
CLERK OF THE COURT

NOTC
DRUMMOND & NELSON LAW FIRM
Craig W. Drummond, Esq.
Nevada Bar No. 011109
228 South Fourth St., First Floor
Las Vegas, NV 89101
T: (702) 366-9966
F: (702) 508-9440
craig@drummondfirm.com
Appointed Attorney for Defendant

Electronically Filed
Apr 10 2014 11:40 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

DONALD TAYLOR,
#2650126

Defendant.

CASE NO.: C270343-1
DEPT NO.: XVIII

NOTICE OF APPEAL

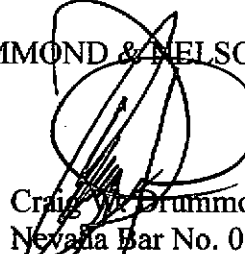
Defendant, by and through his counsel of record, Craig W. Drummond, Esq. of
DRUMMOND & NELSON and hereby Appeals to the Supreme Court of Nevada.

This is an Appeal from the Judgment of Conviction filed on March 7, 2014.

DATED this 4 day of April, 2014.

Respectfully Submitted,

DRUMMOND & NELSON LAW FIRM


Craig W. Drummond, Esq.
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Appointed Attorney for Defendant

DRUMMOND & NELSON LAW FIRM
228 SOUTH FOURTH ST., FIRST FLOOR
LAS VEGAS, NEVADA 89101
DRUMMONDFIRM.COM

CERTIFICATE OF SERVICE

I certify that on this 4 day of April, 2014, service of a true and correct copy of the foregoing NOTICE OF APPEAL was duly made by First Class Mail, postage prepaid from Las Vegas, Nevada, to the address below.

Clark County District Attorney's Office
Appellate Division
200 Lewis Avenue
Las Vegas, NV 89101
Attorney for State of Nevada

High Desert State Prison
Donald Taylor, Inmate ID #1117274
22010 Cold Creek Road
Indian Springs, NV 89070
Defendant


An Employee of DRUMMOND & NELSON LAW FIRM

DEPARTMENT 18
CASE SUMMARY
CASE NO. C-11-270343-1

State of Nevada
vs
Donald Taylor

§ Location: Department 18
§ Judicial Officer: Barker, David
§ Filed on: 01/14/2011
§ Cross-Reference Case Number: C270343
§ Defendant's Scope ID #: 2650126
§ Grand Jury Case Number: 10GJ016

CASE INFORMATION

Offense	Deg	Date	Case Type:
1. BURGLARY WHILE IN POSSESSION OF A FIREARM	F	11/18/2010	Felony/Gross Misdemeanor
2. CONSPIRACY TO COMMIT ROBBERY	F	11/18/2010	Case Flags: Appealed to Supreme Court
3. ROBBERY WITH USE OF A DEADLY WEAPON	F	11/18/2010	Custody Status - Nevada
4. MURDER WITH USE OF A DEADLY WEAPON	F	11/18/2010	Department of Corrections
			Charge Description Updated

Related Cases

C-11-270343-2 (Multi-Defendant Case)

Statistical Closures

03/13/2014 Jury Trial - Conviction - Criminal

Warrants

Indictment Warrant - Taylor, Donald (Judicial Officer: Bell, Linda Marie)
01/14/2011 11:45 AM Returned - Served
Hold without bail or bond

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	C-11-270343-1
Court	Department 18
Date Assigned	01/14/2011
Judicial Officer	Barker, David




PARTY INFORMATION

		<i>Lead Attorneys</i>
Defendant	Taylor, Donald	Drummond, Craig W., ESQ <i>Retained</i> 702-366-9966(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)














DATE

EVENTS & ORDERS OF THE COURT














INDEX

01/14/2011	 Grand Jury Indictment (11:45 AM) (Judicial Officer: Bell, Linda Marie)
01/14/2011	 Indictment
01/14/2011	 Warrant Filed by: Plaintiff State of Nevada <i>Indictment Warrant</i>







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01/18/2011	 Indictment Warrant Return
01/28/2011	Initial Arraignment (8:15 AM) (Judicial Officer: Barker, David)
01/28/2011	Indictment Warrant Return (8:15 AM) (Judicial Officer: Barker, David) Events: 01/18/2011 Indictment Warrant Return
01/28/2011	 All Pending Motions (8:15 AM) (Judicial Officer: Barker, David)
01/28/2011	Plea (Judicial Officer: Barker, David) 1. BURGLARY WHILE IN POSSESSION OF A FIREARM Not Guilty 2. CONSPIRACY TO COMMIT ROBBERY Not Guilty 3. ROBBERY WITH USE OF A DEADLY WEAPON Not Guilty 4. MURDER WITH USE OF A DEADLY WEAPON Not Guilty
01/31/2011	 Transcript of Proceedings <i>Reporter's Transcript of Proceedings - Grand Jury Hearing January 13, 2011</i>
01/31/2011	 Receipt <i>Receipt for Grand Jury Transcript(s)</i>
02/14/2011	 Motion Filed By: Defendant Taylor, Donald
02/14/2011	 Receipt of Copy
02/15/2011	 Opposition <i>State's Opposition to Defendant's Motion for Bail</i>
02/16/2011	 Motion (8:15 AM) (Judicial Officer: Barker, David) Events: 02/14/2011 Motion <i>Defendant donald Taylor's Motion for Bail</i>
04/26/2011	 Ex Parte Filed By: Plaintiff State of Nevada <i>Ex Parte Application for Order to Show Cause</i>
04/26/2011	 Order to Show Cause Filed by: Plaintiff State of Nevada
05/23/2011	 Motion Filed By: Defendant Taylor, Donald
05/25/2011	 Receipt of Copy Filed by: Defendant Taylor, Donald
05/26/2011	 Opposition to Motion <i>State's Opposition to Defendant's Motion for Discovery</i>
06/06/2011	

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	 Motion (8:15 AM) (Judicial Officer: Barker, David) Events: 05/23/2011 Motion <i>Deft Donald Taylor's Motion for Additional Discovery</i>
09/12/2011	 Motion to Suppress Filed By: Defendant Taylor, Donald
09/12/2011	 Receipt of Copy Filed by: Defendant Taylor, Donald
09/22/2011	 Motion to Withdraw As Counsel Filed By: Attorney Skupa, William S. <i>Motion to Withdraw As Attorney of Record</i>
09/22/2011	 Receipt of Copy Filed by: Defendant Taylor, Donald
09/26/2011	 Certificate of Mailing Filed By: Defendant Taylor, Donald
09/28/2011	Motion to Suppress (8:15 AM) (Judicial Officer: Barker, David) Events: 09/12/2011 Motion to Suppress <i>Motion to Suppress Identification of Deft Donald Taylor; Motion in Limine To Exclude Any In-Court Identification of Deft Donald Taylor; and Motion For Evidentiary Hearing To Determine Whether There Was Ever Probable Cause To Arrest Donald Taylor and To Suppress Any Evidence Obtained After the Arrest if There Was Not Probable Cause to Arrest</i>
09/28/2011	Motion to Withdraw as Counsel (8:15 AM) (Judicial Officer: Barker, David) Events: 09/22/2011 Motion to Withdraw As Counsel <i>Motion to Withdraw As Attorney of Record</i>
09/28/2011	 All Pending Motions (8:15 AM) (Judicial Officer: Barker, David)
10/13/2011	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Expert Witnesses</i>
10/18/2011	 Motion Filed By: Defendant Taylor, Donald <i>Notice of Motion and Motion to Allow Submission of Defendant's Pro Per Motion to Dismiss and Motion to Vacate Arrest</i>
10/18/2011	 Motion in Limine Filed By: Defendant Taylor, Donald <i>Motion in Limine to Preclude Admission of Photographs</i>
10/18/2011	 Motion Filed By: Defendant Taylor, Donald <i>Motion to Allow Jury Questionnaire</i>
10/18/2011	 Motion Filed By: Defendant Taylor, Donald <i>Motion to Federalize all Motions, Objections, Requests and Other Applications</i>
10/18/2011	 Motion








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	Filed By: Defendant Taylor, Donald <i>Motion to Bar Improper Prosecutorial Argument</i>
10/18/2011	 Motion to Admit Evidence Filed By: Defendant Taylor, Donald <i>Motion to Admit Evidence of the Deceased's Violent Propensity</i>
10/18/2011	 Motion to Compel Filed By: Defendant Taylor, Donald <i>Motion to Compel Disclosure of Existence and Substance of Expectations or Actual Receipt of Benefits or Preferential Treatment for Cooperation with Prosecution</i>
10/18/2011	 Motion Filed By: Defendant Taylor, Donald <i>Motion Requesting Review of NCIS Records on State's Lay Witnesses</i>
10/27/2011	 Motion to Continue Filed By: Defendant Taylor, Donald
10/31/2011	CANCELED Motion (8:15 AM) (Judicial Officer: Barker, David) <i>Vacated - Set in Error</i> <i>motions were for co-defendant</i>
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10/31/2011	CANCELED Motion (8:15 AM) (Judicial Officer: Barker, David) <i>Vacated - Set in Error</i> <i>motions were for co-defendant</i>
10/31/2011	CANCELED Motion (8:15 AM) (Judicial Officer: Barker, David) <i>Vacated - Set in Error</i> <i>motions were for co-defendant</i>
11/01/2011	 Supplemental Witness List <i>Supplemental Notice of Witnesses</i>
11/02/2011	 Motion to Continue (8:15 AM) (Judicial Officer: Barker, David) Events: 10/27/2011 Motion to Continue <i>Motion to Continue</i>













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11/02/2011	 Joinder Filed By: Defendant Taylor, Donald <i>Defendant Donald Taylor's Joinder in Motion for Discovery</i>
11/02/2011	 Joinder To Motion Filed By: Defendant Taylor, Donald <i>Defendant Donald Taylor's Joinder in Motion to Compel Disclosure of Existence and Substance of Expectations, or Actual Receipt of Benefits or Preferential Treatment for Cooperation with Prosecution.</i>
11/02/2011	 Joinder To Motion Filed By: Defendant Taylor, Donald <i>Defendant Donald Taylor's Joinder in Motion to Sever Defendant's</i>
11/02/2011	 Joinder To Motion Filed By: Defendant Taylor, Donald <i>Defendant Donald Taylor's Joinder in Motion to Bar Improper Prosecutorial Argument</i>
11/02/2011	 Joinder To Motion Filed By: Defendant Taylor, Donald <i>Defendant Donald Taylor's Joinder in Motion to Exclude other bad Acts, Character Evidence, and Irrelevant Prior Criminal Activity</i>
11/02/2011	 Joinder to Motion in Limine Filed By: Defendant Taylor, Donald <i>Defendant Donald Taylor's Joinder in Motion in Limine to Preclude Admission of Photographs</i>
11/02/2011	 Joinder To Motion Filed By: Defendant Taylor, Donald <i>Defendant Donald Taylor's Joinder in Motion Requesting Review of NCIC Records on State's Lay Witnesses</i>
11/02/2011	 Joinder To Motion Filed By: Defendant Taylor, Donald <i>Defendant Donald Taylor's Joinder in Motion to Allow Jury Questionnaire</i>
11/09/2011	CANCELED Calendar Call (8:15 AM) (Judicial Officer: Barker, David) <i>Vacated - per Judge</i>
11/14/2011	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Barker, David) <i>Vacated - per Judge</i>
11/16/2011	 Motion Filed By: Defendant Taylor, Donald <i>Motion for Mental Evaluation of Competency for Defendant Donald Taylor</i>
11/30/2011	Joinder (8:15 AM) (Judicial Officer: Barker, David) 11/30/2011, 01/06/2012, 05/16/2012 <i>Def't's Joinder in Motion for Discovery</i>
11/30/2011	Joinder (8:15 AM) (Judicial Officer: Barker, David) 11/30/2011, 01/06/2012, 05/16/2012 <i>Def't's Joinder in Motion Requesting Review of NCIC Records on State's Lay Witnesses</i>
11/30/2011	Joinder (8:15 AM) (Judicial Officer: Barker, David) 11/30/2011, 01/06/2012, 05/16/2012, 07/02/2012

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	<i>Def't's Joinder in Motion in Limine to Preclude Admission of Photographs</i>
11/30/2011	Joinder (8:15 AM) (Judicial Officer: Barker, David) 11/30/2011, 01/06/2012, 05/16/2012 <i>Def't's Joinder in Motion to Exclude Other Bad Acts, Character Evidence, and Irrelevant Prior Criminal Activity</i>
11/30/2011	Joinder (8:15 AM) (Judicial Officer: Barker, David) 11/30/2011, 01/06/2012, 05/16/2012 <i>Def't's Joinder in Motion to Bar Improper Prosecutorial Argument</i>
11/30/2011	Joinder (8:15 AM) (Judicial Officer: Barker, David) 11/30/2011, 01/06/2012, 05/16/2012 <i>Def't's Joinder in Motion to Compel Disclosure of Existence and Substance of Expectations, or Actual Receipt of Benefits or Preferential Treatment for Cooperation with Prosecution</i>
11/30/2011	 All Pending Motions (8:15 AM) (Judicial Officer: Barker, David)
12/20/2011	 Further Proceedings: Competency (10:00 AM) (Judicial Officer: Delaney, Kathleen L.) 12/20/2011, 01/03/2012
01/06/2012	Status Check (8:15 AM) (Judicial Officer: Barker, David) <i>Status Check: Competency</i>
01/06/2012	 All Pending Motions (8:15 AM) (Judicial Officer: Barker, David)
01/11/2012	CANCELED Further Proceedings (8:15 AM) (Judicial Officer: Barker, David) <i>Vacated - per Judge</i>
04/10/2012	 Motion to Suppress <i>Motion to Suppress Evidence/Motion to Reveal Any Favorable Treatment, Promises, Benefits, and Any Other Thing of Value to Potential Witnesses, As Well As Any Statements Inconsistent With Guilt Made to Any Member of Law Enforcement, As Well As Any Other Impeachment Material Under Bagley V. US/</i>
05/03/2012	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Suppress Evidence and Response to Reveal Any Favorable Treatment, Promises, Benefits, and Any Other Thing of Value to Potential Witnesses, as well as Any Statements Inconsistent with Guilt Made to Any Member of Law Enforcement, as well as Any Other Impeachment Material</i>
05/16/2012	Motion to Suppress (8:15 AM) (Judicial Officer: Barker, David) Events: 04/10/2012 Motion to Suppress <i>Def't's Motion to Suppress Evidence/Motion to Reveal Any Favorable Treatment, Promises, Benefits, and any Other Thing of Value to Potential Witnesses, as Well as any Statements Inconsistent With Guilt Made to Any Member of Law Enforcement, as Well as any Other Impeachment Material Under Bagley V. US/</i>
05/16/2012	 All Pending Motions (8:15 AM) (Judicial Officer: Barker, David)
05/23/2012	 Motion Filed By: Defendant Taylor, Donald <i>Motion for Investigative Fees and For Appointment (Ex Parte)</i>
06/04/2012	 Motion (8:15 AM) (Judicial Officer: Barker, David) 06/04/2012, 06/11/2012, 06/18/2012 Events: 05/23/2012 Motion <i>Motion for Investigative Fees and For Appointment (Ex Parte)</i>



















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06/06/2012	 Pre Trial Conference (8:15 AM) (Judicial Officer: Barker, David) 06/06/2012, 06/11/2012, 06/18/2012
06/07/2012	 Affidavit Filed By: Defendant Taylor, Donald <i>Submission Of Affidavit Of Indigence</i>
06/11/2012	 All Pending Motions (8:15 AM) (Judicial Officer: Barker, David)
06/18/2012	 All Pending Motions (8:15 AM) (Judicial Officer: Barker, David)
06/25/2012	CANCELED Evidentiary Hearing (1:00 PM) (Judicial Officer: Barker, David) <i>Vacated - per Judge</i>
06/28/2012	 Motion to Suppress Filed By: Defendant Taylor, Donald <i>Motion to Suppress Identification/Due Process Violation/Motion to Turn Over All Impeachment Evidence Regarding Identification</i>
06/29/2012	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Suppress Identification of Donald Taylor & Motion to Turn Over All Impeachment Evidence Regarding Identification Issue</i>
07/02/2012	Calendar Call (8:15 AM) (Judicial Officer: Barker, David)
07/02/2012	 All Pending Motions (8:15 AM) (Judicial Officer: Barker, David)
07/09/2012	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Barker, David) <i>Vacated - per Judge</i>
07/30/2012	 Motion to Suppress (8:15 AM) (Judicial Officer: Barker, David) <i>Deft's Motion to Suppress Identification/Due Process Violation/Motion to Turn Over All Impeachment Evidence Regarding Identification</i>
10/10/2012	 Pre Trial Conference (8:15 AM) (Judicial Officer: Barker, David) 10/10/2012, 10/17/2012
11/07/2012	CANCELED Calendar Call (8:15 AM) (Judicial Officer: Barker, David) <i>Vacated - per Judge</i>
11/13/2012	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Barker, David) <i>Vacated - per Judge</i>
01/16/2013	 Pre Trial Conference (8:15 AM) (Judicial Officer: Barker, David) 01/16/2013, 01/23/2013
02/05/2013	 Motion <i>Motion in Limine to Preclude Admission of Photos</i>
02/05/2013	 Motion to Suppress <i>Motion to Suppress Physical Tracking Information Unlawfully Obtained from a Cellular Telephone Allegedly Tied to the Defendant</i>

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02/05/2013	 Notice of Motion <i>Notice of Motion and Motion to Allow Submissions of Defendant's Pro Per Motion to Suppress and Motion to Dismiss and or Suppress Declaration of "Arrest Report" and or Statements</i>
02/06/2013	 List of Witnesses <i>Defendant Donald Taylor's Proposed Witness List</i>
02/08/2013	 Opposition to Motion <i>State's Opposition to Defendant's Motion To Preclude Admission Of Photos</i>
02/08/2013	 Opposition to Motion <i>State's Opposition to Defendant's Motion To Allow Submissions of Defendant's Pro Per Motion to Suppress and Motion to Dismiss and/or Suppress Declaration of "Arrest Report" and/or Statements</i>
02/08/2013	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Suppress Physical Tracking Information Unlawfully Obtained From a Cellular Telephone Allegedly Tied to the Defendant</i>
02/13/2013	 Calendar Call (8:15 AM) (Judicial Officer: Barker, David)
02/15/2013	 Status Check (8:15 AM) (Judicial Officer: Barker, David) <i>Status Check: Trial</i>
02/19/2013	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Barker, David) <i>Vacated - per Judge</i>
02/19/2013	CANCELED Motion (11:00 AM) (Judicial Officer: Barker, David) <i>Vacated - per Judge</i> <i>Def't's Motion to Allow Submissions of Defendant's Pro Per Motion to Suppress and Motion to Dismiss and or Suppress Declaration of "Arrest Report" and or Statements</i>
02/19/2013	CANCELED Motion to Suppress (11:00 AM) (Judicial Officer: Barker, David) <i>Vacated - per Judge</i> <i>Def't's Motion to Suppress Physical Tracking Information Unlawfully Obtained from a Cellular Telephone Allegedly Tied to the Defendant</i>
02/19/2013	Motion in Limine (1:00 PM) (Judicial Officer: Barker, David) 02/19/2013-02/21/2013 <i>Def't's Motion in Limine to Preclude Admission of Photos</i>
02/19/2013	Jury Trial (1:00 PM) (Judicial Officer: Barker, David)
02/19/2013	 All Pending Motions (1:00 PM) (Judicial Officer: Barker, David)
02/19/2013	 Amended Indictment <i>Amended Indictment</i>
02/20/2013	 Status Check (8:15 AM) (Judicial Officer: Barker, David) <i>Status Check: Trial</i>
02/20/2013	 All Pending Motions (8:15 AM) (Judicial Officer: Barker, David)
02/20/2013	 Jury Trial (10:00 AM) (Judicial Officer: Barker, David) 02/20/2013-02/22/2013, 02/25/2013-02/26/2013

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02/20/2013	 Jury List Party: Plaintiff State of Nevada
02/21/2013	 All Pending Motions (8:45 AM) (Judicial Officer: Barker, David)
02/25/2013	 Amended Jury List
02/26/2013	 Verdict Party: Plaintiff State of Nevada
02/26/2013	 Instructions to the Jury Party: Plaintiff State of Nevada
02/27/2013	 Penalty Hearing (10:00 AM) (Judicial Officer: Barker, David)
02/27/2013	 Verdict Party: Plaintiff State of Nevada
02/27/2013	 Instructions to the Jury Party: Plaintiff State of Nevada
03/08/2013	 Motion for New Trial <i>Motion for New Trial</i>
03/18/2013	 Opposition to Motion <i>State's Opposition to Defendant's Motion for New Trial</i>
03/22/2013	 Motion for New Trial (8:15 AM) (Judicial Officer: Barker, David) 03/22/2013, 04/08/2013 <i>Def't's Motion for New Trial</i>
04/23/2013	 PSI
05/01/2013	 Sentencing (8:15 AM) (Judicial Officer: Barker, David) 05/01/2013, 05/29/2013, 06/26/2013, 07/24/2013, 08/12/2013, 11/13/2013, 01/06/2014, 02/26/2014
05/10/2013	 PSI - Supplemental PSI
08/12/2013	Confirmation of Counsel (8:15 AM) (Judicial Officer: Barker, David)
08/12/2013	 All Pending Motions (8:15 AM) (Judicial Officer: Barker, David)
12/18/2013	 Request <i>Request for Transcript of Proceedings at State's Expense</i>
12/30/2013	 Request <i>Request for Trial Transcripts</i>
01/27/2014	 Recorders Transcript of Hearing <i>Recorder's Transcript of Defendant's Motion to Suppress Identification of Defendant Donald</i>

CASE SUMMARY**CASE NO. C-11-270343-1**

Taylor; Motion in Limine to Exclude any In-Court Identification of Defendant Donald Taylor and Motion For Evidentiary Hearing to Determine Whether There was Ever Probable Cause to Arrest Donald Taylor and to Suppress any Evidence Obatined After the Arrest if There was not Probable Cause to Arrest; and Mr. Skupa's Motion to Withdraw as Counsel of Record - 9/28/2011

01/27/2014	 Recorders Transcript of Hearing <i>Recorder's Transcript of Defendant Taylor's Motion to Continue and Defendant Miles' Motion to Sever Defendants - 11/2/2011</i>
01/27/2014	 Recorders Transcript of Hearing <i>Recorder's Transcript of All Pending Motions - 5/16/2012</i>
01/27/2014	 Recorders Transcript of Hearing <i>Recorder's Transcript of Defendant's Motion for Investigative Fees and for Appointment (Ex Parte); and Pretrial Conference - 6/18/2012</i>
01/27/2014	 Recorders Transcript of Hearing <i>Recorder's Transcript of Calendar Call and Defendant's Joinder in Motion in Limine to Preclude Admission of Photographs -7/2/2012</i>
01/27/2014	 Recorders Transcript of Hearing <i>Recorder's Transcript of Defendant's Motion to Suppress Identification/Due Process Violation/Motion to Turn Over All Impeachment Evidence Regarding Identification Issue- 7/30/2012</i>
01/27/2014	 Recorders Transcript of Hearing <i>Recorder's Transcript of Pretrial Conference -10/10/2012</i>
01/27/2014	 Recorders Transcript of Hearing <i>Recorder's Transcript of Status Check: Trial 2/15/2013</i>
01/27/2014	 Recorders Transcript of Hearing <i>Recorder's Transcript of Defendant's Motion for a New Trial - 4/8/2013</i>
01/31/2014	 Reporters Transcript <i>Transcript of Proceedings: Jury Trial - Day 1, heard February 20, 2013</i>
01/31/2014	 Reporters Transcript <i>Transcript of Proceedings: Jury Trial - Day 2, heard February 21, 2013</i>
01/31/2014	 Reporters Transcript <i>Transcript of Proceedings: Jury Trial - Day 3, heard February 22, 2013</i>
01/31/2014	 Reporters Transcript <i>Transcript of Proceedings: Jury Trial - Day 4, heard February 25, 2013</i>
01/31/2014	 Reporters Transcript <i>Transcript of Proceedings: Jury Trial - Day 5, heard February 26, 2013</i>
01/31/2014	 Reporters Transcript <i>Transcript of Proceedings: Jury Trial - Day 6, heard February 27, 2013</i>
01/31/2014	

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Recorders Transcript of Hearing

*Recorder's Transcript Re: Defendant's Motion in Limine to Preclude Admission of Photos,
Thursday, February 21, 2013*

02/26/2014

Disposition (Judicial Officer: Barker, David)

1. BURGLARY WHILE IN POSSESSION OF A FIREARM
Guilty
2. CONSPIRACY TO COMMIT ROBBERY
Guilty
3. ROBBERY WITH USE OF A DEADLY WEAPON
Guilty
4. MURDER WITH USE OF A DEADLY WEAPON
Guilty

02/26/2014

Sentence (Judicial Officer: Barker, David)

1. BURGLARY WHILE IN POSSESSION OF A FIREARM
Adult Adjudication
Sentenced to Nevada Dept. of Corrections
Term: Minimum: 72 Months, Maximum: 180 Months
Concurrent: Charge 4

02/26/2014

Sentence (Judicial Officer: Barker, David)

2. CONSPIRACY TO COMMIT ROBBERY
Adult Adjudication
Sentenced to Nevada Dept. of Corrections
Term: Minimum: 24 Months, Maximum: 60 Months
Consecutive: Charge 1 and CONCURRENT Count 4

02/26/2014

Sentence (Judicial Officer: Barker, David)

3. ROBBERY WITH USE OF A DEADLY WEAPON
Adult Adjudication
Sentenced to Nevada Dept. of Corrections
Term: Minimum: 60 Months, Maximum: 150 Months
Consecutive Enhancement: for use of a Deadly Weapon, Minimum: 38 Months,
Maximum: 96 Months
Consecutive: Charge Counts 1 & 2 and CONCURRENT Count 4

02/26/2014

Sentence (Judicial Officer: Barker, David)

4. MURDER WITH USE OF A DEADLY WEAPON
Adult Adjudication
Sentenced to Nevada Dept. of Corrections
Term: Life without the possibility of parole
Consecutive Enhancement: for use of a deadly weapon, Minimum: 60 Months,
Maximum: 180 Months
Credit for Time Served: 1196 Days
Fee Totals:

ADMINISTRATIVE	
ASSESSMENT	
FEE --- Crim fee	25.00
sch	
DNA ANALYSIS	
FEE --- Crim fee	150.00
sch - \$150	
Indigent Defense	
Civil Assessment	
Fee --- Crim fee	500.00
sch - ASK	
Fee Totals \$	675.00



03/07/2014



Judgment of Conviction

JUDGMENT OF CONVICTION (JURY TRIAL)

DEPARTMENT 18
CASE SUMMARY
CASE NO. C-11-270343-1

03/13/2014	 Criminal Order to Statistically Close Case <i>Criminal Order to Statistically Close Case</i>
04/04/2014	 Notice of Appeal (criminal)

DATE	FINANCIAL INFORMATION
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Defendant Taylor, Donald	
Total Charges	679.00
Total Payments and Credits	4.00
Balance Due as of 4/7/2014	675.00


CLERK OF THE COURT

JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DONALD TAYLOR
#2650126

Defendant.

CASE NO. C270343-1

DEPT. NO. XVIII

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1
– BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony) in
violation of NRS 205.060, COUNT 2 – CONSPIRACY TO COMMIT ROBBERY
(Category B Felony) in violation of NRS 199.480, COUNT 3 – ROBBERY WITH USE
OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.165,
COUNT 4 – MURDER WITH USE OF A DEADLY WEAPON (Category A Felony) in
violation of NRS 200.010, 200.030, 193.165; and the matter having been tried before a

1 jury and the Defendant having been found guilty of the crimes of COUNT 1 –
2 BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony) in violation
3 of NRS 205.060, COUNT 2 – CONSPIRACY TO COMMIT ROBBERY (Category B
4 Felony) in violation of NRS 199.480, COUNT 3 – ROBBERY WITH USE OF A
5 DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.165, COUNT
6 4 – MURDER WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of
7 NRS 200.010, 200.030, 193.165; thereafter, on the 26th day of February, 2014, the
8 Defendant was present in court for sentencing with his counsel CRAIG DRUMMOND,
9 ESQ., and good cause appearing,
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12 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
13 addition to the \$25.00 Administrative Assessment Fee, \$500.00 Indigent Defense Civil
14 Assessment Fee and \$150.00 DNA Analysis Fee including testing to determine
15 genetic markers, the Defendant is sentenced to the Nevada Department of
16 Corrections (NDC) as follows: as to COUNT 1 – to a MAXIMUM of ONE HUNDRED
17 EIGHTY (180) MONTHS with a MINIMUM parole eligibility of SEVENTY-TWO (72)
18 MONTHS; as to COUNT 2 - to a MAXIMUM of SIXTY (60) MONTHS with a MINIMUM
19 parole eligibility of TWENTY-FOUR (24) MONTHS, COUNT 2 to run CONSECUTIVE
20 to COUNT 1; as to COUNT 3 – to a MAXIMUM of ONE HUNDRED FIFTY (150)
21 MONTHS with a MINIMUM parole eligibility of SIXTY (60) MONTHS plus a
22 CONSECUTIVE term of NINETY-SIX (96) MONTHS with a MINIMUM parole eligibility
23 of THIRTY-EIGHT (38) MONTHS for the Use of a Deadly Weapon and
24 CONSECUTIVE to COUNTS 1 & 2; as to COUNT 4 – LIFE without the possibility of
25 parole plus a CONSECUTIVE TERM OF ONE HUNDRED EIGHTY (180) MONTHS
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1 with a MINIMUM parole eligibility of SIXTY (60) MONTHS for the Use of a Deadly
2 Weapon. COUNTS 1, 2 & 3 to run CONCURRENT with COUNT 4; with ONE
3 THOUSAND ONE HUNDRED NINETY-SIX (1,196) DAYS credit for time served.
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6 DATED this 4th day of March, 2014

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DAVID BARKER
DISTRICT COURT JUDGE

KLS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 14, 2011

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

January 14, 2011 11:45 AM Grand Jury Indictment

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 15C

COURT CLERK: Tina Hurd; Tiffany Lawrence

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- David Schubert, DDA, and Nell Keenan, DDA, present for the State. Roger Fotch, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 10BGJ016A-B to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C270343-1, Department 18. Ms. Keenan requested a warrant and argued for no bail. COURT ORDERED, ARREST WARRANT WILL ISSUE, NO BAIL. Exhibit(s) 1-7 lodged with Clerk of District Court.

WARRANT (CUSTODY)

01/24/11 8:15AM - ARRAIGNMENT (DEPT 18)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 28, 2011

C-11-270343-1

State of Nevada

vs

Donald Taylor

January 28, 2011

8:15 AM

All Pending Motions

1-28-11

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: Melissa Benson

RECORDER: Richard Kangas

REPORTER:

PARTIES

PRESENT:

Christensen, Nell E.

Attorney

Skupa, William S.

Attorney

State of Nevada

Plaintiff

Taylor, Donald

Defendant

JOURNAL ENTRIES

- INITIAL ARRAIGNMENT...INDICTMENT WARRANT RETURN

DEFT. TAYLOR ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. Upon request by counsel, COURT FURTHER ORDERED, counsel has 21 days from filing of Transcript.

CUSTODY

11/9/11 8:15 AM CALENDAR CALL

11/14/11 10:00 AM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 16, 2011

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

February 16, 2011 8:15 AM Motion

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: Roshonda Mayfield

RECORDER: Richard Kangas

REPORTER:

PARTIES

PRESENT:	Christensen, Nell E.	Attorney
	Skupa, William S.	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- Attorney Skupa argued on behalf of the motion. Attorney Christensen argued in opposition. Following arguments by counsel, COURT ORDERED, BAIL SET at \$1,000,000.00. (\$1 Million) as follows:

Count - 1 \$25,000.00

Count - 2 \$25,000.00

Count - 3 \$200,000.00

Count - 4 \$750,000.00

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 06, 2011

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

June 06, 2011 8:15 AM Motion

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: Roshonda Mayfield

RECORDER: Richard Kangas

REPORTER:

PARTIES

PRESENT:	Christensen, Nell E.	Attorney
	Skupa, William S.	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- Following arguments by counsel, COURT ORDERED, motion GRANTED as to the following:
Pursuant to NRS 174.235 through NRS 174.295 counsel has a responsibility to provide any discovery
obtained and any Brady Material to defense counsel.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 28, 2011

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

September 28, 2011 8:15 AM All Pending Motions

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Richard Kangas

REPORTER:

PARTIES

PRESENT:	Christensen, Nell E.	Attorney
	Phillips, David Lee	Attorney
	Skupa, William S.	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- Deft's Motion to Suppress Identification of Deft Donald Taylor; Motion in Limine To Exclude Any In-Court Identification of Deft Donald Taylor; and Motion For Evidentiary Hearing To Determine Whether There Was Ever Probable Cause To Arrest Donald Taylor and To Suppress Any Evidence Obtained After the Arrest if There Was Not Probable Cause to Arrest...Mr. Skupa's Motion to Withdraw as Attorney of Record

Mr. Phillips requested to substitute in as counsel. COURT SO ORDERED. Upon Court's inquiry, Mr. Skupa advised he has not provided discovery but will to Mr. Phillips. COURT ORDERED, Mr. Skupa's motion to withdraw GRANTED and Deft's motion to suppress OFF CALENDAR subject to Deft's counsel re-filing. Ms. Christensen requested Mr. Phillips make an appointment to review file. Colloquy.

C-11-270343-1

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 02, 2011

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

November 02, 2011 8:15 AM Motion to Continue

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Debbie Winn

REPORTER:

PARTIES

PRESENT:	Christensen, Nell E.	Attorney
	Di Giacomo, Marc P.	Attorney
	Phillips, David Lee	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- Court stated he is inclined to grant Deft. Taylor's Motion to Continue since counsel is new. Mr. Phillips stated he is also going to request to have Deft. Taylor evaluated to make sure he understands and advised he will put request in writing to the Court. COURT ORDERED, Deft. Taylor's Motion to Continue GRANTED.

Mr. Arroyo argued in support of Deft. Myles' Motion to Sever Defts'. Mr. Phillips also advised there is a pending motion as to alibi and argued not properly noticed per statute. Mr. Arroyo stated he filed opposition, still have time to amend and stated he can clarify to the extent Deft. was visiting family members in California through out the days, that is all counsel knows and have given the names and addresses of those witnesses. Colloquy regarding video depositions. Mr. Arroyo stated he is concerned he may be unable to be present at that time and advised he has been insured they will be here on the 14th. Mr. Di Giacomo argued if they are not going to be unavailable, they can be here. Further, Mr. Di Giacomo stated he believes depositions will be good to do. Court stated he

believes case needs to be tried once and ORDERED, Deft. Miles' Motion to Sever DENIED and Criminal Depositions to be done. Further, parties to come to this department for depositions and if this Court is not available, will have another judge preside over depositions. Mr. Arroyo inquired if the State will be required to give notice of rebuttal witnesses. Court stated this can be adjusted accordingly. Mr. Di Giacomo stated appropriate notice will be required from the time State receives it. Further, Mr. Di Giacomo stated he has no idea what the witnesses will say. Mr. Bindrup argued counsel has the witnesses and part of the value is their demeanor in front of the jury. Further, if there is a problem with alibi witnesses, counsel will request new date be set and counsel to re-contact witnesses to make sure there are no problems. Additionally, Mr. Bindrup argued he believes deposition is a remedy if only two or more witnesses say they cannot make it. Mr. Di Giacomo requested to move motion to strike. Colloquy regarding pending motions. COURT ORDERED, trial date VACATED and RESET. FURTHER ORDERED, pending motions set for November 9, 2011, CONTINUED.

CUSTODY (BOTH)

11/30/11 8:15 AM DEFT. MILES MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHOTOGRAPHS...DEFT. MILES MOTION TO FEDERALIZE ALL MOTIONS, OBJECTIONS REQUESTS AND OTHER APPLICATIONS...DEFT. MILES MOTION TO COMPEL DISCLOSURE OF EXISTENCE AND SUBSTANCE OF EXPECTATIONS, OR ACTUAL RECEIPT OF BENEFITS OR PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTION...DEFT. MILES MOTION REQUESTING REVIEW OF NCIC RECORDS ON STATE S LAY WITNESSES...DEFT. MILES MOTION TO ADMIT EVIDENCE OF THE DECEASED S VIOLENT PROPENSITY...DEFT. MILES MOTION FOR DISCOVERY...DEFT. MILES MOTION TO EXCLUDE OTHER BAD ACTS CHARACTER EVIDENCE AND IRRELEVANT PRIOR CRIMINAL ACTIVITY... DEFT. MILES MOTION TO BAR IMPROPER PROSECUTORIAL ARGUMENT...DEFT. MILES NOTICE OF MOTION AND MOTION TO ALLOW SUBMISSION OF DEFENDANT S PROPER MOTION TO DISMISS AND MOTION TO VACATE ARREST...STATE S NOTICE OF MOTION AND MOTION TO STRIKE NOTICE OF ALIBI OR, IN THE ALTERNATIVE, MOTION FOR CLARIFICATION (MILES)...STATE S NOTICE OF MOTION AND MOTION TO EXCLUDE TESTIMONY OF DEFENSE NOTICED WITNESS DEBORAH DAVIS (MILES)...DEFT. MILES MOTION TO SUPPRESS SUGGESTIVE OUT OF COURT IDENTIFICATION OF DEFENDANT

7/2/12 8:15 AM CALENDAR CALL (BOTH)

7/9/12 10:00 AM JURY TRIAL (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 30, 2011

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

November 30, 2011 8:15 AM All Pending Motions

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins; Christine Erickson

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:	Christensen, Nell E.	Attorney
	Phillips, David Lee	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- DEFT MILES' MOTION TO FEDERALIZE ALL MOTIONS OBJECTIONS, REQUESTS AND OTHER APPLICATIONS . . . DEFT MILES' MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHOTOGRAPHS . . . DEFT MILES' MOTION TO COMPEL DISCLOSURE OF EXISTENCE AND SUBSTANCE OF EXPECTATIONS OR ACTUAL RECEIPT OF BENEFITS OR PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTION . . . DEFT MILES' MOTION REQUESTING REVIEW OF NCIC RECORDS ON STATE'S LAY WITNESSES . . . DEFT MILES' MOTION TO ADMIT EVIDENCE OF DECEASED'S VIOLENT PROPENSITY . . . DEFT MILES' MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE AND IRRELEVANT PRIOR CRIMINAL ACTIVITY . . . DEFT MILES' MOTION TO BAR IMPROPER PROSECUTORIAL ARGUMENT . . . DEFT MILES' MOTION TO ALLOW SUBMISSION OF DEFENDANT'S PRO PER MOTION TO DISMISS AND MOTION TO VACATE ARREST . . . DEFENDANT'S MOTION TO SUPPRESS SUGGESTIVE OUT OF COURT IDENTIFICATION OF DEFENDANT . . . DEFT MILES' MOTION FOR DISCOVERY . . . DISTRICT ATTORNEY'S MOTION TO STRIKE NOTICE OF ALIBI, OR IN THE ALTERNATIVE, MOTION FOR CLARIFICATION . . . DISTRICT ATTORNEY'S

MOTION TO EXCLUDE TESTIMONY OF DEFENSE NOTICED WITNESS DEBORAH DAVIS . . .
DEFENDANT TAYLOR'S JOINDER IN MOTION FOR DISCOVERY . . . DEFENDANT TAYLOR'S
JOINDER IN MOTION REQUESTING REVIEW OF NCIC RECORDS ON STATE'S LAY WITNESSES
. . . DEFENDANT TAYLOR'S JOINDER IN MOTION IN LIMINE TO PRECLUDE ADMISSION OF
PHOTOGRAPHS . . . DEFENDANT TAYLOR'S JOINDER IN MOTION TO EXCLUDE OTHER BAD
ACTS, CHARACTER EVIDENCE AND IRRELEVANT PRIOR CRIMINAL ACTIVITY . . .
DEFENDANT TAYLOR'S JOINDER IN MOTION TO BAR IMPROPER PROSECUTORIAL
ARGUMENT . . . DEFENDANT TAYLOR'S JOINDER IN MOTION TO COMPEL DISCLOSURE OF
EXISTENCE AND SUBSTANCE OF EXPECTATIONS OR ACTUAL RECEIPT OF BENEFITS OR
PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTION

Mr. Phillips stated there is one motion that was filed to continue trial and request for competency evaluation. Mr. Arroyo and Mr. Bindrup stated they had no objection. COURT ORDERED, matter referred to Competency as to Deft. TAYLOR, SET for FURTHER PROCEEDINGS and STATUS CHECK. Deft. Miles' Motions and Deft. Taylor's Joinders CONTINUED.

CUSTODY

12/20/11 10:00 AM - FURTHER PROCEEDINGS : COMPETENCY (TAYLOR)(DEPT. 25)

1/4/12 8:15 AM - STATUS CHECK: COMPETENCY (TAYLOR) - DEFENDANT TAYLOR'S
JOINDER IN MOTION REQUESTING REVIEW OF NCIC RECORDS ON STATE'S LAY WITNESSES
. . . DEFENDANT TAYLOR'S JOINDER IN MOTION IN LIMINE TO PRECLUDE ADMISSION OF
PHOTOGRAPHS . . . DEFENDANT TAYLOR'S JOINDER IN MOTION TO EXCLUDE OTHER BAD
ACTS, CHARACTER EVIDENCE AND IRRELEVANT PRIOR CRIMINAL ACTIVITY . . .
DEFENDANT TAYLOR'S JOINDER IN MOTION TO BAR IMPROPER PROSECUTORIAL
ARGUMENT . . . DEFENDANT TAYLOR'S JOINDER IN MOTION TO COMPEL DISCLOSURE OF
EXISTENCE AND SUBSTANCE OF EXPECTATIONS OR ACTUAL RECEIPT OF BENEFITS OR
PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTION.

1/4/12 8:15 AM - DEFT MILES' MOTION TO FEDERALIZE ALL MOTIONS OBJECTIONS,
REQUESTS AND OTHER APPLICATIONS . . . DEFT MILES' MOTION IN LIMINE TO PRECLUDE
ADMISSION OF PHOTOGRAPHS . . . DEFT MILES' MOTION TO COMPEL DISCLOSURE OF
EXISTENCE AND SUBSTANCE OF EXPECTATIONS OR ACTUAL RECEIPT OF BENEFITS OR
PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTION . . . DEFT MILES'
MOTION REQUESTING REVIEW OF NCIC RECORDS ON STATE'S LAY WITNESSES . . . DEFT
MILES' MOTION TO ADMIT EVIDENCE OF DECEASED'S VIOLENT PROPENSITY . . . DEFT
MILES' MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE AND
IRRELEVANT PRIOR CRIMINAL ACTIVITY . . . DEFT MILES' MOTION TO BAR IMPROPER
PROSECUTORIAL ARGUMENT . . . DEFT MILES' MOTION TO ALLOW SUBMISSION OF
DEFENDANT'S PRO PER MOTION TO DISMISS AND MOTION TO VACATE ARREST . . .
DEFENDANT'S MOTION TO SUPPRESS SUGGESTIVE OUT OF COURT IDENTIFICATION OF
DEFENDANT . . . DEFT MILES' MOTION FOR DISCOVERY . . . DISTRICT ATTORNEY'S MOTION

TO STRIKE NOTICE OF ALIBI, OR IN THE ALTERNATIVE, MOTION FOR CLARIFICATION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 20, 2011

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

**December 20, 2011 10:00 AM Further Proceedings:
Competency**

HEARD BY: Delaney, Kathleen E.

COURTROOM: RJC Courtroom 15A

COURT CLERK: ; Alice Jacobson

RECORDER:

REPORTER: Brenda Schroeder

PARTIES

PRESENT:	Campbell, Cara L.	Attorney
	Phillips, David Lee	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Christina Greene of the Specialty Courts present.

Mr. Phillips indicated he had not reviewed the reports and requested a continuance. There being no opposition, COURT SO ORDERED.

CUSTODY

1/3/12 10:00 AM FURTHER PROCEEDINGS: COMPETENCY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 03, 2012

C-11-270343-1

State of Nevada

vs

Donald Taylor

January 03, 2012

10:00 AM

**Further Proceedings:
Competency**

HEARD BY: Delaney, Kathleen E.

COURTROOM: RJC Courtroom 15A

COURT CLERK: Kristen Brown

RECORDER:

REPORTER: Brenda Schroeder

PARTIES

PRESENT:

Campbell, Cara L.
Phillips, David Lee
State of Nevada
Taylor, Donald

Attorney
Attorney
Plaintiff
Defendant

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Christina Greene of the Specialty Courts present.

Court NOTED Drs. Paglini and Bradley indicate competent; therefore, FINDS Defendant COMPETENT pursuant to the Dusky Standard as Defendant is capable of understanding the charges against him/her and is able to assist counsel in his/her defense and ORDERED, matter TRANSFERRED back to the originating court for further proceedings.

CUSTODY

1/11/12 8:15 AM FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT
(DEPT. 18)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 06, 2012

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

January 06, 2012 8:15 AM All Pending Motions

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:	Christensen, Nell E.	Attorney
	Rogers, John S	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- DEFT MILES' MOTION TO FEDERALIZE ALL MOTIONS OBJECTIONS, REQUESTS AND OTHER APPLICATIONS . . . DEFT MILES' MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHOTOGRAPHS . . . DEFT MILES' MOTION TO COMPEL DISCLOSURE OF EXISTENCE AND SUBSTANCE OF EXPECTATIONS OR ACTUAL RECEIPT OF BENEFITS OR PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTION . . . DEFT MILES' MOTION REQUESTING REVIEW OF NCIC RECORDS ON STATE'S LAY WITNESSES . . . DEFT MILES' MOTION TO ADMIT EVIDENCE OF DECEASED'S VIOLENT PROPENSITY . . . DEFT MILES' MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE AND IRRELEVANT PRIOR CRIMINAL ACTIVITY . . . DEFT MILES' MOTION TO BAR IMPROPER PROSECUTORIAL ARGUMENT . . . DEFT MILES' MOTION TO ALLOW SUBMISSION OF DEFENDANT'S PRO PER MOTION TO DISMISS AND MOTION TO VACATE ARREST . . . DEFT. MILES' MOTION TO SUPPRESS SUGGESTIVE OUT OF COURT IDENTIFICATION OF DEFENDANT . . . DEFT MILES' MOTION FOR DISCOVERY . . . DISTRICT ATTORNEY'S MOTION TO STRIKE NOTICE OF ALIBI, OR IN THE ALTERNATIVE, MOTION FOR CLARIFICATION . . . DISTRICT ATTORNEY'S

MOTION TO EXCLUDE TESTIMONY OF DEFENSE NOTICED WITNESS DEBORAH DAVIS . . .
DEFENDANT TAYLOR'S JOINDER IN MOTION FOR DISCOVERY . . . DEFENDANT TAYLOR'S
JOINDER IN MOTION REQUESTING REVIEW OF NCIC RECORDS ON STATE'S LAY WITNESSES
. . . DEFENDANT TAYLOR'S JOINDER IN MOTION IN LIMINE TO PRECLUDE ADMISSION OF
PHOTOGRAPHS . . . DEFENDANT TAYLOR'S JOINDER IN MOTION TO EXCLUDE OTHER BAD
ACTS, CHARACTER EVIDENCE AND IRRELEVANT PRIOR CRIMINAL ACTIVITY . . .
DEFENDANT TAYLOR'S JOINDER IN MOTION TO BAR IMPROPER PROSECUTORIAL
ARGUMENT . . . DEFENDANT TAYLOR'S JOINDER IN MOTION TO COMPEL DISCLOSURE OF
EXISTENCE AND SUBSTANCE OF EXPECTATIONS OR ACTUAL RECEIPT OF BENEFITS OR
PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTION...STATUS CHECK:
COMPETENCY (TAYLOR)

Mr. Arroyo stated he believed matter was only on for status check. Mr. Rogers advised Deft. has been found competent. Mr. Arroyo requested 60 days to file supplemental and also to oppose one of the State's motions. Ms. Christensen stated she had no objection to continuing motions and requested the January 11, 2012, status check as to competency be vacated. COURT SO ORDERED. Colloquy. FURTHER ORDERED, all motions and all joinders CONTINUED.

CUSTODY (BOTH)

CONTINUED TO: 3/7/12 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 16, 2012

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

May 16, 2012 8:15 AM All Pending Motions

HEARD BY: Barker, David **COURTROOM:** RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:	Christensen, Nell E.	Attorney
	Di Giacomo, Marc P.	Attorney
	Phillips, David Lee	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- DEFT. MILES' MOTION TO ALLOW SUBMISSION OF DEFT'S PRO PER MOTION TO DISMISS AND MOTION TO VACATE ARREST:

Court noted this is a fugitive document, issues addressed in other motions pending and ORDERED, motion DENIED.

DEFT. MILES MOTION TO BAR IMPROPER PROSECUTORIAL ARGUMENT...DEFT. TAYLOR'S JOINDER IN MOTION TO BAR IMPROPER PROSECUTORIAL ARGUMENT:

Matter submitted. COURT ORDERED, motion and joinder GRANTED. The Court will not allow anybody to argue improper argument by the State or defense.

DEFT. MILES' MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE AND

IRRELEVANT PRIOR CRIMINAL HISTORY...DEFT. TAYLOR'S JOINDER IN MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE AND IRRELEVANT PRIOR CRIMINAL HISTORY:

Court inquired if the State was seeking to admit other bad acts. Ms. Christensen advised nothing at this time and requested statutory deadline if needed by the State. COURT ORDERED, motion and joinder GRANTED.

DEFT. MILES' MOTION FOR DISCOVERY...DEFT. TAYLOR'S JOINDER IN MOTION FOR DISCOVERY:

Mr. Arroyo noted State responded to #1 and # 2 and argued counsel is seeking any un-recorded statements. Further, State has stated they are not required by statute but if the State is aware, request they be provided. Mr. DiGiacomo argued no constitutional right as to Deft's statements, State has no duty to provide it and there are no statements to counsels knowledge. COURT ORDERED, motion and joinder GRANTED to the extent statute requires disclosure. State has indicated they are not aware or seeking to un-recorded statements. Mr. Arroyo requested if they exist, they be turned over. Court again stated motion is granted to the extent statute requires.

DEFT. MILES' MOTION TO ADMIT EVIDENCE OF DECEASED'S VIOLENT PROPENSITY:

COURT ORDERED, motion WITHDRAWN at request of counsel.

DEFT. MILES' MOTION REQUESTING REVIEW OF NCIC RECORDS ON STATE'S LAY WITNESSES...DEFT. TAYLOR'S JOINDER IN MOTION REQUESTING REVIEW OF NCIC RECORDS ON STATE'S LAY WITNESSES:

Mr. Arroyo stated there are two main witnesses counsel is concerned about, the grandmother and decedent's girlfriends grandmother. Further, Mr. Arroyo advised both involved in a drug transaction and have concerns about their history. Mr. DiGiacomo stated if there is a NCIC in the State's file or the detective's file, counsel will be allowed to review them. Further, Mr. DiGiacomo stated if they are not in either file, the State cannot run one at the request of Defts' counsel. Additionally, Mr. DiGiacomo stated he is not aware of any felony convictions. Further argument by Mr. Arroyo. Court stated there is a mechanism for defense to reach out and obtain information. Further, Court stated he will sign order for Defts' counsel. Colloquy. COURT ORDERED, motion DENIED. Parties to meet and confer per EDCR 2.67.

DEFT. MILES' MOTION TO COMPEL DISCLOSURE OF EXISTENCE AND SUBSTANCE OF EXPECTATIONS OR ACTUAL RECEIPT OF BENEFITS OR PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTION...DEFT. TAYLOR'S JOINDER IN MOTION TO COMPEL DISCLOSURE OF EXISTENCE AND SUBSTANCE OF EXPECTATIONS OR ACTUAL RECEIPT OF BENEFITS OR PREFERENTIAL TREATMENT FOR COOPERATION WITH PROSECUTION:

Mr. Arroyo advised State willing to turn over information, argued State said it may exist and State has a duty to find out. COURT ORDERED, motion GRANTED. Mr. DiGiacomo stated he is not aware of any.

DEFT. MILES' MOTION TO FEDERALIZE ALL MOTIONS, OBJECTIONS, REQUESTS AND OTHER APPLICATIONS:

Matter submitted. COURT ORDERED, motion DENIED.

DEFT. MILES' MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHOTOGRAPHS...DEFT. TAYLOR'S JOINDER IN MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHOTOGRAPHS:

Counsel submitted. Court stated the State is to produce what they intend on using and if there are objections, bring to the Court and the Court will decide. Colloquy. COURT ORDERED, motion STAYED until time of trial.

DEFT. TAYLOR'S MOTION TO SUPPRESS EVIDENCE/MOTION TO REVEAL ANY FAVORABLE TREATMENT, PROMISES, BENEFITS AND ANY OTHER THING OF VALUE TO POTENTIAL WITNESSES, AS WELL AS ANY STATEMENTS INCONSISTENT WITH GUILT MADE TO ANY MEMBER OF LAW ENFORCEMENT, AS WELL AS ANY OTHER IMPEACHMENT MATERIAL UNDER BAILEY V. US:

Colloquy regarding pending motions to suppress. Mr. DiGiacomo advised as to suppression of identification as to Deft. Taylor, there has been no motion for that relief. Opposition by Mr. Phillips who advised it is contained in the pending motion to suppress. Mr. DiGiacomo advised the State has responded to the request to suppress the historical record of the cell site tower. Further, there has never been a prayer for relief as to suppressing identification of Deft. Taylor, photograph shown to grandmother or any in court identification of Deft. Taylor which the State has never responded to. Colloquy. Additional arguments by counsel. Mr. DiGiacomo inquired as to what the State needs to respond to. Mr. Phillips argued issue is articulated in the pending motion. Court stated issue needs to be clarified as it is a very fact intensive analysis. Further, Court noted Mr. Bindrup has briefed this issue as to Deft. Miles. Mr. Phillips requested additional time and COURT SO ORDERED.

As to the suppression of the cell site tower information, Mr. Phillips argued there was no subpoena until after Deft. Taylor was arrested, obtained information first and then isolated who the Deft. was or who was suppose to be using the telephone. Further, Mr. Phillips argued in violation of the Fourth and Fifth Amendment. Mr. DiGiacomo argued historical records were retrieved from a third party, there is no intrusion into the privacy right of the Deft. and he lacks standing to assert his historical records are something he can oppose. Mr. Phillips argued hearsay information, speculative and highly inflammatory in this case. Further, it is counsel's understanding the telephone does not belong to the Deft. Colloquy. Additional argument by Mr. Phillips. Mr. DiGiacomo argued on November 23, a Court did issue an order and that order is an independent source for the information. Further, counsel actually does not ask for suppression of the information but asking to suppress a

statement based upon the arrest of the Deft. Court FINDS documents are a historical business record, no violation of Fourth Amendment and ORDERED, motion to suppress DENIED. State will brief any challenges to suppression on identification involving Deft. Taylor.

DEFT. MILES' MOTION TO SUPPRESS SUGGESTIVE OUT OF COURT IDENTIFICATION OF DEFT:

Upon Court's inquiry, Mr. Arroyo stated brief history of case. Further, Mr. Arroyo stated detective interviews Ms. Shanalt and she gives description at Grand Jury which becomes more detailed. Further, a six pack line up shown to her and she does not identify anyone. Additionally, detective goes back and shows her one picture of Deft. Miles instead of a six pack. Mr. DiGiacomo stated there are two separate analysis the Court needs to do which is, is the photograph excludable and is the subsequent in court identification by the witness excludable. Further, it is clear it is not a very short encounter and that she sees both people. Subsequent to that she provides not only a description of Deft. Taylor but it is the unique cheek bones of Deft. Miles and if the Court was going to suppress either one of the identifications, the Court will probably need a evidentiary hearing. Colloquy. Additional argument by Mr. DiGiacomo. Mr. Phillips argued photograph sent with instructions to show picture to grandma. Mr. Arroyo stated he does not believe hearing is necessary and argued information was taken from the Grand Jury testimony and officer's report, no question it was a single photograph. Further argument by Mr. DiGiacomo. Mr. Arroyo further argued no difference between the standards for out of court identification and a later in court

- identification. Court stated the question is whether there was irreparable misidentification and if Deft's substantive due process rights have been violated as a consequence of State action. Statement by Mr. DiGiacomo. Court stated matter will be set for evidentiary hearing which also dove tails into State's motion to strike expert witness. Ms. Christensen argued there is a jury instruction as to creditability of witness that the jury is to consider. Colloquy. Additional argument by Ms. Christensen as to expert witness testimony. Further argument by Mr. DiGiacomo. COURT ORDERED, matter CONTINUED and matter SET for evidentiary hearing.

STATE'S MOTION TO STRIKE NOTICE OF ALIBI OR, IN THE ALTERNATIVE, MOTION FOR CLARIFICATION:

Mr. DiGiacomo argued the Court ordered depositions of these alibi witnesses because Deft's notice was not sufficient. Further, if defense wants to call a alibi witness they need to provide sufficient statutory notice of the alibi in the time period required by statute. Mr. Arroyo requested notice of alibi stand and advised counsel has given everything counsel knows. Additional argument by Mr. DiGiacomo. Colloquy. Further opposition by Mr. Arroyo. Mr. DiGiacomo argued Deft. Miles knows where he was on this date, on this time and he needs to provide this information. Mr. Arroyo argued what was provided is what counsel knows and advised Deft. was moving around to each family member. Additional arguments by counsel. COURT ORDERED, matter CONTINUED. Counsel to provide what city Deft. was in, who Deft. was with, telephone numbers and where he was at. Counsel has until June 25, 2012, to supplement notice of alibi.

STATE'S MOTION TO EXCLUDE TESTIMONY OF DEFENSE NOTICED WITNESS DEBORAH DAVID:

COURT ORDERED, matter CONTINUED.

CUSTODY (BOTH)

6/25/12 1:00 PM DEFT. MILES' MOTION TO SUPPRESS SUGGESTIVE OUT OF COURT IDENTIFICATION OF DEFT...STATE'S MOTION TO STRIKE NOTICE OF ALIBI OR, IN THE ALTERNATIVE, MOTION FOR CLARIFICATION...STATE'S MOTION TO EXCLUDE TESTIMONY OF DEFENSE NOTICED WITNESS DEBORAH DAVID...EVIDENTIARY HEARING

7/2/12 8:15 AM DEFT. MILES' MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHOTOGRAPHS...DEFT. TAYLOR'S JOINDER IN MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHOTOGRAPHS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 04, 2012

C-11-270343-1

State of Nevada

vs

Donald Taylor

June 04, 2012

8:15 AM

Motion

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:

Christensen, Nell E.

Attorney

Rogers, John S

Attorney

State of Nevada

Plaintiff

Taylor, Donald

Defendant

JOURNAL ENTRIES

- Court stated affidavit has to be provided by Deft. indicating his indigence. Colloquy. COURT ORDERED, matter CONTINUED and counsel has one week to file affidavit with a copy provided to the Court and Mr. Christensen.

CUSTODY

CONTINUED TO: 6/11/12 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 06, 2012

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

June 06, 2012 8:15 AM Pre Trial Conference

HEARD BY: Barker, David **COURTROOM:** RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:	Christensen, Nell E.	Attorney
	Di Giacomo, Marc P.	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- As to Deft. Taylor, COURT ORDERED, matter CONTINUED and June 11, 2012, date STANDS.

As to Deft. Miles, Mr. Bindrup requested matter be continued and COURT SO ORDERED.

CUSTODY (BOTH)

6/11/12 8:15 AM PRE TRIAL CONFERENCE (TAYLOR)

6/13/12 8:15 AM PRETRIAL CONFERENCE (MILES)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 11, 2012**

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

June 11, 2012 8:15 AM All Pending Motions

HEARD BY: Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES**

PRESENT:	Christensen, Nell E.	Attorney
	Rogers, John S	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- DEFT'S MOTION FOR INVESTIGATIVE FEES AND FOR APPOINTMENT (EX-PARTE)... PRE TRIAL CONFERENCE

Mr. Roger stated he has not heard back from Mr. Christensen since speaking to him on Wednesday. Court stated matter will be referred to the Public Defender and if they cannot represent Deft., matter will be referred to Mr. Christensen. Further, Court stated he did receive affidavit from Deft's counsel. Ms. Christensen argued affidavit needs to be submitted by Deft. himself. Colloquy. Ms. Christensen stated she now has signed affidavit by Deft. Further, Ms. Christensen stated the Special Public Defender represents the Co-Deft. in this case. Court stated per his Judicial Executive Assistant, Mr. Christensen contacted chambers, advised he did not receive information and requested matter be continued to see if Public Defender will be appointed or Mr. Phillips. Colloquy. COURT ORDERED, matters CONTINUED.

CUSTODY

PRINT DATE: 04/07/2014

Page 23 of 72

Minutes Date:

January 14, 2011

C-11-270343-1

CONTINUED TO: 6/18/12 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 18, 2012

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

June 18, 2012 8:15 AM All Pending Motions

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:	Christensen, Nell E.	Attorney
	Rogers, John S	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- DEFT'S MOTION FOR INVESTIGATIVE FEES AND FOR APPOINTMENT (EX-PARTE)... PRE TRIAL CONFERENCE

Timothy O'Brien, Public Defender present.

Court stated Mr. Christensen has advised there is a conflict with Public Defender's Office. Further, Mr. Christensen is inclined to allow appointment if the Court makes the necessary findings and the cost of trial is the only thing that will be paid for. Colloquy. COURT ORDERED, David Phillips, Esq., APPOINTED. Mr. Rogers advised he has spoken to Mr. Christensen and he had no objection as to the investigative fees. FURTHER ORDERED, motion GRANTED.

Upon Court's inquiry, Mr. Rogers advised there is no serious offers. Ms. Christensen advised no official offer, too far apart and matter is not overflow eligible. Statement by Mr. O'Brien regarding conflict. Ms. Christensen further advised Mr. Phillips never filed motion to suppress identification,

Mr. Phillips has not endorsed expert witness and there is no motion before the Court to have evidentiary hearing. Mr. Rogers stated he would like opportunity to file motion regarding witness identification. FURTHER ORDERED, matter set for June 25, 2012, VACATED and trial date STANDS.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 02, 2012

C-11-270343-1 State of Nevada
vs
Donald Taylor

July 02, 2012 8:15 AM All Pending Motions

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:	Christensen, Nell E.	Attorney
	Phillips, David Lee	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- CALENDAR CALL...DEFT'S JOINDER IN MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHOTOGRAPHS

Court advised there is a death penalty in front of this case and there is no overflow due to the holiday. Ms. Christensen stated she has spoken to Mr. Phillips, matter is not overflow eligible and State is announcing ready, however, counsel needs to discuss some issues with Deft's counsel. Court stated as to motion in limine, the Court will look at them, will take objections contemporaneously, will address at time of trial and ORDERED, motion OFF CALENDAR. As to pending motion, COURT ORDERED, matter CONTINUED.

CUSTODY

7/30/12 DEFT'S MOTION TO SUPPRESS IDENTIFICATION/DUE PROCESS
VIOLATION/MOTION TO TURNOVER ALL IMPEACHMENT EVIDENCE REGARDING

C-11-270343-1

IDENTIFICATION

10/10/12 8:15 AM PRE TRIAL CONFERENCE

11/7/12 8:15 AM CALENDAR CALL

11/13/12 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 30, 2012**

C-11-270343-1

State of Nevada

vs

Donald Taylor

July 30, 2012**8:15 AM****Motion to Suppress**

**Defendant's Motion
to Suppress
Identification / Due
Process Violation /
Motion to Turnover
All Impeachment
Evidence Regarding
Identification Issue**

HEARD BY: Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins; Carol Green;**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Mark DiGiacomo, Deputy District Attorney, present on behalf of the State.
Defendant Taylor present, in custody, represented by David Phillips, Esq.

As to discovery issues, Court stated that Mr. Phillips is requesting additional information, but State believes everything has been provided, noting that Defense is not entitled to attorney work product. Mr. Phillips advised he will be reviewing State's entire file. Court noted reciprocal responsibility, and if Mr. Phillips believes there is something else that is needed, he can place matter back on calendar.

Argument by Mr. Phillips regarding suppressing identification by mother-in-law. Opposition by Mr. DiGiacomo. Response by Mr. Phillips that entire procedure is wrong and should be suppressed.

Court stated the five factor analysis. Based on those factors, Court stated it is a jury question and COURT ORDERED, motion DENIED.

Mr. Phillips advised that he was appointed for trial only, but now he may have an issue he wants to take on appeal right away. Court stated that if Mr. Phillips thinks he needs a pre-trial writ, he needs to do it, ban request to appoint additional counsel DENIED; prior decision to pay Mr. Phillips for trial time only STANDS.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 10, 2012

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

October 10, 2012 8:15 AM Pre Trial Conference

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:	Christensen, Nell E.	Attorney
	Phillips, David Lee	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- Mr. Phillips advised he has additional things that he needs from the State, issue with Deft. that needs to be discussed and requested matter be continued. Ms. Christensen stated Mr. Phillips indicated he does not have some things which she will check into. Mr. Phillips stated the trial is set during a holiday week, matter will take five days and advised he is scheduled to leave on the 20th of November. Upon Court's inquiry, Ms. Christensen advised there are no offers at this time. Statement by Deft. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 10/17/12 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 17, 2012**

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

October 17, 2012 8:15 AM Pre Trial Conference

HEARD BY: Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Patti Slattery**REPORTER:****PARTIES**

PRESENT:	Christensen, Nell E.	Attorney
	Phillips, David Lee	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- Court noted third trial setting and 60 days waived. Ms. Christensen advised she and Mr. Phillips met, looked through what counsel had and counsel has what he was looking for so there are no discovery issues at this time. Further, counsel will meet and go over again prior to trial. Mr. Phillips stated he agrees with the representations made by Ms. Christensen. Ms. Christensen further stated Mr. Phillips will be out of the jurisdiction beginning on November 20, 2012, and advised this may necessitate a penalty hearing. Mr. Phillips requested a trial setting in February. Ms. Christensen stated State would of been ready for trial. COURT ORDERED, Deft's oral request to continue GRANTED; trial date VACATED and RESET.

Mr. Phillips advised all discovery is contained on DVD's and the Clark County Detention Center (CCDC) does not allow counsel to bring in laptops and argued he has no other way to prepare for trial with the Deft. Court stated he wants counsel to be prepared for trial but he needs to follow the rules and regulations as set forth by CCDC.

C-11-270343-1

Statement by Deft.

CUSTODY

1/16/13 8:15 AM PRE TRIAL CONFERENCE

2/13/13 8:15 AM CALENDAR CALL

2/19/13 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 16, 2013

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

January 16, 2013 8:15 AM Pre Trial Conference

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Richard Kangas

REPORTER:

PARTIES

PRESENT:	Christensen, Nell E.	Attorney
	Rogers, John S	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- Court noted fourth trial setting and 60 days waived. Mr. Rogers stated after speaking to the State, parties agree to continue matter for one week. Further, Mr. Rogers stated he does not anticipate any problems going forward with trial. Statement by Ms. Christensen. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 1/23/13 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 23, 2013

C-11-270343-1

State of Nevada

vs

Donald Taylor

January 23, 2013

8:15 AM

Pre Trial Conference

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:

Di Giacomo, Marc P.

Attorney

Phillips, David Lee

Attorney

State of Nevada

Plaintiff

Taylor, Donald

Defendant

JOURNAL ENTRIES

- Court noted fourth trial setting and 60 days waived. Mr. Phillips advised there are no discovery issues and no scheduling conflicts. Mr. DiGiacomo advised no formal offer has been conveyed and matter is not overflow eligible. COURT ORDERED, calendar call and trial dates STAND.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 13, 2013

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

February 13, 2013 8:15 AM Calendar Call

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:	Di Giacomo, Marc P.	Attorney
	Rogers, John S	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- Court noted fourth trial setting and 60 days waived. State announced ready, advised 20 to 25 witnesses and three out of state witnesses. Mr. Rogers announced ready. Court stated it appears the pending motions currently set for February 20, 2013, have been addressed but will address them on Tuesday. **CONFERENCE AT THE BENCH. COURT ORDERED, Deft's motions set for February 20, 2013, CONTINUED and jury trial SET.**

CUSTODY

2/19/13 11:00 AM DEFT S MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHOTOS...DEFT S MOTION TO SUPPRESS PHYSICAL TRACKING INFORMATION UNLAWFULLY OBTAINED FROM A CELLULAR TELEPHONE ALLEGEDLY TIED TO THE DEFT...DEFT S MOTION TO ALLOW SUBMISSIONS OF DEFT S PRO PER MOTION TO SUPPRESS...MOTION TO DISMISS AND OR SUPPRESS DECLARATION OF (ARREST REPORT: AND OR STATEMENTS)

C-11-270343-1

2/19/13 1:00 PM JURY TRIAL

CLERK'S NOTE: After court, COURT ORDERED, matter SET for status check.

2/15/13 8:15 AM STATUS CHECK: TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 15, 2013**

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

February 15, 2013 8:15 AM Status Check

HEARD BY: Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES**

PRESENT:	Christensen, Nell E.	Attorney
	Di Giacomo, Marc P.	Attorney
	Rogers, John S	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- Court advised counsel in chambers with the Court, spoke about Wednesday's calendar call and the article in the Bar Journal. Further, Court stated Mr. Phillips had not submitted his CLE's and he was suspended. The Court reached out to Mr. Phillips and the District Attorney and discussed the fact that Mr. Phillips cannot represent the Deft. Additionally, Court stated Mr. Phillips advised the check was on his desk and he forgot to mail it. The check was sent by Federal Express to the Board. The Court called, confirmed they are in receipt of documents and they are processing it. The Court will receive facsimile from them with the understanding Mr. Phillips will be reinstated by this afternoon. Court further stated trial is still on track for jury selection on Tuesday. If the Court does not receive document, the Court will reach out to counsel at that point. As to pending motions, the Court stated he went through them with counsel, same motions that were joined in with Co-Deft. and now Co-Deft. is not going. As to motion to preclude photographs, the Court noted State is seeking to admit photographs and if there is no evidentiary value, the Court will not allow. Further, photographs cannot be more prejudicial than probative and the Court will make decision Tuesday morning. As to

suppressing tracking information and identification, the Court stated this has already been ruled on, FOUND no sufficient grounds to support and prior order STANDS and the witness will be subject to cross examination. As to motion to suppress reports or statements, Court stated arrest reports do not come in, classic hearsay, will not grant motion to dismiss as there are no legal grounds and the only thing left is the photographs. Mr. Rogers and Mr. DiGiacomo agreed.

As to the function of the suspension, the Court stated counsel made appearance on January 23, 2013, at a pre trial conference, no substantive issues discussed at that time, only asked four questions and nothing substantive happened. Mr. Rogers advised he was present at the calendar call. Mr. DiGiacomo inquired as to the 11:00 a.m. motions. COURT ORDERED, motion in limine to preclude admission of photos CONTINUED to 1:00 p.m. All remaining motion have been previously ruled on by the Court and ORDERED, off calendar at this time.

CUSTODY

2/19/13 1:00 P.M. DEFT'S MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHOTOS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 19, 2013

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

February 19, 2013 1:00 PM All Pending Motions

HEARD BY: Barker, David **COURTROOM:** RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:	Christensen, Nell E.	Attorney
	Di Giacomo, Marc P.	Attorney
	Phillips, David Lee	Attorney
	Rogers, John S	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- TRIAL BY JURY:

OUTSIDE THE PRESENCE OF PROSPECTIVE JURORS:

Mr. DiGiacomo advised today a detective working the telephones received a telephone call advising Angela Wright, Co-Def't's girlfriend, had a storage locker and information received by the detective was there was a weapon in the storage locker. Further, the Metropolitan Police Department (Metro) is in the process of executing a search warrant. Additionally, firearms expert is ready to testify and ready to test weapon if located. If it is Def't's gun, it will be introduced. Colloquy. Mr. Phillips argued he needs to speak to Def't., may have to change trial strategy and prepare to argue suppression motion. Court instructed the State to follow through with weapon. Mr. DiGiacomo further advised the initial telephone call came in at 1:48 p.m. on Friday, follow up was today and the

State received a e-mail at 12:46 from detective.

Amended Information FILED IN OPEN COURT.

Statement by Ms. Christensen. Mr. Phillips advised he has no objection to the filing. COURT ORDERED, trial CONTINUED and matter SET for status check.

DEFT'S MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHOTOS:

COURT ORDERED, matter CONTINUED.

CUSTODY

2/20/13 8:15 AM STATUS CHECK: TRIAL

2/20/13 10:00 AM JURY TRIAL...DEFT'S MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHOTOS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 20, 2013

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

February 20, 2013 8:15 AM Status Check

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: ; ; ; ; April Watkins

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:	Christensen, Nell E.	Attorney
	Phillips, David Lee	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- Ms. Christensen advised search warrant was served, no gun found in storage unit and only found documents tying Deft. to address. COURT ORDERED, trial date STANDS.

CUSTODY

2/20/13 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 20, 2013

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

February 20, 2013 8:15 AM All Pending Motions

HEARD BY: Barker, David **COURTROOM:** RJC Courtroom 11B

COURT CLERK: ;;;; April Watkins

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:	Christensen, Nell E.	Attorney
	Di Giacomo, Marc P.	Attorney
	Phillips, David Lee	Attorney
	Rogers, John S	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- JURY TRIAL:

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS:

Mr. Phillips argued no gun in locker, counsel has received search warrant and return. Further, Mr. Phillips advised paperwork was found, argued not sure if it is exculpatory, not sure what was in box and what documents, if counsel does not ask for it, it will be malpractice. Mr. Di Giacomo stated he attempted to email information to Mr. Phillips but he did not receive it. Further, only thing in there is paperwork of Co-Def. and Angela Wright. Additionally, the only thing relevant to the State is a Nevada Energy bill from November 5, 2010, showing Def. is on the bill and location of residence. Mr. Di Giacomo further advised State had information from Nevada Energy that this was the person who had the power but did not actually have paperwork. Court stated he is not inclined to continue.

Mr. Phillips argued he wants time to review, black Lexus is a big issue, want to know what telephone calls were going and connection to the telephones. Mr. Di Giacomo argued State knew Angela Wright's telephone number and there was no number on victim's or Deft's cellular telephones that was in this paperwork. Court stated Deft's counsel to have access and to review. Mr. Phillips stated he is not concerned about Angela Wright, concerned about Deft. Miles and inquired if the State can provide telephone records of Co-Deft. Miles. Mr. Di Giacomo advised the State does not have those records. Mr. Phillips argued he wants to know who he was calling and who was calling him. COURT ORDERED, State to give Deft's counsel access to all of that evidence. Mr. Phillips argued he wants the telephone logs. Mr. Di Giacomo argued paperwork from T-Mobile does not reference telephone number. Further, no information Co-Deft. Miles and victim had conversation. Court stated Deft's counsel is to have all information provided to him. Mr. Phillips argued he is just learning Co-Deft. had a telephone. Mr. Di Giacomo for the record stated Angela Wright's telephone number as follows: (702) 927-5341. As to Co-Deft. Miles, Mr. Di Giacomo stated there is a document from T-Mobile dated October 20, 2010, advising address has been changed and the address it was sent to is 6013 W. Washington, Las Vegas, Nevada, 89107-4715. Mr. Phillips argued this information is new to counsel and did not know until today. Statement by Ms. Christensen. Mr. Di Giacomo advised the State is not seeking to admit this evidence. Additional arguments by counsel. Court stated prior order STANDS and State to provide information immediately. Further, parties will move forward in jury selection.

PROSPECTIVE JURORS PRESENT:

Voir dire.

OUTSIDE PRESENCE OF PROSPECTIVE JURORS:

Court noted Deft's counsel made a contemporaneous objection to the jury veneer. Mr. Phillips argued six of color, four African American and believes number is low. Ms. Christensen argued a lot of people that do not look Caucasian and believes it is a cross section of community. Court noted multiple individuals of color, sees cross section of community and ORDERED, challenge DENIED. Mr. Di Giacomo noted the Court did not make a finding. Court stated he is not making a finding. Mr. Phillips argued he only saw four African Americans. Colloquy.

PROSPECTIVE JURORS PRESENT:

Voir dire continued.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS:

Mr. Phillips stated he believes prospective juror #019, Mr. Johnson, just wanted off panel and opposed him being excused. Colloquy. Mr. Di Giacomo advised he has provided copy of records to Deft's counsel.

PROSPECTIVE JURORS PRESENT:

Jury and two alternates, selected and sworn. Clerk read the Amended Indictment to the jury and stated the Deft's plea thereto.

OUTSIDE THE PRESENCE OF THE JURY:

DEFT'S MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHOTOS:

COURT ORDERED, motion CONTINUED.

CUSTODY

2/21/13 8:45 AM DEFT'S MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHOTOS

2/21/13 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 21, 2013

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

February 21, 2013 8:45 AM All Pending Motions

HEARD BY: Barker, David **COURTROOM:** RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:	Christensen, Nell E.	Attorney
	Di Giacomo, Marc P.	Attorney
	Phillips, David Lee	Attorney
	Rogers, John S	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY:

DEFT'S MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHOTOS:

Court noted proposed exhibits #14 & 19 being challenged by Deft's counsel. Mr. Di Giacomo stated he believes the flags were placed there by the State. Mr. Phillips advised he is challenging proposed exhibits #14 & 19. Court stated #14 appears to be the decedent on the floor in kitchen, #19 is from a different angle showing possession of other items and are done in different angles. Mr. Phillips argued there are other photographs that show bullet hole in refrigerator. Ms. Christensen argued they are overall photographs to show everything and are shown from different angles. Mr. Phillips argued cumulative and advised he is objection to proposed exhibit #111 as well. Court FINDS photographs to be from different angles, show different context, different evidentiary value, not

duplicative and #111 is just an overall, ORDERED, objections OVERRULED and State to lay appropriate foundation. Mr. Phillips argued several photographs of the decedent are pretty gory, State does not need all these photographs, advised he is also objecting to #22 and #23 as well. Ms. Christensen argued both photographs are taken at the scene and body is different in photographs of the autopsy. Further, Ms. Christensen argued extremely relevant. One of the photographs shows defect in shirt and is relevant as to where the shirt was on the body, goes to the Coroner's testimony. COURT ORDERED, challenge to #22 and #23 DENIED. Mr. Phillips stated he is also objecting to #25 and #29. Further, Mr. Phillips argued #29 taken after body is moved, shows large amount of blood and is duplicative of other photographs that are going to be shown. Court noted photographs do display different. Ms. Christensen stated photograph shows something recovered from under the stove. Court FINDS different evidentiary value, not overly gory, not overly prejudicial and ORDERED, challenge DENIED. Mr. Phillips argued as to #50, inflammatory and cumulative. Ms. Christensen argued it shows victims gun and where it was found. Court FINDS photograph has evidentiary value and ORDERED, challenge DENIED. Mr. Phillips stated he is also challenging proposed exhibit #62 and it is the same objections as to #50. Court noted this photograph was taken at Coroner's office. Ms. Christensen argued this is what victim looked like before clothing was removed and the body cleaned up. Further, also in that photograph, the victim has a telephone on his side. Court FINDS probative value and ORDERED, challenge DENIED. Mr. Phillips stated he is also challenging #68, 69, 70, 71, 74 and 76. Ms. Christensen stated these are photographs the Coroner used after the body was cleaned, not duplicative and not overly prejudicial. Court FINDS, not duplicate, evidentiary value more probative than prejudicial and ORDERED, challenge DENIED. Mr. Phillips stated he is also challenging #93 and argued it is a photograph of Deft., no foundation. Court stated this will be subject to a challenge. Mr. Di Giacomo argued photograph is when Deft. was taken into custody. COURT ORDERED, challenge DENIED. Mr. Phillips stated he is challenging #94 and #95, argued just a cellular telephone, no foundation. Ms. Christensen stated there will be foundation. COURT ORDERED, challenge DENIED. Mr. Phillips challenged #100, 101, 103 and 103, argued no foundation. Court noted pictures of screen captions and what appears to be text messages. Further, they are not to inflame the passion of the jury and ORDERED, challenge DENIED. Mr. Phillips stated he is challenging family photographs of Deft., significant other and children, argued totally irrelevant. Mr. Di Giacomo argued Deft. is denying ownership of the telephone and the best evidence is where Deft. is on the telephone and taking a picture of himself and girlfriend in mirror. Further, it appears to be Ms. Archer holding Deft's penis in the mirror and argued Deft's telephone. Court stated he is not making a ruling, have pictures of female genitalia and clearly more prejudicial than probative. Mr. Di Giacomo stated he anticipates female will testify.

JURY PRESENT:

Opening statements by counsel. Testimony and exhibits presented. (See worksheets).

OUTSIDE PRESENCE OF THE JURY:

Mr. Di Giacomo stated there were a lot of objections as to hearsay as to the telephone call. Further, Ms. Chenault hears Michael what she believes is a telephone call to Deft's telephone and the State is

not offering it for the truth of the matter, but is offer for non-hearsay purpose. Court stated he believes statements were allowed to come in appropriately. Mr. Di Giacomo further stated the Court sustained what Ms. Chenault was going to say as to what she heard Michael say during telephone call. Court stated he will allow State to go there.

Ms. Christensen advised there were problems with witness, Jennifer Archer, at Grand Jury. She was under subpoena, problematic now and is telling State's investigator she is not staying and if they get a warrant, she will bail out. Further, counsel is not sure if we will get to her today and she has been advised. Ms. Archer, present and sworn. Court advised Ms. Archer that she is under subpoena, State concerned she will not obey the subpoena and advised the Court can place her in custody if need be. Statement by Ms. Archer. Court advised Ms. Archer her obligation is to be available to testify. Further, the Court will put Ms. Archer in custody if not going to be available to testify. Mr. Di Giacomo suggested the Court sign the warrant, Ms. Archer can go with the State's investigator to put money in the meter and if she does not want to return, she can be placed into custody at that time. Statement by Mr. Phillips. Court stated he will not sign warrant and witness will need to get on the stand today and ORDERED, Ms. Archer to remain here. Further, investigator can detain Ms. Archer if she attempts to leave the floor.

JURY PRESENT:

Further testimony and exhibits.

OUTSIDE THE PRESENCE OF THE JURY:

Mr. Di Giacomo advised subpoena was issued for Ms. Archer who spoke to Deft. and she was told that she does not need to testify and does not need to pre trial. Further, State has other witnesses as well that need to testify today and Ms. Archer will have to stay here until she testifies. Court stated if she pledges to the Court she will return, the Court will accept that. Mr. Phillips stated as to the photograph in proposed exhibit #114A, they show Ms. Archer and children as well as her genitalia. Mr. Di Giacomo stated he will not object to removing the genitalia photographs except for the one with Deft. and argued highly probative as to what was on the telephone. Court stated he will not allow pictures of genitalia. Mr. Di Giacomo stated he will not put that in front of the jury and request the Court hold off on ruling until after Ms. Archer testifies.

JURY PRESENT:

Mr. Di Giacomo advised Ms. Archer is refusing to provide investigator with who her employer is and request the Court illicit that information. Ms. Archer present, advised by the Court she is still under subpoena and she will need to return tomorrow at 9:00 a.m. Ms. Archer refused to give Court employer's name. COURT ORDERED, Ms. Archer to give Court the information as to who her employer is. Further, Court advised Ms. Archer if you pledge to come back, the Court will not put you in custody. Ms. Archer advised she works for Desert Springs Hospital. Further, Ms. Archer pledges she will return tomorrow at 9:00 a.m. Mr. Di Giacomo requested a name and telephone

number for employer. Further, Mr. Di Giacomo stated he will charge Ms. Archer with perjury if she lied to the Court. Court again inquired of Ms. Archer if she works at Desert Springs Hospital. Mr. Di Giacomo argued she does not work at Desert Springs Hospital and

- requested Ms. Archer be remanded to custody. COURT ORDERED, Ms. Archer REMANDED TO CUSTODY. Statement by Ms. Archer. Upon Court's inquiry, Ms. Archer advised the following in regards to her employer: Christine Gasten, Corporate Building, 3371 N. Buffalo, 702-868-5800. FURTHER ORDERED, prior order of remand STRICKEN and Ms. Archer is ORDERED to return February 22, 2013, at 9:00 a.m.

Court recessed.

CUSTODY

CONTINUED TO: 2/22/13 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 22, 2013

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

February 22, 2013 9:00 AM Jury Trial

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:	Christensen, Nell E.	Attorney
	Di Giacomo, Marc P.	Attorney
	Phillips, David Lee	Attorney
	Rogers, John S	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- JURY PRESENT:

Testimony and exhibits presented. (See worksheets).

OUTSIDE PRESENCE OF THE JURY:

Court advised Juror #14, Doreen White, inquired about asking questions of the firearms expert which the Court can have come back. Mr. Phillips objected. Court noted no request by Deft., will not bring him back. Further, Court Recorder reviewed and it was asked. Mr. Di Giacomo stated there was an objection as to the booking photograph as stated in opening which was a booking photograph but State now has a regular photograph of Deft.

Deft. advised of his right not to testify.

JURY PRESENT:

Further testimony and exhibits.

OUTSIDE PRESENCE OF THE JURY:

Court advised counsel met with Court in chambers because the Court's Marshall indicated Juror # 8, Christine Pinotti, observed Juror #9, Michael Winston, making notes and putting them into his pocket. Further, in review of the case law, no indication jurors are communicating about the case, not sure what the notes are, juror not communicating information and not juror misconduct. Additionally, it is the Court's practice to keep jurors notes in courtroom. If making impressions, not misconduct to do so and decision was not to single out Juror #9 or Juror #8. Additionally, the Court stated he does not believe there is any pre-deliberation misconduct and the jury will move forward. Upon Court's inquiry, counsel agreed.

JURY PRESENT:

Further testimony and exhibits presented.

OUTSIDE PRESENCE OF THE JURY:

Court stated he is concerned about way question was structured as to the Spring cellular tower. Mr. Di Giacomo argued not hearsay. Mr. Phillips argued hearsay and counsel is not sure where detective is getting information. COURT ORDERED, objection SUSTAINED as to foundation and hearsay. Counsel to re-state question.

JURY PRESENT:

Further testimony and exhibits presented.

Court recessed.

CUSTODY

CONTINUED TO: 2/25/13 10:30 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 25, 2013

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

February 25, 2013 10:30 AM Jury Trial

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:	Christensen, Nell E.	Attorney
	Di Giacomo, Marc P.	Attorney
	Phillips, David Lee	Attorney
	Rogers, John S	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- JURY PRESENT:

Testimony and exhibits presented. (See worksheets).

OUTSIDE PRESENCE OF THE JURY:

Court stated as to State's Exhibit #114A, genitalia shots are included in this exhibit, agreement to remove page 46 and ORDERED, marked as a Court's Exhibit as it is more prejudicial then probative. Mr. Di Giacomo stated the jury will know page was taken out. Court stated there will be a page inserted indicating "intentionally left blank".

Jury instructions settled.

PRINT DATE: 04/07/2014

Page 52 of 72

Minutes Date:

January 14, 2011

JURY PRESENT:

Court instructed the jury. Closing arguments by counsel. At the hour or 4:25 p.m., the jury retired to deliberate.

OUTSIDE THE PRESENCE OF THE JURY:

Mr. Phillips moved for mistrial due to State's comment regarding the cellular telephone. Further, Mr. Phillips argued made no comment on being Deft's burden. Opposition by Mr. Di Giacomo. Further argument by Mr. Phillips. Court stated he did not hear any burden shifting and ORDERED, request DENIED. Mr. Rogers stated he is concerned regarding the comment "only one person knows who did it". Mr. Di Giacomo argued at least one person knows beyond a shadow of a doubt and if the jury does there job, they will come back and say. Court again stated he did not hear burden shifting or comment on Deft. remaining silent and request for mistrial DENIED.

Amended Jury List FILED IN OPEN COURT.

Court recessed and jury instructed to return February 26, 2013, to continue deliberations.

CUSTODY

2/26/13 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 26, 2013

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

February 26, 2013 9:00 AM Jury Trial

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:	Christensen, Nell E.	Attorney
	Di Giacomo, Marc P.	Attorney
	Phillips, David Lee	Attorney
	Rogers, John S	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- Jury returned at 9:00 a.m. to continue deliberations.

At the hour of 12:46 p.m., the jury returned with a verdict of GUILTY of COUNT 1 - BURGLARY WHILE IN POSSESSION OF A FIREARM (F), GUILTY of COUNT 2 CONSPIRACY TO COMMIT ROBBERY (F), GUILTY of COUNT 3 ROBBERY WITH USE OF A DEADLY WEAPON (F) and GUILTY of COUNT 4 FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F). Jury polled.

PENALTY HEARING:

OUTSIDE PRESENCE OF THE JURY:

Court noted he met with counsel in chambers to discuss rules as to moving through the penalty hearing. Further, issue #1 is setting bar for the admission as to what was proffered as to past homicide that occurred in Pomona. Further, the Court indicated to parties before evidence comes in, the Court has to make a determination that the details of admission supply sufficient indicia of reliability and there is some creditable evidence other than an admission itself to justify conclusion. Mr. Di Giacomo stated what we have here is in 2001, Deft. was in high school or out of high school, a member of the 357 gang in California, very active, detective in Pomona has had personal contact about gang affiliation, personal contact about Deft's behavior in gang and Deft. has a conviction for sale of narcotics during this time period as well. Further, Deft. on probation at the time of this murder. On day in question, there is a drive by shooting, three victims outside house, they are Hispanic, someone rolls up with two other black males in vehicle, one has either a shotgun or short barreled rifle and one has a hand gun. Multiple rounds are fired, more than ten rounds fired in the direction of these three people, all three are hit, one of them ultimately succumbs to her injuries and dies. One of the surviving witness indicates she went to high school with Donald Taylor, knows Donald Taylor and there was a call out of either 357 or another African American gang, that is yelled out and shooting begins. Further, she identifies him in a photo lineup, she indicates his hair is different in photo line up, this detective who knows Deft., has had prior contact with Deft., had seen him previously, then goes to contact Mr. Taylor, he has hair style she now has described, photographs him again, another detective goes back and victim confirms it is him. Ultimately he gets booked, gives statement about his activity for that evening, that activity turns out not to be corroborated by witnesses he said who would corroborate it. Then Deft. has a meeting with his mother and brother which is recorded and after that his mother and brother have a story to match sort of what Deft's story is for the night. Deft. is arrested, charged, ultimately it results in a dismissal some 45 days later and what the result of that is, counsel will need to speak to Detective Freedman to see even if he knows what the cause is. Under the United States Supreme Court law, even if you get acquitted at a jury trial, so long as the evidence is not highly suspect or impalpable, evidence is admissible before a jury and this Court will rely upon this information to make some type of sentencing determination. Mr. Phillips objected to the use of anything out of California, any priors and they are not convictions. Also, counsel believes jury needs to know why charge was dismissed. Court FINDS evidence is highly palpable, passes threshold for admissibility, counsel can inquire of the detective as to the totality of the information as it may result to the ultimate dismissal of the case. Colloquy. Mr. Phillips argued he believes this is exculpatory and he is hesitant about going forward without knowing why case was dismissed. Mr. Di Giacomo argued Deft. had a lawyer appointed to him, has all of the information as to what the reason was and Deft. was part of the Court proceedings. Statement by Ms. Christensen. Mr. Phillips argued this is a possible Brady violation. If exculpatory, Deft. is entitled to it and requested penalty hearing be continued until the State provides information. Further, it will not prejudice the State but it may prejudice Deft. Mr. Di Giacomo stated he does not have this information, Deft. only person in possession of information. Further, State only has police reports and Deft's priors and that is how the State put all this together. Additional opposition by Mr. Phillips. COURT ORDERED, request to continue DENIED. CONFERENCE AT THE BENCH.

JURY PRESENT:

State and Deft. waived opening statements. Testimony and exhibits presented. (See worksheets).

OUTSIDE PRESENCE OF THE JURY:

Court stated as the jury was receiving testimony from the family, the Court was going through proposed State's exhibit #164, page 14 of 31 of Pomona Police Department records. Further, page 18 of 31 of Pomona records (01-00313) states individual identified as Donald Taylor with the same date of birth as Deft. here is identified specifically as engaged or involved in incident that Mr. Di Giacomo articulated. It is more than a cell mate or highly impalpable or highly suspect evidence and records seem to support admission of exhibit coming in.

JURY PRESENT:

Further testimony.

OUTSIDE PRESENCE OF THE JURY:

Jury instructions settled.

Court recessed.

CUSTODY

CONTINUED TO: 2/27/13 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 27, 2013**

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

February 27, 2013 10:00 AM Penalty Hearing

HEARD BY: Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES**

PRESENT:	Christensen, Nell E.	Attorney
	Di Giacomo, Marc P.	Attorney
	Phillips, David Lee	Attorney
	Rogers, John S	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES**- OUTSIDE PRESENCE OF THE JURY:**

Mr. Di Giacomo advised yesterday State realized the Judgment of Conviction (JOC) is for the Co-Deft. that was in the State's exhibit. Further, it has been rescinded and Deft's sentencing was suspended and upon successful completion, case was dismissed. Additionally, there is no JOC for this Deft. and the Co-Deft's JOC was removed and replaced with a motion and opposition. Mr. Phillips objected to this, requested the Court advised the jury not to pay attention. Further, Mr. Phillips requested a new sentencing panel and argued highly prejudicial to Deft, contested the facts, do not know how truthful it is and do not know who parties are. Court stated he went through the Nunnery decision which is controlling authority and it permits the use of this information. Further, Court noted objection and OVERRULED. Copy of JOC to be marked as a Court's exhibit. Mr. Di Giacomo stated he spoke to Detective Freeman last night who indicated his Sergeant gave him

opposition as to coming here due to having a murder Preliminary Hearing that has come up. Further, counsel attempted to contact his Sergeant to no avail. Also, counsel attempted to contact the District Attorney in California as an attempt to get Detective here. Additionally, Mr. Di Giacomo stated he will have Detective Wildemann testify in place of Detective Freeman. Opposition by Mr. Phillips as to the evidence from Pomona, argued hearsay, speculation and prejudicial to Deft. Court stated Nunnery decision speaks as to this issue as well and case authority supports and the Court will ALLOW the jury to hear this evidence. Further opposition by Mr. Phillips. Mr. Di Giacomo argued Detective Freeman is not a homicide detective, he is a gang detective who knows this Deft. Further, counsel did not intend on bringing lead homicide detective from California, argued Detective Freeman aware of Deft. and was going to utilize him to talk about murder, contact he made with Deft. and placing him into custody. Court noted objection and ORDERED, OVERRULED. Statement by Deft. Mr. Di Giacomo stated it was litigation of the Sixth Amendment, Co-Deft's matter is resolved and Co-Deft. entered plea. Further statement by Deft. Mr. Phillips stated he will speak to Deft. about his concern as to probable cause. Colloquy. Mr. Phillips stated he received photograph from the State as to Deft's tattoos and argued he was not on notice of gang affiliation. Court noted this is all over reports. Mr. Phillips argued reports are old, photographs are not relevant and counsel is objecting to them. Mr. Di Giacomo advised photographs will be offered during testimony of detective. Court stated he will take contemporaneous objections by Deft's counsel.

JURY PRESENT:

Testimony and exhibits presented. (See worksheets). Court instructed the jury. Closing arguments by counsel. At the hour of 11:38 a.m., jury retired to deliberate. At the hour of 1:22 p.m., the jury returned with the following verdict as to COUNT 4 - LIFE IN THE NEVADA DEPARTMENT OF CORRECTIONS WITHOUT THE POSSIBILITY OF PAROLE. Jury polled.

OUTSIDE PRESENCE OF THE JURY:

Mr. Di Giacomo requested Deft. be remanded without bail. COURT SO ORDERED. Colloquy. COURT ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing.

CUSTODY

5/1/13 8:15 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 22, 2013

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

March 22, 2013 8:15 AM Motion for New Trial

HEARD BY: Barker, David **COURTROOM:** RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:	Christensen, Nell E.	Attorney
	Phillips, David Lee	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- Mr. Phillips stated he just received State's response today and requested matter be continued. There being no opposition, COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 4/8/13 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 08, 2013**

C-11-270343-1

State of Nevada

vs

Donald Taylor

April 08, 2013**8:15 AM****Motion for New Trial****Deft's Motion for
New Trial****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**

Christensen, Nell E.

Attorney

Phillips, David Lee

Attorney

State of Nevada

Plaintiff

Taylor, Donald

Defendant

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED for the presence of counsel.

MATTER RECALLED:

COURT ORDERED, prior order to continue STRICKEN.

Mr. Phillips submitted on pleadings and argued during closing argument, State made comment there is only one person who knows and he is in the courtroom. Further, counsel argued clear error. Also, counsel raised issue when counsel received information on the allegation of murder in California, argued did not get the complete file and believes there may have been exculpatory evidence. Ms. Christensen argued counsel knew California case was dismissed, jury advised case was dismissed and Deft's counsel sought information as to why it was dismissed. Further, counsel does not have the transcript, argued immediately after closing, as to the comment only Deft. knows, Court made

decision after argument by counsel and no additional reference as to hearing from Deft. Additional argument by Mr. Phillips. Ms. Christensen argued no doubt State referenced but did not go the additional step as to him testifying. As to the California court documents, Ms. Christensen argued they were disclosed to Deft's counsel. Mr. Phillips argued not a complete set of documents. Ms. Christensen argued Deft. knows why California case was dismissed. Statement by Deft. regarding is fifth and sixty amendment rights being violated. Court stated he has already addressed those issues. Further, Supreme Court will review due to mandatory appeal. Colloquy. Court further stated State commenting on the state of the evidence, contemporaneous objection and the Court ruled. Colloquy. COURT ORDERED, motion DENIED. As to the Brady violation, Court stated this was in the penalty phase which has different set of rules and DOES NOT FIND a Brady violation and ORDERED, motion DENIED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 01, 2013

C-11-270343-1

State of Nevada

vs

Donald Taylor

May 01, 2013

8:15 AM

Sentencing

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: Tia Everett

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Nell Christensen, Deputy District Attorney, present on behalf of the State. Defendant present in custody and represented by David Phillips Esq.

Court noted the Pre Sentence Investigation Report (PSI) only addresses count 4 and as Defendant was found guilty of all four counts by way of a jury verdict, all counts must be addressed; therefore, COURT ORDERED, matter REFERRED back to the Division of Parole and Probation (P & P) for a Supplemental Pre Sentence Investigation Report and matter CONTINUED.

CUSTODY

CONTINUED TO: 5/29/2013 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 29, 2013

C-11-270343-1

State of Nevada

vs

Donald Taylor

May 29, 2013

8:15 AM

Sentencing

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:

Christensen, Nell E.

Attorney

Phillips, David Lee

Attorney

State of Nevada

Plaintiff

Taylor, Donald

Defendant

JOURNAL ENTRIES

- Mr. Phillips advised Deft. has informed him his family is in the process of hiring Donald Green to handle sentencing and appeal. Therefore, request matter be continued. There being no objection, COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 6/26/13 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 26, 2013**

C-11-270343-1

State of Nevada

vs

Donald Taylor

June 26, 2013**8:15 AM****Sentencing****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins; Keri Cromer**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**

Christensen, Nell E.

Attorney

Phillips, David Lee

Attorney

State of Nevada

Plaintiff

Taylor, Donald

Defendant

JOURNAL ENTRIES

- Martin Hart, Esq., present.

Mr. Phillips advised he believes Deft. and his family are still working on new counsel and requested the Court give Deft. additional time or the Court can appoint counsel to do sentencing. Upon Court's inquiry, Deft. advised he has not come up with the funds to hire new counsel. Further, Mr. Phillips advised Deft. and his family do not want counsel to do sentencing and noted counsel was only appointed to handle trial. Court stated he will continue matter for counsel to look into appointment. Further statement by Deft. Mr. Hart advised if counsel has been appointed for sentencing, they will have to do fast track appeal. COURT ORDERED, matter CONTINUED. Deft. requested counsel provide discovery. Counsel to provide discovery to Deft. or his family.

CUSTODY**CONTINUED TO:** 7/24/13 8:15 AM**PRINT DATE:** 04/07/2014**Page** 64 of 72**Minutes Date:**

January 14, 2011

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

C-11-270343-1

State of Nevada

vs

Donald Taylor

July 24, 2013**8:15 AM****Sentencing****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**

Di Giacomo, Marc P.

Attorney

Phillips, David Lee

Attorney

State of Nevada

Plaintiff

Taylor, Donald

Defendant

JOURNAL ENTRIES

- Donald Green, Esq., present.

Mr. Green advised he will not be substituting in as counsel. Mr. Phillips advised Deft. wants new counsel and does not want current counsel to do sentencing. Court stated if Deft. cannot retain counsel, he will go forward with current counsel. Statement by Deft. Mr. Phillips further advised Deft. does not want counsel to have anything to do with sentencing or appeal and requested new counsel be appointed to handle sentencing. Mr. DiGiacomo advised Mr. Phillips not being paid under normal rules of the Office of Approved Counsel and maybe Deft. needs new counsel to be appointed. Court advised he will contact Mr. Christensen, have new counsel appointed, ORDERED, matter CONTINUED and SET for confirmation of counsel.

Deft. advised he still has not received discovery. Mr. Phillips stated Deft. received discovery through out the trial and it will be provided to new counsel. Colloquy.

C-11-270343-1

CUSTODY

CONTINUED TO: 8/12/13 8:15 AM

8/12/13 8:15 AM CONFIRMATION OF COUNSEL

CLERK'S NOTE: Mr. Christensen advised of request for appointment of counsel. 7/24/13 aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 12, 2013

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

August 12, 2013 8:15 AM All Pending Motions

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:	Di Giacomo, Marc P.	Attorney
	Nelson, Roy L.	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- CONFIRMATION OF COUNSEL (C. DRUMMOND)...SENTENCING

Mr. Nelson CONFIRMED as counsel on behalf of Mr. Drummond. Further, Mr. Nelson advised Mr. Drummond is requesting a 90 day continuance for sentencing. COURT ORDERED, C. Drummond, Esq., APPOINTED as COUNSEL and sentencing CONTINUED.

CUSTODY

11/13/13 8:15 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 13, 2013

C-11-270343-1 State of Nevada
 vs
 Donald Taylor

November 13, 2013 8:15 AM Sentencing

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins; Keri Cromer

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:	Di Giacomo, Marc P.	Attorney
	Drummond, Craig W., ESQ	Attorney
	State of Nevada	Plaintiff
	Taylor, Donald	Defendant

JOURNAL ENTRIES

- Mr. Drummond stated he was appointed as counsel post-trial, he had only met Deft. once and that the case files were voluminous; requested a continuance. COURT SO ORDERED.

CUSTODY

CONTINUED TO: 1/6/14 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 06, 2014

C-11-270343-1

State of Nevada

vs

Donald Taylor

January 06, 2014

8:15 AM

Sentencing

HEARD BY: Barker, David

COURTROOM: RJC Courtroom 11B

COURT CLERK: April Watkins

RECORDER: Cheryl Carpenter

REPORTER:

PARTIES

PRESENT:

Christensen, Nell E.

Attorney

Drummond, Craig W., ESQ

Attorney

State of Nevada

Plaintiff

Taylor, Donald

Defendant

JOURNAL ENTRIES

- Court noted defense counsel requesting additional time to review transcripts. Ms. Christensen advised she has no opposition. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 2/26/14 8:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 26, 2014**

C-11-270343-1

State of Nevada

vs

Donald Taylor

February 26, 2014**8:15 AM****Sentencing****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** April Watkins; Katherine Streuber**RECORDER:** Cheryl Carpenter**REPORTER:****PARTIES****PRESENT:**

Christensen, Nell E.

Attorney

Drummond, Craig W., ESQ

Attorney

State of Nevada

Plaintiff

Taylor, Donald

Defendant

JOURNAL ENTRIES

- Counsel advised Deft. requested matter be continued in order for counsel to meet with Deft. one more time. Court advised matter had been continued several times. Deft. stated he is wanting trial transcripts, color photographs used at trial and the State's Power Point. Court advised these requests are not relevant for sentencing. Further statement by Deft. Counsel advised all discovery had been copied and given to Deft. except for the requested transcripts which were just received. Further statement by Deft. Court noted requests were not relevant to sentencing. DEFT. TAYLOR ADJUDGED GUILTY of COUNT 1 - BURGLARY WHILE IN POSSESSION OF A FIREARM (F); COUNT 2 - CONSPIRACY TO COMMIT ROBBERY (F); COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON (F); and COUNT 4 - MURDER WITH USE OF A DEADLY WEAPON (F). Argument by the State. Statement by Deft. Argument by counsel. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA analysis fee including testing to determine genetic markers and \$500.00 Indigent Defense Civil Assessment fee, Defendant SENTENCED as to COUNT 1 - to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS and a MINIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC); COUNT 2 - to a

MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC) to run CONSECUTIVE to COUNT 1; COUNT 3 - to a MAXIMUM of ONE HUNDRED FIFTY (150) MONTHS and a MINIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections plus a CONSECUTIVE term of a MAXIMUM of NINETY-SIX (96) MONTHS and a MINIMUM of THIRTY-EIGHT (38) MONTHS for the Use of a Deadly Weapon, to run CONSECUTIVE to COUNTS 1 & 2; and COUNT 4 - LIFE WITHOUT the possibility of parole in the Nevada Department of Corrections (NDC) plus a CONSECUTIVE term of a MAXIMUM of ONE HUNDRED-EIGHTY (180) MONTHS and a MINIMUM of SIXTY (60) MONTHS for Use of a Deadly Weapon, with ONE THOUSAND ONE HUNDRED NINETY-SIX (1,196) DAYS credit for time served. FURTHER, COUNTS 1, 2 & 3 are to run CONCURRENT with COUNT 4. BOND, if any, EXONERATED.

NDC

Exhibit List

Case: C-11-270343-1 Party: Sort Order: **Status** Defendant Name: **Taylor, Donald** DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
GJ	Plaintiff	Admitted 01/31/2011	Destroy 01/31/2018	Document Grand jury exhibits		Roger, David J.		
1	Plaintiff	Admitted 02/21/2013	Destroy 03/25/2018	Photograph Aerial Photo		Wolfson, Steven B		

Comment: see complete list in events tab

TRIAL OR HEARING DATE FEB 20 2013

Case No.	C270343-1	Clerk:	April Watkins
Dept.	XVIII Judge: DAVID BARKER	Recorder:	Cheryl Carpenter
Pltf(s):	THE STATE of Nevada	Pltf's Counsel:	M. DiGiacomo N. Christensen
Deft(s):	Donald Taylor	Deft's Counsel:	P. Phillips

[illegible]

#	Description	Date Offered	Obj.	Date Admitted
1	Aerial Photograph	2/22/13	obj-ok	2/22/13
2	Aerial Photograph	↓	↓	↓
3	Aerial Photograph	↓	↓	↓
4	Aerial Photograph	↓	↓	↓
5	Aerial Photograph	2/22/13	obj-ok	2/22/13
6	Crime Scene Photograph	2/21/13	NO	2/21/13
7	Crime Scene Photograph	↓	↓	↓
8	Crime Scene Photograph	↓	↓	↓
9	Crime Scene Photograph	↓	↓	↓
10	Crime Scene Photograph	↓	↓	↓
11	Crime Scene Photograph	↓	↓	↓
12	Crime Scene Photograph	↓	↓	↓
13	Crime Scene Photograph	2/21/13	NO	2/21/13
14	Crime Scene Photograph	2/21/13	obj-ok	2/21/13
15	Crime Scene Photograph	↓	↓	↓
16	Crime Scene Photograph	↓	↓	↓
17	Crime Scene Photograph	↓	↓	↓
18	Crime Scene Photograph	↓	↓	↓
19	Crime Scene Photograph	2/21/13	obj-ok	2/21/13
20	Crime Scene Photograph	2/21/13	obj-ok	2/21/13
21	Crime Scene Photograph	2/21/13	obj-ok	2/21/13
22	Crime Scene Photograph	2/21/13	obj-ok	2/21/13
23	Crime Scene Photograph	↓	↓	↓
24	Crime Scene Photograph	↓	↓	↓
25	Crime Scene Photograph	↓	↓	↓
26	Crime Scene Photograph	↓	↓	↓
27	Crime Scene Photograph	↓	↓	↓
28	Crime Scene Photograph	↓	↓	↓
29	Crime Scene Photograph	↓	↓	↓
30	Crime Scene Photograph	↓	↓	↓
31	Crime Scene Photograph	↓	↓	↓
32	Crime Scene Photograph	2/21/13	obj-ok	2/21/13
33	Crime Scene Photograph	2/21/13	NO	2/21/13
34	Crime Scene Photograph	↓	↓	↓
35	Crime Scene Photograph	2/21/13	NO	2/21/13

STATE'S EXHIBITS

CASE NO. 270343-1

36	Crime Scene Photograph	2/21/13	NO	2/21/13
37	Crime Scene Photograph	↓	↓	↓
38	Crime Scene Photograph			
39	Crime Scene Photograph			
40	Crime Scene Photograph			
41	Crime Scene Photograph			
42	Crime Scene Photograph			
43	Crime Scene Photograph			
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53	Crime Scene Photograph			
54	Crime Scene Photograph			
55	Crime Scene Photograph			
56	Crime Scene Photograph			
57	Crime Scene Photograph			
58	Crime Scene Photograph	↓	↓	↓
59	Crime Scene Photograph	2/21/13	NO	2/21/13
60	Crime Scene Photograph	2/21/13	NO	2/21/13
61	Crime Scene Photograph	2/21/13	NO	2/21/13
62	Autopsy Photo Clothes	2/21/13	OK OR	2/21/13
63	Autopsy Photo Clothes	↓	↓	↓
64	Autopsy Photo Clothes			
65	Autopsy Photo Clothes			
66	Autopsy Photo Clothes			
67	Autopsy Photo Clothes	2/21/13	OK OR	2/21/13
68	Autopsy Photograph	2/22/13	NO	2/22/13
69	Autopsy Photograph	↓	↓	↓
70	Autopsy Photograph			
71	Autopsy Photograph			
72	Autopsy Photograph			
		2/22/13	NO	2/22/13

73	Autopsy Photograph	2/22/13	NO	2/22/13
74	Autopsy Photograph	↓	↓	↓
75	Autopsy Photograph			
76	Autopsy Photograph			
77	Autopsy Photograph			
78	Autopsy Photograph			
79	Autopsy Photograph			
80	Autopsy Photograph			
81	Autopsy Photograph			
82	Autopsy Photograph			
83	Autopsy Photograph			
84	Autopsy Photograph			
85	Autopsy Photograph			
86	Autopsy Photograph			
87	Autopsy Photograph	↓	↓	↓
88	Autopsy Photograph	2/22/13	NO	2/22/13
89	Car Stop Photograph	2/22/13	NO	2/22/13
90	Car Stop Photograph	↓	↓	↓
91	Car Stop Photograph			
92	Car Stop Photograph	2/22/13	NO	2/22/13
93	Car Stop Photograph	2/22/13	NO	2/22/13
94	Car Stop Photograph	2/21/13	NO	2/21/13
95	Car Stop Photograph	2/21/13	NO	2/21/13
96	Archer Apartment Photo	2/22/13	NO	2/22/13
97	Archer Apartment Photo	↓	↓	↓
98	Archer Apartment Photo			
99	Archer Apartment Photo	2/22/13	NO	2/22/13
100	Archer Phone Photo	2/22/13	NO	2/22/13
101	Archer Phone Photo	↓	↓	↓
102	Archer Phone Photo			
103	Archer Phone Photo			
104	Archer Phone Photo			
105	Archer Phone Photo			
106	Archer Phone Photo			
107	Archer Phone Photo			
108	Archer Phone Photo	↓	↓	↓
109	Archer Phone Photo	2/22/13	NO	2/22/13

STATE'S EXHIBITS

CASE NO. 270343-1

110	Archer Phone Photo	2/22/13	NO	2/22/13
111	Crime Scene Diagram	2/21/13	NO	2/21/13
112	Application for Employment	2/22/13	NO	2/22/13
113	Black Binder Victim Cell Records	2/22/13	NO	2/22/13
113a	Victim Phone Examination	2/21/13	NO	2/21/13
113b	Victim CDRs	2/21/13	OBJ-OR	2/21/13
114	Black Binder Suspect Cell Records	2/22/13	NO	2/22/13
114a	Suspect Phone Examination	2/21/13	OBJ-OR	2/21/13
114b	Suspect CDRs	2/21/13	OBJ-OR	2/21/13
114c	Sprint Tower Locations	2/21/13	OBJ-OR	2/21/13
114d	Suspect Subscriber Records	2/21/13	OBJ-OR	2/21/13
115	Surveillance DVD	2/22/13	OBJ-OR	2/22/13
116	911 CD	2/21/13	OBJ-OR	2/21/13
117	White Evidence Box	2/21/13	NO	2/21/13
117A	Glock Model 22 .40 SW	↓	↓	↓
117B	Ammunition Magazine	↓	↓	↓
117C	Various Cartridges	2/21/13	NO	2/21/13
118	Evidence Bag	2/21/13	NO	2/21/13
118A	Cartridge Case	↓	↓	↓
118B	Bullet	↓	↓	↓
118C	Cartridge Case	↓	↓	↓
118D	Cartridge Case	↓	↓	↓
118E	Metal Fragment	↓	↓	↓
118F	Metal Fragment	↓	↓	↓
118G	Cartridge Case	↓	↓	↓
118H	Metal Fragment	↓	↓	↓
118I	Cartridge Case	↓	↓	↓
118J	Metal Fragment	↓	↓	↓
118K	Metal Fragment	↓	↓	↓
118L	Metal Fragment	2/21/13	NO	2/21/13
119	Photo - Deft.	2/22/13	OBJ-OR	2/22/13
120	Photo - Deft.	2/25/13	NO	2/25/13
121	Photo - Black Hat w/Red Bag	2/22/13	NO	2/22/13
122	Photo - 3 Pills	2/22/13	NO	2/22/13

123	Cellular Telephone Logs	2/22/13	OBJ-OR	2/22/13
124	NV Energy Statement	2/22/13	OBJ-OR	2/22/13
125	Voluntary Statement			
125A	CD - VS - Jennifer Archer	2/22/13	OBJ-OR	2/22/13
126	Photo - Co-Deft. Miles			
127	Photo - Co-Deft. Miles	2/25/13	OBJ-OR	2/25/13
	PENALTY HEARING			
128	Photo	2/26/13	NO	2/26/13
129	Photo	↓	↓	↓
130	Photo	↓	↓	↓
131	Photo	↓	↓	↓
132	Photo	↓	↓	↓
133	Photo	↓	↓	↓
134	Photo	↓	↓	↓
135	Photo	↓	↓	↓
136	Photo	↓	↓	↓
137	Photo	↓	↓	↓
138	Photo	↓	↓	↓
139	Photo	↓	↓	↓
140	Photo	↓	↓	↓
141	Photo	↓	↓	↓
142	Photo	↓	↓	↓
143	Photo	↓	↓	↓
144	Photo	2/26/13	NO	2/26/13
145	Photo	2/26/13	NO	2/26/13
146	Photo	↓	↓	↓
147	Photo	↓	↓	↓
148	Photo	↓	↓	↓
149	Photo	↓	↓	↓
150	Photo	↓	↓	↓
151	Photo	↓	↓	↓
152	Photo	↓	↓	↓
153	Photo	2/26/13	NO	2/26/13
154	Photo	2/26/13	NO	2/26/13
155	Photo	↓	↓	↓
156	Photo	↓	↓	↓
157	Photo	2/26/13	NO	2/26/13

STATE'S EXHIBITS

CASE NO. 270343-1

158	Photo	2/26/13	NO	2/26/13
159	Photo	↓	↓	↓
160	Photo	↓	↓	↓
161	Photo	2/26/13	NO	2/26/13
162 SEALED	Documents from AG's office	2/26/13	NO	2/26/13
163 SEALED	N C I C	2/26/13	OKS-OR	2/26/13
164	Documents from CA	2/26/13	OKS-OR	2/26/13
165	Photo - Rept	2/27/13	OKS-OR	2/27/13
166	Photo - Rept	↓	↓	↓
167	Photo - Rept	↓	↓	↓
168	Photo - Rept	↓	↓	↓
169	Photo Rept	↓	↓	↓
170	Photo - Rept	2/27/13	OKS-OR	2/27/13

TRIAL OR HEARING DATE 2-20-13

[illegible]

Court's

EXHIBIT LIST

CASE NO.

C270343

TRIAL OR HEARING DATE

FEB 20 2013

Exhibit No.	Description	Date Offered	Obj.	Adm.	Date Admitted
1	SEATING CHART & PEREMPTORY CHALLENGES				2/20/13
2	QUESTION from Juror #14				2/21/13
3	QUESTION from Juror #12				2/21/13
4	QUESTION from Juror #12 (Not Asked)				2/21/13
5	QUESTION from Juror #13 (Not Asked)				2/21/13
6	QUESTION from Juror #5				2/21/13
7	QUESTION from Juror #7				2/21/13
8	QUESTION from Juror #14				2/21/13
9	QUESTION from Juror #11				2/21/13
10	QUESTION from Juror #1				2/21/13
11	QUESTION from Juror #12 (Not Asked)				2/21/13
12	QUESTION from Juror #6				2/21/13
13	QUESTION from Juror #14				2/21/13
14	QUESTION from Juror #8				2/21/13
15	QUESTION from Juror #1				2/21/13
16	STATE'S OPENING POWERPOINT				2/21/13
17	QUESTION from Juror #9 (Not Asked)				2/21/13
18	QUESTION from Juror #5				2/22/13
19	QUESTION from Juror #14				2/22/13
20	QUESTION from Juror #5				2/22/13
21	QUESTION from Juror #14				2/22/13
22	QUESTION from Juror #6				2/22/13
23	QUESTION from Juror #12				2/22/13
24	QUESTION from Juror #1				2/22/13
25	QUESTION from Juror #14				2/22/13
26	QUESTION from Juror #14				2/22/13
27	QUESTION from Juror #14				2/22/13

T:\DEPT 18\EXHIBIT LIST FORMS-GENERIC.doc

Court's

EXHIBIT LIST

CASE NO. 1270343TRIAL OR HEARING DATE 2-20-13

Exhibit No.	Description	Date Offered	Obj.	Adm.	Date Admitted
	(continued from previous page)				
28	Question from Juror #6				2/22/13
29	Question from Juror #14				2/22/13
30	Question from Juror #5				2/22/13
31	Question from Juror #1				2/22/13
32	Question from Juror #7				2/22/13
33	Question from Juror #14				2/22/13
34	Packet from Attorney General				2/25/13
35	Question from Juror #2 (not asked)				2/25/13
36	Question from Juror #7 (not asked)				2/25/13
37	Question from Juror #9				2/25/13
38	Question from Juror #1				2/25/13
39	Question from Juror #8				2/25/13
40	Question from Juror #14				2/25/13
41	Question from Juror #5				2/25/13
42	Question from Juror #14				2/25/13
43	Question from Juror #12				2/25/13
44	Question from Juror #11				2/25/13
45	Question from Juror #13				2/25/13
46	Question from Juror #7				2/25/13
47	Question from Juror #13 (not asked)				2/25/13
48	Page 46 of State's Exhibit #114A				2/25/13
49	Rept's Instruction offered & not given				2/25/13
PENALTY HEARING					
50	JOC dated 3/17/19 for Endia Armstrong				2/27/13
51	Stat's Closing Argument Power Point				2/27/13
52	State's Penalty Hearing Power Point				2/27/13

T:\DEPT 18\EXHIBIT LIST FORMS-GENERIC.doc



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

CRAIG W. DRUMMOND, ESQ.
228 S. FOURTH ST., FIRST FLOOR
LAS VEGAS, NV 89101

DATE: April 7, 2014
CASE: C270343-1

RE CASE: STATE OF NEVADA vs. DONALD TAYLOR

NOTICE OF APPEAL FILED: April 4, 2014

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- ☐ Case Appeal Statement
- NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

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; DISTRICT COURT DOCKET ENTRIES; JUDGMENT OF CONVICTION(JURY TRIAL); DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

DONALD TAYLOR,

Defendant(s).

Case No: C270343-1

Dept No: XVIII

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 7 day of April 2014.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk