

Electronically Filed  
CLERK OF THE COURT  
Mar 20 2013 02:52 p.m.  
Tracie K. Lindeman  
Clerk of Supreme 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

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA, )  
11 )  
12 Plaintiff, ) CASE NO. C-11-276163-1  
13 )  
14 v. ) DEPT. NO. XII  
15 )  
16 BENNETT GRIMES, )  
17 )  
18 Defendant. )  
19 )

20 NOTICE OF APPEAL

21 TO: THE STATE OF NEVADA

22 STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY,  
23 NEVADA and DEPARTMENT NO. XII OF THE EIGHTH JUDICIAL  
24 DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE  
25 COUNTY OF CLARK.

26 NOTICE is hereby given that Defendant, Bennett Grimes,  
27 presently incarcerated in the Nevada State Prison, appeals to the  
28 Supreme Court of the State of Nevada from the judgment entered  
against said Defendant on the 21st day of February, 2013 whereby  
he was convicted of Ct. 1 - Attempt Murder With Use of a Deadly  
Weapon in Violation of Temporary Protective Order; Ct. 2 -  
Burglary While in Possession of a Deadly Weapon In Violation of a  
Temporary Protective Order; Ct. 3 - Battery With Use of a Deadly  
Weapon Constituting Domestic Violence Resulting in Substantial  
Bodily Harm in Violation of a Temporary Protective Order and  
sentenced to Cts. 2 and 3 - Guilty under the Small Habitual  
Criminal Statute and in addition to the \$25 Admin. fee; \$150 DNA  
analysis fee; genetic testing; Ct. 1 - 8-20 years plus a

1 consecutive term of 5-15 years with a minimum parole eligibility  
2 of 5 years in prison for use of a deadly weapon; Court considered  
3 factors outlined in NRS 193.165 subsection 1; as to Ct. 2 - 8-20  
4 years in prison; Ct. 2 to run concurrent with Ct. 1; as to Ct. 3 -  
5 8-20 years; Ct. 3 to run consecutive to Cts. 1 and 2; 581 days  
6 CTS.

7 DATED this 18<sup>th</sup> day of March, 2013.

8 PHILIP J. KOHN  
9 CLARK COUNTY PUBLIC DEFENDER

10  
11 By: /s/ P. David Westbrook  
12 P. DAVID WESTBROOK, #9278  
13 Deputy Public Defender  
14 309 S. Third Street, Ste. 226  
15 Las Vegas, Nevada 89155  
16 (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 18th day of March, 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. Bennett Grimes, Case No. C-11-276163-1, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to Bennett Grimes, 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 18<sup>th</sup> day of March, 2013.

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

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CERTIFICATE OF ELECTRONIC FILING

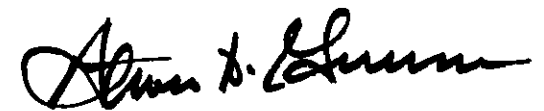
I hereby certify that service of the above and foregoing  
was made this 18<sup>th</sup> day of March, 2013, by Electronic Filing to:

District Attorneys Office  
E-Mail Address:  
PDMotions@ccdancv.com

Jennifer.Garcia@ccdancv.com

Eileen.Davis@ccdancv.com

/s/ Carrie M. Connolly  
Secretary for the  
Public Defender's Office



CLERK OF THE COURT

CAS  
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,	)	CASE NO. C-11-276163-1
	)	
v.	)	DEPT. NO. XII
	)	
BENNETT GRIMES,	)	
	)	
Defendant.	)	
	)	

CASE APPEAL STATEMENT

1. Appellant filing this case appeal statement:  
Bennett Grimes.

2. Judge issuing the decision, judgment, or order  
appealed from: Michelle Leavitt.

3. All parties to the proceedings in the district  
court (the use of et al. To denote parties is prohibited): The  
State of Nevada, Plaintiff; Bennett Grimes, Defendant.

4. All parties involved in this appeal (the use of  
et. al. to denote parties is prohibited): Bennett Grimes,  
Appellant; The State of Nevada, Respondent.

/ / /

/ / /

/ / /

/ / /

1           5.    Name, law firm, address, and telephone number of  
2 all counsel on appeal and party or parties whom they represent:

3 PHILIP J. KOHN  
4 Clark County Public Defender  
309 South Third Street, #226  
Las Vegas, Nevada 89155-2610

STEVEN B. WOLFSON  
Clark County District Attorney  
200 Lewis Avenue, 3<sup>rd</sup> Floor  
Las Vegas, Nevada 89155

5  
6 Attorney for Appellant

CATHERINE CORTEZ MASTO  
Attorney General  
100 North Carson Street  
Carson City, Nevada 89701-4717  
(702) 687-3538

8  
9 Counsel for Respondent

10           6.    Whether appellant was represented by appointed or  
11 retained counsel in the district court: Appointed.

12           7.    Whether appellant is represented by appointed or  
13 retained counsel on appeal: Appointed.

14           8.    Whether appellant was granted leave to proceed in  
15 forma pauperis, and the date of entry of the district court order  
16 granting such leave: N/A.

17           9.    Date proceedings commenced in the district court  
18 (e.g., date complaint, indictment, information, or petition was  
19 filed): Information filed 09/14/11.

20           DATED this 18<sup>th</sup> day of March, 2013.

21                           PHILIP J. KOHN  
22                           CLARK COUNTY PUBLIC DEFENDER

23  
24                           By:       /s/ P. David Westbrook  
25                                   P. DAVID WESTBROOK, #9278  
26                                   Deputy Public Defender  
309 S. Third Street, Ste. 226  
Las Vegas, Nevada 89155  
(702) 455-4685

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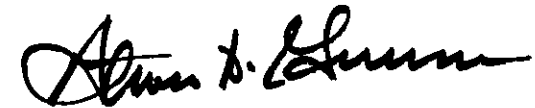
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Jennifer.Garcia@ccdancv.com

Eileen.Davis@ccdancv.com

/s/ Carrie M. Connolly  
Secretary for the  
Public Defender's Office



CLERK OF THE COURT

1 REQT  
2 PHILIP J. KOHN, PUBLIC DEFENDER  
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6 (702) 455-4685  
7 Attorney for Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C-11-276163-1
	)	
v.	)	DEPT. NO. XII
	)	
BENNETT GRIMES,	)	
	)	
Defendant.	)	

REQUEST FOR ROUGH DRAFT TRANSCRIPT

TO: Kiara Schmidt, Court Recorder  
District Court, Department No. AA

Kerry Esparza, Court Recorder  
District Court, Department No. XII

BENNETT GRIMES, Defendant named above, requests a  
preparation of a rough draft transcript of certain portions of the  
proceedings before the District Court, as follows:

Dates or dates of proceedings: 09/20/11, 11/03/11,  
03/20/12, 06/07/12, 06/12/12, 07/19/12, 07/31/12, 08/14/12,  
08/23/12, 09/13/12, 10/02/12, 10/10/12, 10/11/12, 10/12/12,  
10/15/12, 11/06/12, 12/18/12, 02/07/13, and 02/12/13.

Portion of the transcript requested: 09/20/11 (Kiara  
Schmidt) - Any and all proceedings, all transcripts to include  
word index; 11/03/11, 03/20/12, 06/07/12, 06/12/12, 07/19/12,  
07/31/12, 08/14/12, 08/23/12, 09/13/12, 10/02/12, 10/10/12,

1 11/06/12, 12/18/12, 02/07/13, 02/12/13 (Kerry Esparza) - Any and  
2 all proceedings, all transcripts to include word index; 10/10/12,  
3 10/11/12, 10/12/12, 10/15/12 (Kerry Esparza) - Trial transcripts -  
4 All transcripts, include word index - Any and all proceedings,  
5 *jury voir dire, jury selection*, opening statements, testimony,  
6 matters heard outside the presence of the jury, settling of  
7 instructions, closing arguments and verdict, any and all bench  
8 conferences.  
9

10 This Notice requests a transcript of only those portions  
11 of the District Court proceedings which counsel reasonably and in  
12 good faith believes are necessary to determine whether appellate  
13 issues are present. Voir dire examination of jurors, opening  
14 statements and closing arguments of trial counsel and the reading  
15 of jury instructions shall not be transcribed unless specifically  
16 requested above.  
17

18 I recognize that I must personally serve a copy of this  
19 form on the above-named court reporter and opposing counsel.

20 That the above-named court reporter shall have twenty  
21 (20) days from the date of service of this document to prepare an  
22 original plus two copies at State expense and file with the  
23 District Court Clerk the original rough draft transcript(s)  
24 requested herein.  
25

26 Further, pursuant to NRAP 3C(d)(3)(iii), the court  
27 reporter shall also deliver copies of the rough draft transcript  
28

1 to appellant's counsel and respondent counsel no more than twenty  
2 (20) days after the date of the appellant's request.

3 DATED this 18<sup>th</sup> day of March, 2013.

4 PHILIP J. KOHN  
5 CLARK COUNTY PUBLIC DEFENDER

6 By: /s/ P. David Westbrook  
7 P. DAVID WESTBROOK, #9278  
8 Deputy Public Defender  
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Kiara Schmidt, Court Recorder  
District Court, Department No. AA  
200 Lewis Avenue  
Las Vegas, NV 89101

Kerry Esparza, Court Recorder  
District Court, Department No. XII  
200 Lewis Avenue  
Las Vegas, NV 89101

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District Attorneys Office  
E-Mail Address:  
PDMotions@ccdany.com  
  
Jennifer.Garcia@ccdany.com  
  
Eileen.Davis@ccdany.com

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DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. C-11-276163-1**

**State of Nevada**  
**vs**  
**Bennett Grimes**

§ Location: **Department 12**  
§ Judicial Officer: **Leavitt, Michelle**  
§ Filed on: **09/13/2011**  
§ Conversion Case Number: **C276163**  
§ Defendant's Scope ID #: **2762267**  
§ Lower Court Case Number: **11F13012**  
§

**CASE INFORMATION**

Offense	Deg	Date	Case Type: <b>Felony/Gross Misdemeanor</b>
1. ATT. MURDER WITH A DEADLY WEAPON	F	07/22/2011	Case Flags: <b>Bail Set</b>
2. BURGLARY IN VIOLATION OF PROTECTIVE ORDER	F	07/22/2011	<b>Appealed to Supreme Court</b>
3. BATTERY W/ SBH DOMESTIC VIOLENCE W/ DEADLY WEAPON	F	07/22/2011	<b>Custody Status - Nevada Department of Corrections</b>

**Statistical Closures**

03/04/2013 Jury Trial - Conviction - Criminal

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

Case Number	C-11-276163-1
Court	Department 12
Date Assigned	09/13/2011
Judicial Officer	Leavitt, Michelle






**PARTY INFORMATION**

		<i>Lead Attorneys</i>
<b>Defendant</b>	<b>Grimes, Bennett</b>	<b>Public Defender</b> <i>Public Defender</i>
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Wolfson, Steven B</b> 702-671-2700(W)

**DATE**

**EVENTS & ORDERS OF THE COURT**

**INDEX**

08/25/2011	Bail Set \$1,015,000.00	
09/13/2011	 Criminal Bindover	
09/14/2011	 Information <i>Information</i>	
09/14/2011	 Notice of Change of Hearing	
09/20/2011	 <b>Initial Arraignment</b> (1:30 PM) (Judicial Officer: Togliatti, Jennifer) Events: 09/13/2011 Criminal Bindover	
09/21/2011	 Amended Information <i>Amended Information</i>	















DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. C-11-276163-1**

09/21/2011	 Addendum <i>Criminal Bindover Receipts</i>
10/04/2011	 Reporters Transcript Filed By: Plaintiff State of Nevada <i>Reporter's Transcript of Preliminary Hearing - Heard 08-25-11</i>
10/12/2011	 Petition for Writ of Habeas Corpus Filed by: Defendant Grimes, Bennett <i>Petition for Writ of Habeas Corpus</i>
10/14/2011	 Order for Petition for Writ of Habeas Corpus <i>Order</i>
10/14/2011	 Writ of Habeas Corpus
10/25/2011	 Information <i>Second Amended Information</i>
10/26/2011	 Return <i>Return to Writ of Habeas Corpus</i>
11/03/2011	 <b>Petition for Writ of Habeas Corpus</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) Events: 10/12/2011 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus</i>
12/06/2011	<b>CANCELED Calendar Call</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Vacated</i>
12/13/2011	<b>CANCELED Jury Trial</b> (1:30 PM) (Judicial Officer: Leavitt, Michelle) <i>Vacated</i>
01/31/2012	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Expert Witnesses</i>
01/31/2012	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses</i>
02/09/2012	 Order Filed By: Plaintiff State of Nevada <i>Order Releasing Medical Records</i>
02/09/2012	 Ex Parte Motion <i>Ex Parte Motion For Release Of Medical Records</i>
02/22/2012	 Notice of Witnesses and/or Expert Witnesses <i>Supplemental Notice of Expert Witnesses</i>
02/27/2012	 Motion to Continue Trial Filed By: Defendant Grimes, Bennett <i>Motion to Continue Trial Date</i>
03/20/2012	<b>Calendar Call</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle)





DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. C-11-276163-1**

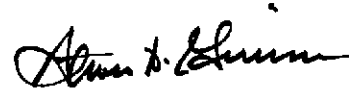
03/20/2012	<b>Motion to Continue Trial</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) Events: 02/27/2012 Motion to Continue Trial <i>Motion to Continue Trial Date</i>
03/20/2012	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle)
03/27/2012	<b>CANCELED Jury Trial</b> (1:30 PM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - per Judge</i>
05/25/2012	 Motion for Discovery <i>Motion For Discovery</i>
05/29/2012	 Notice of Witnesses and/or Expert Witnesses <i>Second Supplemental Notice of Expert Witnesses</i>
06/05/2012	 Motion <i>Defendant's Motion to Dismiss For Failure to Gather Evidence</i>
06/05/2012	 Response <i>State's Response to Defendant's Motion for Discovery</i>
06/07/2012	 <b>Motion for Discovery</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Defendant's Motion for Discovery</i>
06/12/2012	 <b>Calendar Call</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle)
06/12/2012	 Motion to Continue Trial
06/19/2012	<b>CANCELED Jury Trial</b> (1:30 PM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - per Judge</i>
07/18/2012	 Opposition <i>State's Opposition to Defendant's Motion to Dismiss for Failure to Gather Evidence</i>
07/19/2012	 <b>Motion to Dismiss</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <b>07/19/2012, 07/31/2012, 08/14/2012, 08/23/2012, 09/13/2012</b> <i>Defendant's Motion to Dismiss for Failure to Gather Evidence</i>
08/21/2012	<b>CANCELED Calendar Call</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - per Judge</i>
08/28/2012	<b>CANCELED Jury Trial</b> (1:30 PM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - per Judge</i>
09/19/2012	 Notice of Witnesses and/or Expert Witnesses <i>Supplemental Notice of Expert Witnesses (NRS 174.234 (2))</i>
10/02/2012	 Notice of Witnesses and/or Expert Witnesses <i>Defendant's Notice Of Witnesses, Pursuant To NRS 174.234</i>
10/02/2012	 <b>Calendar Call</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle)

DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. C-11-276163-1**

10/02/2012	 Motion Filed By: Defendant Grimes, Bennett <i>Defendant's Motion In Limine To Preclude Introduction Of Temporary Protective Order At Trial</i>
10/04/2012	 Notice of Witnesses and/or Expert Witnesses <i>Supplemental Notice of Witnesses</i>
10/09/2012	<b>CANCELED Jury Trial</b> (1:30 PM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - per Judge</i>
10/10/2012	 <b>Jury Trial</b> (10:30 AM) (Judicial Officer: Leavitt, Michelle) <b>10/10/2012-10/12/2012, 10/15/2012</b>
10/10/2012	<b>Motion in Limine</b> (10:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Defendant's Motion in Limine to Preclude Introduction of Temporary Protective Order at Trial</i>
10/10/2012	<b>All Pending Motions</b> (10:30 AM) (Judicial Officer: Leavitt, Michelle)
10/10/2012	 Amended Information Filed By: Plaintiff State of Nevada <i>Third Amended Information</i>
10/10/2012	 Jury List <i>Jury</i>
10/15/2012	 Amended Jury List <i>Amended Jury</i>
10/15/2012	 Instructions to the Jury <i>Instructions to the Jury (Instruction No. 1)</i>
10/15/2012	 Verdict Party: Plaintiff State of Nevada
10/22/2012	 Motion for New Trial <i>Motion For New Trial</i>
10/23/2012	 Notice <i>Notice of Intent to Seek Punishment as a Habitual Criminal</i>
11/05/2012	 Opposition <i>State's Opposition to Defendant's Motion for a New Trial</i>
11/06/2012	 <b>Motion for New Trial</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Defendant's Motion for New Trial</i>
12/12/2012	 PSI
12/18/2012	 <b>Sentencing</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <b>12/18/2012, 02/07/2013, 02/12/2013</b> <i>SENTENCING (JURY VERDICT)</i>

DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. C-11-276163-1**

12/18/2012	 PSI - Misc <i>Defendant's Statement</i>
02/21/2013	 Judgment of Conviction <i>Judgment Of Conviction (Jury Trial)</i>
03/04/2013	 Criminal Order to Statistically Close Case <i>Criminal Order To Statistically Close Case</i>
03/18/2013	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
03/18/2013	 Case Appeal Statement <i>Case Appeal Statement</i>
03/18/2013	 Request <i>Request for Rough Draft Transcript</i>



CLERK OF THE COURT

JOC

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

BENNETT GRIMES  
#2762267

Defendant.

CASE NO C276163-1

DEPT. NO. XII

JUDGMENT OF CONVICTION  
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of  
COUNT 1 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON IN VIOLATION  
OF A TEMPORARY PROTECTIVE ORDER (Category B Felony) in violation of NRS  
200.010, 200.030, 193.330, 193.165, 193.166, COUNT 2 – BURGLARY WHILE IN  
POSSESSION OF A DEADLY WEAPON IN VIOLATION OF A TEMPORARY  
PROTECTIVE ORDER (Category B Felony) in violation of NRS 205.060, 193.166,  
COUNT 3 – BATTERY WITH USE OF A DEADLY WEAPON CONSTITUTING  
DOMESTIC VIOLENCE RESULTING IN SUBSTANTIAL BODILY HARM IN  
VIOLATION OF A TEMPORARY PROTECTIVE ORDER (Category B Felony) in  
violation of NRS 200.481.2e, 193.166; and the matter having been tried before a jury

//

RECEIVED  
FEB 19 2013  
DEPARTMENT 12

1 and the Defendant having been found guilty of said crimes; thereafter, on the 12<sup>th</sup> day  
2 of, February, 2013, the Defendant was present in court for sentencing with his counsel,  
3 ROGER HILLMAN, Deputy Public Defender, and good cause appearing,  
4

5 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses. AS TO  
6 COUNTS 2 and 3 – Defendant is ADJUDGED guilty under the SMALL HABITUAL  
7 Criminal Statute and, in addition to the \$25.00 Administrative Assessment Fee, and  
8 \$150.00 DNA Analysis Fee including testing to determine genetic markers, the  
9 Defendant is SENTENCED to the Nevada Department of Corrections (NDC) as follows:  
10 AS TO COUNT 1 - to a MAXIMUM of TWENTY (20) YEARS with a MINIMUM parole  
11 eligibility of EIGHT (8) YEARS PLUS a CONSECUTIVE term of a MAXIMUM of  
12 FIFTEEN (15) YEARS with a MINIMUM parole eligibility of FIVE (5) YEARS in the  
13 Nevada Department of Corrections (NDC) for use of a deadly weapon; COURT  
14 considered factors outlined in NRS 193.165 subsection 1; AS TO COUNT 2 - to a  
15 MAXIMUM of TWENTY (20) YEARS with a MINIMUM parole eligibility of EIGHT (8)  
16 YEARS, Count 2 to run CONCURRENT with COUNT 1; AND AS TO COUNT 3 - to a  
17 MAXIMUM of TWENTY (20) YEARS with a MINIMUM parole eligibility of EIGHT (8)  
18 YEARS, Count 3 to run CONSECUTIVE to Counts 1 and 2 with FIVE HUNDRED  
19 EIGHTY-ONE (581) DAYS credit for time served.  
20  
21  
22

23  
24 DATED this 19 day of February, 2013.

25  
26  
27  
28  
  
MICHELLE LEAVITT  
DISTRICT JUDGE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 20, 2011**

---

C-11-276163-1      State of Nevada  
                                 vs  
                                 Bennett Grimes

---

**September 20, 2011    1:30 PM            Initial Arraignment**

**HEARD BY:**    Togliatti, Jennifer

**COURTROOM:**    RJC Lower Level  
                                 Arraignment

**COURT CLERK:**    Sharon Chun

**RECORDER:**    Kiara Schmidt

**REPORTER:**

**PARTIES**

**PRESENT:**      Grimes, Bennett                      Defendant  
                         Hillman, Ralph R.                      Attorney

**JOURNAL ENTRIES**

- ALSO PRESENT: Shawn Morgan, Assistant District Attorney.

Upon Deft's questioning, Mr. Morgan stated that an Enhancements had been added to Count 2 and the spelling of the victim's name has been corrected on the Information.

DEFT. GRIMES ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial.

CUSTODY

12/6/11 8:30 AM CALENDAR CALL (DEPT 12)

12/13/11 1:30 PM JURY TRIAL (DEPT 12)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 03, 2011**

---

C-11-276163-1      State of Nevada  
vs  
Bennett Grimes

---

**November 03, 2011      8:30 AM      Petition for Writ of Habeas  
Corpus**

**HEARD BY:**    Leavitt, Michelle

**COURTROOM:**    RJC Courtroom 14D

**COURT CLERK:**    Monique Alberto

**RECORDER:**    Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Grimes, Bennett	Defendant
	Ponticello, Frank M.	Attorney
	Public Defender	Attorney
	Saxe, Benjamin	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS

COURT noted Deft's Petition for Writ of Habeas Corpus is on in error and ORDERED, matter OFF CALENDAR. At the request of counsel, COURT ORDERED, trial date VACATED and RESET. Upon Court's inquiry, Deft. WAIVED the 60-Day Rule.

CUSTODY

3/20/12 8:30 A.M. CALENDAR CALL

3/27/12 1:30 P.M. JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 20, 2012**

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C-11-276163-1      State of Nevada  
                                 vs  
                                 Bennett Grimes

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**March 20, 2012      8:30 AM      All Pending Motions**

**HEARD BY:**    Leavitt, Michelle

**COURTROOM:**    RJC Courtroom 14D

**COURT CLERK:**    Susan Jovanovich

**RECORDER:**    Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Diefenbach, Lauren    R	Attorney
	Grimes, Bennett	Defendant
	Public Defender	Attorney
	Schifalacqua, Marc M.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- CALENDAR CALL...DEFENDANT'S MOTION TO CONTINUE TRIAL DATE

COURT ORDERED, Motion GRANTED as unopposed; trial date VACATED AND RESET.

CUSTODY

6/12/12 8:30 A.M. CALENDAR CALL

6/19/12 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 07, 2012**

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C-11-276163-1      State of Nevada  
vs  
Bennett Grimes

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**June 07, 2012      8:30 AM      Motion for Discovery**

**HEARD BY:**    Leavitt, Michelle

**COURTROOM:**    RJC Courtroom 14D

**COURT CLERK:**    Susan Jovanovich

**RECORDER:**    Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Botelho, Agnes M.	Attorney
	Hojjat, Nadia	Attorney
	Imlay, Darin F.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Deft. not present. Mr. Hillman advised Deft. refused to be transported to Court today. SO NOTED. Statements by counsel. COURT ORDERED, as follows:

As to: 1. Any and all notes and records of any physical examinations, scientific tests, or specific experiments done in connection with this case.

Motion GRANTED to the extent that the material exists, as State has already handed over all of this discovery to the defense.

As to: 2. Any and all records and notes regarding any benefits or assistance given to any informant or witness related to the case, as well as any other evidence of bias of State informants or witnesses.

Motion GRANTED.

As to: 3. Any and all notes of interviews of any witnesses and any potential witnesses in the case.

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Minutes Date:

September 20, 2011

Motion GRANTED to the extent the material exists, as the State filed a response to this issue stating they have complied with the request.

As to: 4. Any evidence that any State informant or witness was intoxicated or impaired at the time of the incident about which the witness will testify.

Motion GRANTED. Court NOTED, State is not aware of the information, however, the State will provide this discovery to defense, if available.

As to: 5. Any information that the alleged victim or any State witness was or is a police informant.

Motion GRANTED. Court NOTED, State is not aware of the information, however, the State will provide this discovery to defense, if available.

As to: 6. Any information related to the case given by anyone to any police department or crime tip organization such as Crime Stoppers, and any reward or benefit received for such tip.

Motion GRANTED.

As to: 7. The State must disclose whether its attorneys, officers or any other witnesses have cooperated with or been interviewed by any media organizations, the extent of the cooperation, and whether the cooperation is ongoing or planned for the future.

Motion GRANTED to the extent that the material exists.

Ms. Hojjat argued in support of relief requested on any information regarding criminal history of the alleged victim, citing Brady and the Kyles case law. Further arguments as to admissibility and relevancy. Following colloquy, counsel advised defense is seeking to have the State run the NCIC scope on the alleged victim, pursuant to the Kyles and Giglio cases.

As to: 8. Any information regarding criminal history of the alleged victim and / or any material witness in the case.

Motion GRANTED IN PART only as to prior felonies or crimes involving honesty, including truthful or untruthfulness, to the extent that the material exists; Motion DENIED IN PART on the remaining relief.

As to: 9. Any notes of any statements by the Deft. to include any notes of patrol officers or other agents of the State who have had contact with the Deft. in this case.

Motion DENIED as the State had informed the Court these notes do not exist.

As to: 10. All relevant reports of chain of custody and all reports of any destruction of evidence or failure to collect and / or preserve evidence in the case.

Motion GRANTED to the extent that the material exists.

As to: 11. All statements made by any material witnesses in the case, and any inconsistent statements made by a material witness.

Motion GRANTED. Following arguments by counsel, COURT FURTHER ORDERED, Motion No. 11 DENIED as to the State having to issue a subpoena for this material, as the defense may issue one.

As to: 12. Any information tending to show the unreliability of a State informant or witness in the case.

Motion GRANTED.

As to: 13. Any and all notes and reports of any experts in the case, to include mental health workers and crime scene investigators.

Motion GRANTED only to the extent it is required by statute only.

As to: 14. All updated witness contact information in the case, including the witnesses' last known address and phone number.

Motion DENIED; the defense may contact the witness through the State, and schedule an appointment to have an interview with the witness, if necessary.

As to: 15. Any and all books, papers, documents, and tangible objects related to the case.

Motion GRANTED.

As to: 16. Any and all electronic communications in the case, as well as any reports related to those communications.

Motion GRANTED.

As to: 17. Any and all photographs, video recordings, and / or audio recordings related to the case within the possession, control, or control of the State.

Motion GRANTED to the extent that the material exists.

As to: 18. Any and all documents and notes pertaining to the identification of Deft. as a suspect.

**C-11-276163-1**

Motion GRANTED.

Moving counsel to prepare the orders.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 12, 2012**

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C-11-276163-1      State of Nevada  
                                 vs  
                                 Bennett Grimes

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**June 12, 2012      8:30 AM      Calendar Call**

**HEARD BY:**    Leavitt, Michelle

**COURTROOM:**    RJC Courtroom 14D

**COURT CLERK:**    Susan Jovanovich

**RECORDER:**    Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Grimes, Bennett	Defendant
	Hillman, Ralph R.	Attorney
	Morgan, Shawn A.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Mr. Hillman requested the trial date be continued. Deft's Motion To Continue Trial Date FILED IN OPEN COURT. Arguments by State in opposition to the continuance. Mr. Hillman argued as to additional discovery being sought on Deft's medical condition, text messages being sought, and self-defense scenario. Mr. Morgan argued no mitigation evidence was submitted. Following further arguments, COURT ORDERED, Deft's Motion GRANTED; trial date VACATED AND RESET. Court advised Deft. to let his attorney know where to obtain the medical records being sought. Deft. acknowledged.

CUSTODY

8/21/12 8:30 A.M. CALENDAR CALL

8/28/12 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 19, 2012**

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C-11-276163-1      State of Nevada  
vs  
Bennett Grimes

---

**July 19, 2012      8:30 AM      Motion to Dismiss**

**HEARD BY:**    Leavitt, Michelle

**COURTROOM:**    RJC Courtroom 14D

**COURT CLERK:**    Susan Jovanovich; Sharon Coffman; Aaron Carbajal; Vanessa Ward; Ying Pan

**RECORDER:**    Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Botelho, Agnes M.	Attorney
	Grimes, Bennett	Defendant
	Hillman, Ralph R.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Mr. Hillman requested an opportunity to file a Reply and review the Opposition filed by the State.  
Court ORDERED, matter CONTINUED.

**CUSTODY**

7/31/2012 8:30 AM DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO GATHER  
EVIDENCE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 31, 2012**

---

C-11-276163-1      State of Nevada  
                                 vs  
                                 Bennett Grimes

---

**July 31, 2012      8:30 AM      Motion to Dismiss**

**HEARD BY:**    Leavitt, Michelle

**COURTROOM:**    RJC Courtroom 14D

**COURT CLERK:**    Susan Jovanovich; Sharon Coffman; Vanessa Ward; Aaron Carbajal; Ying Pan

**RECORDER:**    Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Diefenbach, Lauren    R	Attorney
	Grimes, Bennett	Defendant
	Morgan, Shawn A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Ms. Diefenbach advised parties stipulated to continue this matter.    COURT SO ORDERED.

CUSTODY

8/9/12 8:30 AM DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO GATHER EVIDENCE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 14, 2012**

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C-11-276163-1      State of Nevada  
                                 vs  
                                 Bennett Grimes

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**August 14, 2012      8:30 AM      Motion to Dismiss**

**HEARD BY:**    Leavitt, Michelle

**COURTROOM:**    RJC Courtroom 14D

**COURT CLERK:**    Susan Jovanovich

**RECORDER:**    Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Botelho, Agnes M.	Attorney
	Grimes, Bennett	Defendant
	Hojjat, Nadia	Attorney
	Imlay, Darin F.	Attorney
	Morgan, Shawn A.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- CONFERENCE AT BENCH. Based on representations made by counsel at the Bench, COURT ORDERED, matter CONTINUED for determination to be made to the Court as to whether or not the defense is seeking to have the alleged weapon tested. FURTHER, trial date VACATED AND RESET on the next criminal stack, due to Mr. Hillman being assigned to this case, and currently out of the office.

CUSTODY

8/23/12 8:30 A.M. DEFENDANT'S MOTION TO DISMISS OR FAILURE TO GATHER EVIDENCE

10/02/12 8:30 A.M. CALENDAR CALL

10/09/12 1:30 P.M. TRIAL BY JURY

PRINT DATE:    03/19/2013

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Minutes Date:

September 20, 2011



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 23, 2012**

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C-11-276163-1      State of Nevada  
                                 vs  
                                 Bennett Grimes

---

**August 23, 2012      8:30 AM      Motion to Dismiss**

**HEARD BY:**    Leavitt, Michelle

**COURTROOM:**    RJC Courtroom 14D

**COURT CLERK:**    Susan Jovanovich

**RECORDER:**    Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Diefenbach, Lauren    R	Attorney
	Grimes, Bennett	Defendant
	Morgan, Shawn A.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Ms. Diefenbach advised this case is assigned to Ms. Hojjat, who is seeking to be present to handle these proceedings, and requested a continuance. Additionally, Mr. Hillman is currently out of the office. Statements by Deft. Colloquy. Mr. Morgan advised State is seeking to discuss the issues with opposing counsel, and also requested a continuance. COURT SO ORDERED.

**CUSTODY**

9/13/12 8:30 A.M. DEFENDANT'S MOTION TO DISMISS FOR FAILURE TO GATHER EVIDENCE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 13, 2012**

---

C-11-276163-1      State of Nevada  
                                 vs  
                                 Bennett Grimes

---

**September 13, 2012      8:30 AM      Motion to Dismiss**

**HEARD BY:**    Leavitt, Michelle

**COURTROOM:**    RJC Courtroom 14D

**COURT CLERK:**    Susan Jovanovich

**RECORDER:**    Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Botelho, Agnes M.	Attorney
	Grimes, Bennett	Defendant
	Hillman, Ralph R.	Attorney
	Hojjat, Nadia	Attorney
	Morgan, Shawn A.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Ms. Hojjat argued regarding visible blood on the weapon in question, being a knife. Upon Court's inquiry, counsel advised defense is not seeking to test the weapon. Arguments by counsel as to burden shifting, fingerprints on the weapon, and the State having had the obligation to test the knife. Ms. Hojjat argued defense was seeking what the test results would have been, if the weapon was tested one year ago. Further arguments. Thereafter, Ms. Hojjat requested a jury instruction be given. Court advised counsel this issue can be presented at time of trial; and stated there is no rule indicating that State is required to test every single piece of evidence. Ms. Hojjat advised defense believes the fingerprints on the knife belong to the victim. Ms. Botelho argued in opposition to the motion, and noted the State has no obligation to test every single piece of evidence, as this is basically an assumption that the defense believes this knife needed to be tested by the State. Additionally, if the defense wanted to test the weapon, they could have done so. Further arguments by counsel regarding Brady evidence State has obligation to collect. COURT ORDERED, Motion DENIED. State to prepare the order. Ms. Hojjat requested to make a record on this issue for preservation; and

COURT SO ORDERED. Counsel noted, defense had no knowledge that the knife was available, and that testing was not done on this knife, as the defense was under the impression that testing was already completed on all of the items collected, based on the evidence list report. SO NOTED.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 02, 2012**

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C-11-276163-1      State of Nevada  
                                 vs  
                                 Bennett Grimes

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**October 02, 2012      8:30 AM      Calendar Call**

**HEARD BY:**    Leavitt, Michelle

**COURTROOM:**    RJC Courtroom 14D

**COURT CLERK:**    Susan Jovanovich

**RECORDER:**    Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Botelho, Agnes M.	Attorney
	Grimes, Bennett	Defendant
	Hillman, Ralph R.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Defendant's Motion in Limine To Preclude Introduction Of Temporary Protective Order At Trial FILED IN OPEN COURT. Ms. Botelho announced ready for trial on behalf of State, and estimated 3-4 days, with 12-14 witnesses. Upon Court's inquiry, Ms. Botelho advised this case is Overflow eligible. Mr. Hillman indicated the Motion in limine can be heard at time of trial. SO ORDERED. Court TRAILED matter to hear the remaining cases on for Calendar Call. RECALLED. Ms. Botelho clarified there are 2 out-of-state witnesses in this case. Following colloquy, COURT ORDERED, trial date RESET.

**CUSTODY**

10/10/12 10:30 A.M. TRIAL BY JURY...DEFENDANT'S MOTION IN LIMINE TO PRECLUDE INTRODUCTION OF TEMPORARY PROTECTIVE ORDER AT TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 10, 2012**

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C-11-276163-1      State of Nevada  
                                 vs  
                                 Bennett Grimes

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**October 10, 2012      10:30 AM      All Pending Motions**

**HEARD BY:**    Leavitt, Michelle

**COURTROOM:**    RJC Courtroom 14D

**COURT CLERK:**    Susan Jovanovich

**RECORDER:**    Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Botelho, Agnes M.	Attorney
	Burns, J Patrick	Attorney
	Grimes, Bennett	Defendant
	Hillman, Ralph R.	Attorney
	Hojjat, Nadia	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION IN LIMINE TO PRECLUDE INTRODUCTION OF TEMPORARY PROTECTIVE ORDER AT TRIAL...JURY TRIAL

OUTSIDE PRESENCE OF JURY: Ms. Botelho advised State has not filed an Opposition to Deft's Motion, further noting she spoke with Mr. Hillman during file review, and State is in agreement to not bring in underlined facts of the temporary restraining order (TPO). Ms. Hojjat argued in support of Motion, stating defense is not seeking to have the Jury hear about the TPO, as it is prejudicial. Following additional arguments, Court stated it is just an enhancement. Upon Court's inquiry, Mr. Botelho advised Deft. and alleged victim were married, but separated at time of alleged incident. Further arguments. Ms. Hojjat argued there is a dispute on facts of what Deft's intension was, while at the apartment. COURT ORDERED, Motion DENIED. Both parties stipulated that the facts that led up to the TPO will not be allowed to be presented to the Jury.  
SO NOTED.

PROSPECTIVE JURY PANEL PRESENT: Introductory statements by Court and by Counsel. Clerk called roll. Prospective Jury Panel sworn. Voir Dire commenced.

Lunch recess.

OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Court admonished Deft. to stand when jury members appear in the Courtroom. Mr. Hillman requested Court to remind the Jury members that trial attorneys are not permitted to speak to the members of the jury venire, during trial, as one of the Jury members was ignored by defense counsel, during the lunch break, while waiting for the elevators. Mr. Hillman stated that nothing happened, and he just wanted to make the Court aware. SO NOTED. Court stated it will be sure to remind the Jury members.

PROSPECTIVE JURY PANEL PRESENT: Voir dire continues. CONFERENCE AT BENCH. During the conference, State made a Batson challenge. Further discussions at the Bench. JURY SELECTED. Court thanked and excused the remaining jury panel members. Court instructed the Jury. Clerk read the Third Amended Information. Further instructions were given by the Court.

OUTSIDE PRESENCE OF JURY: Court stated it amended the Third Amended Information, to reflect Steven B. Wolfson as the District Attorney, and not David Roger. Parties acknowledged and agreed. Court admonished Deft. to cooperate with directives from Court Services, and to not give Court Services staff members a hard time, due to not wanting to get up early in the mornings. Court stated it received notification from the jail, that Deft. complained about not wanting to get up early in the mornings for transport. Deft. acknowledged.

Evening recess. TRIAL CONTINUES.

CUSTODY

10/11/12 10:30 A.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 11, 2012**

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C-11-276163-1      State of Nevada  
vs  
Bennett Grimes

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**October 11, 2012      10:30 AM      Jury Trial**

**HEARD BY:**    Leavitt, Michelle

**COURTROOM:**    RJC Courtroom 14D

**COURT CLERK:**    Susan Jovanovich

**RECORDER:**    Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Botelho, Agnes M.	Attorney
	Burns, J Patrick	Attorney
	Grimes, Bennett	Defendant
	Hillman, Ralph R.	Attorney
	Hojjat, Nadia	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- OUTSIDE PRESENCE OF JURY: Ms. Botelho placed a stipulation on the record, stating both parties agreed to not have bad acts presented in this case, without having a Petrocelli hearing, and no details of the TPO will be discussed during trial. SO NOTED.

JURY PRESENT: Opening statements by Ms. Botelho and Ms. Hojjat. Testimony and Exhibits presented (See Worksheets.).

OUTSIDE PRESENCE OF JURY: Colloquy regarding witness line up. Upon Court's inquiry, Mr. Hillman advised he will speak with Deft. further regarding the case, including his rights to testify, and this Court may canvass the Deft. tomorrow morning on those rights. SO NOTED. Ms. Botelho requested a Hernandez hearing. Following colloquy, Mr. Hillman provided stipulations made by parties regarding specific witnesses to not be called to testify, including the witness who took the DNA sample from Deft, through search warrant, as State will make representations to the Jury that a

**C-11-276163-1**

DNA sample was taken in this case. SO NOTED. Deft. concurred on the stipulations.

Evening recess. TRIAL CONTINUES.

CUSTODY

10/12/12 8:15 A.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 12, 2012**

---

C-11-276163-1      State of Nevada  
vs  
Bennett Grimes

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**October 12, 2012      8:15 AM      Jury Trial**

**HEARD BY:**    Leavitt, Michelle

**COURTROOM:**    RJC Courtroom 14D

**COURT CLERK:**    Carol Foley

**RECORDER:**    Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Botelho, Agnes M.	Attorney
	Burns, J Patrick	Attorney
	Grimes, Bennett	Defendant
	Hillman, Ralph R.	Attorney
	Hojjat, Nadia	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- JURY PRESENT: Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Witness excused from courtroom. Defense counsel summarized objection at conference at the bench regarding testimony of crime scene analyst regarding nature of wounds and notice objection. Arguments by counsel. Court noted it believes the testimony already came in from doctor at UMC. Discussion regarding notice. Court stated its findings and ORDERED, objection sustained. Jury will be told to disregard last question about defensive wounds and any response from the witness.

JURY PRESENT: Court instructed the jury to disregard last question and any response. Further testimony and exhibits.

Lunch recess.

PRINT DATE:    03/19/2013

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Minutes Date:

September 20, 2011

Court and counsel met in chambers to discuss jury instructions.

OUTSIDE THE PRESENCE OF THE JURY: Court informed Deft. of his right not to testify.

Mr. Hillman noted when Court and counsel were reviewing jury instructions and came across self-defense proposed instruction Court indicated there was no evidence shown of that. Court asked Mr. Hillman to put on the record theory of how Ms. Grimes received wounds. Mr. Hillman and Ms. Hojjat advised what the argument would be. Court stated its findings regarding state of the record and advised it is not going to give self-defense instruction.

Court and counsel met in chambers to continue discussing jury instructions.

Jury released for the weekend, to return Monday, 10/15 at 10:30 a.m.

OUTSIDE PRESENCE OF JURY: Jury instructions settled on the record.

CUSTODY

CONTINUED TO: 10/15/12 10:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 15, 2012**

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C-11-276163-1      State of Nevada  
vs  
Bennett Grimes

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**October 15, 2012      10:30 AM      Jury Trial**

**HEARD BY:**    Leavitt, Michelle

**COURTROOM:**    RJC Courtroom 14D

**COURT CLERK:**    Susan Jovanovich

**RECORDER:**    Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Botelho, Agnes M.	Attorney
	Burns, J Patrick	Attorney
	Grimes, Bennett	Defendant
	Hillman, Ralph R.	Attorney
	Hojjat, Nadia	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- JURY PRESENT: State and defense rested. Instructions To The Jury FILED IN OPEN COURT. Court instructed Jury on the law. Closing arguments by Mr. Burns, Mr. Hillman, and by Ms. Botelho. Court Marshal and Matron sworn by Clerk, and took charge of Jury. Alternate identified, and instructed by Court. At the hour of 11:52 a.m., Jury retired to deliberate.

JURY DELIBERATING.

2:55 P.M.--JURY PRESENT: Court reconvened with all parties present from before. JURY RETURNED VERDICTS as follows: COUNT 1 - GUILTY OF ATTEMPT MURDER WITH USE OF A DEADLY WEAPON IN VIOLATION OF A TEMPORARY PROTECTIVE ORDER (F); COUNT 2 - GUILTY OF BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON IN VIOLATION OF A TEMPORARY PROTECTIVE ORDER (F); AND, COUNT 3 - GUILTY OF BATTERY WITH USE OF A DEADLY WEAPON CONSTITUTING DOMESTIC VIOLENCE RESULTING IN SUBSTANTIAL

BODILY HARM IN VIOLATION OF A TEMPORARY PROTECTIVE ORDER (F).

Jury polled at request of Mr. Hillman. Court thanked and excused the Jury from trial proceedings.

OUTSIDE PRESENCE OF JURY: COURT ORDERED, current bail setting REVOKED; Deft. REMANDED into CUSTODY WITHOUT BAIL. FURTHER, matter REFERRED to Division of Parole and Probation (P&P), and SET for Sentencing. Court advised parties Juror Foreperson submitted a note to the Court Marshal for the Court, during deliberations. Court stated it did not respond to the note, as the Jury needed to review their Instructions on finding the answer, during their deliberations. Parties acknowledged, and made no objections. Court read the note as follows: "Does criminal intent have to be established before entering the structure, or can intent change during the chain of events, for the charge of burglary?" Court Exhibit 13 MARKED AND ADMITTED. Court adjourned.

TRIAL ENDS.

CUSTODY

12/18/12 8:30 A.M. SENTENCING (JURY VERDICT)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 06, 2012**

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C-11-276163-1      State of Nevada  
                                 vs  
                                 Bennett Grimes

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**November 06, 2012      8:30 AM      Motion for New Trial**

**HEARD BY:**    Leavitt, Michelle

**COURTROOM:**    RJC Courtroom 14D

**COURT CLERK:**    Susan Jovanovich

**RECORDER:**    Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Cooper, Jonathan	Attorney
	Grimes, Bennett	Defendant
	Hillman, Ralph R.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Matter submitted on the pleadings. COURT ORDERED, Motion DENIED. State to prepare the order.

**CUSTODY**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 18, 2012**

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C-11-276163-1      State of Nevada  
                                 vs  
                                 Bennett Grimes

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**December 18, 2012      8:30 AM      Sentencing**

**HEARD BY:**    Barker, David

**COURTROOM:**    RJC Courtroom 14D

**COURT CLERK:**    Susan Jovanovich

**RECORDER:**    Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Botelho, Agnes M.	Attorney
	Diefenbach, Lauren R	Attorney
	Grimes, Bennett	Defendant
	Public Defender	Attorney
	State of Nevada	Plaintiff
	Trippiedi, Hagar	Attorney

**JOURNAL ENTRIES**

- Ms. Botelho not present. Ms. Diefenbach requested a continuance, further noting this case is assigned to Mr. Hillman and Ms. Hojjat, who handled trial proceedings. Following colloquy, Court TRAILED and RECALLED matter for all parties to appear. Ms. Botelho now present. Statements by counsel. At request of State, COURT ORDERED, victim impact statements will be given today. COURT FURTHER ORDERED, Deft's sentencing will be continued at a later date, for Judge Leavitt to handle the proceedings, as she heard the entire trial, and she knows the factual basis of the case. Court NOTED, Judge Leavitt can review the victim impact statements on JAVS video, prior to sentencing Deft. Earl Newman provided sworn statements. COURT ORDERED, matter CONTINUED.

**CUSTODY**

2/07/13 8:30 A.M. SENTENCING (JURY VERDICT)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 07, 2013**

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C-11-276163-1      State of Nevada  
                                 vs  
                                 Bennett Grimes

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**February 07, 2013      8:30 AM      Sentencing**

**HEARD BY:**    Leavitt, Michelle

**COURTROOM:**    RJC Courtroom 14D

**COURT CLERK:**    Susan Jovanovich

**RECORDER:**    Kerry Esparza

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Botelho, Agnes M.	Attorney
	Burns, J Patrick	Attorney
	Grimes, Bennett	Defendant
	Hojjat, Nadia	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Ms. Hojjat advised the Pre Sentence Investigation (PSI) report indicates P&P is recommending that Deft. receive large habitual treatment, and the PSI is incorrect, as Deft. is not qualified for large habitual treatment. Ms. Botelho responded State is only seeking small habitual criminal treatment. Deft. provided a written statement to the Court, for review, and inquired if the proposition 36 halfway house program is available for him. Following colloquy between Court and Deft, Court stated it will not impose the program in this case. DEFT. GRIMES ADJUDGED GUILTY of COUNT 1 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON IN VIOLATION OF A TEMPORARY PROTECTIVE ORDER (F); COUNT 2 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON IN VIOLATION OF A TEMPORARY PROTECTIVE ORDER (F); and COUNT 3 - BATTERY WITH USE OF A DEADLY WEAPON CONSTITUTING DOMESTIC VIOLENCE RESULTING IN SUBSTANTIAL BODILY HARM IN VIOLATION OF A TEMPORARY PROTECTIVE ORDER (F). Ms. Botelho argued as to imposition of sentence, and requested small habitual criminal treatment be imposed, for use of deadly weapon enhancement, on Counts 2 and 3. State's Exhibits presented (See Worksheets.). Ms. Hojjat made no objections to the Exhibits. Court

PRINT DATE:    03/19/2013

Page 27 of 30

Minutes Date:      September 20, 2011

reviewed Deft s written statements. Ms. Hojjat objected to adjudication of Count 3, based on trial proceedings. Ms. Botelho argued in support of adjudication; and provided case law from Jackson vs. State, to the Court. Upon review, Court stated it needs more time to finish reviewing the supporting case law, before making a decision. COURT ORDERED, matter CONTINUED. Court provided a copy of the case law to Ms. Hojjat. CASE RECALLED. Ms. Hojjat requested to a transcript from trial, to verify if a record was made on dismissal of Count 3, as State may have agreed to it. Court advised counsel to request a CD recording of the trial from the Recorder, and listen to the trial proceedings, to verify.

CUSTODY

2/12/13 8:30 A.M. SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 12, 2013

C-11-276163-1      State of Nevada  
vs  
Bennett Grimes

February 12, 2013      8:30 AM      Sentencing

HEARD BY: Leavitt, Michelle

COURTROOM: RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kerry Esparza

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Botelho, Agnes M.	Attorney
	Burns, J Patrick	Attorney
	Grimes, Bennett	Defendant
	Hillman, Ralph R.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Colloquy regarding case law from the Jackson matter, and discussions made during settlement of jury instructions at time of trial, on Count 3 merging. Arguments by counsel regarding law from various cases, including Strickland and Morales. Mr. Burns further argued quantum of punishment has not changed. Following further colloquy, Court stated it needs to sentence Deft. today, prior to any additional claims on appeal being filed with the Nevada Supreme Court. DEFT. GRIMES ADJUDGED GUILTY of COUNT 1 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON IN VIOLATION OF A TEMPORARY PROTECTIVE ORDER (F); COUNT 2 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON IN VIOLATION OF A TEMPORARY PROTECTIVE ORDER (F); and COUNT 3 - BATTERY WITH USE OF A DEADLY WEAPON CONSTITUTING DOMESTIC VIOLENCE RESULTING IN SUBSTANTIAL BODILY HARM IN VIOLATION OF A TEMPORARY PROTECTIVE ORDER (F). Arguments by State. Statements by Deft. Arguments by counsel. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, and \$150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED on COUNT 1 - to a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TWENTY (20) YEARS in the Nevada

PRINT DATE: 03/19/2013

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Minutes Date: September 20, 2011

Department of Corrections (NDC), plus a CONSECUTIVE TERM of a MINIMUM of FIVE (5) YEARS and a MAXIMUM of FIFTEEN (15) YEARS in the Nevada Department of Corrections (NDC), for use of deadly weapon, and Court considered the factors outlined in NRS 193.165 Subsection 1; COUNT 2 - DEFT. SENTENCED UNDER THE SMALL HABITUAL CRIMINAL STATUTE to a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC), COUNT 2 to run CONCURRENT to COUNT 1; and COUNT 3 - DEFT. SENTENCED UNDER THE SMALL HABITUAL CRIMINAL STATUTE to a MINIMUM of EIGHT (8) YEARS and a MAXIMUM of TWENTY (20) YEARS in the Nevada Department of Corrections (NDC), COUNT 3 to run CONSECUTIVE to COUNT 2 and COUNT 1, with FIVE HUNDRED EIGHTY ONE (581) DAYS CREDIT FOR TIME SERVED. BOND, if any, EXONERATED.

NDC

## Exhibit List

Case: C-11-276163-1 Party: Sort Order: Status Defendant Name: Grimes, Bennett DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
JC	Plaintiff	Admitted 09/21/2011	Destroy 09/21/2013	Document JC Documents & proceedings		Roger, David J.		
1	Plaintiff	Admitted 10/11/2012	Destroy 10/17/2015	Photograph Apt Exterior		Wolfson, Steven B		
<b>Comment:</b> see complete list in events tab								
2	Plaintiff	Admitted 02/07/2013	Destroy 02/12/2016	Document JOC's		Wolfson, Steven B		

## STATE'S EXHIBIT LIST

TRIAL DATES: 10/10/12 thru 10/

Case No. C-11-276163-1	Clerk: Susan Jovanovich
Dept. 12 Judge: Michelle Leavitt	Recorder: Kerry Esparza
Pltf(s): State of Nevada	Pltf's Counsel: Agnes Botelho and Patrick Burns
Def't(s): Bennett Grimes	Def't's Counsel: Roger Hillman and Nadia Hojjat

Exhibit No.	Description	Date Offered	Obj.	Adm.	Date Admitted
1	Photo: 9325 W. Desert Inn #173 - Exterior	10-11-12	no	✓	10-11-12
2	Photo: 9325 W. Desert Inn #173 - Walkway to Front Entrance	10-11-12	no	✓	10-11-12
3	Photo: 9325 W. Desert Inn #173 - Exterior Balcony/Patio	10-11-12	no	✓	10-11-12
4	Photo: 9325 W. Desert Inn #173 - Walkway to Front Entrance	10-11-12	no	✓	10-11-12
5	Photo: 9325 W. Desert Inn #173 - Front Door and Underside Stairwell	10-11-12	no	✓	10-11-12
6	Photo: 9325 W. Desert Inn #173 - Patio Area	10-11-12	no	✓	10-11-12
7	Photo: 9325 W. Desert Inn - Parking Lot w/ Patrol Vehicles	10-11-12	no	✓	10-11-12
8	Photo: 9325 W. Desert Inn - Parking Lot w/ Patrol Vehicles and Shoes	10/12/12	no	✓	10/12/12
9	Photo: Bennett Grimes's Shoes, Socks and Puddle of Blood	10/12/12	no	✓	10/12/12
10	Photo: 9325 W. Desert Inn #173 - Interior Balcony/Patio w/ Patrol Cars	10-11-12	no	✓	10-11-12
11	Photo: 9325 W. Desert Inn #173 - Interior Balcony/Patio	10-11-12	no	✓	10-11-12
12	Photo: 9325 W. Desert Inn #173 - Dining Room and Patio Sliding Glass	10-11-12	no	✓	10-11-12
13	Photo: 9325 W. Desert Inn #173 - Front Walkway w/ Blood Drops	10-12-12	no	✓	10/12/12
14	Photo: 9325 W. Desert Inn #173 - Blood Drops Near Front Door	10/12/12	no	✓	10/12/12
15	Photo: 9325 W. Desert Inn #173 - Front Door w/ Blood Drops	10-11-12	no	✓	10-11-12
16	Photo: 9325 W. Desert Inn #173 - Front Door Cracked	10-11-12	no	✓	10-11-12
17	Photo: 9325 W. Desert Inn #173 - Interior Living Room and Kitchen	10/12/12	no	✓	10/12/12
18	Photo: 9325 W. Desert Inn #173 - Living Room, Dining, Blue Cooler	10/12/12	no	✓	10/12/12
19	Photo: 9325 W. Desert Inn #173 - Kitchen, Front Entrance, Cooler, Fruit	10-11-12	no	✓	10-11-12

## STATE'S EXHIBIT LIST

CASE NO.: C-11-276163-1

TRIAL DATES: 10/10/12 thru

Exhibit No.	Description	Date Offered	Obj.	Adm.	Date Admitted
20	Photo: 9325 W. Desert Inn #173 – Interior Doorway, Wig, Blood	10/12/12	no	✓	10/12/12
21	Photo: 9325 W. Desert Inn #173 – Wig, Entrance and Carpet Blood, Towel	10/12/12	no	✓	10/12/12
22	Photo: 9325 W. Desert Inn #173 – View from Doorway	10/12/12	no	✓	10/12/12
23	Photo: 9325 W. Desert Inn #173 – Entrance, Blood, Wig, Knife, Towel	10-11-12	no	✓	10-11-12
24	Photo: “ Detail – Entrance, Blood, Wig, Towel, Knife, Remote	10/12/12	no	✓	10/12/12
25	Photo: “ Front Entrance Closet w/ Blood	10/12/12	no	✓	10/12/12
26	Photo: “ View of Living Room, Buffet, Cooler, and Interior of Front Door	10-11-12	no	✓	10-11-12
27	Photo: “ Living Room, Back of Chaise Lounge, Knife, Blood, Wig,	10/12/12	no	✓	10/12/12
28	Photo: “ Detail of Blood Pooled on Carpet	10/12/12	no	✓	10/12/12
29	Photo: “ Blood Transfer on Chaise, Knife, and Remote	10-11-12	no	✓	10-11-12
30	Photo: Knife Detail w/ Ruler	10/12/12	no	✓	10/12/12
31	Photo: Knife Detail “Stainless Steel, China”	10-11-12	yes	✓	10-11-12
32	Photo: Knife Detail – Non-Engraved Side	10-11-12	yes	✓	10-11-12
33	Photo: Knife Detail – Bend in Knife Blade	10-11-12	yes	✓	10-11-12
34	Photo: Knife Tip Detail w/ Partial Bloody Fingerprint	10/12/12	no	✓	10/12/12
35	Photo: Knife Detail – Apparent Partial Fingerprint Near Hilt	10/12/12	no	✓	10/12/12
36	Photo: Blue Cooler – Opened w/ Pens, Etc. Visible	10/12/12	no	✓	10/12/12
37	Photo: Blue Cooler – Opened w/ DVDs and Bus Schedule Visible	10/12/12	no	✓	10/12/12
38	Photo: Wal-Mart New Associate Schedule in Name of Bennett Grimes	10/12/12	no	✓	10/12/12
39	Photo: Aneka Grimes Undergoing Surgery	10-11-12	no	✓	10-11-12
40	Photo: Detail Aneka Grimes’s Face During Surgery	10-11-12	no	✓	10-11-12
41	Photo: Aneka Grimes’s Injuries to Back/Side of Head	10-11-12	Stip	✓	10-11-12
42	Photo: Detail – Aneka Grimes’s Injuries to Back/Side of Head	10-11-12	no	✓	10-11-12
43	Photo: Aneka Grimes – Injuries to Left Arm Near Elbow	10-11-12	Stip	✓	10-11-12
44	Photo: Aneka Grimes – Injuries to Left Arm Near Elbow	10-11-12	Stip	✓	10-11-12
45	Photo: Aneka Grimes – Injuries to Left Forearm	10-11-12	Stip	✓	10-11-12
46	Photo: Detail – Aneka Grimes – Injuries to Left Forearm	10-11-12	Stip	✓	10-11-12
47	Photo: Aneka Grimes – Injury	10-11-12	no	✓	10-11-12
48	Photo: Aneka Grimes – Injury	10-11-12	no	✓	10-11-12
49	Photo: Aneka Grimes – Injuries to Left Arm Near Forearm and Elbow	10-11-12	no	✓	10-11-12
50	Photo: Detail Aneka Grimes – Injuries to Left Arm Near Elbow/Forearm	10-11-12	Stip	✓	10-11-12

		Date offered	obj	Admitted	Date
page 3					
51	Photo: Detail Aneka Grimes – Injuries to Left Arm Near Elbow/Forearm	10-11-12	Stip	✓	10-11-12
52	Photo: Orientation Shot of Aneka Grimes Left Upper Body/Arm Injuries	10-11-12	No	✓	10-11-12
53	Photo: Aneka Grimes – Injuries to Neck, Chest, Shoulder, and Face	10-11-12	No	✓	10-11-12
54	Photo: Detail – Aneka Grimes – Injuries to Neck, and Chest	10-11-12	Stip	✓	10-11-12
55	Photo: Detail – Aneka Grimes – Injuries to Chest	10-11-12	Stip	✓	10-11-12
56	Photo: Detail – Aneka Grimes – Injuries to Neck	10-11-12	Stip	✓	10-11-12
57	Photo: Detail – Aneka Grimes – Injury to Shoulder/Neck Area	10-11-12	No	✓	10-11-12
58	Photo: Detail – Aneka Grimes – Injuries to Arm Pit Area	10-11-12	No	✓	10-11-12
59	Photo: Bennett Grimes's Cargo Pants – Front Side	10/12/12	No	✓	10/12/12
60	Photo: Bennett Grimes's Cargo Pants – Back Side	10/12/12	No	✓	10/12/12
61	Photo: Bennett Grimes's Tank Top – Front Side	10/12/12	No	✓	10/12/12
62	Photo: Bennett Grimes's Tank Top – Back Side	10/12/12	No	✓	10/12/12
63	Photo: Aneka Grimes's Blue Jumper and Underwear – Front Side	10/12/12	No	✓	10/12/12
64	Photo: Aneka Grimes's Blue Jumper and Underwear – Back Side	10/12/12	No	✓	10/12/12
65	Photo: Aneka Grimes's Blue Jumper – Perforations Designated	10/12/12	No	✓	10/12/12
66	Photo: Detail – Aneka Grimes's Blue Jumper – Perforations Designated	10/12/12	No	✓	10/12/12
67	Photo: Detail – Aneka Grimes's Blue Jumper – Perforations Designated	10/12/12	No	✓	10/12/12
68	Photo: Detail – Aneka Grimes's Blue Jumper – Perforations Designated	10/12/12	No	✓	10/12/12
69	Photo: Detail – Aneka Grimes's Blue Jumper – Perforations Designated	10/12/12	No	✓	10/12/12
70	Photo: Bennett Grimes in Hospital	10-11-12	No	✓	10-11-12
71	Photo: Close-Up Bennett Grimes's Face	10-11-12	No	✓	10-11-12
72	Photo: Detail – Bennett Grimes – Hand - withdrawn 10/12				
73	Photo: Laceration to Bennett Grimes's Right Index Finger	10-11-12	No	✓	10-11-12
74	Photo: Laceration to Bennett Grimes's Right Index Finger	10/12/12	No	✓	10/12/12
75	Photo: Stephanie Newman – Front	10-11-12	No	✓	10-11-12
76	Photo: Stephanie Newman – Back	10-11-12	No	✓	10-11-12
77	Photographic Diagram from Julie Marschner's DNA Analysis	10/12/12	No	✓	10/12/12
78	Audio CD: Earl Newman's 911 Call – 7/22/11				
79	Audio CD: Stephanie Newman's 911 Call – 7/22/11	10-11-12	No	✓	10-11-12
80	Audio CD: Aneka Grimes's 911 Call – 7/22/11	10-11-12	No	✓	10-11-12
81	Knife Recovered from 9325 W. Desert Inn Road #173 and box (knife strapped into box) - one exhibit	10/12/12	No	✓	10/12/12
82	Photo of victim	10/11/12	No	✓	10/11/12
83	Photo - withdrawn (marked withdrawn 10/12) cf				

85					
86					
87					
88					
89					
90					

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Page # \_\_\_\_\_ of \_\_\_\_\_

**DEFT'S EXHIBITS**

CASE NO. C276163-1

[illegible]

COURT'S EXHIBITSCASE NO. C276163

	Date Offered	Objection	Date Admitted
1. Voir Dire Jury List	10-10-12	no	10-10-12
2. Note from Juror	10-11-12	no	10-11-12
3. Note from Juror	10-11-12	no	10-11-12
4. Note from Juror	10-11-12	no	10-11-12
5. Note from juror	10/12/12	"	10/12/12
6. Instruction offered by Defense & Rejected	10/12/12	"	10/12/12
7. Instructions offered by Defense & Rejected	10/12/12	"	10/12/12
8. Instruction offered by Defense & Rejected	10/12/12	"	10/12/12
9. Instruction offered by Defense & Rejected	10/12/12	"	10/12/12
10. Instruction offered by Defense & Rejected	10/12/12	"	10/12/12
11. Instruction offered by Defense & Rejected	10/12/12	"	10/12/12
12. Instruction offered by Defense & Rejected	10/12/12	"	10/12/12
13. Note from Jury Foreperson	10/15/12	no	10/15/12
14. Note from Jury Foreperson	10/15/12	no	10/15/12

# VAULT EXHIBIT FORM

CASE NO: <b>C-11-276163-1</b>	HEARING DATE: <b>SENTENCING: 2/12/13 (CONTINUED FROM 2/07/13)</b>
DEPT. NO: <b>XII</b>	JUDGE: <b>MICHELLE LEAVITT</b>
	CLERK: <b>SUSAN JOVANOVIH</b>
	RECORDER: <b>KERRY ESPARZA</b>
PLAINTIFF: <b>STATE OF NEVADA</b>	JURY FEES:
	COUNSEL FOR PLAINTIFF: <b>DEPUTY DISTRICT ATTYS. AGNES BOTELHO, ESQ., AND PATRICK BURNS, ESQ.</b>
DEFENDANT: <b>BENNETT GRIMES</b>	<b>A</b>
	COUNSEL FOR DEFENDANT: <b>DEPUTY PUBLIC DEFENDER NADIA HOJJAT, ESQ.</b>

## STATE'S EXHIBITS

	Date Offered	Objection	Date Admitted
1. CALIFORNIA CRIMINAL CASE INFORMATION	2/07/2013	NO	2/07/2013
2. CALIFORNIA CRIMINAL CASE INFORMATION	2/07/2013	NO	2/07/2013

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; REQUEST FOR  
ROUGH DRAFT TRANSCRIPT; DISTRICT COURT DOCKET ENTRIES; JUDGMENT OF  
CONVICTION (JURY TRIAL); DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

BENNETT GRIMES,

Defendant(s).

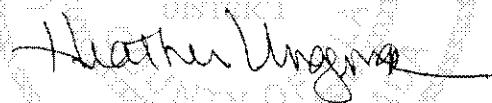
Case No: C276163

Dept No: XII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 19 day of March 2013.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk