

CLERK OF THE COURT

Electronically Filed
Oct 03 2013 11:04 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

1 NOA
2 MICHAEL L. BECKER, ESQ.
3 Nevada Bar No. 8765
4 MICHAEL V. CASTILLO, ESQ.
5 Nevada Bar No 11531
6 LAS VEGAS DEFENSE GROUP, LLC
7 2300 W. Sahara Ave., Suite 450
8 Las Vegas, NV 89102
9 Office (702) 331-2725
10 Fax (702) 974-0524
11 Attorneys for Defendant DUSTIN BARRAL

12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 THE STATE OF NEVADA,

15 Plaintiff,

16 vs.

17 DUSTIN BARRAL,

18 Defendant.

CASE NO.: C269095

DEPT. NO.: VIII


19 **NOTICE OF APPEAL**

20 TO: THE STATE OF NEVADA

21 TO: STEVEN WOLFSON, MICHELLE FLECK, ESQ. AND MICHELLE EDWARDS,
22 ESQ., CLARK COUNTY, NEVADA and THE EIGHTH JUDICIAL DISTRICT
23 COURT OF THE STATE OF NEVADA DEPARTMENT 8 (VIII), IN AND FOR THE
24 COUNTY OF CLARK.

25 NOTICE is hereby given that the Appellant, DUSTIN BARRAL, pursuant to NRAP 4
26 and NRS 177.015 (3), hereby appeals to the Supreme Court of the State of Nevada from the
27 Judgment of Conviction entered against said Appellant on the 23rd day of September, 2013 and
28 attached hereto to Exhibit "A".


Dated this 27th day of September, 2013.


MICHAEL V. CASTILLO, ESQ.
Nevada Bar No. 11531

1 **AFFIRMATION PURSUANT TO NRS 239B.030**

2 The undersigned does hereby affirm that the preceding document does not contain the
3 social security number of any person.

4 Dated this 27th day of September, 2013.

5
6
7 
8 _____
9 MICHAEL V. CASTILLO, ESQ.
10 Nevada Bar No. 11531
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

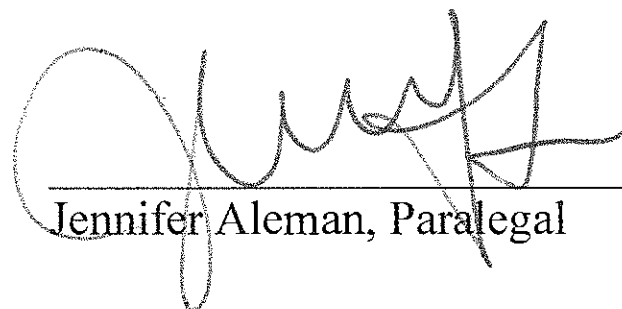
CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Las Vegas Defense Group, LLC and that this 27th day of September, 2013, I served the foregoing Notice of Appeal upon the appropriate parties hereto by electronic filing and/or facsimile transmission to:

MICHELLE FLECK, ESQ.
Chief Deputy District Attorney
Nevada Bar No. 6639
200 S. Third Street
Las Vegas, NV 89101
MICHELLE.FLECK@clarkcountyda.com

MICHELLE EDWARDS, ESQ.
Deputy District Attorney
Michelle.Edwards@clarkcountyda.com


PDMOTIONS@CCDANV.COM



Jennifer Aleman, Paralegal

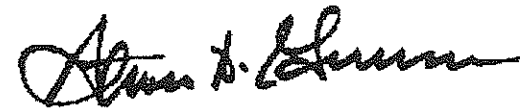
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.


Jennifer Aleman, Paralegal

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A



CLERK OF THE COURT

JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-VS-

DUSTIN JAMES BARRAL
#2755494

Defendant.

CASE NO. C269095-1

DEPT. NO. VIII

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNTS 1 & 2 – SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony) in violation of NRS 200.364, 200.366; and the matter having been tried before a jury and the Defendant having been found guilty of said crimes; thereafter, on the 18th day of September, 2013, the Defendant was present in court for sentencing with his counsels MICHAEL BECKER and MICHAEL CASTILLO, ESQ.'S and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to the \$25.00 Administrative Assessment Fee, \$1,890.00 Restitution and \$150.00 DNA Analysis Fee including testing to determine genetic markers, the

1 Defendant is SENTENCED to the Nevada Department of Corrections (NDC) as follows:

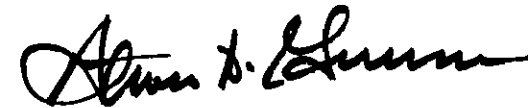
2 AS TO COUNT 1 - LIFE with a MINIMUM parole eligibility of FOUR HUNDRED
3 TWENTY (420) MONTHS; AS TO COUNT 2 - LIFE with a MINIMUM parole eligibility of
4 FOUR HUNDRED TWENTY (420) MONTHS, Count 2 to run CONCURRENT with
5 Count 1 with ONE HUNDRED ELEVEN (111) DAYS credit for time served.
6

7 FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is
8 imposed to commence upon release from any term of imprisonment, probation or
9 parole. In addition, before the Defendant is eligible for parole, a panel consisting of the
10 Administrator of the Mental Health and Development Services of the Department of
11 Human Resources or his designee; the Director of the Department of Corrections or his
12 designee; and a psychologist licensed to practice in this state; or a psychiatrist licensed
13 to practice medicine in Nevada must certify that the Defendant does not represent a
14 high risk to re-offend based on current accepted standards of assessment.
15
16

17 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender in
18 accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any release
19 from custody.
20

21 DATED this 23RD day of September, 2013.
22

23
24
25 DOUG SMITH
26 DISTRICT JUDGE
27
28



CLERK OF THE COURT

CAS
MICHAEL L. BECKER, ESQ.
Nevada Bar No. 8765
MICHAEL V. CASTILLO, ESQ.
Nevada Bar No 11531
LAS VEGAS DEFENSE GROUP, LLC
2300 W Sahara Avenue, Suite 450
Las Vegas, NV 89102
Office (702) 331-2725
Fax (702) 974-0524
Attorneys for Defendant DUSTIN BARRAL

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

DUSTIN BARRAL,

Defendant.

CASE NO.: C269095

DEPT. NO.: VIII

CASE APPEAL STATEMENT

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

2. Identify the judge issuing the decision, judgment, or order appealed from:
Honorable Judge Douglas Smith

3. Identify all parties to the proceedings in the district court (the use of et al. to denote parties is prohibited):

Michelle Fleck, Esq., Counsel for the State

Michelle Edwards, Esq., Counsel for the State

Michael L. Becker, Esq., Counsel for Defense

Michael V. Castillo, Esq., Counsel for Defense

4. Identify all parties involved in this appeal (the use of et al. to denote parties is prohibited):

Michelle Fleck, Esq., Counsel for the State

Michelle Edwards, Esq., Counsel for the State

Michael L. Becker, Esq., Counsel for Defense

Michael V. Castillo, Esq., Counsel for Defense

1 5. Set forth the name, law firm, address, and telephone number of all counsel on appeal and
2 identify the party or parties whom they represent:

3 **Michael L. Becker, Esq., Counsel for Defense**
4 **Michael V. Castillo, Esq., Counsel for Defense**
5 **Las Vegas Defense Group, LLC**
6 **2300 W Sahara Ave., Suite 450**
7 **Las Vegas, NV 89102**
8 **Office (702) 331-2725**
9 **Fax (702) 974-0524**


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

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

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

16 9. Indicate the date the proceedings commenced in the district court (e.g., date complaint,
17 indictment, information, or petition was filed): **November 17, 2010 Criminal Bindover.**


18 Dated this 27th day of September, 2013.

19 
20 MICHAEL V. CASTILLO, ESQ.
21 Nevada Bar No. 11531
22 Attorneys for Defendant DUSTIN BARRAL
23
24
25
26
27
28

1 **AFFIRMATION PURSUANT TO NRS 239B.030**

2 The undersigned does hereby affirm that the preceding document does not contain the
3 social security number of any person.

4 Dated this 27th day of September, 2013.

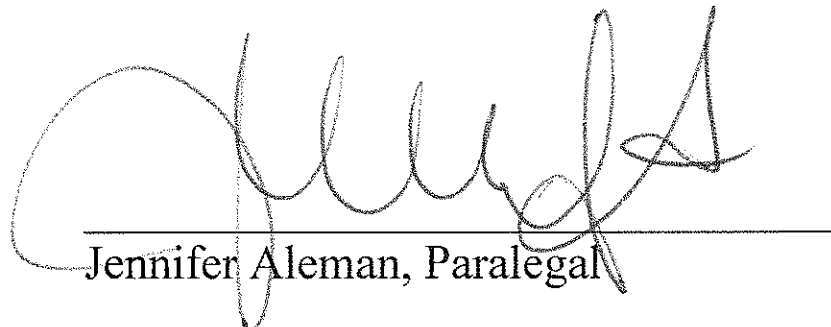
5
6
7 
8 _____
9 MICHAEL V. CASTILLO, ESQ.
10 Nevada Bar No. 11531
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Las Vegas Defense Group, LLC and that this
27th day of September, 2013, I served the foregoing Case Appeal Statement upon the
appropriate parties hereto by electronic filing and/or facsimile transmission to:

MICHELLE FLECK, ESQ.
Chief Deputy District Attorney
200 S. Third Street
Las Vegas, NV 89101
Michelle.Fleck@clarkcountyda.com
(702) 477-2924

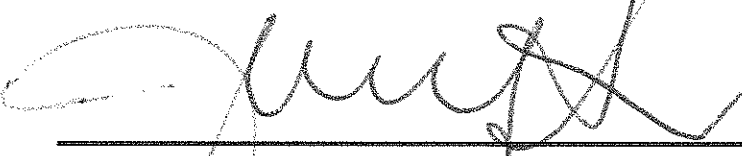
MICHELLE EDWARDS, ESQ.
Deputy District Attorney
Michelle.Edwards@clarkcountyda.com
PDMOTIONS@CCDANV.COM


Jennifer Aleman, Paralegal

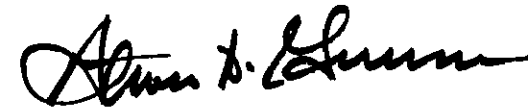
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

14 day of September, 2013.



Jennifer Aleman, Paralegal



CLERK OF THE COURT

MICHAEL L. BECKER, ESQ.
Nevada Bar No. 8765
MICHAEL V. CASTILLO, ESQ.
Nevada Bar No 11531
LAS VEGAS DEFENSE GROUP, LLC
2300 W Sahara Avenue, Suite 450
Las Vegas, NV 89102
Office (702) 331-2725
Fax (702) 974-0524
Attorneys for Defendant

**IN THE EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

DUSTIN BARRAL,

Defendant.

CASE NO.: C269095

DEPT. NO.: VIII

REQUEST FOR ROUGH DRAFT TRANSCRIPT

TO: JILL JACOBY, COURT REPORTER

DUSTIN BARRAL, Defendant named above, requests preparation of a rough draft transcript of certain portions of the proceedings before the district court, as follows:

May 28, 2013, May 29, 2013, May 30, 2013, May 31, 2013 and July 8, 2013.

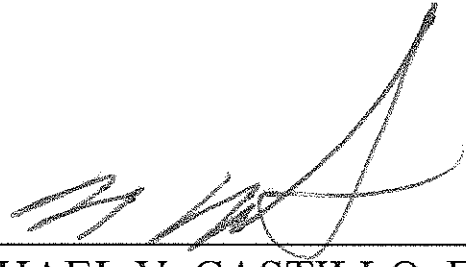
Portions of the transcripts requested: **Voir Dire, Opening Arguments, All Testimony and Closing Arguments.**

This notice requests a transcript of only those portions of the district court proceedings which counsel reasonably and in good faith believes are necessary to determine whether appellate issues are present. Voir dire examination of jurors, opening statements and closing arguments of trial counsel, and the reading of Jury instructions shall not be transcribed unless specifically requested above.

I recognize that I must personally serve a copy of this form on the above named court reporter and opposing counsel, and that the above named court reporter shall have ten (10) days

1 from the receipt of this notice to prepare and submit to the district court the rough draft transcript
2 requested herein.


3 Dated this 27th day of September, 2013.

4
5
6 
7 MICHAEL V. CASTILLO, ESQ.
8 Nevada Bar No. 11531
9 LAS VEGAS DEFENSE GROUP
10 2300 W. Sahara Ave., Suite 450
11 Las Vegas, NV 89102
12 (702) 331-2725
13 Attorneys for Defendant
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **AFFIRMATION PURSUANT TO NRS 239B.030**

2 The undersigned does hereby affirm that the preceding document does not contain the
3 social security number of any person.

4 Dated this 27th day of September, 2013.

5
6
7 
8 _____
9 MICHAEL V. CASTILLO, ESQ.
10 Nevada Bar No. 11531
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEPARTMENT 8
CASE SUMMARY
CASE NO. C-10-269095-1

State of Nevada
vs
Dustin Barral

§
§
§
§
§
§
§

Location: **Department 8**
Judicial Officer: **Smith, Douglas E.**
Filed on: **11/17/2010**
Conversion Case Number: **C269095**
Defendant's Scope ID #: **2755494**
Lower Court Case Number: **10F14936**

CASE INFORMATION

Offense	Deg	Date	Case Type:
1. SEXUAL ASSAULT VICTIM UNDER 14	F	07/10/2010	Felony/Gross Misdemeanor
2. SEXUAL ASSAULT VICTIM UNDER 14	F	07/10/2010	Case Flags: Appealed to Supreme Court Custody Status - Nevada Department of Corrections Bond/Bail Exonerated Charge Description Updated

Statistical Closures

09/23/2013 Guilty Plea with Sentence (before trial)

Bonds

Surety #S100-01577001 \$50,000.00
8/6/2010 Active
9/19/2013 Exonerated
Counts: 1

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	C-10-269095-1
Court	Department 8
Date Assigned	11/17/2010
Judicial Officer	Smith, Douglas E.




PARTY INFORMATION

Defendant	Barral, Dustin James	<i>Lead Attorneys</i> Becker, Michael L, ESQ <i>Retained</i> 702-333-3673(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)











DATE

EVENTS & ORDERS OF THE COURT

INDEX

11/17/2010	 Criminal Bindover
11/29/2010	 Information <i>Information</i>
12/01/2010	 Initial Arraignment (10:30 AM) (Judicial Officer: De La Garza, Melisa) Events: 11/17/2010 Criminal Bindover
12/01/2010	Plea (Judicial Officer: Smith, Douglas E.) 1. SEXUAL ASSAULT VICTIM UNDER 14 Not Guilty 2. SEXUAL ASSAULT VICTIM UNDER 14 Not Guilty

DEPARTMENT 8
CASE SUMMARY
CASE NO. C-10-269095-1

12/13/2010	 Reporters Transcript Filed By: Plaintiff State of Nevada <i>Reporters Transcript of Waiver of Preliminary Hearing on November 15, 2010</i>
04/12/2011	 Motion to Continue Trial Filed By: Defendant Barral, Dustin James <i>Notice of Motion and Motion to Continue Trial</i>
04/25/2011	 Motion to Continue Trial (8:00 AM) (Judicial Officer: Smith, Douglas E.) 04/25/2011, 05/02/2011 Events: 04/12/2011 Motion to Continue Trial <i>Notice of Motion and Motion to Continue Trial</i>
05/18/2011	CANCELED Calendar Call (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - per Judge and RESET</i>
05/23/2011	CANCELED Jury Trial (10:30 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - per Judge and RESET</i>
05/23/2011	 Substitution of Attorney Filed by: Defendant Barral, Dustin James
07/08/2011	 Motion to Continue Filed By: Defendant Barral, Dustin James <i>Motion to Continue Calendar Call and Jury Trial</i>
07/18/2011	 Motion to Continue (8:00 AM) (Judicial Officer: Smith, Douglas E.) Events: 07/08/2011 Motion to Continue <i>Motion to Continue Calendar Call and Jury Trial</i>
08/24/2011	CANCELED Calendar Call (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated and RESET</i>
08/29/2011	CANCELED Jury Trial (9:30 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated and RESET</i>
11/02/2011	 Calendar Call (8:00 AM) (Judicial Officer: Thompson, Charles)
11/07/2011	CANCELED Jury Trial (10:30 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated</i>
11/16/2011	 Status Check (8:00 AM) (Judicial Officer: Smith, Douglas E.) 11/16/2011, 12/14/2011, 01/11/2012, 01/25/2012, 02/22/2012, 03/07/2012 <i>Status Check: Negotiations/Resetting of Trial</i>
10/05/2012	 Motion to Continue <i>Motion to Continue Calendar Call and Jury Trial</i>
10/10/2012	 Calendar Call (8:00 AM) (Judicial Officer: Smith, Douglas E.)
10/15/2012	CANCELED Motion to Continue Trial (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - per Judge</i>

DEPARTMENT 8
CASE SUMMARY
CASE NO. C-10-269095-1






Defendant's Motion to Continue Calendar Call and Jury Trial

10/15/2012	CANCELED Jury Trial (9:30 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - per Judge</i>
02/27/2013	 Supplemental Witness List <i>Supplemental Notice of Witnesses and/or Expert Witnesses</i>
03/11/2013	 Supplemental Witness List <i>Second Supplemental Notice of Witnesses and/or Expert Witnesses</i>
03/13/2013	 Calendar Call (8:00 AM) (Judicial Officer: Smith, Douglas E.)
03/18/2013	CANCELED Jury Trial (9:30 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated</i>
04/03/2013	 Calendar Call (8:00 AM) (Judicial Officer: Smith, Douglas E.)
04/08/2013	Jury Trial (1:00 PM) (Judicial Officer: Smith, Douglas E.)
04/10/2013	 Status Check (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>STATUS CHECK: RESETTING OF TRIAL</i>
05/22/2013	 Calendar Call (8:00 AM) (Judicial Officer: Smith, Douglas E.)
05/24/2013	 Status Check (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>STATUS CHECK: TRIAL SETTING</i>
05/24/2013	 Overflow (8:45 AM) (Judicial Officer: Villani, Michael) <i>OVERFLOW (8) - E. LUZAICH/M. BECKER/5 DAYS/11-13 WITNESSES/NO OUT OF STATE WITNESSES</i>
05/28/2013	 Jury Trial - FIRM (9:30 AM) (Judicial Officer: Smith, Douglas E.) 05/28/2013-05/30/2013
05/28/2013	 Request <i>Request for Admissibility of Prior Sexual Conduct Pursuant to NRS 48.069</i>
05/28/2013	 Jury List <i>Jury List</i>
05/29/2013	CANCELED Status Check (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - Moot</i> <i>Status Check: Reset Trial Date</i>
05/29/2013	 Opposition <i>State's Opposition to Defendant's Request for Admissibility of Prior Sexual Conduct Pursuant to NRS 48.069</i>
05/30/2013	 Amended Information <i>Amended Information</i>
05/31/2013	 Jury Trial (9:00 AM) (Judicial Officer: Smith, Douglas E.)

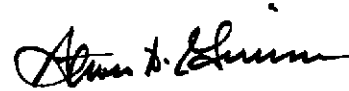
DEPARTMENT 8
CASE SUMMARY
CASE NO. C-10-269095-1

05/31/2013	 Amended Jury List <i>Amended Jury List</i>
05/31/2013	 Instructions to the Jury <i>Instructions to the Jury</i>
05/31/2013	 Verdict <i>Verdict</i>
06/07/2013	 Motion <i>Motion for Acquittal or In the Alternative a New Trial</i>
06/17/2013	 Motion (8:00 AM) (Judicial Officer: Smith, Douglas E.) 06/17/2013, 07/08/2013 <i>Defendant's Motion for Acquittal or in the Alternative a New Trial</i>
06/20/2013	 Opposition to Motion <i>State's Opposition to Defendant Motion for Acquittal or in the Alternative a New Trial</i>
06/28/2013	 Reply to Opposition <i>Reply to State's Opposition to Defendant's Motion for Acquittal or In the Alternative a New Trial</i>
06/28/2013	 Order Denying <i>Order Denying Defendant's Request for Admissibility of Prior Sexual Conduct Pursuant to NRS 48.069</i>
07/19/2013	 Order Denying <i>Order Denying Defendant's Motion for Acquittal or in The Alternative a New Trial</i>
08/12/2013	 Sentencing (8:00 AM) (Judicial Officer: Smith, Douglas E.) 08/12/2013, 09/18/2013
09/05/2013	 PSI
09/18/2013	Disposition (Judicial Officer: Smith, Douglas E.) 1. SEXUAL ASSAULT VICTIM UNDER 14 Guilty 2. SEXUAL ASSAULT VICTIM UNDER 14 Guilty
09/18/2013	Sentence (Judicial Officer: Smith, Douglas E.) 1. SEXUAL ASSAULT VICTIM UNDER 14 Adult Adjudication Comment (Count 1 - 420 Months to Life) Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:35 Years
09/18/2013	Sentence (Judicial Officer: Smith, Douglas E.) 2. SEXUAL ASSAULT VICTIM UNDER 14 Adult Adjudication Comment (Count 2 - 420 Months to Life.) Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:35 Years Concurrent: Charge 1

DEPARTMENT 8
CASE SUMMARY
CASE NO. C-10-269095-1

	Credit for Time Served: 111 Days Condition 1. Lifetime Supervision 2. Register As A Sex Offender Comment: A special SENTENCE OF LIFETIME SUPERVISION to commence upon release from any term of probation, parole, or imprisonment. Pursuant to NRS 179D.460, the Defendant shall register as a sex offender within 48 hours of sentencing or release from custody. Other Fees 1. , \$1,890.00 Comment (\$253. ADM \$150. DNAF)
09/23/2013	 Criminal Order to Statistically Close Case <i>Criminal Order to Statistically Close Case</i>
09/23/2013	 Judgment of Conviction <i>JUDGMENT OF CONVICTION (JURY TRIAL)</i>
09/27/2013	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
09/27/2013	 Case Appeal Statement <i>Case Appeal Statement</i>
09/27/2013	 Request <i>Request for Rough Draft Transcript</i>

DATE	FINANCIAL INFORMATION
Defendant Barral, Dustin James	
Total Charges	175.00
Total Payments and Credits	0.00
Balance Due as of 10/1/2013	175.00



CLERK OF THE COURT

JOC

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C269095-1

-vs-

DEPT. NO. VIII

DUSTIN JAMES BARRAL
#2755494

Defendant.

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNTS 1 & 2 – SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony) in violation of NRS 200.364, 200.366; and the matter having been tried before a jury and the Defendant having been found guilty of said crimes; thereafter, on the 18th day of September, 2013, the Defendant was present in court for sentencing with his counsels MICHAEL BECKER and MICHAEL CASTILLO, ESQ.'S and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to the \$25.00 Administrative Assessment Fee, \$1,890.00 Restitution and \$150.00 DNA Analysis Fee including testing to determine genetic markers, the

1 Defendant is SENTENCED to the Nevada Department of Corrections (NDC) as follows:

2 AS TO COUNT 1 - LIFE with a MINIMUM parole eligibility of FOUR HUNDRED

3 TWENTY (420) MONTHS; AS TO COUNT 2 - LIFE with a MINIMUM parole eligibility of

4 FOUR HUNDRED TWENTY (420) MONTHS, Count 2 to run CONCURRENT with

5 Count 1 with ONE HUNDRED ELEVEN (111) DAYS credit for time served.

7 FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION is

8 imposed to commence upon release from any term of imprisonment, probation or

9 parole. In addition, before the Defendant is eligible for parole, a panel consisting of the

10 Administrator of the Mental Health and Development Services of the Department of

11 Human Resources or his designee; the Director of the Department of Corrections or his

12 designee; and a psychologist licensed to practice in this state; or a psychiatrist licensed

13 to practice medicine in Nevada must certify that the Defendant does not represent a

14 high risk to re-offend based on current accepted standards of assessment.

17 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender in

18 accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any release

19 from custody.

21 DATED this 23RD day of September, 2013.

24
25 DOUG SMITH
26 DISTRICT JUDGE
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 01, 2010

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

December 01, 2010 10:30 AM Initial Arraignment

HEARD BY: De La Garza, Melisa

COURTROOM: RJC Lower Level
 Arraignment

COURT CLERK: Nicole McDevitt; Kristen Brown

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Langford, Robert L	Attorney
	Robinson, Lynn M.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

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

BOND

5/18/11 8:30 AM CALENDAR CALL (DEPT. 8)

5/23/11 10:30 AM JURY TRIAL (DEPT. 8)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 25, 2011

C-10-269095-1

State of Nevada

vs

Dustin Barral

April 25, 2011

8:00 AM

Motion to Continue Trial

**Notice of Motion and
Motion to Continue
Trial**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:

Langford, Robert L

State of Nevada

Wong, Hetty O.

Attorney

Plaintiff

Attorney

JOURNAL ENTRIES

- Counsel requested a two day continuance as Ms. Luzaich with the State is unavailable. Court advised it will be out of the jurisdiction as that time and ORDERED, matter CONTINUED.

BOND

05-02-11 8:00 AM DEFT'S MOTION TO CONTINUE TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 02, 2011

C-10-269095-1

State of Nevada

vs

Dustin Barral

May 02, 2011

8:00 AM

Motion to Continue Trial

**Notice of Motion and
Motion to Continue
Trial**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:

Barral, Dustin James

Defendant

Langford, Robert L

Attorney

Luzaich, Elissa

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- COURT ORDERED, motion GRANTED. Trial date is VACATED and RESET.

BOND

08-24-11 8:00 AM CALENDAR CALL

08-29-11 10:30 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 18, 2011

C-10-269095-1

State of Nevada

vs

Dustin Barral

July 18, 2011

8:00 AM

Motion to Continue

**Motion to Continue
Calendar Call and
Jury Trial**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:

Barral, Dustin James

Defendant

Castillo, Michael V

Attorney

Luzaich, Elissa

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- State advised of non-opposition and noted trial length of 3-4 days. COURT ORDERED, motion GRANTED. Trial date VACATED and RESET.

BOND

11-02-11 8:00 AM CALENDAR CALL

11-07-11 10:30 AM TRIAL BY JURY (FIRM SETTING)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 02, 2011

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

November 02, 2011 8:00 AM Calendar Call

HEARD BY: Thompson, Charles

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- State advised case is close to negotiations and noted evaluation needed to be completed prior to change of plea. COURT ORDERED, trial date VACATED and matter SET for status check regarding possible negotiations.

BOND

11-16-11 8:00 AM STATUS CHECK: NEGOTIATIONS/RESETTING OF TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 16, 2011

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

**November 16, 2011 8:00 AM Status Check Status Check:
Negotiations/Resetting of Trial**

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Katherine Streuber; Nancy Tibbetts

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Castillo, Michael V	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Matter recalled. State advised an evaluation is needed and requested a continuance. Matter recalled. Counsel present and stated no opposition. COURT ORDERED, matter CONTINUED.

BOND

12-14-11 8:00 AM Status Check: Negotiations/Resetting of Trial

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 14, 2011

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

**December 14, 2011 8:00 AM Status Check Status Check:
Negotiations/Resetting of Trial**

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Castillo, Michael V	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Parties advised Deft. is scheduled for evaluation on December 31, 2011 for purpose of negotiations and requested continuance.

BOND

01-11-12 8:00 AM Status Check: Negotiations/Resetting of Trial

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 11, 2012

C-10-269095-1

State of Nevada

vs

Dustin Barral

January 11, 2012

8:00 AM

Status Check

**Status Check:
Negotiations/Resettin
g of Trial**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber; Nancy Tibbetts

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:

Becker, Michael L, ESQ

Attorney

Herbert, Jennifer M.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Counsel advised doctor would not release report until Deft. had paid and requested a continuance.
COURT ORDERED, matter CONTINUED and Deft. to be present or bench warrant will be issued.

BOND

1/25/12 8:00 AM STATUS CHECK: NEGOTIATIONS/ RESETTING OF TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 25, 2012

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

January 25, 2012

8:00 AM

Status Check

**Status Check:
Negotiations/Resettin
g of Trial**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	State of Nevada	Plaintiff
	Wong, Hetty O.	Attorney

JOURNAL ENTRIES

- Counsel requested continuance as evaluation was received yesterday and time is needed to review.
COURT ORDERED, matter CONTINUED. Parties to provide the Court with copy of evaluation.

BOND

02-22-12 8:00 AM Status Check: Negotiations/Resetting of Trial

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 22, 2012

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

**February 22, 2012 8:00 AM Status Check Status Check:
Negotiations/Resetting of Trial**

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Clowers, Shanon	Attorney
	State of Nevada	Plaintiff
	Young, Daniel Thomas	Attorney

JOURNAL ENTRIES

- At the request of parties, COURT ORDERED, matter CONTINUED.

BOND

03-07-12 8:00 AM Status Check: Negotiations/Resetting of Trial

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 07, 2012

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

**March 07, 2012 8:00 AM Status Check Status Check:
Negotiations/Resettin
g of Trial**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Castillo, Michael V	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- State advised matter had not resolved. COURT ORDERED, matter SET for trial.

BOND

10-10-12 8:00 AM CALENDAR CALL

10-15-12 10:30 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 10, 2012

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

October 10, 2012 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Tia Everett

RECORDER: Jill Jacoby

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Lisa Luzaich, Deputy District Attorney, present on behalf of Defendant. Defendant present out of custody and represented by Michael Castillo Esq. on behalf of Michael Becker Esq.

Ms. Luzaich advised defense filed a motion to continue the trial as they will be in trial in California. MATTER TRAILED for defense counsel. RECALLED. Mr. Castillo advised he will submit on Mr. Becker's declaration. Upon Court's inquiry, Ms. Luzaich advised she objects to the continuance, however, she understands the continuance as Mr. Becker will be in California. COURT ORDERED, Defendant's Motion to Continue Trial GRANTED; trial date VACATED and RESET. FURTHER ORDERED, 10/15/2012 date for motion to continue VACATED.

BOND

3/13/2013 8:00 AM CALENDAR CALL

3/18/2013 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 13, 2013

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

March 13, 2013 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Castillo, Michael V	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Matter recalled. State advised ready. Counsel advised not ready as Mr. Becker is currently in trial and requested continuance to the following week of this stack. State advised their witness officer is not available that week. COURT ORDERED, trial date VACATED and RESET. Parties advised trial length of one week. COURT SO NOTED.

BOND

04-03-13 8:00 AM CALENDAR CALL

04-08-13 9:30 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 03, 2013

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

April 03, 2013 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- State advised ready with approximately 9 witnesses and trial length of 4 days. Defense advised ready with 1-2 witnesses. Colloquy regarding trial start time. COURT ORDERED, trial date STANDS.

BOND

04-08-13 1:00 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 10, 2013**

C-10-269095-1

State of Nevada

vs

Dustin Barral

April 10, 2013**8:00 AM****Status Check**

**STATUS CHECK:
RESETTING OF
TRIAL**

HEARD BY: Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Katherine Streuber**RECORDER:** Jill Jacoby**REPORTER:****PARTIES****PRESENT:**

Barral, Dustin James

Defendant

Becker, Michael L, ESQ

Attorney

Castillo, Michael V

Attorney

Edwards, Michelle

Attorney

Luzaich, Elissa

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Court advised the trial had to be continued as Ms. Luzaich's other trial ran longer than expected, pointed out no Senior Judge was available to hear the trial and noted it would be out of the country. Court inquired whether parties wanted case to be sent to Overflow. State advised they had called off their out of state witnesses. CONFERENCE AT THE BENCH. Court instructed counsel to contact witnesses regarding their availability for new trial setting and if they are unavailable, parties to place matter on the calendar of Judge Adair for new trial setting. Ms. Luzaich stated if there was a problem with the trial date, counsel will advise the hearing judge of the next trial date of July 29th. COURT SO NOTED and ORDERED, trial date SET.

BOND

PRINT DATE: 10/01/2013

Page 15 of 33

Minutes Date:

December 01, 2010

C-10-269095-1

05-22-13 8:00 AM CALENDAR CALL

05-28-13 9:30 AM TRIAL BY JURY (FIRM SETTING)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 22, 2013

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

May 22, 2013 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Luzaich, Elissa	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court advised it had a murder trial and ORDERED, matter REFERRED to Overflow with the caveat, if the murder trial is continued, this case will return to this department for trial. Trial date VACATED.

BOND

05-24-13 8:45 AM OVERFLOW(8) - E. LUZAICH/M. BECKER/5 DAYS/11-13 WITNESSES/NO OUT OF STATE WITNESSES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 24, 2013**

C-10-269095-1

State of Nevada

vs

Dustin Barral

May 24, 2013**8:00 AM****Status Check****STATUS CHECK:
TRIAL SETTING****HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Katherine Streuber**RECORDER:** Jill Jacoby**REPORTER:****PARTIES****PRESENT:**

Barral, Dustin James

Defendant

Becker, Michael L, ESQ

Attorney

Castillo, Michael V

Attorney

Edwards, Michelle

Attorney

Fleck, Michelle

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Mr. Becker stated this reeks of forum shopping by the State. Court advised it is not forum shopping as all are trying to find someone/anyone to hear the trial. Ms. Fleck advised they did not care who hear the trial. Mr. Becker requested this Court find another court to hear the trial not the State. Statement by Ms. Fleck regarding medical records. Matter recalled. Court advised it would hear the trial as its murder trial will trail this case and ORDERED, medical information is to be provided. Parties advised trial length of 3 days. FURTHER, trial date SET.

BOND**05-28-13 9:30 AM TRIAL BY JURY**

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 24, 2013

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

May 24, 2013 8:45 AM Overflow

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Michelle Edwards, Dep DA, present on behalf of the State; Michael Becker, Esq., and Michael Castillo, Esq., present on behalf of Deft. Barral, who is also present.

State and Defense announced ready; however, the Court advised there is no Department available to hear the trial in this matter and, therefore, ORDERED, matter REFERRED back to the originating Department for status check.

Additionally, Court directed counsel to contact Department VIII later today as there is a chance the trial could go forward in that Department as scheduled.

BOND

05/29/13 8:00 AM STATUS CHECK: RESET TRIAL DATE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 28, 2013**

C-10-269095-1

State of Nevada

vs

Dustin Barral

May 28, 2013**9:30 AM****Jury Trial - FIRM****HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Katherine Streuber**RECORDER:** Jill Jacoby**REPORTER:****PARTIES****PRESENT:**

Barral, Dustin James

Defendant

Becker, Michael L, ESQ

Attorney

Castillo, Michael V

Attorney

Edwards, Michelle

Attorney

Fleck, Michelle

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Deft's Request Admissibility of Prior Sexual Conduct Pursuant to NRS 48.069. State placed offer given to Deft. on the record. Statement by Mr. Becker. Colloquy regarding 385 Hearings. Jury Alternates selected. POTENTIAL JURY PANEL PRESENT. Voir Dire begins. CONFERENCE AT THE BENCH. Voir Dire continues. CONFERENCE AT THE BENCH. Voir Dire continues. CONFERENCE AT THE BENCH. Voir Dire continues. OUTSIDE THE PRESENCE OF POTENTIAL JURY PANEL. POTENTIAL JURY PANEL PRESENT. Voir Dire continues. CONFERENCE AT THE BENCH. Voir Dire continues. OUTSIDE THE PRESENCE OF POTENTIAL JURY PANEL. POTENTIAL JURY PANEL PRESENT. Voir Dire continues. CONFERENCE AT THE BENCH. OUTSIDE THE PRESENCE OF THE JURY. Defense's Batson Challenge. Argument by the State noting Deft's S.C.O.P.E. reflects Deft's race as being White not Latino. Further arguments by counsel. Court stated its findings and ORDERED, challenge DENIED as no racial basis was found. POTENTIAL JURY PRESENT. Voir Dire continues. JURY SELECTED. OUTSIDE THE PRESENCE

C-10-269095-1

OF THE JURY. Evening recess.

05-29-13 10:00 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 29, 2013**

C-10-269095-1 State of Nevada
vs
Dustin Barral

May 29, 2013 10:00 AM Jury Trial - FIRM

HEARD BY: Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Katherine Streuber**RECORDER:** Jill Jacoby**REPORTER:****PARTIES**

PRESENT:	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Edwards, Michelle	Attorney
	Fleck, Michelle	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. State's Opposition to Defendant's Request for Admissibility of Prior Sexual Conduct Pursuant to NRS 48.069 FILED IN OPEN COURT. Argument by the State. Argument by counsel. 51.385 Hearing held and testimony presented. Court stated its findings and advised child will be allowed to testify before the jury. JURY PRESENT and SWORN. Clerk read the information to the Jury. Opening statements by counsel. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. Arguments by counsel. Colloquy regarding scheduling, jury instructions and next 51.385 hearing. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits

presented. (See worksheets) CONFERENCE AT THE BENCH. Evening recess. OUTSIDE THE PRESENCE OF THE JURY.

05-30-13 9:00 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 30, 2013**

C-10-269095-1

State of Nevada

vs

Dustin Barral

May 30, 2013**9:00 AM****Jury Trial - FIRM****HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Katherine Streuber**RECORDER:** Jill Jacoby**REPORTER:****PARTIES****PRESENT:**

Barral, Dustin James

Defendant

Becker, Michael L, ESQ

Attorney

Castillo, Michael V

Attorney

Edwards, Michelle

Attorney

Fleck, Michelle

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Amended Information FILED IN OPEN COURT. OUTSIDE THE PRESENCE OF THE JURY. 51.385 Hearing held and testimony presented. Court stated its findings and advised detective's testimony will be presented to the jury. Argument/objection by counsel. Argument by the State. Court advised once more, the detective s testimony and the cd interview will be allowed. 51.385 Hearing held and testimony presented. Statement by the parties. Court stated its findings and advised statements made to Megan will be allowed. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. Court advised the Deft. of his right to testify or not to testify. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. OUTSIDE THE PRESENCE OF THE JURY.

Arguments by counsel regarding. Partial playback of testimony and questions proffered. Further arguments by counsel. JURY PRESENT. Testimony and exhibits presented. (See worksheets)
OUTSIDE THE PRESENCE OF THE JURY. Argument by the State. Evening recess.

05-31-13 9:00 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 31, 2013**

C-10-269095-1

State of Nevada

vs

Dustin Barral

May 31, 2013**9:00 AM****Jury Trial****HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Billie Jo Craig**RECORDER:** Jill Jacoby**REPORTER:****PARTIES****PRESENT:**

Barral, Dustin James

Defendant

Becker, Michael L, ESQ

Attorney

Castillo, Michael V

Attorney

Edwards, Michelle

Attorney

State of Nevada

Plaintiff

Wolfson, Steven B

Attorney

JOURNAL ENTRIES

- Deputy District Attorney Michelle Fleck present.

OUTSIDE THE PRESENCE OF THE JURY: Jury Instructions and Verdict form SETTLED IN OPEN COURT. The Court advised Defendant of his right to testify on his own behalf. Defendant stated he understood. JURY PRESENT: Counsel stipulated to the presence of the Jury. At the hour of 9:44 AM, the State RESTED. At the hour of 9:44 AM, defense RESTED. The Court instructed the Jury on the laws which applied to the case. Closing Arguments by Ms. Fleck. Closing Arguments by Mr. Becker. Rebuttal Arguments by Ms. Edwards. Bailiff and Matron sworn to keep the Jury. At the hour of 12:00 PM the Jury retired to deliberate. At the hour of 3:00 PM, the Jury returned with a verdict of GUILTY OF CTS. 1 AND 2 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F) . Jury polled. Court thanked and excused the Jury.

COURT ORDERED, defendant REMANDED WITHOUT BAIL. Matter referred to P & P and set for sentencing.

CUSTODY

8/12/13 8:00 AM SENTENCING

CLERK'S NOTE: The Minutes corrected to reflect a correct Sentencing date of 8/12/13 at 8:00 AM. The date given in Court was an incorrect date and the Judge was unavailable. Counsel notified by phone and by a copy of the Minutes. BJC

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of:

Deputy District Attorneys Michelle Fleck and Michelle Edwards (District Attorney's Office); Michael Becker and Michael Castillo, Esq. (702 Defense).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 17, 2013

C-10-269095-1

State of Nevada

vs

Dustin Barral

June 17, 2013

8:00 AM

Motion

**Defendant's Motion
for Acquittal or in the
Alternative a New
Trial**

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Katherine Streuber

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:

Barral, Dustin James

Defendant

Castillo, Michael V

Attorney

Fleck, Michelle

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- State requested continuance in order to file a response. COURT ORDERED, matter CONTINUED.

CUSTODY

07-08-13 8:00 AM Defendant's Motion for Acquittal or in the Alternative a New Trial

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 08, 2013

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

July 08, 2013 8:00 AM Motion

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Shelly Landwehr

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Edwards, Michelle	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Castillo argued regarding grounds #1 and #2, arguing the State was required to prove penetration in that the case hinged on Jocelyn's testimony using the words dig or dug and that alone is not-sufficient as to penetration. Further, there was conflicting evidence presented between Meagan, in terms of the baby monitor, and Jocelyn's testimony.

Mr. Becker argued regarding ground #3 stating that the NRS regarding oaths to jury venires; that was not done and it was brought to the attention of the Court and it preserved the issue as an objection.

Ms. Edwards argued as to conflicting evidence stating counsel is only relying on testimony regarding the monitor, there is no testimony that she didn't fall asleep or otherwise. As to the oath issue, there are two oaths in a trial, this relies and centers upon whether it was given before voir dire started there was a bench bar about that and the site they referenced addresses the actual jury panel, not the jury venire. The jury is the finder of fact and they found her words to constitute penetration.

Court stated it does not swear a jury in until after they come back and evidence starts in case somebody doesn't show up we can we do not then have to declare a mistrial but we can call other potential jurors up and finish the voir dire process. Court stated it had analyzed the cases presented and does not find a reason to override the jury decision. Defendant got a fair trial and was represented zealously by two attorneys. COURT ORDERED, motion DENIED. State to prepare findings of facts and conclusions of law consistent with their opposition.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 12, 2013

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

August 12, 2013 8:00 AM Sentencing

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Louisa Garcia; Katrina Hernandez

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Castillo, Michael V	Attorney
	Lavell, Maria	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Castillo noted the Pre-Sentence Investigation Report is not ready yet, informed he spoke to Deputy D.A. Michelle Fleck, and requested a Sentencing date in September prior to the 20th. COURT ORDERED, Sentencing CONTINUED.

CUSTODY

9/18/13 8:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 18, 2013

C-10-269095-1 State of Nevada
 vs
 Dustin Barral

September 18, 2013 8:00 AM Sentencing

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Louisa Garcia; Katrina Hernandez

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Barral, Dustin James	Defendant
	Becker, Michael L, ESQ	Attorney
	Castillo, Michael V	Attorney
	Edwards, Michelle	Attorney
	Fleck, Michelle	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- By virtue of Jury Verdict, DEFENDANT BARRAL ADJUDGED GUILTY of COUNTS 1 & 2 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F). Arguments by Counsel. Victim Impact Statements given. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, and Restitution in the amount of \$1,890.00, Deft. SENTENCED on Count 1, to a MAXIMUM of LIFE IMPRISONMENT with MINIMUM PAROLE ELIGIBILITY after FOUR HUNDRED TWENTY (420) MONTHS, and on Count 2, to a MAXIMUM of LIFE IMPRISONMENT with MINIMUM PAROLE ELIGIBILITY after FOUR HUNDRED TWENTY (420) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT with Count 1, with ONE HUNDRED ELEVEN (111) DAYS credit for time served.

COURT FURTHER ORDERED, a special SENTENCE OF LIFETIME SUPERVISION to commence

PRINT DATE: 10/01/2013

Page 32 of 33

Minutes Date: December 01, 2010

upon release from any term of probation, parole, or imprisonment. Pursuant to NRS 179D.460, the Defendant shall register as a sex offender within 48 hours of sentencing or release from custody.

BOND, if any, EXONERATED.

NDC

STATE'S EXHIBITS

CASE NO. C 269095

[illegible]

DEFENDANT'S EXHIBITS

CASE NO. C 269095

[illegible]

COURT'S EXHIBITS

CASE NO. C269095

[illegible]

Certification of Copy

State of Nevada }
County of Clark } SS:

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

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

STATE OF NEVADA,

Plaintiff(s),

vs.

DUSTIN JAMES BARRAL,

Defendant(s).

Case No: C269095

Dept No: VIII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 1 day of October 2013.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

