

Electronically Filed  
CLERK OF THE COURT  
Apr 04 2013 01:05 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

1 **NOAS**  
2 **STEVEN B. WOLFSON**  
3 **Clark County District Attorney**  
4 **Nevada Bar #001565**  
5 **JONATHAN E. VANBOSKERCK**  
6 **Chief Deputy District Attorney**  
7 **Nevada Bar #006528**  
8 **200 Lewis Street**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 671-2500**  
11 **Attorney for Plaintiff**

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

9 **THE STATE OF NEVADA,**

10 **Plaintiff,**

11 **v.**

12 **ANDRE D. BOSTON,**  
13 **#0920638**

14 **Defendant(s).**

Case No. 88C084650  
Dept. No. VI

**NOTICE OF APPEAL**

15 **TO: ANDRE D. BOSTON, Defendant; and**

16 **TO: MARTIN HART, ESQ. Attorney for Defendant and**

17 **TO: ELISSA F. CADISH, District Judge, Eighth Judicial District Court,**  
18 **Dept. No. VI**

19 **NOTICE IS HEREBY GIVEN THAT THE STATE OF NEVADA, Plaintiff in the**  
20 **above entitled matter, appeals to the Supreme Court of Nevada from the order the district**  
21 **court filed on March 22, 2013, granting in part Defendant's Petition for Writ of Habeas**  
22 **Corpus.**

23 **Dated this 3<sup>rd</sup> day of April, 2013.**

24 **STEVEN B. WOLFSON,**  
25 **Clark County District Attorney**

26 **BY /s/ Jonathan E. VanBoskerck**  
27 **JONATHAN E. VANBOSKERCK**  
28 **Chief Deputy District Attorney**  
**Nevada Bar #006528**

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**CERTIFICATE OF MAILING**

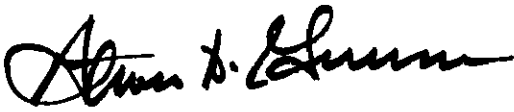
I hereby certify that service of the above and foregoing NOTICE OF APPEAL was made April 3<sup>rd</sup>, 2013 by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

MARTIN HART, ESQ.  
The Law Offices of Martin Hart Law, LLC  
229 South Las Vegas Blvd., Ste 200  
Las Vegas, Nevada 89101

ELISSA F. CADISH  
Eighth Judicial District Court, Dept. VI  
Regional Justice Center, 15<sup>th</sup> Fl.  
200 Lewis Avenue  
Las Vegas, Nevada 89101

BY /s/ j. garcia  
Employee, District Attorney's Office

JEV/jg

  
CLERK OF THE COURT

**CASE APPEAL STATEMENT**  
**STEVEN B. WOLFSON**  
Clark County District Attorney  
Nevada Bar #001565  
**JONATHAN E. VANBOSKERCK**  
Chief Deputy District Attorney  
Nevada Bar #006528  
200 Lewis Street  
Las Vegas, Nevada 89155-2212  
(702) 671-2750  
Attorney for Plaintiff

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-vs-

ANDRE D. BOSTON,  
#0920638,

Defendant.

Case No. 88C084650

Dept. No. VI

**CASE APPEAL STATEMENT**

**1. Name of appellant filing this case appeal statement:**

The State of Nevada

**2. Identify the judge issuing the decision, judgment, or order appealed from:**

Judge Elissa F. Cadish

**3. Identify all parties to the proceedings in the district court:**

Andre D. Boston

The State of Nevada

**4. Identify all parties involved in this appeal:**

Same as #3

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

3 JONATHAN E. VANBOSKERCK  
4 Chief Deputy District Attorney  
Nevada Bar #006528  
5 Office of the Clark County District Attorney  
Regional Justice Center  
6 200 Lewis Avenue  
Post Office Box 552212  
7 Las Vegas, Nevada 89155-2212  
(702) 671-2750  
8  
9 Counsel for Appellant  
State of Nevada

MARTIN HART, ESQ.  
Nevada Bar #005984  
The Law Offices of Martin Hart Law, LLC  
229 South Las Vegas Blvd., Ste 200  
Las Vegas, Nevada 89101  
(702) 380-4278  
  
Counsel for Respondent  
Andre D. Boston

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

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

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

16           **9. Date proceedings commenced in the district court:**

17                     Petition for Writ of Habeas Corpus (Post-Conviction) filed January 5, 2011.

18           **DATED** this 3<sup>rd</sup> day of April, 2013.

19  
20                     STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar # 001565

21  
22                     BY     /s/ Jonathan E. VanBoskerck

23                     \_\_\_\_\_  
JONATHAN E. VANBOSKERCK  
24 Chief Deputy District Attorney  
Nevada Bar #006528  
Office of the Clark County District Attorney  
25 Regional Justice Center  
200 Lewis Avenue  
26 Post Office Box 552212  
Las Vegas, Nevada 89155-2212  
27 (702) 671-2750  
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**CERTIFICATE OF MAILING**

I hereby certify that service of the above and foregoing Case Appeal Statement was made April 3<sup>rd</sup>, 2013, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

MARTIN HART, ESQ.  
The Law Offices of Martin Hart Law, LLC  
229 South Las Vegas Blvd., Ste 200  
Las Vegas, Nevada 89101

ELISSA F. CADISH  
Eighth Judicial District Court, Dept. VI  
Regional Justice Center, 15<sup>th</sup> Fl.  
200 Lewis Avenue  
Las Vegas, Nevada 89101

*/s/ j. garcia*  
\_\_\_\_\_  
Employee, District Attorney's Office

JEV/jg

**CASE No. 88C084650**

~~~~~

Location: **Department 6**  
Judicial Officer: **Cadish, Elissa F.**  
Filed on: **07/29/1988**  
Number History:  
on Case Number: **C084650**  
ant's Scope ID #: **0920638**  
urt Case Number: **88F03564**  
preme Court No.: **58216**  
**26034**  
**19607**  
**21871**

| Offense                                                                                               | Deg | Date       | Case Type:  | Felony/Gross Misdemeanor                                                          |
|-------------------------------------------------------------------------------------------------------|-----|------------|-------------|-----------------------------------------------------------------------------------|
| 1. BURGLARY.                                                                                          | F   | 01/01/1900 | Case Flags: | Appealed to Supreme Court<br>Custody Status - Nevada<br>Department of Corrections |
| 2. LEWDNESS WITH CHILD UNDER 14 YEARS WITH A DEADLY WEAPON                                            | F   | 01/01/1900 |             |                                                                                   |
| 3. ASSAULT WITH A DEADLY WEAPON (5024)                                                                | F   | 01/01/1900 |             |                                                                                   |
| 4. BATTERY WITH INTENT TO COMMIT CRIME WITH A DEADLY WEAPON                                           | F   | 01/01/1900 |             |                                                                                   |
| 5. KIDNAPPING IN FIRST DEGREE WITH A DEADLY WEAPON                                                    | F   | 01/01/1900 |             |                                                                                   |
| 6. SEXUAL ASSAULT WITH A DEADLY WEAPON                                                                | F   | 01/01/1900 |             |                                                                                   |
| 7. SEXUAL ASSAULT WITH A DEADLY WEAPON                                                                | F   | 01/01/1900 |             |                                                                                   |
| 8. SEXUAL ASSAULT WITH A DEADLY WEAPON                                                                | F   | 01/01/1900 |             |                                                                                   |
| 9. SEXUAL ASSAULT WITH A DEADLY WEAPON                                                                | F   | 01/01/1900 |             |                                                                                   |
| 10. SEXUAL ASSAULT WITH A DEADLY WEAPON                                                               | F   | 01/01/1900 |             |                                                                                   |
| 11. SEXUAL ASSAULT WITH A DEADLY WEAPON                                                               | F   | 01/01/1900 |             |                                                                                   |
| 12. SEXUAL ASSAULT WITH A DEADLY WEAPON                                                               | F   | 01/01/1900 |             |                                                                                   |
| 13. ROBBERY WITH A DEADLY WEAPON                                                                      | F   | 01/01/1900 |             |                                                                                   |
| 14. ATTEMPTED PREVENTING OR DISSUADING WITNESS OR VICTIM FROM REPORTING CRIME OR WITH A DEADLY WEAPON | F   | 01/01/1900 |             |                                                                                   |

## 10/20/1988 USJR Reporting Statistical Closure


Printed on 04/04/2013 at 7:58 AM

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 88C084650**  
PARTY INFORMATION

|                  |                        |                                                                                    |
|------------------|------------------------|------------------------------------------------------------------------------------|
| <b>Defendant</b> | <b>Boston, Andre D</b> | <i>Lead Attorneys</i><br><b>Hart, Martin W</b><br><i>Retained</i><br>7023804278(W) |
| <b>Plaintiff</b> | <b>State of Nevada</b> | <b>Bell, Jr., Rex A.</b><br>702-387-6156(W)                                        |


| DATE       | EVENTS & ORDERS OF THE COURT                                                                                                  | INDEX |
|------------|-------------------------------------------------------------------------------------------------------------------------------|-------|
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>1. BURGLARY.<br>Not Guilty                                                |       |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>2. LEWDNESS WITH CHILD UNDER 14 YEARS WITH A DEADLY WEAPON<br>Not Guilty  |       |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>3. ASSAULT WITH A DEADLY WEAPON (5024)<br>Not Guilty                      |       |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>4. BATTERY WITH INTENT TO COMMIT CRIME WITH A DEADLY WEAPON<br>Not Guilty |       |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>5. KIDNAPPING IN FIRST DEGREE WITH A DEADLY WEAPON<br>Not Guilty          |       |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>6. SEXUAL ASSAULT WITH A DEADLY WEAPON<br>Not Guilty                      |       |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>7. SEXUAL ASSAULT WITH A DEADLY WEAPON<br>Not Guilty                      |       |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>8. SEXUAL ASSAULT WITH A DEADLY WEAPON<br>Not Guilty                      |       |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>9. SEXUAL ASSAULT WITH A DEADLY WEAPON<br>Not Guilty                      |       |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>10. SEXUAL ASSAULT WITH A DEADLY WEAPON<br>Not Guilty                     |       |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>11. SEXUAL ASSAULT WITH A DEADLY WEAPON<br>Not Guilty                     |       |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>12. SEXUAL ASSAULT WITH A DEADLY WEAPON<br>Not Guilty                     |       |
| 01/01/1900 | <b>Plea</b> (Judicial Officer: User, Conversion)<br>13. ROBBERY WITH A DEADLY WEAPON<br>Not Guilty                            |       |


DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 88C084650**


|            |                                                                                                                                                                                           |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/29/1988 | Hearing<br><i>INITIAL ARRAIGNMENT</i>                                                                                                                                                     |
| 07/29/1988 |  Criminal Bindover                                                                                       |
| 08/02/1988 |  Information<br><i>INFORMATION</i>                                                                       |
| 08/11/1988 | <b>Initial Arraignment</b> (9:00 AM)<br>Events: 07/29/1988 Hearing<br><i>INITIAL ARRAIGNMENT Heard By: John Mendoza</i>                                                                   |
| 09/06/1988 |  Trial Memorandum<br><i>Trial Memorandum Pertaining to the Admissibility of Evidence of Other Crimes</i> |
| 09/06/1988 |  Motion<br><i>Motion and Notice of Motion to Endorse Names on Information</i>                            |
| 09/06/1988 |  Opposition to Motion<br><i>Plaintiff's Opposition to Defendant's Motion to Dismiss</i>                  |
| 09/08/1988 |  Order<br><i>Order to Endorse Names on Information</i>                                                   |
| 09/12/1988 |  Order<br><i>Order to Endorse Names on Information</i>                                                 |
| 09/12/1988 |  Motion<br><i>Motion and Notice of Motion to Endorse Names on Information</i>                          |
| 09/13/1988 |  Jury List                                                                                             |
| 09/15/1988 |  Jury Instructions<br><i>Instructions to the Jury (Instruction No. 1)</i>                              |
| 09/15/1988 |  Verdict                                                                                               |
| 09/15/1988 |  Verdict                                                                                               |
| 09/15/1988 |  Verdict                                                                                               |
| 09/15/1988 |  Verdict                                                                                               |
| 09/15/1988 |  Verdict                                                                                               |
| 09/15/1988 |  Verdict                                                                                               |
| 09/15/1988 |  Verdict                                                                                               |
| 09/15/1988 |  Verdict                                                                                               |





DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 88C084650**


09/15/1988  Verdict

09/15/1988  Verdict

09/15/1988  Verdict

09/15/1988  Verdict

09/15/1988  Verdict

10/12/1988  PSI (for use by appeals)  
*Pre-Sentence Investigation Report (Unfiled) Confidential*

10/20/1988 **Disposition** (Judicial Officer: User, Conversion)  
1. BURGLARY.  
Guilty

10/20/1988 **Disposition** (Judicial Officer: User, Conversion)

10/20/1988 **Disposition** (Judicial Officer: User, Conversion)  
2. LEWDNESS WITH CHILD UNDER 14 YEARS WITH A DEADLY WEAPON  
Guilty

10/20/1988 **Disposition** (Judicial Officer: User, Conversion)

10/20/1988 **Disposition** (Judicial Officer: User, Conversion)  
3. ASSAULT WITH A DEADLY WEAPON (5024)  
Guilty

10/20/1988 **Disposition** (Judicial Officer: User, Conversion)

10/20/1988 **Disposition** (Judicial Officer: User, Conversion)  
4. BATTERY WITH INTENT TO COMMIT CRIME WITH A DEADLY WEAPON  
Guilty

10/20/1988 **Disposition** (Judicial Officer: User, Conversion)

10/20/1988 **Disposition** (Judicial Officer: User, Conversion)  
5. KIDNAPPING IN FIRST DEGREE WITH A DEADLY WEAPON  
Guilty

10/20/1988 **Disposition** (Judicial Officer: User, Conversion)

10/20/1988 **Disposition** (Judicial Officer: User, Conversion)  
6. SEXUAL ASSAULT WITH A DEADLY WEAPON  
Guilty

10/20/1988 **Disposition** (Judicial Officer: User, Conversion)

10/20/1988 **Disposition** (Judicial Officer: User, Conversion)  
7. SEXUAL ASSAULT WITH A DEADLY WEAPON  
Guilty

10/20/1988 **Disposition** (Judicial Officer: User, Conversion)

10/20/1988 **Disposition** (Judicial Officer: User, Conversion)

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 88C084650**

|            |                                                                                                                                                                                                                                                                                                  |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | 8. SEXUAL ASSAULT WITH A DEADLY WEAPON<br>Guilty                                                                                                                                                                                                                                                 |
| 10/20/1988 | <b>Disposition</b> (Judicial Officer: User, Conversion)                                                                                                                                                                                                                                          |
| 10/20/1988 | <b>Disposition</b> (Judicial Officer: User, Conversion)<br>9. SEXUAL ASSAULT WITH A DEADLY WEAPON<br>Guilty                                                                                                                                                                                      |
| 10/20/1988 | <b>Disposition</b> (Judicial Officer: User, Conversion)                                                                                                                                                                                                                                          |
| 10/20/1988 | <b>Disposition</b> (Judicial Officer: User, Conversion)<br>10. SEXUAL ASSAULT WITH A DEADLY WEAPON<br>Guilty                                                                                                                                                                                     |
| 10/20/1988 | <b>Disposition</b> (Judicial Officer: User, Conversion)                                                                                                                                                                                                                                          |
| 10/20/1988 | <b>Disposition</b> (Judicial Officer: User, Conversion)<br>11. SEXUAL ASSAULT WITH A DEADLY WEAPON<br>Guilty                                                                                                                                                                                     |
| 10/20/1988 | <b>Disposition</b> (Judicial Officer: User, Conversion)                                                                                                                                                                                                                                          |
| 10/20/1988 | <b>Disposition</b> (Judicial Officer: User, Conversion)<br>12. SEXUAL ASSAULT WITH A DEADLY WEAPON<br>Guilty                                                                                                                                                                                     |
| 10/20/1988 | <b>Disposition</b> (Judicial Officer: User, Conversion)                                                                                                                                                                                                                                          |
| 10/20/1988 | <b>Disposition</b> (Judicial Officer: User, Conversion)<br>13. ROBBERY WITH A DEADLY WEAPON<br>Guilty                                                                                                                                                                                            |
| 10/20/1988 | <b>Disposition</b> (Judicial Officer: User, Conversion)                                                                                                                                                                                                                                          |
| 10/20/1988 | <b>Disposition</b> (Judicial Officer: User, Conversion)<br>14. ATTEMPTED PREVENTING OR DISSUADING WITNESS OR VICTIM FROM<br>REPORTING CRIME OR WITH A DEADLY WEAPON<br>Guilty                                                                                                                    |
| 10/20/1988 | <b>Disposition</b> (Judicial Officer: User, Conversion)                                                                                                                                                                                                                                          |
| 10/20/1988 | <b>Sentence</b> (Judicial Officer: User, Conversion)<br>1. BURGLARY.<br>Adult Adjudication<br>Converted Disposition:<br>Sentence# 0001:<br>Minimum 10 Years to Maximum 10 Years<br>Placement: NSP<br>Converted Disposition:<br>Sentence# 0002: ADMINISTRATION FEE<br>Amount: \$20.00             |
| 10/20/1988 | <b>Sentence</b> (Judicial Officer: User, Conversion)<br>2. LEWDNESS WITH CHILD UNDER 14 YEARS WITH A DEADLY WEAPON<br>Adult Adjudication<br>Converted Disposition:<br>Sentence# 0001:<br>Minimum 10 Years to Maximum 10 Years<br>Placement: NSP<br>Cons/Conc: Consecutive<br>w/Charge Item: 0001 |

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 88C084650**

and Sentence#: 0001  
Converted Disposition:  
Sentence# 0002:  
Minimum 10 Years to Maximum 10 Years  
Placement: NSP  
Cons/Conc: Consecutive  
w/Charge Item: 0002  
and Sentence#: 0001

10/20/1988

**Sentence** (Judicial Officer: User, Conversion)

3. ASSAULT WITH A DEADLY WEAPON (5024)

Adult Adjudication  
Converted Disposition:  
Sentence# 0001:  
Minimum 6 Years to Maximum 6 Years  
Placement: NSP  
Cons/Conc: Consecutive  
w/Charge Item: 0002  
and Sentence#: 0001

10/20/1988

**Sentence** (Judicial Officer: User, Conversion)

4. BATTERY WITH INTENT TO COMMIT CRIME WITH A DEADLY WEAPON

Adult Adjudication  
Converted Disposition:  
Sentence# 0001:  
Minimum 10 Years to Maximum 10 Years  
Placement: NSP  
Cons/Conc: Consecutive  
w/Charge Item: 0003  
and Sentence#: 0001  
Converted Disposition:  
Sentence# 0002:  
Minimum 10 Years to Maximum 10 Years  
Placement: NSP  
Cons/Conc: Consecutive  
w/Charge Item: 0004  
and Sentence#: 0001

10/20/1988

**Sentence** (Judicial Officer: User, Conversion)

5. KIDNAPPING IN FIRST DEGREE WITH A DEADLY WEAPON

Adult Adjudication  
Converted Disposition:  
Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE  
Cons/Conc: Consecutive  
w/Charge Item: 0004  
and Sentence#: 0001  
Converted Disposition:  
Sentence# 0002: LIFE WITH POSSIBILITY OF PAROLE  
Cons/Conc: Consecutive  
w/Charge Item: 0005  
and Sentence#: 0001

10/20/1988

**Sentence** (Judicial Officer: User, Conversion)

6. SEXUAL ASSAULT WITH A DEADLY WEAPON

Adult Adjudication  
Converted Disposition:  
Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE  
Cons/Conc: Consecutive  
w/Charge Item: 0005  
and Sentence#: 0001  
Converted Disposition:  
  
Sentence# 0002: LIFE WITH POSSIBILITY OF PAROLE  
Cons/Conc: Consecutive  
w/Charge Item: 0006

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE No. 88C084650**

and Sentence#: 0001

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10/20/1988 | <p><b>Sentence</b> (Judicial Officer: User, Conversion)<br/>7. SEXUAL ASSAULT WITH A DEADLY WEAPON<br/>Adult Adjudication<br/>Converted Disposition:<br/>Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE<br/>Cons/Conc: Consecutive<br/>w/Charge Item: 0006<br/>and Sentence#: 0001<br/>Converted Disposition:<br/>Sentence# 0002: LIFE WITH POSSIBILITY OF PAROLE<br/>Cons/Conc: Consecutive<br/>w/Charge Item: 0007<br/>and Sentence#: 0001</p>  |
| 10/20/1988 | <p><b>Sentence</b> (Judicial Officer: User, Conversion)<br/>8. SEXUAL ASSAULT WITH A DEADLY WEAPON<br/>Adult Adjudication<br/>Converted Disposition:<br/>Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE<br/>Cons/Conc: Consecutive<br/>w/Charge Item: 0007<br/>and Sentence#: 0001<br/>Converted Disposition:<br/>Sentence# 0002: LIFE WITH POSSIBILITY OF PAROLE<br/>Cons/Conc: Consecutive<br/>w/Charge Item: 0008<br/>and Sentence#: 0001</p>  |
| 10/20/1988 | <p><b>Sentence</b> (Judicial Officer: User, Conversion)<br/>9. SEXUAL ASSAULT WITH A DEADLY WEAPON<br/>Adult Adjudication<br/>Converted Disposition:<br/>Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE<br/>Cons/Conc: Consecutive<br/>w/Charge Item: 0008<br/>and Sentence#: 0001<br/>Converted Disposition:<br/>Sentence# 0002: LIFE WITH POSSIBILITY OF PAROLE<br/>Cons/Conc: Consecutive<br/>w/Charge Item: 0009<br/>and Sentence#: 0001</p>  |
| 10/20/1988 | <p><b>Sentence</b> (Judicial Officer: User, Conversion)<br/>10. SEXUAL ASSAULT WITH A DEADLY WEAPON<br/>Adult Adjudication<br/>Converted Disposition:<br/>Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE<br/>Cons/Conc: Consecutive<br/>w/Charge Item: 0009<br/>and Sentence#: 0001<br/>Converted Disposition:<br/>Sentence# 0002: LIFE WITH POSSIBILITY OF PAROLE<br/>Cons/Conc: Consecutive<br/>w/Charge Item: 0010<br/>and Sentence#: 0001</p> |
| 10/20/1988 | <p><b>Sentence</b> (Judicial Officer: User, Conversion)<br/>11. SEXUAL ASSAULT WITH A DEADLY WEAPON<br/>Adult Adjudication<br/>Converted Disposition:<br/><br/>Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE<br/>Cons/Conc: Consecutive</p>                                                                                                                                                                                                      |

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 88C084650**

w/Charge Item: 0010  
and Sentence#: 0001  
Converted Disposition:  
Sentence# 0002: LIFE WITH POSSIBILITY OF PAROLE  
Cons/Conc: Consecutive  
w/Charge Item: 0011  
and Sentence#: 0001

10/20/1988

**Sentence** (Judicial Officer: User, Conversion)

12. SEXUAL ASSAULT WITH A DEADLY WEAPON

Adult Adjudication

Converted Disposition:

Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE

Cons/Conc: Consecutive

w/Charge Item: 0011

and Sentence#: 0001

Converted Disposition:

Sentence# 0002: LIFE WITH POSSIBILITY OF PAROLE

Cons/Conc: Consecutive

w/Charge Item: 0012

and Sentence#: 0001

10/20/1988

**Sentence** (Judicial Officer: User, Conversion)

13. ROBBERY WITH A DEADLY WEAPON

Adult Adjudication

Converted Disposition:

Sentence# 0001:

Minimum 15 Years to Maximum 15 Years

Placement: NSP

Cons/Conc: Consecutive

w/Charge Item: 0012

and Sentence#: 0001

Converted Disposition:

Sentence# 0002:

Minimum 15 Years to Maximum 15 Years

Placement: NSP

Cons/Conc: Consecutive

w/Charge Item: 0013

and Sentence#: 0001

10/20/1988

**Sentence** (Judicial Officer: User, Conversion)

14. ATTEMPTED PREVENTING OR DISSUADING WITNESS OR VICTIM FROM REPORTING CRIME OR WITH A DEADLY WEAPON

Adult Adjudication

Converted Disposition:

Sentence# 0001:

Minimum 3 Years to Maximum 3 Years

Placement: NSP

Cons/Conc: Consecutive

w/Charge Item: 0013

and Sentence#: 0001

Converted Disposition:

Sentence# 0002:

Minimum 3 Years to Maximum 3 Years

Placement: NSP

Cons/Conc: Consecutive

w/Charge Item: 0014

and Sentence#: 0001

11/01/1988



Notice of Appeal (criminal)

*Notice of Appeal*











11/07/1988



Judgment of Conviction










DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 88C084650**

*Judgment of Conviction (Jury Trial)*

|            |                                                                                                                                                                                                                    |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01/31/1989 |  Designation of Record on Appeal<br><i>Designation of Contents of Supplemental Record on Appeal</i>                               |
| 02/08/1989 |  Order                                                                                                                            |
| 03/17/1989 |  Reporters Transcript<br><i>Reporter's Transcript of October 20, 1988</i>                                                         |
| 03/17/1989 |  Reporters Transcript<br><i>Reporter's Transcript of September 12, 1988</i>                                                       |
| 11/29/1989 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed<br><i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i> |
| 10/22/1990 |  Motion<br><i>Motion FOR LEAVE TO PROCEED IN FORMA PAUPERIS</i>                                                                   |
| 10/22/1990 |  Petition<br><i>Petition for Post Conviction Relief Pursuant to NRS 177.315</i>                                                   |
| 10/22/1990 |  Motion for Leave to Proceed in Forma Pauperis                                                                                    |
| 10/22/1990 |  Affidavit<br><i>Affidavit of Defendant/Petitioner - Andre Boston</i>                                                           |
| 11/27/1990 | <b>Petition to Proceed in Forma Pauperis (0:00 AM)</b><br><i>FOR LEAVE TO PROCEED IN FORMA PAUPERIS</i>                                                                                                            |
| 11/27/1990 | <b>Petition (0:00 AM)</b><br><i>PROPER PERSON PETITION</i>                                                                                                                                                         |
| 11/27/1990 | <b>Petition for Post Conviction Relief (0:00 AM)</b><br><i>PETITION FOR POST CONVICTION RELIEF Heard By: John Mendoza</i>                                                                                          |
| 11/28/1990 | Petition<br><i>PROPER PERSON PETITION</i>                                                                                                                                                                          |
| 11/28/1990 | Petition<br><i>PETITION FOR POST CONVICTION RELIEF</i>                                                                                                                                                             |
| 11/28/1990 |  Response<br><i>RESPONSE TO TO DEFENDANT'S PETITION FOR POST-CONVICTION RELIEF</i>                                              |
| 12/13/1990 | <b>Petition to Proceed in Forma Pauperis (9:00 AM)</b><br><i>FOR LEAVE TO PROCEED IN FORMA PAUPERIS</i>                                                                                                            |
| 12/13/1990 | <b>Petition (9:00 AM)</b><br><i>PROPER PERSON PETITION</i>                                                                                                                                                         |
| 12/13/1990 | <b>Petition for Post Conviction Relief (9:00 AM)</b><br><i>PETITION FOR POST CONVICTION RELIEF Heard By: John Mendoza</i>                                                                                          |
| 12/14/1990 | <b>Petition to Proceed in Forma Pauperis (9:00 AM)</b>                                                                                                                                                             |

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 88C084650**



*FOR LEAVE TO PROCEED IN FORMA PAUPERIS*

|            |                                                                                                                                                                                                                                       |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/14/1990 | <b>Petition</b> (9:00 AM)<br><i>PROPER PERSON PETITION</i>                                                                                                                                                                            |
| 12/14/1990 | <b>Petition for Post Conviction Relief</b> (9:00 AM)<br><i>PETITION FOR POST CONVICTION RELIEF Heard By: John Mendoza</i>                                                                                                             |
| 12/18/1990 |  Notice<br><i>NOTICE OF ENTRY OF ORDER</i>                                                                                                           |
| 12/18/1990 |  Judgment<br><i>FINDING OF FACT, CONCLUSIONS OF LAW AND ORDER</i>                                                                                    |
| 01/11/1991 |  Notice<br>Filed By: Defendant Boston, Andre D<br><i>NOTICE OF APPEAL</i>                                                                            |
| 01/11/1991 |  Notice of Appeal<br>Filed By: Defendant Boston, Andre D<br><i>DESIGNATION OF CONTENTS OF RECORD ON APPEAL</i>                                       |
| 01/28/1991 |  Order<br>Filed By: Defendant Boston, Andre D<br><i>ORDER</i>                                                                                        |
| 02/07/1991 |  Reporters Transcript<br><i>Reporter's Transcript of December 14, 1990</i>                                                                         |
| 02/12/1991 |  Reply<br>Filed by: Defendant Boston, Andre D<br><i>PETITIONER'S REPLY TO THE RESPONDENT'S RESPONSE TO THE PETITION FOR POST CONVICTION RELIEF</i> |
| 02/12/1991 |  Reply<br><i>Reply to the Respondent's Response to the Petition for Post Conviction Relief</i>                                                     |
| 10/21/1991 | Hearing<br><i>ORAL REQUEST FOR FURTHER PROCEEDINGS PER SUPREME COURT</i>                                                                                                                                                              |
| 10/24/1991 | <b>Further Proceedings</b> (9:00 AM)<br>Events: 10/21/1991 Hearing<br><i>ORAL REQUEST FOR FURTHER PROCEEDINGS PER SUPREME COURT Court Clerk: ALONA CANDITO Reporter/Recorder: SHIRLEE CHRISTOFFERSON Heard By: Jeffrey Sobel</i>      |
| 10/24/1991 | Hearing<br><i>STATUS CHECK RESET EVIDENTARY HEARING</i>                                                                                                                                                                               |
| 10/25/1991 |  Judgment<br><i>NEVADA SUPREME COURT CLERK'S CERTIFICATE JUDGMENT - DENIED AND REMANDED</i>                                                        |
| 11/07/1991 | <b>Status Check</b> (9:00 AM)<br>Events: 10/24/1991 Hearing<br><br><i>STATUS CHECK RESET EVIDENTARY HEARING Court Clerk: ALONA CANDITO</i>                                                                                            |

88C0846500009.tif pages







DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 88C084650**

*Reporter/Recorder: SHIRLEE CHRISTOFFERSON Heard By: SOBEL, JEFFREY*


|            |                                                                                                                                                                                                                           |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11/26/1991 | <b>Status Check</b> (9:00 AM)<br><i>STATUS CHECK RESET EVIDENTIARY HEARING Court Clerk: ALONA CANDITO<br/>Reporter/Recorder: ARLENE BLAZI Heard By: SOBEL, JEFFREY</i>                                                    |
| 12/17/1991 | <b>Status Check</b> (9:00 AM)<br><i>STATUS CHECK RESET EVIDENTIARY HEARING Court Clerk: ALONA CANDITO<br/>Reporter/Recorder: SHIRLEE CHRISTOFFERSON Heard By: Jeffrey Sobel</i>                                           |
| 12/17/1991 | Hearing<br><i>EVIDENTIARY HEARING</i>                                                                                                                                                                                     |
| 02/25/1992 |  Motion<br><i>MOTION FOR CONTINUANCE OF EVIDENTIARY HEARING</i>                                                                          |
| 02/27/1992 | <b>Motion to Continue</b> (9:00 AM)<br>Events: 02/25/1992 Motion<br><i>MOTION FOR CONTINUANCE OF EVIDENTIARY HEARING Court Clerk: ALONA<br/>CANDITO Reporter/Recorder: SHIRLEE CHRISTOFFERSON Heard By: Jeffrey Sobel</i> |
| 03/02/1992 | <b>Evidentiary Hearing</b> (9:15 AM)<br>Events: 12/17/1991 Hearing<br><i>EVIDENTIARY HEARING Heard By: Jeffrey Sobel</i>                                                                                                  |
| 05/01/1992 | <b>Evidentiary Hearing</b> (10:00 AM)<br><i>EVIDENTIARY HEARING Court Clerk: ALONA CANDITO Reporter/Recorder:<br/>SHIRLEE CHRISTOFFERSON Heard By: Jeffrey Sobel</i>                                                      |
| 05/01/1992 | Hearing<br><i>STATUS CHECK: SET EVIDENTIARY HEARING</i>                                                                                                                                                                   |
| 07/02/1992 | <b>Status Check</b> (9:00 AM)<br>Events: 05/01/1992 Hearing<br><i>STATUS CHECK: SET EVIDENTIARY HEARING Relief Clerk: TINA HURD<br/>Reporter/Recorder: SHIRLEE CHRISTOFFERSON Heard By: Jeffrey Sobel</i>                 |
| 07/02/1992 | Hearing<br><i>HEARING JUDGE'S DECISION</i>                                                                                                                                                                                |
| 07/06/1992 |  Reporters Transcript<br><i>Reporter's Transcript of July 2, 1992</i>                                                                  |
| 07/30/1992 | <b>Decision</b> (9:00 AM)<br>Events: 07/02/1992 Hearing<br><i>HEARING JUDGE'S DECISION Relief Clerk: CINDY HORTON Reporter/Recorder:<br/>SHIRLEE CHRISTOFFERSON Heard By: SOBEL, JEFFREY</i>                              |
| 07/31/1992 | <b>Decision</b> (9:00 AM)<br><i>HEARING JUDGE'S DECISION Relief Clerk: CINDY HORTON Reporter/Recorder:<br/>SHIRLEE CHRISTOFFERSON Heard By: Jeffrey Sobel</i>                                                             |
| 07/31/1992 | Hearing<br><i>STATUS CHECK</i>                                                                                                                                                                                            |
| 08/13/1992 | <b>Status Check</b> (9:00 AM)<br>Events: 07/31/1992 Hearing<br><i>STATUS CHECK Relief Clerk: SHARON PHELPS Reporter/Recorder: DONNA LITTLE<br/>Heard By: Donald Mosley</i>                                                |



DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 88C084650**

|            |                                                                                                                                                                                                |                         |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| 08/13/1992 | Hearing<br><i>EVIDENTIARY HEARING</i>                                                                                                                                                          |                         |
| 09/04/1992 | <b>Evidentiary Hearing</b> (10:00 AM)<br>Events: 08/13/1992 Hearing<br><i>EVIDENTIARY HEARING Court Clerk: ALONA CANDITO Reporter/Recorder: DEBRA WINN Heard By: Jeffrey Sobel</i>             |                         |
| 09/04/1992 | Hearing<br><i>STATUS CHECK</i>                                                                                                                                                                 |                         |
| 09/04/1992 | Notice<br><i>NOTICE OF EXHIBIT IN THE VAULT</i>                                                                                                                                                |                         |
| 10/14/1992 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT of September 4, 1992</i>                                    |                         |
| 12/17/1992 |  Order<br><i>ORDER FOR VIDEO RECORDING</i>                                                                    | 88C0846500028.tif pages |
| 01/05/1993 | <b>Status Check</b> (9:00 AM)<br>Events: 09/04/1992 Hearing<br><i>STATUS CHECK Court Clerk: ALONA CANDITO Relief Clerk: MARY DAIGLE Reporter/Recorder: DEBRA WINN Heard By: SOBEL, JEFFREY</i> |                         |
| 02/16/1993 | <b>Status Check</b> (9:00 AM)<br><i>STATUS CHECK Court Clerk: ALONA CANDITO Reporter/Recorder: SHIRLEE CHRISTOFFERSON Heard By: SOBEL, JEFFREY</i>                                             |                         |
| 02/24/1993 |  Order<br><i>ORDER FOR VIDEO RECORDING</i>                                                                  | 88C0846500024.tif pages |
| 04/06/1993 | <b>Status Check</b> (9:00 AM)<br><i>STATUS CHECK Relief Clerk: DENISE TRUJILLO Reporter/Recorder: SHIRLEE CHRISTOFFERSON Heard By: SOBEL, JEFFREY</i>                                          |                         |
| 04/06/1993 |  Order<br><i>ORDER RELEASING EVIDENCE</i>                                                                   |                         |
| 04/06/1993 |  Ex Parte<br><i>EX PARTE MOTION FOR RELEASE OF EVIDENCE</i>                                                 |                         |
| 04/21/1993 |  Affidavit in Support<br>Filed By: Defendant Boston, Andre D<br><i>AFFIDAVIT</i>                            |                         |
| 06/01/1993 | <b>Status Check</b> (9:00 AM)<br><i>STATUS CHECK Court Clerk: ALONA CANDITO Reporter/Recorder: DEBRA WINN Heard By: SOBEL, JEFFREY</i>                                                         |                         |
| 06/08/1993 | <b>Status Check</b> (9:00 AM)<br><i>STATUS CHECK Court Clerk: ALONA CANDITO Relief Clerk: MARY LOU BALLEZ Reporter/Recorder: SHIRLEE CHRISTOFFERSON Heard By: Jeffrey Sobel</i>                |                         |
| 06/08/1993 | Hearing<br><i>HEARING JUDGE'S DECISION</i>                                                                                                                                                     |                         |
| 06/30/1993 |                                                                                                                                                                                                |                         |

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 88C084650**

 Points and Authorities

*SUPPLEMENTAL POINTS AND AUTHORITIES*

08/05/1993

**Decision** (9:00 AM)

Events: 06/08/1993 Hearing

*HEARING JUDGE'S DECISION Court Clerk: ALONA CANDITO Reporter/Recorder: SHIRLEE CHRISTOFFERSON Heard By: SOBEL, JEFFREY*

08/26/1993

**Decision** (9:00 AM)

*HEARING JUDGE'S DECISION Court Clerk: ALONA CANDITO Reporter/Recorder: SHIRLEE CHRISTOFFERSON Heard By: SOBEL, JEFFREY*

09/23/1993

**Decision** (9:00 AM)

*HEARING JUDGE'S DECISION Court Clerk: ALONA CANDITO Reporter/Recorder: SHIRLEE CHRISTOFFERSON Heard By: SOBEL, JEFFREY*

10/14/1993

**Decision** (9:00 AM)

*HEARING JUDGE'S DECISION Court Clerk: ALONA CANDITO Reporter/Recorder: SHIRLEE CHRISTOFFERSON Heard By: Jeffrey Sobel*

10/14/1993

 Reporters Transcript

*REPORTER'S TRANSCRIPT of October 14, 1993*

03/18/1994

 Judgment

*FINDINGS OF FACT, CONCLUSIONS OF LAW; AND ORDER*

03/18/1994

 Finding of Fact and Conclusions of Law

*FINDINGS OF FACT; CONCLUSIONS OF LAW; AND ORDER*

03/21/1994

 Notice

*NOTICE OF ENTRY OF ORDER*

88C0846500034.tif pages

07/25/1994

 Notice

Filed By: Defendant Boston, Andre D  
*NOTICE OF APPEAL*

88C0846500035.tif pages

11/03/1994

 NV Supreme Court Clerks Certificate/Judgment - Dismissed


*NEVADA SUPREME COURT CLERK'S CERTIFICATE JUDGMENT - DISMISSED*

08/08/2000

 Reporters Transcript


*REPORTER'S TRANSCRIPT OF JULY 26, 1988*

01/05/2011

 Petition for Writ of Habeas Corpus


Filed by: Defendant Boston, Andre D  
*Petition for Writ of Habeas Corpus (Post-Conviction)*

01/05/2011

 Notice of Motion














Filed By: Defendant Boston, Andre D  
*Notice of Motion and Motion for Permission to Extend the Page Limit for A Separate Memorandum of Points and Authorities in Support of the Petition for Writ of Habeas Corpus*

01/05/2011















 Petition for Writ of Habeas Corpus

Filed by: Defendant Boston, Andre D  
*Petition for Writ of Habeas Corpus (Post-Conviction) and Jurisdictional Statement & Request to Allow Limited Confirmation Copies of Documents, for Service on Respondents.*



DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 88C084650**

|            |                                                                                                                                                                                                                                                                                                                                                                                       |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01/05/2011 |  Notice<br>Filed By: Defendant Boston, Andre D<br><i>Notice of Lodging and Lodging of Exhibits in Support of the Petition for Writ of Habeas Corpus (Exhibits A-Q)</i>                                                                                                                               |
| 01/14/2011 |  Opposition to Motion<br><i>State's Opposition to Defendant's Motion for Permission to Extend the Page Limit for a Separate Memorandum of Points and Authorities in Support of the Petition for Writ of Habeas Corpus</i>                                                                            |
| 01/18/2011 |  Order for Petition for Writ of Habeas Corpus                                                                                                                                                                                                                                                        |
| 01/19/2011 |  <b>Motion</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br>Events: 01/05/2011 Notice of Motion<br><i>Pro Per Notice of Motion and Motion for Permission to Extend the Page Limit for A Separate Memorandum of Points and Authorities in Support of the Petition for Writ of Habeas Corpus</i> |
| 03/04/2011 |  Response<br><i>State's Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>                                                                                                                                                                                             |
| 03/09/2011 |  Order Denying Motion<br>Filed By: Plaintiff State of Nevada<br><i>Order Denying Defendant's Motion for Permission to Extend the Page Limit for a Separate Memorandum of Points and Authorities in Support of the Petition for Writ of Habeas Corpus</i>                                             |
| 03/22/2011 |  Motion<br>Filed By: Defendant Boston, Andre D<br><i>Notice of Motion and Motion for Enlargement of Time Pursuant to NRS 178.476</i>                                                                                                                                                               |
| 03/23/2011 |  <b>Petition for Writ of Habeas Corpus</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br>Events: 01/18/2011 Order for Petition for Writ of Habeas Corpus                                                                                                                                      |
| 03/28/2011 |  Opposition to Motion<br>Filed By: Defendant Boston, Andre D<br><i>Petitioner's Opposition to the State's Response and Motion to Dismiss the Petition for Writ of Habeas Corpus</i>                                                                                                                |
| 03/29/2011 |  Opposition<br><i>State's Opposition to Defendant's Motion for Enlargement of Time Pursuant to NRS 178.476</i>                                                                                                                                                                                     |
| 03/29/2011 |  Response<br><i>State's Response to Defendant's Opposition To The State's Response And Motion To Dismiss The Petition For Writ Of Habeas Corpus</i>                                                                                                                                                |
| 04/04/2011 |  <b>Motion</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br>Events: 03/22/2011 Motion<br><i>Notice of Motion and Motion for Enlargement of Time Pursuant to NRS 178.476</i>                                                                                                                  |
| 04/19/2011 |  Notice of Appeal (criminal)<br>Party: Defendant Boston, Andre D<br><i>Notice of Appeal</i>                                                                                                                                                                                                        |

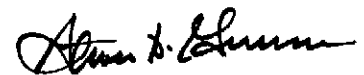
DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 88C084650**

|            |                                                                                                                                                                                                                                                            |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/22/2011 |  Case Appeal Statement<br>Filed By: Plaintiff State of Nevada                                                                                                             |
| 04/22/2011 |  Finding of Fact and Conclusions of Law<br>Filed By: Plaintiff State of Nevada<br><i>Findings of Fact, Conclusions of Law and Order</i>                                   |
| 05/17/2011 |  Order Denying Motion<br>Filed By: Plaintiff State of Nevada<br><i>Order Denying Defendant's Notice of Motion and Motion for Enlargement of Time Pursuant NRS 178.476</i> |
| 05/31/2011 |  Notice of Entry of Decision and Order                                                                                                                                    |
| 03/02/2012 |  NV Supreme Court Clerks Certificate/Judgment -Remanded USJR<br><i>Affirmed in Part and Reversed in Part and Remanded.</i>                                                |
| 03/21/2012 |  <b>Status Check</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br><i>Status Check: Remand for Supreme Court and Confirmation of Counsel</i>                         |
| 04/18/2012 |  <b>Status Check</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br><i>Remand For Supreme Court</i>                                                                   |
| 05/09/2012 |  <b>Status Check</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br><i>STATUS CHECK: PETITION/BRIEFING</i>                                                           |
| 11/27/2012 |  Supplemental Brief<br>Filed By: Defendant Boston, Andre D<br><i>Supplement to Writ of Habeas Corpus Post Conviction</i>                                                |
| 11/28/2012 |  <b>Argument</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br><b>11/28/2012, 03/04/2013</b>                                                                       |
| 12/24/2012 |  Writ<br>Filed by: Defendant Boston, Andre D<br><i>Writ Of Habeas Corpus</i>                                                                                            |
| 01/23/2013 |  Response<br>Filed by: Plaintiff State of Nevada<br><i>State's Response To Defendant's Writ Of Habeas Corpus (Post-Conviction)</i>                                      |
| 02/11/2013 | <b>CANCELED</b> <b>Petition for Writ of Habeas Corpus</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br><i>Vacated - Moot</i>                                                                                                                         |
| 03/22/2013 |  Order<br>Filed By: Plaintiff State of Nevada<br><i>Order Granting in Part and Denying in Part Petition for Writ of Habeas Corpus</i>                                   |
| 04/03/2013 |  Notice of Appeal (criminal)<br>Party: Defendant Boston, Andre D<br><i>Notice of Appeal</i>                                                                             |

DEPARTMENT 6  
**CASE SUMMARY**  
**CASE NO. 88C084650**

|            |                                                                                                                                                                                      |  |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 04/03/2013 |  Case Appeal Statement<br>Filed By: Defendant Boston, Andre D<br><i>Case Appeal Statement</i>       |  |
| 04/03/2013 |  Notice of Entry of Order<br>Filed By: Defendant Boston, Andre D<br><i>Notice of Entry of Order</i> |  |
| 04/10/2013 | <b>Status Check</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)<br><i>Status Check: Resentencing</i>                                                                             |  |

| DATE | FINANCIAL INFORMATION             |             |
|------|-----------------------------------|-------------|
|      | <b>Defendant</b> Boston, Andre D  |             |
|      | Total Charges                     | 1,127.00    |
|      | Total Payments and Credits        | 1,127.00    |
|      | <b>Balance Due as of 4/4/2013</b> | <b>0.00</b> |



CLERK OF THE COURT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

\* \* \* \*

State of Nevada,  
Plaintiff,  
VS  
Andre D. Boston,  
Defendant.

CASE NO.: C084650

DEPARTMENT 6

**ORDER GRANTING IN PART AND DENYING  
IN PART PETITION FOR WRIT OF HABEAS  
CORPUS**

In 1988, Petitioner Andre Boston ("Boston"), a juvenile at the time he committed his offenses, was convicted of one count of burglary, one count of lewdness with a minor with the use of a deadly weapon, one count of assault with a deadly weapon, one count of battery with the intent to commit a crime with the use of a deadly weapon, one count of first-degree kidnapping with the use of a deadly weapon, six counts of sexual assault with the use of a deadly weapon, one count of robbery with the use of a deadly weapon, and one count of attempting to dissuade a victim from reporting a crime with the use of a deadly weapon. The court sentenced Boston to serve fourteen consecutive terms of life with the possibility of parole and consecutive terms totaling 92 years. As the Nevada Supreme Court has noted, it appears that Boston would have to serve a minimum of approximately 100 years before he will be eligible for parole.

Boston filed the instant Petition in proper person on January 5, 2011. This Court dismissed the petition as procedurally barred and barred by laches. On appeal, the Nevada Supreme Court reversed and remanded to appoint counsel for Boston and consider whether the United States Supreme Court's decision in Graham v. Florida, 130 S. Ct. 2011 (2010) provides good cause for the filing of this untimely and successive petition and, if so, whether it provides a basis for relief herein.

**RECEIVED  
MAR 22 2013  
DEPT 6**

1 The Court has read and considered Boston's Petition for Writ of Habeas Corpus (Post  
2 Conviction), State's Response and Motion to Dismiss Defendant's Petition, Boston's  
3 Supplement to Writ of Habeas Corpus (Post-Conviction), Boston's Addendum to  
4 Supplement, and the State's Response to Defendant's Writ of Habeas Corpus (Post-  
5 Conviction). The Court held a hearing on March 4, 2013 at which Parker Brooks, Esq.  
6 appeared and argued for the State and Martin Hart, Esq. appeared and argued for Boston.  
7 This Court took the matter under advisement.

8 After full consideration of the papers and exhibits submitted by the parties, oral  
9 arguments, and consideration of the legal authorities, the Court hereby grants the petition  
10 and finds that Boston's cumulative sentences herein violate the Eighth Amendment of the  
11 United States Constitution's prohibition of cruel and unusual punishments under the Graham  
12 case.

13 In Graham, the United States Supreme Court, in a decision written by Justice  
14 Anthony Kennedy, held that "for a juvenile offender who did not commit homicide the  
15 Eighth Amendment forbids the sentence of life without parole. This clear line is necessary  
16 to prevent the possibility that life without parole sentences will be imposed on juvenile  
17 nonhomicide offenders who are not sufficiently culpable to merit that punishment. Because  
18 '[t]he age of 18 is the point where society draws the line for many purposes between  
19 childhood and adulthood,' those who were below that age when the offense was committed  
20 may not be sentenced to life without parole for a non-homicide crime." 130 S. Ct. at 2030,  
21 quoting Roper v. Simmons, 543 U.S. 551, 574, 125 S. Ct. 1183 (2005). The Court went on  
22 to say, "A State is not required to guarantee eventual freedom to a juvenile offender  
23 convicted of a nonhomicide crime. What the State must do, however, is give defendants like  
24 Graham some meaningful opportunity to obtain release based on demonstrated maturity and  
25 rehabilitation." Id. The Court found a national consensus against such sentences of life  
26 without possibility of parole for juvenile nonhomicide offenders. Id. at 2023-2026. The  
27 Court also relied and expanded on the analysis of the Roper Court to the effect that because  
28 juveniles are immature, they are more vulnerable to outside influences, their brains are less

1 developed, they have more difficulty considering long-term consequences, and they have  
2 less self-control, there is a greater possibility that a minor's character deficiencies may be  
3 reformed with time. Id. at 2026-27. The Court also recognized the harshness of a life  
4 without parole sentence for a juvenile because it will on average require serving more years  
5 and a greater percentage of his life in prison than an adult offender. Id. at 2028. Moreover,  
6 the Court found that the penological justifications for such a sentence—retribution,  
7 deterrence, incapacitation, and rehabilitation—did not justify life without parole for juvenile  
8 nonhomicide offenders. Id. at 2028-30.

9 In the instant case, Boston was convicted of heinous crimes he committed while a  
10 juvenile. He was convicted of entering a home and molesting a child under the age of  
11 fourteen at knifepoint. Six weeks later, he kidnapped the first victim's older sister at knife  
12 point and, over the course of several hours, robbed, battered, and repeatedly threatened and  
13 sexually assaulted her. He was convicted of thirteen felonies, with deadly weapon  
14 enhancements on twelve of them. As the State points out, Boston was not sentenced to life  
15 without parole for any of the charges of which he was convicted. However, based on the  
16 information presented by Boston, the Court may take judicial notice that the imposition of  
17 each of these sentences to run consecutively, with a minimum time to be served of more than  
18 100 years, constitutes the functional equivalent of a sentence of life without parole.

19 Contrary to Graham's Constitutional mandate, Boston was not given "some  
20 meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation."  
21 Instead, similar to the sentencing court in Graham, the Court that sentenced Boston  
22 apparently believed that there was nothing further that could be done for him and he would  
23 always be a dangerous criminal who must be kept off the streets. "To justify life without  
24 parole on the assumption that the juvenile offender forever will be a danger to society  
25 requires the sentencer to make a judgment that the juvenile is incorrigible. The  
26 characteristics of juveniles make that judgment questionable." Graham, 130 S. Ct. at 2029.  
27 The Graham Court went on to say, "A life without parole sentence improperly denies the  
28 juvenile offender a chance to demonstrate growth and maturity. Incapacitation cannot




1 override all other considerations, lest the Eighth Amendment's rule against disproportionate  
2 sentences be a nullity." Id. The Court notes that, in this case, Boston has presented evidence  
3 that, during the twenty-five years he has been in Nevada custody, he has earned his GED,  
4 multiple college degrees, several certificates from the Federal Emergency Management  
5 Agency, more than twenty Certificates of Appreciation or Achievement, and many accolades  
6 and certificates of recognition from the prison staff.

7 While Boston here was sentenced to this lengthy period of incarceration for multiple  
8 different offenses, rather than one single offense, all of the most serious charges relate to the  
9 events with the second victim that all took place on one day when Boston was sixteen years  
10 old. Under the circumstances, the Court finds that Graham's holding, and the reasons for it,  
11 are equally applicable here.

12 In conclusion, the Court finds that the issuance of the Graham decision by the United  
13 States Supreme Court provides good cause for the otherwise untimely and successive  
14 petition filed by Boston herein, and that prejudice is demonstrated by Boston if he is unable  
15 to raise the issues contained in the instant petition. Additionally, the State's assertion of  
16 laches has been sufficiently rebutted by Boston as he did not delay an unreasonable amount  
17 of time after issuance of Graham and it will not be unreasonably difficult for the State to  
18 hold a new sentencing hearing which does not require an entirely new trial. The Court  
19 further hereby grants the instant Petition in part and holds that the sentences imposed on  
20 Boston herein are in violation of the Eighth Amendment because they do not provide a  
21 meaningful opportunity to obtain release. Accordingly, the Court hereby sets aside those  
22 sentences, and finds that Boston must be re-sentenced in accordance with the Eighth  
23 Amendment's dictates. All other relief sought herein is denied. The Court is scheduling a  
24 status hearing to discuss the scheduling and scope of Boston's new sentencing hearing for  
25 April 10, 2013 at 8:30 am.

26 Dated this 22nd day of March, 2013

27   
28 ELISSA F. CADISH, DISTRICT JUDGE

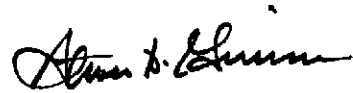
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**CERTIFICATE OF SERVICE**

I hereby certify that on the date filed, I electronically served, mailed to the following proper persons, or placed a copy of this order in the attorney's folder in the Clerk's Office as follows:

Parker Brooks, Assistant District Attorney  
Martin Hart, Esq.

  
Timothy D. Kelley  
Judicial Executive Assistant



CLERK OF THE COURT

NEOJ

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

ANDRE D. BOSTON,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No: 88C084650  
Dept No: VI

**NOTICE OF ENTRY OF ORDER**

**PLEASE TAKE NOTICE** that on March 22, 2013, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on April 3, 2013.

STEVEN D. GRIERSON, CLERK OF THE COURT



Heather Ungermann, Deputy Clerk

CERTIFICATE OF MAILING

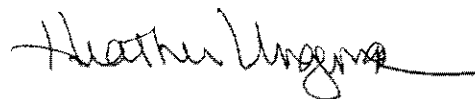
I hereby certify that on this 3 day of April 2013, I placed a copy of this Notice of Entry in:

The bin(s) located in the Office of the District Court Clerk of:  
Clark County District Attorney's Office  
Attorney General's Office – Appellate Division-

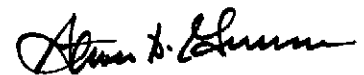
☒ The United States mail addressed as follows:

Andre D. Boston # 27846  
P.O. Box 7000  
Carson City, NV 89702

Martin Hart, Esq.  
229 S. Las Vegas Blvd., Ste. 200  
Las Vegas, NV 89101



Heather Ungermann, Deputy Clerk



CLERK OF THE COURT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

\* \* \* \*

State of Nevada,  
Plaintiff,  
VS  
Andre D. Boston,  
Defendant.

CASE NO.: C084650

DEPARTMENT 6

**ORDER GRANTING IN PART AND DENYING  
IN PART PETITION FOR WRIT OF HABEAS  
CORPUS**

In 1988, Petitioner Andre Boston ("Boston"), a juvenile at the time he committed his offenses, was convicted of one count of burglary, one count of lewdness with a minor with the use of a deadly weapon, one count of assault with a deadly weapon, one count of battery with the intent to commit a crime with the use of a deadly weapon, one count of first-degree kidnapping with the use of a deadly weapon, six counts of sexual assault with the use of a deadly weapon, one count of robbery with the use of a deadly weapon, and one count of attempting to dissuade a victim from reporting a crime with the use of a deadly weapon. The court sentenced Boston to serve fourteen consecutive terms of life with the possibility of parole and consecutive terms totaling 92 years. As the Nevada Supreme Court has noted, it appears that Boston would have to serve a minimum of approximately 100 years before he will be eligible for parole.

Boston filed the instant Petition in proper person on January 5, 2011. This Court dismissed the petition as procedurally barred and barred by laches. On appeal, the Nevada Supreme Court reversed and remanded to appoint counsel for Boston and consider whether the United States Supreme Court's decision in Graham v. Florida, 130 S. Ct. 2011 (2010) provides good cause for the filing of this untimely and successive petition and, if so, whether it provides a basis for relief herein.

**RECEIVED  
MAR 22 2013  
DEPT 6**

1 The Court has read and considered Boston's Petition for Writ of Habeas Corpus (Post  
2 Conviction), State's Response and Motion to Dismiss Defendant's Petition, Boston's  
3 Supplement to Writ of Habeas Corpus (Post-Conviction), Boston's Addendum to  
4 Supplement, and the State's Response to Defendant's Writ of Habeas Corpus (Post-  
5 Conviction). The Court held a hearing on March 4, 2013 at which Parker Brooks, Esq.  
6 appeared and argued for the State and Martin Hart, Esq. appeared and argued for Boston.  
7 This Court took the matter under advisement.

8 After full consideration of the papers and exhibits submitted by the parties, oral  
9 arguments, and consideration of the legal authorities, the Court hereby grants the petition  
10 and finds that Boston's cumulative sentences herein violate the Eighth Amendment of the  
11 United States Constitution's prohibition of cruel and unusual punishments under the Graham  
12 case.

13 In Graham, the United States Supreme Court, in a decision written by Justice  
14 Anthony Kennedy, held that "for a juvenile offender who did not commit homicide the  
15 Eighth Amendment forbids the sentence of life without parole. This clear line is necessary  
16 to prevent the possibility that life without parole sentences will be imposed on juvenile  
17 nonhomicide offenders who are not sufficiently culpable to merit that punishment. Because  
18 '[t]he age of 18 is the point where society draws the line for many purposes between  
19 childhood and adulthood,' those who were below that age when the offense was committed  
20 may not be sentenced to life without parole for a non-homicide crime." 130 S. Ct. at 2030,  
21 quoting Roper v. Simmons, 543 U.S. 551, 574, 125 S. Ct. 1183 (2005). The Court went on  
22 to say, "A State is not required to guarantee eventual freedom to a juvenile offender  
23 convicted of a nonhomicide crime. What the State must do, however, is give defendants like  
24 Graham some meaningful opportunity to obtain release based on demonstrated maturity and  
25 rehabilitation." Id. The Court found a national consensus against such sentences of life  
26 without possibility of parole for juvenile nonhomicide offenders. Id. at 2023-2026. The  
27 Court also relied and expanded on the analysis of the Roper Court to the effect that because  
28 juveniles are immature, they are more vulnerable to outside influences, their brains are less

1 developed, they have more difficulty considering long-term consequences, and they have  
2 less self-control, there is a greater possibility that a minor's character deficiencies may be  
3 reformed with time. Id. at 2026-27. The Court also recognized the harshness of a life  
4 without parole sentence for a juvenile because it will on average require serving more years  
5 and a greater percentage of his life in prison than an adult offender. Id. at 2028. Moreover,  
6 the Court found that the penological justifications for such a sentence—retribution,  
7 deterrence, incapacitation, and rehabilitation—did not justify life without parole for juvenile  
8 nonhomicide offenders. Id. at 2028-30.

9 In the instant case, Boston was convicted of heinous crimes he committed while a  
10 juvenile. He was convicted of entering a home and molesting a child under the age of  
11 fourteen at knifepoint. Six weeks later, he kidnapped the first victim's older sister at knife  
12 point and, over the course of several hours, robbed, battered, and repeatedly threatened and  
13 sexually assaulted her. He was convicted of thirteen felonies, with deadly weapon  
14 enhancements on twelve of them. As the State points out, Boston was not sentenced to life  
15 without parole for any of the charges of which he was convicted. However, based on the  
16 information presented by Boston, the Court may take judicial notice that the imposition of  
17 each of these sentences to run consecutively, with a minimum time to be served of more than  
18 100 years, constitutes the functional equivalent of a sentence of life without parole.


19 Contrary to Graham's Constitutional mandate, Boston was not given "some  
20 meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation."  
21 Instead, similar to the sentencing court in Graham, the Court that sentenced Boston  
22 apparently believed that there was nothing further that could be done for him and he would  
23 always be a dangerous criminal who must be kept off the streets. "To justify life without  
24 parole on the assumption that the juvenile offender forever will be a danger to society  
25 requires the sentencer to make a judgment that the juvenile is incorrigible. The  
26 characteristics of juveniles make that judgment questionable." Graham, 130 S. Ct. at 2029.  
27 The Graham Court went on to say, "A life without parole sentence improperly denies the  
28 juvenile offender a chance to demonstrate growth and maturity. Incapacitation cannot

1 override all other considerations, lest the Eighth Amendment's rule against disproportionate  
2 sentences be a nullity." Id. The Court notes that, in this case, Boston has presented evidence  
3 that, during the twenty-five years he has been in Nevada custody, he has earned his GED,  
4 multiple college degrees, several certificates from the Federal Emergency Management  
5 Agency, more than twenty Certificates of Appreciation or Achievement, and many accolades  
6 and certificates of recognition from the prison staff.

7 While Boston here was sentenced to this lengthy period of incarceration for multiple  
8 different offenses, rather than one single offense, all of the most serious charges relate to the  
9 events with the second victim that all took place on one day when Boston was sixteen years  
10 old. Under the circumstances, the Court finds that Graham's holding, and the reasons for it,  
11 are equally applicable here.

12 In conclusion, the Court finds that the issuance of the Graham decision by the United  
13 States Supreme Court provides good cause for the otherwise untimely and successive  
14 petition filed by Boston herein, and that prejudice is demonstrated by Boston if he is unable  
15 to raise the issues contained in the instant petition. Additionally, the State's assertion of  
16 laches has been sufficiently rebutted by Boston as he did not delay an unreasonable amount  
17 of time after issuance of Graham and it will not be unreasonably difficult for the State to  
18 hold a new sentencing hearing which does not require an entirely new trial. The Court  
19 further hereby grants the instant Petition in part and holds that the sentences imposed on  
20 Boston herein are in violation of the Eighth Amendment because they do not provide a  
21 meaningful opportunity to obtain release. Accordingly, the Court hereby sets aside those  
22 sentences, and finds that Boston must be re-sentenced in accordance with the Eighth  
23 Amendment's dictates. All other relief sought herein is denied. The Court is scheduling a  
24 status hearing to discuss the scheduling and scope of Boston's new sentencing hearing for  
25 April 10, 2013 at 8:30 am.

26 Dated this 22nd day of March, 2013

27   
28 ELISSA F. CADISH, DISTRICT JUDGE

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**CERTIFICATE OF SERVICE**

I hereby certify that on the date filed, I electronically served, mailed to the following proper persons, or placed a copy of this order in the attorney's folder in the Clerk's Office as follows:

Parker Brooks, Assistant District Attorney  
Martin Hart, Esq.

  
Timothy D. Kelley  
Judicial Executive Assistant



CASE NO. C84650TITLE THE STATE OF NEVADA VS. ANDRE DUPREE BOSTONDATE, JUDGE  
OFFICERS OF  
COURT PRESENT

## APPEARANCES -- HEARING

## CONTINUED TO:

|                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                            |
|-----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| 8-11-88<br>JOHN F. MENDOZA<br>DEPT. FIVE<br>R.SNAPE, CLERK<br>S.CHRISTOFFERSON<br>RECORDER          | <u>ARRAIGNMENT</u><br>State represented by Eric Jorgenson, Deputy District Attorney.<br>Defendant Boston present with John Fadgen.<br>Mr. Jorgenson moved to Amend the Information, Count XIV, to add "WITH USE OF A DEADLY WEAPON" and there being no objection, by the COURT SO ORDERED.<br>Defendant was arraigned and entered a Plea of Not Guilty.                                                                                                                                                                                                                                                                                                                                | 9-12-88 - 10:00 A.M.<br><br>JURY TRIAL<br>-----<br>9-8-88 - 9:00 A.M.<br><br>CALENDAR CALL |
|                                                                                                     | Mr. Fadgen stated they would invoke the 60 day rule.<br>COURT ORDERED, this matter is set for Trial September 12, 1988 at 10:00 A.M. and Calendar Call will be September 8, 1988 at 9:00 A.M.<br><br>CUSTODY                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                            |
| 9-8-88<br>JOHN F. MENDOZA<br>DEPT. FIVE<br>R.SNAPE, CLERK<br>S.CHRISTOFFERSON<br>RECORDER           | <u>CALENDAR CALL</u><br>State represented by Ronald Bloxham, Deputy District Attorney.<br>Defendant Boston present with John Fadgen.<br>Mr. Fadgen stated there was no objection to Motion to Endorse Names.<br>COURT ORDERED, Motion to Endorse Names granted.<br>COURT ORDERED, this case will be tried in Department Five September 12, 1988 at 10:00 A.M.<br>CUSTODY                                                                                                                                                                                                                                                                                                               | 9-12-88 - 10:00 A.M.<br><br>JURY TRIAL<br>DEPT. FIVE                                       |
| 9-12-13-14-15-88<br>JOHN F. MENDOZA<br>DEPT. FIVE<br>R.SNAPE, CLERK<br>S.CHRISTOFFERSON<br>RECORDER | <u>JURY TRIAL</u><br>State represented by Ronald Bloxham, Deputy District Attorney.<br>Defendant Boston present with John Fadgen.<br>Mr. Bloxham presented Motion to Endorse Names to the Court.<br>No objection by Mr. Fadgen.<br>Mr. Fadgen advised the Court Defendant was dressed in prison uniform.<br>Court stated there were no markings on the clothing.<br>Court heard arguments of Counsel in regard to Motion to Dismiss.<br>COURT ORDERED, Motion to Endorse Names is granted. FURTHER ORDERED, Motion to Dismiss is denied.<br>Jurors brought into the Courtroom.<br>Jury was selected and sworn.<br>Court advised Jury in regard to how his case would proceed to Trial. |                                                                                            |
|                                                                                                     | Opening statement by Mr. Bloxham.<br>Court heard testimony of witnesses and admitted exhibits.<br>Outside presence of the Jury, Juror #6 was examined by the Court and excused from the panel and replaced the first Alternate, WILLIAM JAMES JOHNSON.<br>Jury returned to the Courtroom.<br>Court heard further testimony of witnesses.                                                                                                                                                                                                                                                                                                                                               |                                                                                            |

CASE NO. C84650

THE STATE OF NEVADA VS. ANDRE DUPREE BOSTON

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

## APPEARANCES -- HEARING

## CONTINUED TO:

|                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |
|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 9-15-88<br>JOHN F. MENDOZA<br>DEPT. FIVE<br>R. SNAPE, CLERK<br>S. CHRISTOFFERSON<br>RECORDER | JURY TRIAL CONTINUED<br>Jury returned to Courtroom.<br>Jury returned Verdicts of Guilty on all Counts,<br>Count Nine having previously been dismissed.<br>COURT ORDERED, this matter continued to<br>October 20, 1988 at 9:00 A.M. for Sentencing.<br><br>CUSTODY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| 10-20-88<br>JOHN F. MENDOZA<br>DEPT. FIVE<br>R. SNAPE, CLERK<br>D. WINN<br>RECORDER          | SENTENCING<br>State represented by Ronald Bloxham, Deputy<br>District Attorney.<br>Defendant Boston present with John Fadgen.<br>Dennis Gilmore, Probation Officer, also present.<br>Court heard arguments of Counsel.<br>Court stated its findings.<br>COURT ORDERED, Defendant is adjudged Guilty and<br>sentenced as follows: COUNT ONE - Burglary -<br>TEN YEARS NSP; COUNT TWO - Lewdness With a Minor<br>With Use of Deadly Weapon - TEN YEARS and TEN<br>YEARS consecutive for Use of Weapon, to run con-<br>secutive to Count One; COUNT THREE - Assault<br>With Deadly Weapon - SIX YEARS NSP consecutive<br>to Counts One and Two; COUNT FOUR - Battery With<br>Intent to Commit Crim With Use of Deadly Weapon -<br>TEN YEARS NSP and TEN YEARS consecutive for<br>Use of Deadly Weapon, to run consecutive to<br>sentences in Counts One, Two and Three; COUNT<br>FIVE - First Degree Kidnapping With Use of<br>Deadly Weapon - LIFE NSP and LIFE NSP consecutive<br>for Use of Deadly Weapon, to run consecutive<br>to Counts One, Two, Three and Four; COUNT SIX -<br>Sexual Assault With Use of Deadly Weapon -<br>LIFE NSP with LIFE NSP consecutive for Use of<br>Deadly Weapon, to run consecutive to Counts<br>One, Two, Three, Four and Five; COUNT SEVEN -<br>Sexual Assault with Use of Deadly Weapon -<br>LIFE NSP with LIFE NSP consecutive for Use of<br>Deadly Weapon, to run consecutive to Counts<br>One through Six; COUNT EIGHT - Sexual Assault<br>With Use of Deadly Weapon - LIFE NSP with LIFE<br>NSP consecutive for Use of Deadly Weapon,<br>to run consecutive to Counts One through Seven;<br>COUNT NINE - Dismissed; COUNT TEN - Sexual<br>Assault with Use of Deadly Weapon - LIFE NSP<br>with LIFE NSP consecutive for Use of Deadly<br>Weapon, to run consecutive to Counts One<br>through Eight; COUNT ELEVEN - Sexual Assault<br>With Deadly Weapon - LIFE NSP with LIFE NSP<br>consecutive for Use of Deadly Weapon, to run<br>consecutive to Counts One through Ten; COUNT<br>TWELVE - Sexual Assault with Use of Deadly<br>Weapon - LIFE NSP with LIFE NSP consecutive for<br>Use of Deadly Weapon, to run consecutive to<br>Counts One through Eleven; COUNT THIRTEEN -<br>Robbery With Use of a Deadly Weapon - FIFTEEN<br>YEARS and FIFTEEN YEARS consecutive for Use of<br>Deadly Weapon, to run consecutive to Counts<br>One through Twelve; COUNT FOURTEEN - Attempt Dissuade<br>Victim or Witness from Reporting a Crime With Use<br>of Deadly Weapon - THREE YEARS with THREE YEARS consecutive<br>for Use of <b>MINUTES - CRIMINAL</b> Deadly Weapon, to run<br>consecutive to Counts One through Thirteen. |  |

CONT. NEXT PAGE

CASE NO. 084650 TITLE THE STATE OF NEVADA VS. ANDRE DUPREE BOSTON

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES -- HEARING

CONTINUED TO:

|                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                       |
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| 10-20-88<br>JOHN F. MENDOZA<br>DEPT. FIVE<br><br>R.SNAPE, CLERK<br><br>D. WINN<br>RECORDER           | Mr. Bloxham inquired if these sentences would run consecutive to sentences in California. Argument in opposition by Mr. Fadgen. COURT ORDERED, sentences to run consecutive to California sentence. Mr. Fadgen moved Court to withdraw. COURT ORDERED, Mr. Fadgen to file Notice of Appeal and after that time, he may be allowed to withdraw. FURTHER ORDERED, Defendant to receive no credit for time served.              |                                                       |
|                                                                                                      | CUSTODY                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                       |
| 1-24-89<br>JOHN F. MENDOZA<br>DEPT. FIVE<br><br>R.SNAPE, CLERK<br><br>S. CHRISTOFFERSON<br>RECORDER  | PER SUPREME COURT ORDER: APPOINTMENT OF COUNSEL<br>State represented by Ronald Bloxham, Deputy District Attorney.<br>Defendant Boston not present nor represented. Mr. Bloxham stated there was an Order from the Supreme Court stating that this Court should appoint Counsel if Defendant was indigent. Mr. Bloxham stated Defendant was placed in custody in California in 1983 and had received numerous Life sentences. | 1-31-89 - 9:00 A.M.<br><br>CONFIRMATION<br>OF COUNSEL |
|                                                                                                      | COURT ORDERED, Public Defender is appointed to represent Defendant and this matter is continued to January 31, 1989 at 9:00 A.M. for Confirmation of Counsel.<br><br>CUSTODY                                                                                                                                                                                                                                                 |                                                       |
| 1-31-89<br>JOHN F. MENDOZA<br>DEPT. FIVE<br><br>R.SNAPE, CLERK<br><br>D. WINN<br>RECORDER            | CONFIRMATION OF COUNSEL<br>State represented by ERIC Jorgenson, Deputy District Attorney.<br>Defendant Boston not present, being in custody NSP, represented by David Wall, Deputy P.D. Mr. Wall stated the Public Defender could confirm as Counsel in this case.<br>COURT ORDERED, Public Defender is confirmed as Counsel for Defendant.<br><br>CUSTODY (NSP)                                                             |                                                       |
| 11-13-90<br>JOHN F. MENDOZA<br>DEPT. FIVE<br><br>R.SNAPE, CLERK<br><br>S. CHRISTOFFERSON<br>RECORDER | DEFENDANT'S PRO PER MOTION TO PROCEED IN FORMA PAUPERIS<br>DEFENDANT'S PRO PER PETITION FOR POST CONVICTION RELIEF.<br>State represented by Ronald Bloxham, Deputy District Attorney.<br>Defendant Boston not present, represented by Mark Blaskey, Deputy Public Defender.<br>Mr. Bloxham stated the Attorney General may be handling this case.                                                                            | 11-28-90 - 9:00 A.M.<br><br>DEPT'S PRO PER<br>MOTIONS |

COURT ORDERED, continued to November 27, 1990 at 9:00 A.M. to allow District Attorney to determine if this is an Attorney General case or District Attorney case.

MINUTES -- CRIMINAL

CUSTODY (NSP)

CASE NO. C84650 TITLE THE STATE OF NEVADA VS. ANDRE DUPREE BOSTON

| DATE, JUDGE<br>OFFICERS OF<br>COURT PRESENT                                                         | APPEARANCES — HEARING                                                                                                                                                                                                                                                                                                                                                    | CONTINUED TO:                                                               |
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| 11-27-90<br>JOHN F. MENDOZA<br>DEPT. FIVE<br><br>R.SNAPE, CLERK<br><br>ALICE EASTGATE<br>RECORDER   | <u>DEFENDANT'S PRO PER MOTION TO PROCEED IN FORMA PAUPERIS</u><br><u>DEFENDANT'S PRO PER PETITION FOR POST CONVICTION RELIEF</u><br>State represented by Ronald Bloxham, Deputy District Attorney.<br>Defendant Boston not present, being in custody NSP, represented by Robert Miller, Deputy Public Defender.<br><del>Counsel stated there should be no conflict</del> | 12-13-90 - 9:00 A.M.<br><br><br><br><br><br><br><br><br><br>PRO PER MOTIONS |
|                                                                                                     | <del>with the Public Defender continuing to represent this Defendant.</del><br>COURT ORDERED, District Attorney has until November 29, 1990 to file and the Public Defender has ten days thereafter to respond. FURTHER ORDERED, this matter continued to December 13, 1990 at 9:00 A.M. for Argument.<br><br><br><br><br><br><br><br><br><br>CUSTODY (NSP)              |                                                                             |
| 12-13-90<br>JOHN F. MENDOZA<br>DEPT. FIVE<br><br>R.SNAPE, CLERK<br><br>S.CHRISTOFFERSON<br>RECORDER | <u>DEFENDANT'S PRO PER MOTION TO PROCEED IN FORMA PAUPERIS</u><br><u>DEFENDANT'S PRO PER PETITION FOR POST CONVICTION RELIEF</u><br>State represented by Douglas Smith, Deputy District Attorney.<br>Defendant Boston not present, represented by Robert Miller, Deputy Public Defender.<br>Mr. Smith stated a written response was filed November 28.                   | 12-14-90 - 9:00 A.M.<br><br><br><br><br><br><br><br><br><br>PRO PER MOTIONS |
|                                                                                                     | Court stated it was not in file.<br>COURT ORDERED, continued to December 14, 1990 at 9:00 A.M. Copy of Response provided to the Court.<br><br><br><br><br><br><br><br><br><br>CUSTODY (NSP)                                                                                                                                                                              |                                                                             |
| 12-14-90<br>JOHN F. MENDOZA<br>DEPT. FIVE<br><br>R.SNAPE, CLERK<br><br>S.CHRISTOFFERSON<br>RECORDER | <u>DEFENDANT'S PRO PER MOTION TO PROCEED IN FORMA PAUPERIS</u><br><u>DEFENDANT'S PRO PER PETITION FOR POST CONVICTION RELIEF</u><br>State represented by Ronald Bloxham, Deputy District Attorney.<br>Defendant Boston not present, being in custody NSP, represented by Robert Miller, Deputy Public Defender.                                                          |                                                                             |
|                                                                                                     | <del>Court heard arguments of Counsel.</del><br>Court stated its findings.<br>COURT ORDERED, Prayer of the Petition is denied.<br><br><br><br><br><br><br><br><br><br>CUSTODY (NSP)                                                                                                                                                                                      |                                                                             |

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 24, 1991**

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88C084650

The State of Nevada vs Andre D Boston

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**October 24, 1991****9:00 AM****Further Proceedings****ORAL REQUEST  
FOR FURTHER  
PROCEEDINGS  
PER SUPREME  
COURT Court Clerk:  
ALONA CANDITO  
Reporter/Recorder:  
SHIRLEE  
CHRISTOFFERSON  
Heard By: Jeffrey  
Sobel****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Monroe, Vicki J.

Attorney

Williams, Kevin V.

Attorney

**JOURNAL ENTRIES**

- Court advised Counsel that the Supreme Court reversed the 1988 Court ruling denying the motion for an Evidentiary Hearing. Statements by Counsel regarding the setting of a hearing date. COURT ORDERED, MATTER CONTINUED FOR A STATUS CHECK.

CUSTODY - NSP

NOVEMBER 7, 1991 @ 9 A.M. -- STATUS CHECK: RESET EVIDENTIARY HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 07, 1991**

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88C084650

The State of Nevada vs Andre D Boston

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**November 07, 1991****9:00 AM****Status Check****STATUS CHECK  
RESET  
EVIDENTIARY  
HEARING Court  
Clerk: ALONA  
CANDITO  
Reporter/Recorder:  
SHIRLEE  
CHRISTOFFERSON  
Heard By: SOBEL,  
JEFFREY****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Bloxham, Ronald C.

Attorney

Thompson, Robert H.

Attorney

**JOURNAL ENTRIES**

- Mr. Bloxham advised Court that the State has run into road blocks in getting Defendant Boston transported from California as neither orders to transport nor extradition are successful. Both Counsel requested a continuance for Counsel to decide if Defendant's presence is necessary. Mr. Thompson advised Court that he has not been in touch with Defendant.

COURT ORDERED, matter continued as the Defendant is doing prison time in California and has been convicted in Nevada, the issue is how to bring the Defendant back to Nevada for the Evidentiary Hearing.

CUSTODY - NSP

STATUS CHECK: RESET EVIDENTIARY HEARING -- NOVEMBER 26, 1991 @ 9 A.M.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 26, 1991

88C084650

The State of Nevada vs Andre D Boston

November 26, 1991

9:00 AM

Status Check

STATUS CHECK  
RESET  
EVIDENITARY  
HEARING Court  
Clerk: ALONA  
CANDITO  
Reporter/Recorder:  
ARLENE BLAZI  
Heard By: SOBEL,  
JEFFREY

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Smith, Ulrich W.

Attorney

Walker, Jr., Robert B.

Attorney

**JOURNAL ENTRIES**

- Mr. Miller advised Court that the Defendant definitely needs to be present for the evidentiary hearing. Mr. Smith advised Court that the State cannot get the Defendant back as it does not have any statutory vehicle to get the Defendant out of California Prison. Mr. Smith suggested that a deposition be taken in the California Prison. Mr. Smith submitted a letter to the Court from the Attorney General's office advising that the State has no jurisdiction. Mr. Smith submitted a copy of letter to Mr. Miller in open Court. Mr. Miller advised Court that a Deposition does not allow the Defendant to be present during the Defendant's previous attorney's testimony. COURT ORDERED, MATTER CONTINUED FOR A STATUS CHECK.

CUSTODY - NSP

DECEMBER 17, 1991 @ 9 A.M. -- STATUS CHECK

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 17, 1991**

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88C084650

The State of Nevada vs Andre D Boston

---

**December 17, 1991****9:00 AM****Status Check****STATUS CHECK  
RESET  
EVIDENTIARY  
HEARING Court  
Clerk: ALONA  
CANDITO  
Reporter/Recorder:  
SHIRLEE  
CHRISTOFFERSON  
Heard By: Jeffrey  
Sobel****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Miller, Robert L.  
Smith, Ulrich W.Attorney  
Attorney**JOURNAL ENTRIES**

- Mr. Miller advised Court that the Defendant is due to be released from the California State Prison around the year 2010. Court inquired from Counsel if they knew a way to get Defendant here. Mr. Smith suggested that the Defendant's deposition be taken in the California Prison and Defendant's trial Counsel can testify prior to the Deposition. COURT ORDERED, MATTER SET FOR AN EVIDENTIARY HEARING.

CUSTODY - PRISON

MARCH 2, 1992 @ 9:15 A.M. -- EVIDENTIARY HEARING



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 27, 1992

88C084650

The State of Nevada vs Andre D Boston

February 27, 1992

9:00 AM

Motion to Continue

MOTION FOR  
CONTINUANCE OF  
EVIDENTIARY  
HEARING Court  
Clerk: ALONA  
CANDITO  
Reporter/Recorder:  
SHIRLEE  
CHRISTOFFERSON  
Heard By: Jeffrey  
Sobel

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Monroe, Vicki J.

Attorney

Williams, Kevin V.

Attorney

**JOURNAL ENTRIES**

- Court advised Counsel that it has gathered that there is a problem with the current evidentiary hearing setting. COURT ORDERED, EVIDENTIARY HEARING VACATED AND RESET.

CUSTODY - NSP

5/1/92 @ 10 A.M. -- EVIDENTIARY HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 01, 1992

88C084650

The State of Nevada vs Andre D Boston

May 01, 1992

10:00 AM

Evidentiary Hearing

EVIDENTIARY  
HEARING Court  
Clerk: ALONA  
CANDITO  
Reporter/Recorder:  
SHIRLEE  
CHRISTOFFERSON  
Heard By: Jeffrey  
Sobel

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Bloxham, Ronald C.  
Miller, Robert L.  
Public Defender

Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Counsel advised court that they will not be able to go forward this morning as trial counsel is not under subpoena, but is now aware of his location. Mr. Miller advised court that he has spoken with the defendant and knows the issues which need to come up, but requested a continuance for the testimony of a doctor. COURT ORDERED, MATTER CONTINUED.

CUSTODY - NSP

7/2/92 -- STATUS CHECK: EVIDENTIARY HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 02, 1992**

---

88C084650

The State of Nevada vs Andre D Boston

---

**July 02, 1992****9:00 AM****Status Check****STATUS CHECK:****SET****EVIDENTIARY****HEARING Relief****Clerk: TINA HURD****Reporter/Recorder:****SHIRLEE****CHRISTOFFERSON****Heard By: Jeffrey****Sobel****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Miller, Robert L.

Attorney

Monroe, Vicki J.

Attorney

Public Defender

Attorney

**JOURNAL ENTRIES**

- Mr. Miller advised there is one witness, a doctor. The Supreme Court has remanded this case for conduction of an evidentiary hearing. At this point an evidentiary hearing is not warranted as the doctor cannot be found, however, the Court can take the matter under submission to evaluate the documents. Court took the matter UNDER ADVISEMENT and ORDERED, matter placed on calendar in one month for decision.

CUSTODY (NSP)

7-30-92 9:00 A.M. DECISION

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 30, 1992

88C084650

The State of Nevada vs Andre D Boston

July 30, 1992

9:00 AM

Decision

HEARING JUDGE'S  
DECISION Relief  
Clerk: CINDY  
HORTON  
Reporter/Recorder:  
SHIRLEE  
CHRISTOFFERSON  
Heard By: SOBEL,  
JEFFREY

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Robinson, Lynn M.  
Williams, Kevin V.

Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Williams advised that this is Mr. Miller's case and stated he would submit the matter. COURT ORDERED, matter continued for Mr. Miller to be present.

CUSTODY (NSP)

7/31/92 - 9 AM - DECISION CONTINUED

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 31, 1992**

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88C084650

The State of Nevada vs Andre D Boston

---

July 31, 1992

9:00 AM

Decision

HEARING JUDGE'S  
DECISION Relief  
Clerk: CINDY  
HORTON  
Reporter/Recorder:  
SHIRLEE  
CHRISTOFFERSON  
Heard By: Jeffrey  
Sobel

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Bloxham, Ronald C.  
Miller, James J.

Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Bloxham advised that the original Doctor is not available. Court stated that the Supreme Court found cause enough to trigger an evidentiary hearing and that if the defense had other thing to bring out they should have had that right. Colloquy between the Court and counsel regarding the trial attorneys. Mr. Miller advised that the debt was in a California prison until the year 2010. State advised that possibly the only way to have the debt here was possibly through the Governor's office. Mr. Miller stated he wanted it put on the record that the debt wants to be present for any hearings. COURT ORDERED, matter continued for contact with Fadgen of which the results can be relayed to Mr. Boston and then matter can be set for hearing.  
CUSTODY (NSP)

8/13/92 - 9 AM - STATUS CHECK

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 13, 1992**

---

88C084650

The State of Nevada vs Andre D Boston

---

**August 13, 1992****9:00 AM****Status Check**

**STATUS CHECK**  
**Relief Clerk:**  
**SHARON PHELPS**  
**Reporter/Recorder:**  
**DONNA LITTLE**  
**Heard By: Donald**  
**Mosley**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Barker, David B.

Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, matter continued for Evidentiary Hearing.  
CUSTODY (NSP)...9-4-92 @ 10:00 A.M. EVIDENTIARY HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 04, 1992**

---

88C084650

The State of Nevada vs Andre D Boston

---

**September 04, 1992****10:00 AM****Evidentiary Hearing****EVIDENTIARY  
HEARING Court  
Clerk: ALONA  
CANDITO  
Reporter/Recorder:  
DEBRA WINN  
Heard By: Jeffrey  
Sobel****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Bloxham, Ronald C.

Attorney

Miller, Robert L.

Attorney

Public Defender

Attorney

**JOURNAL ENTRIES**

- Mr. Miller advised court that he had a conversation with defendant Boston and the defendant objects to the Evidentiary Hearing proceeding without him being present. Court advised counsel that there is no procedural mechanism to get defendant to this jurisdiction as he is serving a California sentence and is not due to be released until 2010; and this matter is being video taped for the defendant's benefit. Witnesses sworn and testified and evidence admitted. (PER WORKSHEET.)  
CONFERENCE AT BENCH. COURT ORDERED, RECESS. LATER: COURT ORDERED, MATTER CONTINUED FOR A STATUS CHECK. Mr. Bloxham requested a transcript of today's proceedings. Mr. Miller requested a copy of this video tape. SO ORDERED.  
(THIS MATTER WAS VIDEO TAPED AT THE REQUEST OF THE COURT FOR THE BENEFIT OF THE DEFENDANT.)

CUSTODY - NSP

01/05/93 -- STATUS CHECK

PRINT DATE: 04/04/2013

Page 11 of 29

Minutes Date:

August 11, 1988





**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 05, 1993**

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88C084650

The State of Nevada vs Andre D Boston

---

**January 05, 1993****9:00 AM****Status Check****STATUS CHECK**  
**Court Clerk: ALONA**  
**CANDITO Relief**  
**Clerk: MARY**  
**DAIGLE**  
**Reporter/Recorder:**  
**DEBRA WINN**  
**Heard By: SOBEL,**  
**JEFFREY****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Barker, David B.  
Miller, Robert L.  
Public DefenderAttorney  
Attorney  
Attorney**JOURNAL ENTRIES**

- Mr. Miller advised Court that he spoke with Mr. Bloxham and advised him he will be going to Tehachapi to see the defendant and there is no objection. COURT ORDERED, MATTER CONTINUED FOR A STATUS CHECK.  
CUSTODY - NSP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

---

**Felony/Gross Misdemeanor****COURT MINUTES****February 16, 1993**

---

88C084650

The State of Nevada vs Andre D Boston

---

**February 16, 1993****9:00 AM****Status Check**

**STATUS CHECK**  
**Court Clerk: ALONA**  
**CANDITO**  
**Reporter/Recorder:**  
**SHIRLEE**  
**CHRISTOFFERSON**  
**Heard By: SOBEL,**  
**JEFFREY**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Bloxham, Ronald C.  
Miller, Robert L.  
Public Defender

Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Miller advised court that the defendant has seen the video tape and requested a continuance for a affidavit of the defendant to be prepared stating whatever he would like court to consider. COURT ORDERED, MATTER CONTINUED.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 06, 1993**

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88C084650

The State of Nevada vs Andre D Boston

---

**April 06, 1993****9:00 AM****Status Check****STATUS CHECK****Relief Clerk: DENISE  
TRUJILLO****Reporter/Recorder:  
SHIRLEE****CHRISTOFFERSON****Heard By: SOBEL,  
JEFFREY****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Bloxham, Ronald C.

Attorney

Miller, Robert L.

Attorney

Public Defender

Attorney

**JOURNAL ENTRIES**

- Mr. Miller requested thirty day continuance to respond as he is awaiting affidavit from deft. COURT ORDERED, matter continued sixty days, deft. to respond in 30 days, State to have two weeks to reply with a hearing set two weeks thereafter. Mr. Bloxham filed exparte MOTION FOR RELEASE OF EVIDENCE in open Court. Mr. Miller objected as he doesn't want exhibits to this case. Mr. Bloxham advised the evidence in this case, need to be tested for possible use in a murder case that may be filed against deft. COURT ORDERED, motion is granted, if evidence is needed in this case then it must be returned or in any event, not destroyed.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 01, 1993

---

88C084650

The State of Nevada vs Andre D Boston

---

June 01, 1993

9:00 AM

Status Check

STATUS CHECK  
Court Clerk: ALONA  
CANDITO  
Reporter/Recorder:  
DEBRA WINN  
Heard By: SOBEL,  
JEFFREY

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Bloxham, Ronald C.  
Public Defender  
Williams, Kevin V.

Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Court stated that it is waiting for an affidavit from Lompoc. Mr. Williams advised Court that he has the affidavit. COURT ORDERED, DEPARTMENT SECRETARY TO MAKE COPY OF THE AFFIDAVIT AND MATTER CONTINUED.  
CUSTODY - NDP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 08, 1993

88C084650

The State of Nevada vs Andre D Boston

June 08, 1993

9:00 AM

Status Check

STATUS CHECK  
 Court Clerk: ALONA  
 CANDITO Relief  
 Clerk: MARY LOU  
 BALLEZ  
 Reporter/Recorder:  
 SHIRLEE  
 CHRISTOFFERSON  
 Heard By: Jeffrey  
 Sobel

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Do Not Use, -  
 Hillman, Ralph R.

Attorney  
 Attorney

**JOURNAL ENTRIES**

- COURT STATED THAT DEFENDANT WILL NOT BE ABLE TO COME TO NEVADA UNTIL NEXT CENTURY. COURT STATED THAT THE PUBLIC DEFENDER FILED AN AFFIDAVIT OF THE DEFENDANT THAT DEALS WITH ISSUES IN THIS CASE, WHICH DOES NOT HAVE A RESPONSE. Mr. Bloxham requested to respond to this. COURT ORDERED, STATE TO RESPOND BY 7/8/93, PUBLIC DEFENDER TO REPLY BY 7/29/93 WITH COURTESY COPIES TO THE COURT.

CUSTODY - NDP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 05, 1993

---

88C084650

The State of Nevada vs Andre D Boston

---

August 05, 1993

9:00 AM

Decision

HEARING JUDGE'S  
DECISION Court  
Clerk: ALONA  
CANDITO  
Reporter/Recorder:  
SHIRLEE  
CHRISTOFFERSON  
Heard By: SOBEL,  
JEFFREY

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Bloxham, Ronald C.  
Hillman, Ralph R.  
Public Defender

Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Court stated that it received the State's supplemental points and authorities, but has not recieved the reply from Mr. Miller. COURT ORDERED, MATTER CONTINUED, COUNSEL TO SUBMIT COURTESY COPIES.  
CUSTODY - NDP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 26, 1993

---

88C084650

The State of Nevada vs Andre D Boston

---

August 26, 1993

9:00 AM

Decision

HEARING JUDGE'S  
DECISION Court  
Clerk: ALONA  
CANDITO  
Reporter/Recorder:  
SHIRLEE  
CHRISTOFFERSON  
Heard By: SOBEL,  
JEFFREY

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Holthus, Mary Kay  
Miller, Robert L.  
Public Defender

Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Miller advised Court that he will be submitting matter. COURT ORDERED, MATTER  
CONTINUED FOR COURT TO REVIEW.  
CUSTODY - NDP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 23, 1993

---

88C084650

The State of Nevada vs Andre D Boston

---

September 23, 1993

9:00 AM

Decision

HEARING JUDGE'S  
DECISION Court  
Clerk: ALONA  
CANDITO  
Reporter/Recorder:  
SHIRLEE  
CHRISTOFFERSON  
Heard By: SOBEL,  
JEFFREY

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Holthus, Mary Kay  
Public Defender  
Williams, Kevin V.

Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- COURT STATED THAT IT DID NOT HAVE THE OPPORTUNITY TO REVIEW THIS FILE AND  
MATTER CONTINUED.

CUSTODY - NSP



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 14, 1993

---

88C084650

The State of Nevada vs Andre D Boston

---

October 14, 1993

9:00 AM

Decision

HEARING JUDGE'S  
DECISION Court  
Clerk: ALONA  
CANDITO  
Reporter/Recorder:  
SHIRLEE  
CHRISTOFFERSON  
Heard By: Jeffrey  
Sobel

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Holthus, Mary Kay  
Public Defender  
Williams, Kevin V.

Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, POST CONVICTION RELIEF IS DENIED AND COURT STATED FINDINGS.  
COURT DIRECTED THE STATE TO PREPARE FINDINGS.  
CUSTODY - NSP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 19, 2011**

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88C084650

The State of Nevada vs Andre D Boston

---

**January 19, 2011**

**8:30 AM**

**Motion**

**HEARD BY:** Cadish, Elissa F.

**COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Keith Reed

**RECORDER:** Jessica Kirkpatrick

**REPORTER:**

**PARTIES**

**PRESENT:**

O'Callaghan, Michael Neil  
State of Nevada

Attorney  
Plaintiff

**JOURNAL ENTRIES**

- Court stated findings and ORDERED, motion DENIED as MOOT & will be heard in the ordinary course.

NDC

3-23-11 8:30 AM PETITION FOR WRIT OF HABEAS CORPUS

Clerk's Note: Minutes Distributed to: Andre D. Boston, #27846, HDSP, 13A/2A, POB 650, Indian Springs, Nv. 89070-0650

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 23, 2011**

---

88C084650

The State of Nevada vs Andre D Boston

---

**March 23, 2011****8:30 AM****Petition for Writ of Habeas  
Corpus****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

Public Defender

Attorney

Spells, Jasmin

Attorney

State of Nevada

Plaintiff

Stephens, Robert

Attorney

**JOURNAL ENTRIES**

- In the absence of the Deft. Court stated there will not be any argument; the ruling will be based upon the written briefs. Court stated findings and ORDERED, Petition For Writ Of Habeas Corpus DENIED, it's untimely, successive, without good cause for the procedural defects and has failed to rebut the state's defense of laches; motion to dismiss GRANTED; Public Defender RELIEVED as counsel of record.

NDC

CLERK'S NOTE: Minutes distributed to: Andre D. Boston #27846 HDSP 11A/9A, Indian Springs Nv.  
89070

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 04, 2011**

---

88C084650

The State of Nevada vs Andre D Boston

---

**April 04, 2011**

**8:30 AM**

**Motion**

**HEARD BY:** Cadish, Elissa F.

**COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Keith Reed

**RECORDER:** Jessica Kirkpatrick

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Court stated findings and ORDERED, instant motion DENIED; underlying ruling on the writ STANDS.

NDC

CLERK S NOTE: Minutes distributed to: Andre D. Boston #27846 HDSP 11A/9A, Indian Springs Nv. 89070

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 21, 2012**

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88C084650

The State of Nevada vs Andre D Boston

---

**March 21, 2012****8:30 AM****Status Check****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Noelle Peguese**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**Ferreira, Amy L.  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- Also present: Martin Hart, Esq.

Mr. Hart inquired if a file existed. Court noted the file may be in storage or on Microfiche, and advised counsel to focus on Graham. Colloquy regarding Graham. Court noted counsel needs the file. Ms. Ferreira noted this case is with the Appellant Division, so Leon may be able to help Mr. Hart obtain the file. Court CONFIRMED Mr. Hart as counsel, and advised if there are any conflicts that arise, counsel to contact the Court. COURT ORDERED, matter SET for Status Check for counsel to obtain the file. Court stated they will discuss a schedule to Supplement the Petitions at the next hearing.

NDC

4/18/12 8:30 AM STATUS CHECK

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 18, 2012**

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88C084650

The State of Nevada vs Andre D Boston

---

**April 18, 2012****8:30 AM****Status Check****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**Ferreira, Amy L.  
Hart, Martin W  
State of NevadaAttorney  
Attorney  
Plaintiff**JOURNAL ENTRIES**

- Mr. Hart advised he's been in contact with the Deft. and it appears he mailing all his filings and/or research he has done, and after looking at Odyssey it appears to be an almost complete record. Mr. Hart stated he should have an answer in a couple of weeks after he sees all the information, which is believed to be pretty extensive. COURT ORDERED, matter CONTINUED for status check; briefing will be discussed.

NDC

5-9-12 8:30 AM STATUS CHECK: PETITION/BRIEFING SCHEDULE

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 09, 2012**

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88C084650

The State of Nevada vs Andre D Boston

---

**May 09, 2012****8:30 AM****Status Check****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed; Dulce Romea**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

Hart, Martin W

Attorney

Scow, Richard H.

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Deft. not present.

Mr. Hart advised he is ready to prepare a brief; all has been provided by the Deft., which is being reviewed; 90 days is requested for research. COURT ORDERED, Deft's supplemental petition to be filed by August 8th; state's response is due October 8th; Deft's reply due November 8th. Colloquy regarding the issues to be addressed in the hearing. Court stated matters need to focus on the Graham issue to establish good cause for the delay, and whether the Deft. is entitled to any relief as a result of that case. Mr. Scow noted the case of Michael Wayne Roger vs. the State of Nevada, advising there may be an issue regarding if the matter should have been raised within a year of finding out; a copy of the case will be provided to defense counsel. Court directed parties address the issue of the procedural default and the underlying claim and ORDERED, matter set for oral argument, after which an Evidentiary Hearing will be scheduled if necessary

NDC

11-28-12 ARGUMENT: DEFT'S PETITION

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 28, 2012

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88C084650

The State of Nevada vs Andre D Boston

---

November 28, 2012      8:30 AM      Argument

HEARD BY:    Cadish, Elissa F.

COURTROOM:    RJC Courtroom 15B

COURT CLERK:    Keith Reed

RECORDER:    Jessica Kirkpatrick

REPORTER:

**PARTIES**

|                 |                   |           |
|-----------------|-------------------|-----------|
| <b>PRESENT:</b> | Hart, Martin    W | Attorney  |
|                 | Heap, Hilary      | Attorney  |
|                 | State of Nevada   | Plaintiff |

**JOURNAL ENTRIES**

- Deft. not present.

Mr. Hart advised he has brought over the brief and the state request 60 days to respond. Court noted the brief was due August 8th. Mr. Hart stated it was filed yesterday. COURT ORDERED, state's response to the supplemental petition to be filed by January 30th; defense reply is due February 14th; argument CONTINUED to March 4th.

NDC 3-4-13 8 30 AM ARGUMENT



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 04, 2013

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88C084650

The State of Nevada vs Andre D Boston

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March 04, 2013

8:30 AM

Argument

HEARD BY: Cadish, Elissa F.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Keith Reed

RECORDER: Jessica Kirkpatrick

REPORTER:

**PARTIES****PRESENT:**

Brooks, Parker  
Hart, Martin W  
State of Nevada

Attorney  
Attorney  
Plaintiff

**JOURNAL ENTRIES**

- Court noted it does not appear either party has addressed the threshold issue as to whether Graham applies retroactively to the Deft's case. Arguments by counsel. COURT ORDERED, matter UNDER ADVISEMENT; parties to jointly determine the sentencing and parole guidelines.

NDC

## OFFERED ADMITTED

|                                           |                                                    |                                          |
|-------------------------------------------|----------------------------------------------------|------------------------------------------|
| 1. Diagram                                | <input checked="" type="checkbox"/> 9-12<br>no obj | <input checked="" type="checkbox"/> 9-12 |
| 2. Diagram                                | <input checked="" type="checkbox"/> 9-12<br>no obj | <input checked="" type="checkbox"/> 9-12 |
| 3. Diagram                                | <input checked="" type="checkbox"/> 9-12<br>no obj | <input checked="" type="checkbox"/> 9-12 |
| 4. Evidence Bag                           | <input checked="" type="checkbox"/> 9-13<br>no obj | <input checked="" type="checkbox"/> 9-13 |
| 4A. Jeans                                 | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 4B. Sweater                               | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 4C. Bra                                   | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 4D. Panties                               | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 4E. Sox                                   | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 5. Evidence Envelope                      | <input checked="" type="checkbox"/> 9-14<br>no obj | <input checked="" type="checkbox"/>      |
| 5A. Evidence Envelope                     | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 5B. Bag                                   | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 5C. Bandana                               | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 6. Evidence Bag                           | <input checked="" type="checkbox"/> 9-14<br>no obj | <input checked="" type="checkbox"/> 9-14 |
| 6A. Bag                                   | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 6A-1. Pants                               | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 6B. Bag                                   | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 6-B-1 shirt                               | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 7. Evidence Envelope                      | <input checked="" type="checkbox"/> 9-13<br>no obj | <input checked="" type="checkbox"/> 9-13 |
| 7A. Plastic case w/slides                 | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 7B. Vial                                  | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 7C. Vial                                  | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 7D. Vial - Blood                          | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 7E. Evidence Envelope                     | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 7E1 Envelope containing head hair         | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 7E2 Envelope containing pubic hair        | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 7E3 Envelope containing combed pubic hair | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 7E4 Vial                                  | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |

6B  
6B16B  
6B17E2  
7E3

7E4

|                      | OFFERED                             | ADMITTED                            |
|----------------------|-------------------------------------|-------------------------------------|
| 7.7 Report           | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8 Evidence Envelope  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8A Photos            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8B Photo             | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8C Photo             | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8D Photo             | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8E Photo             | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8F Photo             | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8G <del>Photo</del>  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9 Evidence Envelope  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9A Photo             | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9B Photo             | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9C Photo             | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9D Photo             | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9E Photo             | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9F Photo             | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9G Photo             | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 9H Photo             | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10 Evidence Envelope | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10A Photo            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10B Photo            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10C Photo            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10D P                | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10E Photo            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10F Photo            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 10G Photo            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

OFFERED ADMITTED

|                                   |                                     |                |                                     |      |
|-----------------------------------|-------------------------------------|----------------|-------------------------------------|------|
| 10 H Photo                        | <input checked="" type="checkbox"/> | 9-13<br>no obj | <input checked="" type="checkbox"/> | 9-13 |
| 10 I Photo                        | <input checked="" type="checkbox"/> |                | <input checked="" type="checkbox"/> | 9-13 |
| 11. Evidence Envelope             | <input checked="" type="checkbox"/> |                | <input checked="" type="checkbox"/> |      |
| 11A Baggie containing tissue      | <input checked="" type="checkbox"/> |                | <input checked="" type="checkbox"/> |      |
| 11B Baggie containing tissue      | <input checked="" type="checkbox"/> |                | <input checked="" type="checkbox"/> |      |
| 11C Baggie containing tissue      | <input checked="" type="checkbox"/> |                | <input checked="" type="checkbox"/> |      |
| 11D Baggie containing tissue      | <input checked="" type="checkbox"/> |                | <input checked="" type="checkbox"/> |      |
| 12 Evidence Envelope              | <input checked="" type="checkbox"/> | 9-13<br>no obj | <input checked="" type="checkbox"/> | 9-13 |
| 12A Baggie containing tissue      | <input checked="" type="checkbox"/> |                | <input checked="" type="checkbox"/> |      |
| 12B Baggie containing tissue      | <input checked="" type="checkbox"/> |                | <input checked="" type="checkbox"/> |      |
| 12C Baggie containing tissue      | <input checked="" type="checkbox"/> |                | <input checked="" type="checkbox"/> |      |
| 12D Baggie containing tissue      | <input checked="" type="checkbox"/> |                | <input checked="" type="checkbox"/> |      |
| 12E Baggie containing tissue      | <input checked="" type="checkbox"/> |                | <input checked="" type="checkbox"/> |      |
| 13. Evidence Bag                  | <input type="checkbox"/>            |                | <input type="checkbox"/>            |      |
| 13A Bag                           | <input type="checkbox"/>            |                | <input type="checkbox"/>            |      |
| 13A1 Dice                         | <input type="checkbox"/>            |                | <input type="checkbox"/>            |      |
| 13A2 Tassell                      | <input type="checkbox"/>            |                | <input type="checkbox"/>            |      |
| 13A3 Leather Band - andre + marie | <input type="checkbox"/>            |                | <input type="checkbox"/>            |      |
| 13A4 Leather Band                 | <input type="checkbox"/>            |                | <input type="checkbox"/>            |      |
| 13A5 Ribbon                       | <input type="checkbox"/>            |                | <input type="checkbox"/>            |      |
| 14 Evidence Bag                   | <input type="checkbox"/>            |                | <input type="checkbox"/>            |      |
| 14A Bag                           | <input type="checkbox"/>            |                | <input type="checkbox"/>            |      |
| 14B Bag                           | <input type="checkbox"/>            |                | <input type="checkbox"/>            |      |
| 14A1 Bag                          | <input type="checkbox"/>            |                | <input type="checkbox"/>            |      |
| 14A2 Shoes                        | <input type="checkbox"/>            |                | <input type="checkbox"/>            |      |
| 15 Photo Lineup                   | <input checked="" type="checkbox"/> | 9-14<br>no obj | <input checked="" type="checkbox"/> |      |

OFFERED ADMITTED

|                             |                  |                                                    |                                          |
|-----------------------------|------------------|----------------------------------------------------|------------------------------------------|
| 16. Vehicle Registration    |                  | <input checked="" type="checkbox"/> 9-13<br>no obj | <input checked="" type="checkbox"/> 9-13 |
| 17. marriage License        |                  | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 18. Marriage Certificate    |                  | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 19 Envelope                 |                  | <input checked="" type="checkbox"/> 9-13<br>no obj | <input checked="" type="checkbox"/> 9-13 |
| 19A Photo                   |                  | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 19B Photo                   |                  | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 19C Photo                   |                  | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 19D Photo                   |                  | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 19E Photo                   |                  | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 19F Photo                   |                  | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 20 Evidence Envelope        | 20A Plastic Bag  | <input checked="" type="checkbox"/> 9-14<br>no obj | <input checked="" type="checkbox"/> 9-14 |
| 21 Envelope & Photos        | 21A-777          | <input checked="" type="checkbox"/> 9-13<br>no obj | <input checked="" type="checkbox"/> 9-13 |
| 22 Search Warrant           |                  | <input type="checkbox"/>                           | <input type="checkbox"/>                 |
| 23 Evidence Bag             | A-21-Plastic Bag | <input checked="" type="checkbox"/> 9-14           | <input checked="" type="checkbox"/> 9-14 |
| 24 Evidence Bag             | 24A Tissue Box   | <input checked="" type="checkbox"/> 9-14           | <input checked="" type="checkbox"/>      |
| 25 Evidence Bag Envelope    | 25A Plastic Bag  | <input checked="" type="checkbox"/> 9-14           | <input checked="" type="checkbox"/>      |
| 26 Evidence Bag             | 26A Plastic Bag  | <input checked="" type="checkbox"/> 9-14           | <input checked="" type="checkbox"/> 9-14 |
| 27 Evidence Bag Envelope    | 27A Plastic Bag  | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 28 Evidence Envelope        | 28A Plastic Bag  | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 29 Carpet                   |                  | <input checked="" type="checkbox"/> 9-14           | <input checked="" type="checkbox"/>      |
| 30 Envelope Photos          | 30A-S 30B with   | <input checked="" type="checkbox"/> 9-14<br>no obj | <input checked="" type="checkbox"/> 9-14 |
| 31 Evidence Envelope        | 31A-Card & Tape  | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 32. Evidence Bag & Contents |                  | <input checked="" type="checkbox"/> 9-14           | <input checked="" type="checkbox"/>      |
| 33. Consent to Search       |                  | <input checked="" type="checkbox"/> 9-14<br>no obj | <input checked="" type="checkbox"/> 9-14 |
| 34. Consent to Search       |                  | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |
| 35. Consent to Search       |                  | <input checked="" type="checkbox"/>                | <input checked="" type="checkbox"/>      |

DEFENDANT'S EXHIBITS:

CASE NO. 084650

|                 | OFFERED                                         | ADMITTED                            |
|-----------------|-------------------------------------------------|-------------------------------------|
| A. <u>Photo</u> | <input checked="" type="checkbox"/> 9-13 mostly | <input checked="" type="checkbox"/> |
| B. <u>Photo</u> | <input checked="" type="checkbox"/>             | <input checked="" type="checkbox"/> |
| C. <u>Photo</u> | <input checked="" type="checkbox"/>             | <input checked="" type="checkbox"/> |
| D. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| E. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| F. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| G. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| H. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| I. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| J. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| K. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| L. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| M. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| N. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| O. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| P. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| Q. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| R. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| S. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| T. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| U. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| V. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| W. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| X. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| Y. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |
| Z. _____        | <input type="checkbox"/>                        | <input type="checkbox"/>            |

# 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; DISTRICT COURT  
DOCKET ENTRIES; ORDER GRANTING IN PART AND DENYING IN PART PETITION FOR  
WRIT OF HABEAS CORPUS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES;  
EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

ANDRE D. BOSTON,

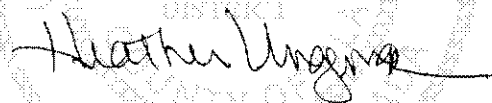
Defendant(s).

Case No: C084650  
Dept No: VI

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 4 day of April 2013.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk