGAS, NEVADA, THURSDAY, SEPTEMBER 20, 2012, 9:11 A.M.

2 THE COURT: Top of 2, State versus Jaquez Barber, C268471.

3 MS. ROMNEY: Judge, before we begin, could we approach, just briefly?

4 THE COURT: Sure.

5 [Bench Conference - not transcribed]

6 THE COURT: All right. Mr. Barber, this is on for what's call a *Faretta* canvass
7 based on your representation that you wanted to represent yourself. Do you still
8 want to do that?

9 MS. ROMNEY: You have to speak out loud. It's on the record.

10 THE COURT: Yeah. You can't just shake your head. It's that a yes or a no?

11 THE DEFENDANT: No.

12 THE MARSHAL: You need to speak up.

13 THE COURT: Wait. I can't hear you. Did you say no?

14 THE DEFENDANT: I said no.

15 THE COURT: So you don't want to represent yourself?

16 THE DEFENDANT: Nah.

17 THE COURT: All right. So, I previously appointed the public defender's
18 office, and Ms. Romney was your attorney, but are you willing to be represented by
19 her now or what?

20 THE DEFENDANT: I would like another counsel, but --

21 THE COURT: All right. Well, all right. So my understanding is you don't want
22 to represent yourself anymore, but you want a counsel -- apparently there's some
23 issue with Ms. Romney.

24 Here's the situation. The way it works is I previously appointed the office of
25 the public defender. I can't order that they appoint a particular attorney, because

1 the way it works is they're a county agency, and when I appoint them, they have
2 their internal procedures as to who they actually assign to you as their attorney. I
3 can't sit here and say: I want Mr. Kane to be your attorney. That's not up to me,
4 that -- because I may be, for all I know, violating their procedures, and he's got a
5 tremendous case load and it may not fit with your schedule, so if you want to be
6 represented by an attorney, your attorney's going to be the public defender's office
7 and whoever they assign whom I'm presuming is Ms. Romney, unless -- who's your
8 team chief now, Ms. Romney?

9 MS. ROMNEY: Dianne Dickson.

10 THE COURT: Oh, she was here a second ago --

11 MS. ROMNEY: She was here, but she just left.

12 THE COURT: -- unless you want to have a conversation with Ms. Dickson,
13 maybe. Maybe there's something she can do, at least talk with him about what goes
14 on.

15 MS. ROMNEY: Judge, we did that before when Mr. Frierson was the team
16 chief was up, and, you know, it's just -- we -- that's our policy, you know, that we --

17 THE COURT: Right.

18 MS. ROMNEY: -- after we have -- I've been on this case now for I think a
19 couple of years. You know, we're ready to go to trial. The trial date is October 7th, --

20 THE COURT: It's coming up, yeah.

21 MS. ROMNEY: -- so I assume both sides are going to be ready to go. We've
22 been ready for a while, so.

23 THE COURT: All right. So, the situation, Mr. Barber, is, I mean, if you want
24 an attorney, your attorney would be -- is going to be Ms. Romney according to their
25 procedure, which I'm not going to overrule. I'm not sure I could overrule them

1 anyway, so your choices are: Do you want to go to trial with her or do you want to
2 represent yourself.

3 THE DEFENDANT: I'll go to trial with her.

4 THE COURT: All right. Then, what we'll do is we'll take it off calendar. You
5 have a calendar call coming up on October 2nd, and, Ms. Romney, I don't know if the
6 issue was that -- you know, sometimes the complaint is you guys don't go and visit
7 him enough, so I would -- I'm not going to order, but I would request that you go and
8 visit him this afternoon, if you can, and sit down with him. It sounds like he's willing
9 to give it a shot, so maybe see if you can work something out with him.

10 MS. ROMNEY: We will keep trying just like we have been, Judge.

11 THE COURT: All right. Thanks.

12 PROCEEDING CONCLUDED AT 9:15 A.M.

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21 ATTEST: Pursuant to Rule 3C(9) of the Nevada Rules of Appellate Procedure, I
22 acknowledge that this is a rough draft transcript, expeditiously prepared, not
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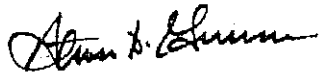
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SARA RICHARDSON
Court Recorder/Transcriber


CLERK OF THE COURT

1 RTRAN

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3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5 STATE OF NEVADA,

6
7 Plaintiff(s),

8 vs.

9 JAQUEZ DEJUAN BARBER,

10 Defendant.

CASE NO. C268471

DEPT. NO. XX

11 BEFORE THE HONORABLE JEROME T. TAO, DISTRICT COURT JUDGE

12
13 TUESDAY, OCTOBER 2, 2012

14 **ROUGH DRAFT**
15 **RECORDER'S TRANSCRIPT OF CALENDAR CALL**

16
17 APPEARANCES:

18 For the State:

HAGAR TRIPPIEDI
Deputy District Attorney

19
20 For the Defendant:

CLAUDIA L. ROMNEY
Deputy Public Defender

21
22
23
24
25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 LAS VEGAS, NEVADA, TUESDAY, OCTOBER 2, 2012, 8:56 A.M.
2 THE COURT: All right. Bottom of 2, State versus Jaquez Barber, C268471.

3 MS. ROMNEY: Your Honor, --

4 THE COURT: Okay. Yeah.

5 [Matter trailed]

6 [Matter recalled at 9:39 a.m.]

7 THE COURT: Bottom of 2, State versus Jaquez or Jaquez Barber, C268471.
8 Mr. Barber's present in custody. How do you pronounce your first name?

9 THE DEFENDANT: Jaquez.

10 THE COURT: Jaquez, I'm sorry. This is on for calendar call. What are we
11 doing?

12 MS. ROMNEY: We are ready. The State is ready as well. We were going to
13 ask Your Honor for a couple of things. We were going to ask to see if we could start
14 Thursday? It's a very short trial.

15 THE COURT: Thursday?

16 MS. ROMNEY: It's two days max, so I think -- Wednesday, if you think that's
17 a big problem, but the reason that we're asking for a start a little bit later, is so that
18 we can give enough -- the State wants to make sure that they have a firm date for
19 their expert who's flying in from New Mexico.

20 THE COURT: Okay.

21 MS. ROMNEY: And that they have some notice, so I don't know what your
22 schedule is.

23 THE COURT: Well, here's the thing is. Normally, when I start on Mondays,
24 we can start at 9:00 in the morning. On Wednesday -- on Tuesday, Wednesdays
25 and Thursdays, I have morning calendars, and so we can't really start until 1:00, so

1 if we start on a Thursday, we probably won't have the jury picked until the end of the
2 day, so essentially you have one day to do the trial. That's my problem with a
3 Thursday start.

4 MS. TRIPPIEDI: Which should be enough.

5 MS. ROMNEY: It's going to be enough time, Judge. It's four witnesses.

6 [Conversation between Judge and staff - not transcribed]

7 THE COURT: I mean, people don't usually ask for a Thursday start, so I
8 didn't actually honestly look that far in the week.

9 MS. ROMNEY: I know it's a little unusual.

10 MS. TRIPPIEDI: If there's nothing going on Monday, we can -- 'cause
11 potentially Monday, we'd just be picking the jury, so I can just let my witness know
12 Tuesday is the day that we need her.

13 MS. ROMNEY: I think we were just trying to get a day to be able to tell her --

14 THE COURT: No; I understand.

15 MS. ROMNEY: -- and give her enough notice to make arrangements, but --

16 THE COURT: Yeah. Honestly, my hesitation right now is I just didn't check

17 Thursday and Friday of next week. Let's do this. Can your witness come in on
18 Tuesday, 'cause we can pick a jury on Monday, let them go home early, and then
19 come back on Tuesday. Would that work for your expert or not?

20 MS. TRIPPIEDI: I'm sure that would work. I just need a firm day, so whether
21 it's Tuesday or Thursday, it really makes no difference.

22 THE COURT: So how many other witnesses do you have?

23 MS. TRIPPIEDI: About three other witnesses besides the expert, so four --
24 about four total.

25 THE COURT: So if we -- does that work for you, Ms. Romney, if we start on

1 Monday with the expectation if we get a jury picked by lunchtime, and then the
2 expert's the next witness, we'll just send everybody home early. Is that work for you
3 or --

4 MS. ROMNEY: Yeah. Could we approach just briefly?

5 THE COURT: Sure.

6 [Bench Conference - not transcribed]

7 THE COURT: All right. Let's do this. We're going to set this for a Tuesday
8 start. We'll start at Tuesday at 1:00 o'clock, and so you can tell your expert to show
9 up on Wednesday afternoon, then, and then we'll also set a continued calendar call
10 on Thursday to double check on the scheduling with the expert and everything.

11 MS. TRIPPIEDI: Okay.

12 MS. ROMNEY: Okay.

13 THE COURT: Does that work?

14 MS. TRIPPIEDI: That's perfect.

15 THE COURT CLERK: October 4th at 8:30.

16 MS. ROMNEY: And, Judge, can I -- I just make a request that Mr. Barber stay
17 at CCDC this week leading up into trial --

18 THE COURT: Sure. That makes sense.

19 MS. ROMNEY: -- so that we can have better access to him.

20 THE COURT: Sure. All right. He'll be remanded to CCDC. Is there any
21 specific verbiage that you need to -- me to use so they can talk to each other for the
22 trial?

23 CORRECTIONS OFFICER: They'll get an order.

24 THE COURT: All right. See you guys Thursday, and that'll also give me a
25 chance to double check my calendar and clear off the decks on -- you know, for a

1 somewhat late start then. All right; excellent.

2 MS. ROMNEY: Thank you.

3 MS. TRIPPIEDI: Thank you, Judge.

4 PROCEEDING CONCLUDED AT 9:45 A.M.

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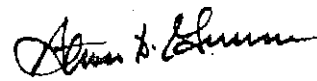
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SARA RICHARDSON
Court Recorder/Transcriber


CLERK OF THE COURT

1 RTRAN

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DISTRICT COURT
CLARK COUNTY, NEVADA

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STATE OF NEVADA,

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Plaintiff(s),

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vs.

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JAQUEZ DEJUAN BARBER,

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Defendant.

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11

BEFORE THE HONORABLE JEROME T. TAO, DISTRICT COURT JUDGE

12

13

THURSDAY, OCTOBER 4, 2012

14

15

ROUGH DRAFT
RECORDER'S TRANSCRIPT OF CALENDAR CALL

16

17

APPEARANCES:

18

For the State:

HAGAR TRIPPIEDI
Deputy District Attorney

19

20

For the Defendant:

CLAUDIA L. ROMNEY
KERRI J. MAXEY
Deputies Public Defender

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RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 LAS VEGAS, NEVADA, THURSDAY, OCTOBER 4, 2012, 8:49 A.M.

2 THE COURT CLERK: Ms. Romney, are you ready on your case?

3 MS. ROMNEY: Yes.

4 MS. TRIPPIEDI: No.

5 MS. ROMNEY: Well, do you mind trailing this? We were --

6 THE COURT: Which one?

7 MS. ROMNEY: Barber, the top of 6.

8 THE COURT: Oh, we're waiting for -- who's the DA on that case?

9 MS. TRIPPIEDI: Me.

10 MS. ROMNEY: She's the DA. We got a new offer Tuesday morning, --

11 THE COURT: Okay.

12 MS. ROMNEY: -- and so we'd like an opportunity to have a guilty plea
13 agreement prepared so that Mr. Barber can review it. Ms. Trippiedi was going to
14 see if that something that we could maybe accomplish this morning, so I was just
15 going to give her some time to try to get in contact with her secretary.

16 THE COURT: Okay. So do you want me to just trail it for a little while then?

17 MS. ROMNEY: Yeah. I think that would be good.

18 [Matter trailed]

19 [Recalled at 10:35 a.m.]

20 THE COURT: All right. This is State versus Jaquez Barber, C268471. Mr.
21 Barber's present in custody. What's going on in this case for the record?

22 MS. ROMNEY: Your Honor, I provided Mr. Barber with a copy of the Guilty
23 Plea Agreement, the Second Amended Information that would be filed if he decided
24 to go through with the Guilty Plea Agreement, as well as a couple of statutes that he
25 requested. He wants some time to review all of those documents. I understand with

1 the Court and the DA's calendar that tomorrow doesn't work, but I would request
2 coming back here before Your Honor this afternoon at about 4:00 o'clock for his
3 decision and enter a plea.

4 THE COURT: All right. Let's go ahead and set it at 4:00 o'clock today, and
5 hopefully that'll give Mr. Barber enough time to call or talk to whoever he wants to
6 talk to. All right. See you guys at 4:00 o'clock then.

7 MS. ROMNEY: Thank you. I appreciate the accommodation, Judge.

8 [Recalled at 4:20 p.m.]

9 THE COURT: All right. State versus Jaquez Barber, C268471. Mr. Barber's
10 present in custody. What are we doing on this case?

11 MS. ROMNEY: Judge, I gave Mr. Barber a copy of the Guilty Plea
12 Agreement. Just for the Court's edification, the offer was to plead guilty to attempt
13 theft, 3 counts, with both parties stipulating to gross misdemeanor treatment; that
14 the State would make no recommendation as to his sentence, and have no
15 opposition to concurrent time between counts and concurrent to the prison sentence
16 that he's currently serving.

17 He wanted the opportunity to think about it. We gave him that opportunity.
18 We talked to him at length about it, and he's making the decision now that he would
19 rather go forward with trial on Tuesday. I know that you have settlement
20 conferences tomorrow and that the DA has her witnesses coming in for pretrials,
21 you know, starting in the morning, so I did tell him that this was his chance if he
22 wanted to take the offer.

23 In all honesty, you know, he's going forward against our advice, but it's his
24 decision to make, so that's where we're at.

25 THE COURT: All right. Let me -- Mr. Barber, you're sure you want to turn this

1 deal down? It's my understanding that it's basically three gross misdemeanors
2 concurrent and concurrent to the sentence that you're already serving, right? Which
3 means effectively it doesn't add a day onto your sentence; whereas if you go to trial,
4 you're charged with a burglary and a grand larceny. Is it a one to five grand larceny,
5 or one to ten?

6 MS. ROMNEY: Judge, the burglary's the one to ten, and the grand larceny is
7 one to five.

8 THE COURT: One to five. All right. So basically you're looking at a one to
9 ten plus a one to five, two felonies, and it's -- so you'd get two more felonies and
10 that may add on to your time. I mean, I'm -- you know, I don't know the facts of that
11 case. The trial hasn't happened yet, but at sentencing it's conceivable that those
12 charges could be run consecutive to the sentence that you have now; and even if
13 they're not run consecutive, when you come up for parole, the fact that you have two
14 more felonies is going to be something that the parole board when you're up in six
15 years, or however many years you have left, is going to take into consideration as a
16 big strike against you. Do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: So you want to go ahead and take that risk of making it -- you
19 doing more time on -- and, in fact, potentially considerably more time?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: You sure? Just want to make sure, 'cause here's the -- the
22 maximum sentence, and I'm sure your attorneys have talked to you about this. The
23 maximum sentence possible on a burglary is a four years to ten years. A grand
24 larceny is a two to five. If they're run consecutive, that's a six to fifteen. If it's run
25 consecutive to what you have now, you're going to end up doing a twelve to thirty --

1 MS. ROMNEY: Years.

2 THE COURT: -- total -- years. You understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And you want to go ahead and take that risk?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: All right. Then we'll set this for trial and --

7 MS. TRIPPIED! I just want to make a record before you continue that. There
8 are no further deals offered. You know, that he can't walk in the day of trial on
9 Tuesday and try to take this deal back. The offer is officially off the table as far as
10 our office is concerned. We're proceeding on Tuesday.

11 THE COURT: All right.

12 MS. ROMNEY: Or Monday, and I'm not -- I don't mean to interrupt, but since
13 we have that kind of extra day. Today is your day is all she's --

14 THE COURT: So you understand that, but right now the offer is essentially -- I
15 know it's technically three gross misdemeanors, but they're all concurrent, so it's --

16 ~~MS. TRIPPIED! He's not going to be able to take it on Monday.~~

17 MS. ROMNEY: That's what I said.

18 MS. TRIPPIED! Oh, okay, okay.

19 THE COURT: Right. She's saying today is the Monday. So, this is your last
20 chance at a gross misdemeanor is what they're saying. Basically, from here on out
21 you're going to trial or you plead straight up to two felonies. There's -- If you don't
22 take the gross misdemeanors now, then you're looking at felonies. You understand
23 that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: All right. If that's what you want to do, then in terms of -- State,

1 I know you had the expert coming in from out of town. When do you --

2 MS. TRIPPIED: We don't have -- we have a local expert now. She repitched
3 everything.

4 THE COURT: Oh, so we can -- can we start anytime or what are we doing?

5 MS. ROMNEY: Well, we were already set for Tuesday and Wednesday, --

6 THE COURT: Okay.

7 MS. ROMNEY: -- so I don't, at this point, see any reason that we couldn't be
8 ready and just keep those times.

9 THE COURT: Well, the only thing I'm worried about is, and, you know,
10 depending on how jury voir dire goes, Tuesday, we can't start 'til the afternoon. If
11 we start Monday, you know, it's easier to pick a jury. What I'm concerned about is
12 Tuesday, you're running up against the 5:00 o'clock deadline, and then if we don't
13 pick a jury, the entire panel has to come back the next day, versus Monday, if we
14 can start at least in the morning, we can get the jury picked and maybe send them
15 home. Is that not possible?

~~16 MS. ROMNEY: My only issue is that I have prelims Tuesday morning, with~~
17 call-offs on Monday, --

18 THE COURT: Oh; that's right.

19 MS. ROMNEY: -- and that's why I was trying -- we talked about it last time.
20 That was my big concern was starting Monday, just because we're still down -- a
21 few months down --

22 THE COURT: Okay.

23 MS. ROMNEY: And so I would just rather keep things -- it's -- honestly,
24 Judge, I don't expect that it would take us longer than that afternoon to pick the jury.
25 I mean but for crazy circumstances, you know, where maybe a lot of people think

1 some outlandish things, I don't expect it to be a problem --

2 THE COURT: Right.

3 MS. ROMNEY: -- to stay in that afternoon, and I -- I know we've said, you
4 know, four witnesses, you know, so I don't think there's going to be any problem
5 wrapping up by 5:00 o'clock on Wednesday either --

6 THE COURT: Okay.

7 MS. ROMNEY: -- 'cause we don't anticipate calling anybody, so it would
8 literally just be the four that the State calls.

9 [Conversation between Judge and staff -- not transcribed]

10 THE COURT: And what department is your Tuesday morning prelim in?

11 MS. ROMNEY: Justice Court 1, Judge Lippis.

12 THE COURT: Oh, she's pretty fast. I'm wondering if we could start, just to be

13 --

14 MS. ROMNEY: If you wanted to try and start at 11:00, or, you know, some
15 earlier time, I can --

16 ~~THE COURT: Yeah. That's what I was just thinking maybe like 11ish or~~

17 maybe -- you know, have them come in for an early lunch and start at 12:00. I'm
18 just sort of playing with different times here, 'cause it sounds like I have a somewhat
19 big Tuesday calendar, but there's no evidentiary hearings, which are always the
20 issue, and your prelim's set at 9:00 o'clock. Is -- how many witnesses? Oh, no, you
21 might call it off, and you're not sure, right?

22 MS. ROMNEY: Right. I mean at this point I don't know what would be going
23 or not going, --

24 THE COURT: Okay.

25 MS. ROMNEY: -- and I could probably have some stuff covered if there was a

1 prelim that was to go that would, you know, set us back, so at this point, I think we're
2 safe to set it at whatever time you want to start, and I can work around that.

3 THE COURT: Let me see here. Let's do this. Maybe we start --

4 MS. ROMNEY: It's not a big jump, but maybe even starting --

5 [Conversation with staff - not transcribed]

6 THE COURT: Maybe we start at like -- you know what, let's start at 12:30. I
7 mean that's not a huge amount of time, but maybe it makes a little bit of difference.
8 Does that work for everybody and that should give you enough time hopefully to
9 finish off your morning calendar?

10 MS. ROMNEY: Thank you.

11 THE COURT: So 12:30 on Tuesday, and we'll go from there then.

12 All right, Mr. Barber, if that's what you want to do. This is your last chance.
13 You understand that, right? I mean personally, you know, I -- you know, I don't
14 know all the details. I don't know -- there's a lot of -- what I'm saying is there's a lot
15 of information I don't have right now. I don't know what your criminal background is.
16 I don't know what you're even in on in the other case that you're doing a six to

17 fifteen on, and I don't know the facts of this case, but just from what the offer is in
18 comparison to what the charges against you are, I mean, it's a pretty good offer in
19 my opinion, and I've seen hundreds of these things. I just want to make sure that
20 you know that you're giving up a pretty good offer.

21 THE DEFENDANT: Yes, I do.

22 THE COURT: Okay. All right. Then see you Tuesday at 12:30 then.

23 MS. ROMNEY: Thank you. Sorry that we --

24 THE COURT: It's not on you. It's his decision, if he -- you know, that's what
25 he wants to do, that's what he wants to do.

1
2 PROCEEDING CONCLUDED AT 4:28 A.M.

3 *****

4 ATTEST: Pursuant to Rule 3C(9) of the Nevada Rules of Appellate Procedure, I
5 acknowledge that this is a rough draft transcript, expeditiously prepared, not
6 proofread, corrected, or certified to be an accurate transcript.

7 

8 SARA RICHARDSON
9 Court Recorder/Transcriber
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1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 JAQUEZ D. BARBER,

) No. 62649
)

4 Appellant,

5 vs.

6 THE STATE OF NEVADA,

7 Respondent.
8

9 **APPELLANT'S APPENDIX – VOLUME I– PAGES 001-245**

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15
16 **CERTIFICATE OF SERVICE**

17 I hereby certify that this document was filed electronically with the Nevada
18 Supreme Court on the 10th day of Sept, 2013. Electronic Service of the
19 foregoing document shall be made in accordance with the Master Service List as follows:

20 CATHERINE CORTEZ MASTO
21 STEVEN S. OWENS

SHARON DICKINSON
HOWARD S. BROOKS

22 I further certify that I served a copy of this document by mailing a true and
23 correct copy thereof, postage pre-paid, addressed to:

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