

CLERK OF THE COURT

1 NOAS

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

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

Electronically Filed  
Jun 12 2014 02:55 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

10 THE STATE OF NEVADA, )

11 Plaintiff, )

12 v. )

13 JAMES DAEVON MANNING, )

14 Defendant. )

CASE NO. C-13-290624-1

DEPT. NO. III

NOTICE OF APPEAL

15 TO: THE STATE OF NEVADA

16 STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY,  
17 NEVADA and DEPARTMENT NO. III OF THE EIGHTH JUDICIAL  
18 DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE  
19 COUNTY OF CLARK.

20 NOTICE is hereby given that Defendant, James Daevon  
21 Manning, presently incarcerated in the Nevada State Prison,  
22 appeals to the Supreme Court of the State of Nevada from the  
23 judgment entered against said Defendant on the 15<sup>th</sup> day of May,  
24 2014, whereby he was convicted of Ct. 2 - Battery With Intent to  
25 Commit a Crime and sentenced to \$25 Admin. fee; \$150 DNA analysis  
26 fee; genetic testing; \$250 Indigent Defense Civil Assessment fee;  
27 \$1,614.62 in restitution payable to victims of crime; 24-60 months  
28 in prison; 362 days CTS.

DATED this 10<sup>th</sup> day of June, 2014.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By: /s/ William M. Waters  
WILLIAM M. WATERS, #9456  
Deputy Public Defender

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Carrie Connolly, an employee with the Clark County Public Defender's Office, hereby declares that she is, and was when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that on the 10<sup>th</sup> day of June, 2014, declarant deposited in the United States mail at Las Vegas, Nevada, a copy of the Notice of Appeal in the case of the State of Nevada v. James Daevon Manning, Case No. C-13-290624-1, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to James Daevon Manning, c/o High Desert State Prison, P.O. Box 650, Indian Springs, NV 89018. That there is a regular communication by mail between the place of mailing and the place so addressed.

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

EXECUTED on the 10<sup>th</sup> day of June, 2014.

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

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing  
was made this 10th day of June, 2014, by Electronic Filing to:

District Attorneys Office

E-Mail Address:

PDMotions@clarkcountyda.com

Jennifer.Garcia@clarkcountyda.com

Eileen.Davis@clarkcountyda.com

/s/ Carrie M. Connolly

Secretary for the  
Public Defender's Office

  
CLERK OF THE COURT

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

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C-13-290624-1
	)	
v.	)	DEPT. NO. III
	)	
JAMES DAEVON MANNING,	)	
	)	
Defendant.	)	

CASE APPEAL STATEMENT

1. Appellant filing this case appeal statement:  
James Daevon Manning.

2. Judge issuing the decision, judgment, or order  
appealed from: Elizabeth Gonzalez.

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

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

/ / /

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/ / /

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

3 PHILIP J. KOHN  
4 Clark County Public Defender  
5 309 South Third Street, #226  
6 Las Vegas, Nevada 89155-2610

STEVEN B. WOLFSON  
Clark County District Attorney  
200 Lewis Avenue  
Las Vegas, Nevada 89155

7 Attorney for Appellant

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

Counsel for Respondent

8  
9  
10           6.    Whether appellant was represented by appointed or  
11 retained counsel in the district court: Appointed.

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

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

17           9.    Date proceedings commenced in the district court  
18 (e.g., date complaint, indictment, information, or petition was  
19 filed): Information 06/27/13.

20           DATED this 10<sup>th</sup> day of June, 2014.

21 PHILIP J. KOHN  
22 CLARK COUNTY PUBLIC DEFENDER

23  
24 By: /s/ William M. Waters  
25 WILLIAM M. WATERS, #9456  
26 Deputy Public Defender  
27 309 S. Third Street, Ste. 226  
28 Las Vegas, Nevada 89155  
(702) 455-4685

1                                    CERTIFICATE OF ELECTRONIC FILING

2                    I hereby certify that service of the above and foregoing  
3 was made this 14<sup>th</sup> day of June, 2014, by Electronic Filing to:

4                                    District Attorneys Office

5                                    E-Mail Address:

6                                    PDMotions@clarkcountyda.com

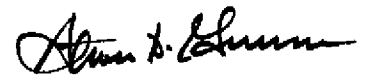
7                                    Jennifer.Garcia@clarkcountyda.com

8                                    Eileen.Davis@clarkcountyda.com

9  
10                                   /s/ Carrie M. Connolly

11                                   Secretary for the

12                                   Public Defender's Office  
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CLERK OF THE COURT

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

DISTRICT COURT

CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA, )  
9 Plaintiff, ) CASE NO. C-13-290624-1  
10 v. ) DEPT. NO. III  
11 JAMES DAEVON MANNING, )  
12 Defendant. )  
13 \_\_\_\_\_ )

REQUEST FOR ROUGH DRAFT TRANSCRIPT

14  
15 TO: Kiara Schmidt, Court Recorder  
16 District Court, Department No. AA

Jill Hawkins, Court Recorder  
District Court, Department XI

Renee Vincent, Court Recorder  
District Court, Department VII

Sandra Pruchnic, Court Recorder  
District Court, Department XI

Sharon Howard, Court Reporter  
District Court, Department III

Robert Cangemi, Court Reporter  
District Court, Department III

25 JAMES DAEVON MANNING, Defendant named above, requests a  
26 preparation of a rough draft transcript of certain portions of the  
27 proceedings before the District Court, as follows:  
28

1           Dates or dates of proceedings: 07/03/13, 08/12/13,  
2           08/14/13, 10/07/13, 11/01/13, 11/13/13, 12/09/13, 12/30/13,  
3           01/06/14, 01/08/14, 01/13/14, 01/14/14, 01/15/14, 02/04/14,  
4           03/20/14, and 05/13/14.

5           Portion of the transcript requested: 07/03/13 (Kiara  
6           Schmidt) - Any and all proceedings, all transcripts to include  
7           word index; 08/12/13, 08/14/13, 10/07/13, 11/13/13, 12/09/13,  
8           01/06/14, 01/08/14 (Jill Hawkins) - Any and all proceedings, all  
9           transcripts to include word index; 11/01/13 (Renee Vincent) - Any  
10          and all proceedings, all transcripts to include word index;  
11          12/30/13 (Sandra Pruchnic) - Any and all proceedings, all  
12          transcripts to include word index; 01/13/14, 01/14/14, 01/15/14  
13          (Sharon Howard) - Trial transcripts - All transcripts, include  
14          word index - Any and all proceedings, *jury voir dire, jury*  
15          *selection*, opening statements, testimony, matters heard outside  
16          the presence of the jury, settling of instructions, closing  
17          arguments, verdict, any and all bench conferences; 02/04/14,  
18          03/20/14 (Sharon Howard) - Any and all proceedings, all  
19          transcripts to include word index; 05/13/14 (Robert Cangemi) - Any  
20          and all proceedings, all transcripts to include word index.

21                 This Notice requests a transcript of only those portions  
22                 of the District Court proceedings which counsel reasonably and in  
23                 good faith believes are necessary to determine whether appellate  
24                 issues are present. Voir dire examination of jurors, opening  
25                 26                 27                 28



1 statements and closing arguments of trial counsel and the reading  
2 of jury instructions shall not be transcribed unless specifically  
3 requested above.

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

6 That the above-named court reporter shall have twenty  
7 (20) days from the date of service of this document to prepare an  
8 original plus two copies at State expense and file with the  
9 District Court Clerk the original rough draft transcript(s)  
10 requested herein.  
11

12 Further, pursuant to NRAP 3C(d)(3)(iii), the court  
13 reporter shall also deliver copies of the rough draft transcript  
14 to appellant's counsel and respondent counsel no more than twenty  
15 (20) days after the date of the appellant's request.  
16

17 DATED this 10<sup>th</sup> day of June, 2014.

18 PHILIP J. KOHN  
19 CLARK COUNTY PUBLIC DEFENDER

20 By: /s/ William M. Waters  
21 WILLIAM M. WATERS, #9456  
22 Deputy Public Defender  
23 309 S. Third Street, Ste. #226  
24 Las Vegas, Nevada 89155  
25 (702) 455-4685  
26  
27  
28

CERTIFICATE OF SERVICE

I hereby certify that on the 11<sup>th</sup> day of June, 2014, I served a true and correct copy of the foregoing Request for Rough Draft Transcripts on:

Kiara Schmidt, Court Recorder  
District Court, Department No. AA  
200 Lewis Avenue  
Las Vegas, NV 89101

Jill Hawkins, Court Recorder  
District Court, Department XI  
200 Lewis Avenue  
Las Vegas, NV 89101

Renee Vincent, Court Recorder  
District Court, Department VII  
200 Lewis Avenue  
Las Vegas, NV 89101

Sandra Pruchnic, Court Recorder  
District Court, Department XI  
200 Lewis Avenue  
Las Vegas, NV 89101

Sharon Howard, Court Reporter  
District Court, Department III  
200 Lewis Avenue  
Las Vegas, NV 89101

Robert Cangemi, Court Reporter  
District Court, Department III  
200 Lewis Avenue  
Las Vegas, NV 89101

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

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3 was made this 11<sup>th</sup> day of June, 2014, by Electronic Filing to:

4                                    District Attorneys Office

5                                    E-Mail Address:

6                                    PDMotions@clarkcountyda.com

7                                    Jennifer.Garcia@clarkcountyda.com

8                                    Eileen.Davis@clarkcountyda.com

9                                    /s/ Carrie M. Connolly

10                                  Secretary for the  
11                                  Public Defender's Office

DEPARTMENT 3  
**CASE SUMMARY**  
CASE NO. C-13-290624-1

State of Nevada  
vs  
James Manning

§ Location: Department 3  
§ Judicial Officer: Herndon, Douglas W.  
§ Filed on: 06/20/2013  
§ Case Number History:  
§ Cross-Reference Case Number: C290624  
§ Defendant's Scope ID #: 1994553  
§ Lower Court Case Number: 13F08033

CASE INFORMATION

<b>Offense</b>	<b>Deg</b>	<b>Date</b>	<b>Case Type:</b> Felony/Gross Misdemeanor
1. ROBBERY, VICTIM 60 YEARS OF AGE OR OLDER	F	03/29/2013	<b>Case Flags:</b> Appealed to Supreme Court
2. BATTERY WITH INTENT TO COMMIT A CRIME	F	03/29/2013	<b>Custody Status - Nevada</b>
			<b>Department of Corrections</b>
			<b>Charge Description Updated</b>

**Statistical Closures**

05/15/2014 Jury Trial - Guilty Plea with sentence (during trial)

DATE

CASE ASSIGNMENT

**Current Case Assignment**

Case Number	C-13-290624-1
Court	Department 3
Date Assigned	01/13/2014
Judicial Officer	Herndon, Douglas W.






PARTY INFORMATION

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

DATE

EVENTS & ORDERS OF THE COURT

INDEX

06/20/2013	 Criminal Bindover <i>Criminal Bindover</i>
06/27/2013	 Information <i>Information</i>
07/03/2013	 <b>Initial Arraignment</b> (1:30 PM) (Judicial Officer: De La Garza, Melisa) Events: 06/20/2013 Criminal Bindover
07/03/2013	<b>Plea</b> (Judicial Officer: Herndon, Douglas W.) 2. BATTERY WITH INTENT TO COMMIT A CRIME Not Guilty
07/17/2013	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses</i>
07/30/2013	 Motion to Compel

DEPARTMENT 3  
**CASE SUMMARY**  
**CASE NO. C-13-290624-1**

	<i>Defendant's Motion to Compel Disclosure of Brady Material</i>
08/09/2013	 Response <i>Response to Defendant's Motion to Compel Disclosure of Brady Material</i>
08/12/2013	 <b>Motion to Compel</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <b>08/12/2013, 08/14/2013</b> <i>Defendant's Motion to Compel Disclosure of Brady Material</i>
08/14/2013	<b>Calendar Call</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
08/14/2013	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
08/19/2013	<b>CANCELED Jury Trial</b> (1:00 PM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - per Judge</i>
09/23/2013	 Notice of Witnesses and/or Expert Witnesses <i>Defendant's Notice of Expert Witnesses, Pursuant to NRS 174.234(2)</i>
09/27/2013	 Motion to Suppress <i>Motion to suppress Photographic Line-up and Subsequent In-Court Identifications</i>
09/27/2013	 Motion to Suppress <i>Motion to Suppress Statements Made by Defendant Following His Illegal Arrest, or in the Alternative Request For an Evidentiary Hearing</i>
09/27/2013	 Motion in Limine <i>Motion in Limine to Preclude all References of Hearsay Statements in Violation of the Confrontation Clause</i>
10/01/2013	 Ex Parte Motion <i>Ex Parte Motion for Release of Medical Records</i>
10/01/2013	 Ex Parte Motion <i>Ex Parte Motion for Release of Medical Records</i>
10/01/2013	 Order <i>Order Releasing Medical Records</i>
10/01/2013	 Order Filed By: Plaintiff State of Nevada <i>Order Releasing Medical Records</i>
10/03/2013	 Opposition <i>Opposition to Defendant's Motion to Suppress Photographic Line-Up and Subsequent In-Court Identifications</i>
10/07/2013	 <b>Request</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Def's Request: Address Competency</i>
10/09/2013	<b>CANCELED Calendar Call</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - per Judge</i>
10/14/2013	<b>CANCELED Jury Trial</b> (1:00 PM) (Judicial Officer: Gonzalez, Elizabeth)


DEPARTMENT 3  
**CASE SUMMARY**  
**CASE NO. C-13-290624-1**

*Vacated - per Judge*

11/01/2013  **Further Proceedings: Competency** (9:30 AM) (Judicial Officer: Bell, Linda Marie)

11/01/2013 **CANCELED Further Proceedings: Competency** (9:30 AM) (Judicial Officer: Bell, Linda Marie)

*Vacated - On in Error*

11/13/2013  **Further Proceedings** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

*Further Proceedings: Return from Competency Court*

11/25/2013 **CANCELED Status Check** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

*Vacated*

*Status Check: Resetting Trial*

11/25/2013 **CANCELED Status Check: Trial Setting** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

*Vacated - On in Error*

12/09/2013  **Status Check** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

*Status Check: Trial Readiness*

12/11/2013  **Supplement**

*Defendant's Supplemental Motion for Disclosure of Brady Material*

12/20/2013  **Response**

*Response to Defendant's Supplemental Motion for Disclosure of Brady Material*

12/20/2013  **Response**


*Response to Defendant's Supplemental Motion for Disclosure of Brady Material*

12/26/2013  **Opposition**

*Opposition to Defendant's Motion to Suppress Statements Made by Defendant Following his Illegal Arrest, or in the Alternative Request for an Evidentiary Hearing*

12/26/2013  **Response**

*Response to Defendant's Motion in Limine to Preclude All References of Hearsay Statements in Violation of the Confrontation Clause*

12/30/2013  **Motion** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

*Defendant's Supplemental Motion for Disclosure of Brady Material*

01/06/2014 **Motion to Suppress** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

*Defendant's Motion to suppress Photographic Line-up and Subsequent In-Court Identifications*

01/06/2014 **Motion to Suppress** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)


*Defendant's Motion to Suppress Statements Made by Defendant Following His Illegal Arrest, or, in the Alternative Request For an Evidentiary Hearing*

01/06/2014 **Motion in Limine** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)













*Defendant's Motion in Limine to Preclude all References of Hearsay Statements in Violation of the Confrontation Clause*

01/06/2014 **Motion** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)






*Deft.'s Supplemental Motion for Disclosure of Brady Material (Cont'd from 12/30/13)*

01/06/2014  **All Pending Motions** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

DEPARTMENT 3  
**CASE SUMMARY**  
**CASE NO. C-13-290624-1**

01/07/2014	 Notice of Witnesses and/or Expert Witnesses <i>Defendant's Notice Of Witnesses, Pursuant To NRS 174.234</i>
01/08/2014	<b>Calendar Call</b> (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)
01/08/2014	<b>Motion to Suppress</b> (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendant's Motion to Suppress Statements Made by Defendant Following His Illegal Arrest, or, in the Alternative Request For an Evidentiary Hearing [contd fr 1/6/14]</i>
01/08/2014	<b>Jackson v Denno Hearing</b> (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Jackson v. Denno Hearing: Defendant's Motion to Suppress Statements Made by Defendant Following His Illegal Arrest</i>
01/08/2014	<b>Motion</b> (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Def't.'s Supplemental Motion for Disclosure of Brady Material [contd fr 1/6/14]</i>
01/08/2014	 <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)
01/10/2014	 <b>Overflow</b> (8:45 AM) (Judicial Officer: Villani, Michael) <i>OVERFLOW: 3 DAYS; 4-6 WITNESSES; DEP DA HAGAR TRIPPED/DEP PD'S MARISSA PENSABENE &amp; BELINDA HARRIS</i>
01/13/2014	 <b>Jury Trial</b> (10:30 AM) (Judicial Officer: Herndon, Douglas W.) <b>01/13/2014-01/15/2014</b>
01/13/2014	<b>CANCELED Jury Trial</b> (1:00 PM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i>
01/13/2014	 Jury List
01/15/2014	 Instructions to the Jury
01/15/2014	 Verdict
01/15/2014	 Proposed Jury Instructions Not Used At Trial <i>Def't's Proposed Jury Instructions Not Used at Trial</i>
01/15/2014	<b>Disposition</b> (Judicial Officer: Herndon, Douglas W.) 1. ROBBERY, VICTIM 60 YEARS OF AGE OR OLDER Not Guilty
01/24/2014	 Motion <i>Motion for Judgment of Acquittal, or in the Alternative, Motion for New Trial</i>
01/30/2014	 Opposition <i>State's Opposition to Defendant's Motion for Judgment of Acquittal, or in the Alternative, Motion for New Trial</i>
02/04/2014	 <b>Motion</b> (9:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Defendant's Motion for Judgment of Acquittal, or in the Alternative, Motion for New Trial</i>
03/05/2014	 PSI

**DEPARTMENT 3**  
**CASE SUMMARY**  
**CASE NO. C-13-290624-1**

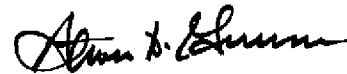
03/20/2014	 <b>Sentencing</b> (9:00 AM) (Judicial Officer: Herndon, Douglas W.) 03/20/2014, 05/13/2014
05/13/2014	<b>Disposition</b> (Judicial Officer: Herndon, Douglas W.) 2. BATTERY WITH INTENT TO COMMIT A CRIME Guilty
05/13/2014	<b>Sentence</b> (Judicial Officer: Herndon, Douglas W.) 2. BATTERY WITH INTENT TO COMMIT A CRIME Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:24 Months, Maximum:60 Months Credit for Time Served: 362 Days Other Fees 1. , \$1,614.62 payable to Victim's of Crime Fee Totals: ADMINISTRATIVE ASSESSMENT FEE --- Crim fee sch 25.00 DNA ANALYSIS FEE --- Crim fee sch - \$150 150.00 Indigent Defense Civil Assessment Fee --- Crim fee sch - ASK 250.00 Fee Totals \$ 425.00
05/15/2014	 <b>Judgment of Conviction</b> <i>Judgment of Conviction (Plea of Guilty)</i>
06/11/2014	 <b>Notice of Appeal</b> (criminal) <i>Notice of Appeal</i>
06/11/2014	 <b>Case Appeal Statement</b> <i>Case Appeal Statement</i>
06/11/2014	 <b>Request</b> <i>Request for Rough Draft Transcripts</i>

DATE	FINANCIAL INFORMATION
	<b>Defendant</b> Manning, James
	Total Charges 425.00
	Total Payments and Credits 0.00
	<b>Balance Due as of 6/11/2014 425.00</b>



JOC

Electronically Filed  
05/15/2014 07:29:52 AM



CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO. C-13-290624-1

DEPT. NO. III

JAMES MANNING, #1994553,  
Aka James Daevon Manning  
Defendant.

JUDGMENT OF CONVICTION  
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 – ROBBERY, VICTIM 60 YEARS OF AGE OR OLDER (Category B Felony – NRS 193.167, 200.380) and COUNT 2 – BATTERY WITH INTENT TO COMMIT A CRIME (Category B Felony – NRS 200.400); and the matter having been tried before a jury and the Defendant having been found guilty of the crime of COUNT 2 – BATTERY WITH INTENT TO COMMIT A CRIME (Category B Felony) in violation of NRS 200.400; thereafter, on the 13<sup>th</sup> day of May, 2014, the Defendant was present in court for sentencing with his counsel MARISSA PENSABENE, Deputy Public Defender, and

<input type="checkbox"/> Nolle Prosequi (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial	<input type="checkbox"/> Jury Trial
<input type="checkbox"/> Dismissed (after diversion)	<input type="checkbox"/> Dismissed (during trial)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquittal	<input type="checkbox"/> Acquittal
<input type="checkbox"/> Guilty Plea with Sent. (before trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input type="checkbox"/> Conviction	<input checked="" type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition		

1 good cause appearing,

2 THE DEFENDANT IS HEREBY ADJUDGED guilty of said crime as set forth in  
3 the jury's verdict and, in addition to the \$25.00 Administrative Assessment fee, a  
4 \$150.00 DNA analysis fee, including testing to determine genetic markers, \$250.00  
5 Indigent Defense Civil Assessment fee; and \$1,614.62 in RESTITUTION payable to  
6 Victims of Crime; Defendant SENTENCED to a MINIMUM of TWENTY-FOUR (24)  
7 MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of  
8 Corrections (NDC); with THREE HUNDRED SIXTY-TWO (362) DAYS credit for time  
9 served.  
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12 DATED this 14th day of May, 2014.

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15  DOUGLAS W. HERNDON  
16 DISTRICT JUDGE  
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msf

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 03, 2013**

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C-13-290624-1

State of Nevada

vs

James Manning

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**July 03, 2013**

**1:30 PM**

**Initial Arraignment**

**HEARD BY:** De La Garza, Melisa

**COURTROOM:** RJC Lower Level  
Arraignment

**COURT CLERK:** Shelly Landwehr

**RECORDER:** Kiara Schmidt

**REPORTER:**

**PARTIES**

**PRESENT:**

Adams, Danae K

Attorney

Jacob, Maria N.

Attorney

Manning, James

Defendant

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- DEFT. MANNING ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter SET for trial. COURT FURTHER ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript.

**CUSTODY**

08/14/13 9:00 AM CALENDAR CALL

08/19/13 1:00 AM TRIAL BY JURY (DC 11)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 12, 2013**

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C-13-290624-1

State of Nevada

vs

James Manning

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**August 12, 2013**

**9:00 AM**

**Motion to Compel**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

Giordani, John

Attorney

Manning, James

Defendant

Pensabene, Marissa

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Court inquired whether transcripts of 911 and 311 tapes have been done. Mr. Giordani advised all he has is a surveillance tape which he handed to Ms. Pensabene in open court. Ms. Pensabene stated she is not sure whether this tape is from March 29th, and her concern that the State's response indicates there is no surveillance from that date as she has the snapshots. Mr. Giordani advised this is Deputy District Attorney Hagar Trippiedi's case. Court DIRECTED counsel to follow up with the video, and ORDERED, matter CONTINUED to Calendar Call, August 14th.

**CUSTODY**

8-14-13      9:00 AM      DEFT'S MOTION TO COMPEL DISCLOSURE OF BRADY  
MATERIAL...CALENDAR CALL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 14, 2013**

C-13-290624-1

State of Nevada

vs

James Manning

**August 14, 2013****9:00 AM****All Pending Motions****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Carole D'Aloia**RECORDER:** Jill Hawkins**REPORTER:****PARTIES****PRESENT:**

Manning, James

Defendant

Pensabene, Marissa

Attorney

Public Defender

Attorney

State of Nevada

Plaintiff

Trippiedi, Hagar

Attorney

Waters, William

Attorney

**JOURNAL ENTRIES****- CALENDAR CALL...DEFENDANT'S MOTION TO COMPEL DISCLOSURE OF BRADY MATERIAL**

William Waters, Dep. P.D., also present on behalf of Defendant. Ms. Pensabene advised this matter is also on for her motion to compel disclosure of Brady material. Statements by Ms. Pensabene regarding the history of this matter, noting there were originally two (2) incidents, one (1) on 3/27/13 and the other on 3/29/13, and advised the incident on 3/27/13 has been dismissed, however, the State handed her two (2) videos today from the incident on 3/27/13 which have no bearing in this matter. Ms. Pensabene further advised she received still photos from Ms. Trippiedi of the 3/29/13 incident but has not received a video. Upon Court's inquiry, Ms. Trippiedi advised she double checked with the detective who informed her there is no video, adding that she did forward those still photos as soon as they were received. Upon Court's inquiry as to whether the source of the still

photos is known, counsel advised they came from the CAT bus camera. Court directed Ms. Pensabene to subpoena CAT regarding a video surveillance tape. Ms. Pensabene further advised it is her understanding there is an "alleged confession" and requested a transcript. Ms. Pensabene also requested statements from the list of witnesses provided by the State in addition to photos from a line-up. Colloquy regarding Defendant's alleged statement. Ms. Trippiedi advised she does not have a transcript of that statement and advised Metro does not always record them. Ms. Trippiedi further advised she will, again, contact Metro regarding Defendant's statement and, if there is one, get it to Ms. Pensabene today. Matter TRAILED.

Matter RECALLED and, upon Court's inquiry, Ms. Trippiedi advised the State is ready to proceed to trial. Ms. Pensabene advised she is not comfortable proceeding to trial without having reviewed all the discovery in this matter. Ms. Pensabene further advised, that if the matter is continued, it should not reflect it was continued because the defense was not ready to proceed when they did not have all the discovery requested. Ms. Pensabene advised as to Defendant's statement, she would request it be excluded all together and then the State would not have to provide a transcript. Ms. Trippiedi advised she is not in agreement with excluding the statement. Court inquired of Ms. Trippiedi if she knows if there is a transcript of the statement or not and Ms. Trippiedi advised she does not know. Ms. Pensabene requested that, if the trial is continued, Defendant be granted an own recognizance (O.R.) release with House Arrest since he has now waived his speedy trial rights. Following CONFERENCE AT BENCH, the State requested a short continuance and assured Court it will have all material requested to defense by the end of this week. Mr. Trippiedi opposed Defendant's request for an O.R. COURT ORDERED, trial date VACATED and RESET to 8/26/13. Ms. Pensabene advised she will be out of the jurisdiction as she is getting married 8/31/13. Again, Ms. Pensabene advised that if the State agrees to exclude Defendant's statement, she can be ready for trial next week. COURT ORDERED, the statement by Defendant, if there was one, will not be admitted to the extent the officer's report includes notes of his interview with the Defendant, noting that report and notes have been available to the defense. Court advised the officer can testify if a determination is made prior to trial that the statements by Defendant were voluntary. Matter TRAILED.

Matter RECALLED and Ms. Trippiedi advised she just spoke to the detective who checked the evidence vault at Metro and there is no video surveillance of the 3/29/13 incident, noting CAT has changed companies. Ms. Trippiedi further advised she did receive an e-mail of Defendant's statement from the detective and has forwarded it to Ms. Pensabene. Upon further inquiry of the Court, Ms. Pensabene advised she will not be ready to proceed to trial on Monday as she may want to file a motion regarding whether or not the video surveillance was preserved or not preserved and, therefore, requested matter be continued. Court inquired if Defendant now agrees to waive his speedy trial rights to which he responded yes. COURT ORDERED, trial date VACATED and RESET. Court directed Ms. Pensabene to file the appropriate motion prior to trial if she feels there are any issues with Defendant's statement before she leaves on vacation.

CUSTODY

10/9/13 9:00 AM CALENDAR CALL

**C-13-290624-1**

10/14/13 1:00 PM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 07, 2013**

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C-13-290624-1

State of Nevada

vs

James Manning

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**October 07, 2013**

**9:00 AM**

**Request**

**Deft's Request:  
Address Competency**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Dulce Romea; Ying Pan

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

Keeler, Brett O.

Attorney

Manning, James

Defendant

Pensabene, Marissa

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Ms. Pensabene indicated she had filed the appropriate document in Department 7. COURT ORDERED, matter REFERRED to Competency Court, Trial Date and all pending Motions are VACATED, and matter SET for Status Check.

**CUSTODY**

11/1/13 9:30 AM FURTHER PROCEEDINGS: COMPETENCY (DEPT 7)

11/25/13 9:00 AM STATUS CHECK: RESETTING TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 01, 2013**

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C-13-290624-1      State of Nevada  
                                 vs  
                                 James Manning

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**November 01, 2013      9:30 AM      Further Proceedings:  
Competency**

**HEARD BY:**    Bell, Linda Marie

**COURTROOM:**    RJC Courtroom 03F

**COURT CLERK:**    Aaron Carbajal

**RECORDER:**    Renee Vincent

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Harris, Belinda T.	Attorney
	Manning, James	Defendant
	Pace, Barter G	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

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

Court NOTED Drs. Lenkeit and Krelstein indicate competent; therefore, FINDS Defendant COMPETENT pursuant to the Dusky Standard as Defendant is capable of understanding the nature of 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

11-13-13 9:00 AM FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT (DEPT. 11)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 13, 2013**

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C-13-290624-1      State of Nevada  
                                 vs  
                                 James Manning

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**November 13, 2013      9:00 AM      Further Proceedings**

**HEARD BY:**    Gonzalez, Elizabeth

**COURTROOM:**    RJC Courtroom 14C

**COURT CLERK:**    Tia Everett; Dulce Romea

**RECORDER:**    Jill Hawkins

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Keeler, Brett O.	Attorney
	Manning, James	Defendant
	Pensabene, Marissa	Attorney
	State of Nevada	Plaintiff
	Waters, William	Attorney

**JOURNAL ENTRIES**

- Court noted trial has not been set. Deft advised he has a motion that he would like to be placed on calendar, and requested the record reflect "they" are detrimental to his case. Mr. Waters stated Deft would not allow counsel to review his motion. Court ORDERED photocopies be made and given to the Deputies for review and for filing, if appropriate; otherwise, counsel to discuss issues with Deft. Colloquy regarding trial setting and resetting of pending motions. COURT ORDERED, matter SET for trial on January 13, 2014. Motions RESET on January 6, 2014.

**CUSTODY**

12-9-13      9:00 AM      STATUS CHECK: TRIAL READINESS

1-6-14      9:00 AM      DEFENDANT'S MOTION IN LIMINE TO PRECLUDE ALL  
REFERENCES OF HEARSAY STATEMENTS IN VIOLATION OF THE CONFRONTATION

PRINT DATE:    06/11/2014

Page 8 of 25

Minutes Date:      July 03, 2013

CLAUSE...DEFENDANT'S MOTION TO SUPPRESS STATEMENTS MADE BY DEFENDANT  
FOLLOWING HIS ILLEGAL ARREST, OR, IN THE ALTERNATIVE REQUEST FOR AN  
EVIDENTIARY HEARING...DEFENDANT'S MOTION TO SUPPRESS PHOTOGRAPHIC LINE-UP  
AND SUBSEQUENT IN-COURT IDENTIFICATIONS

1-8-14        9:00 AM        CALENDAR CALL

1-13-14      1:00 PM        JURY TRIAL

CLERK'S NOTE: 11/25/13 Status Check Resetting Trial VACATED. / dr

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 09, 2013**

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C-13-290624-1      State of Nevada  
                                 vs  
                                 James Manning

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**December 09, 2013      9:00 AM      Status Check**

**HEARD BY:**    Gonzalez, Elizabeth

**COURTROOM:**    RJC Courtroom 14C

**COURT CLERK:**    Dania Batiste

**RECORDER:**    Jill Hawkins

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Manning, James	Defendant
	Pensabene, Marissa	Attorney
	Schwartzner, Michael J.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Ms. Pensabene advised the defense is ready to proceed with trial, and noted she intends to file a supplemental Discovery Motion by the end of the week; as that is the remaining outstanding issue the defense has.

Court DIRECTED counsel to file any supplements as soon as possible, and ORDERED, trial date STANDS.

**CUSTODY**

1/6/2014    9:00 am    MOTION TO SUPPRESS.....MOTION IN LIMINE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 30, 2013**

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C-13-290624-1

State of Nevada

vs

James Manning

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**December 30, 2013**

**9:00 AM**

**Motion**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Dulce Romea; Dania Batiste

**RECORDER:** Sandra Pruchnic

**REPORTER:**

**PARTIES**

**PRESENT:**

Burns, J Patrick

Attorney

Manning, James

Defendant

Pensabene, Marissa

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Ms. Pensabene advised the State has provided 2 of the 4 requested items. Mr. Burns stated this case is assigned to Deputy D.A. H. Trippiedi, and there are no notes in the file; therefore, he has no representations to make before this Court today.

COURT ORDERED, matter CONTINUED for Ms. Trippiedi's presence.

CUSTODY

CONTINUED TO: 1/6/2014 9:00 am

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 06, 2014**

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C-13-290624-1

State of Nevada

vs

James Manning

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**January 06, 2014**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Dulce Romea; Katrina Hernandez

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

Manning, James

Defendant

Pensabene, Marissa

Attorney

State of Nevada

Plaintiff

Trippiedi, Hagar

Attorney

**JOURNAL ENTRIES**

- DEFT'S MOTION IN LIMINE TO PRECLUDE ALL REFERENCES OF HEARSAY STATEMENTS IN VIOLATION OF THE CONFRONTATION CLAUSE...

...DEFT'S MOTION TO SUPPRESS STATEMENTS MADE BY DEFT FOLLOWING HIS ILLEGAL ARREST, OR, IN THE ALTERNATIVE, REQUEST FOR AN EVIDENTIARY HEARING...

...DEFT'S MOTION TO SUPPRESS PHOTOGRAPHIC LINE-UP AND SUBSEQUENT IN-COURT IDENTIFICATIONS...

...DEFT'S SUPPLEMENTAL MOTION FOR DISCLOSURE OF BRADY MATERIAL

DEFT'S MOTION IN LIMINE TO PRECLUDE ALL REFERENCES OF HEARSAY STATEMENTS IN VIOLATION OF THE CONFRONTATION CLAUSE: Argument in support of the motion by Ms. Pensabene noting the State's opposition does not go past the first part of analysis. Argument in opposition by Ms. Trippiedi stating information is not hearsay. COURT ORDERED, motion GRANTED to the extent the tip will be introduced into evidence as the substance of the tip; to the extent it is sought to be used as information that the Department operated on in order to continue its

investigation, motion is DENIED.

DEFT'S MOTION TO SUPPRESS STATEMENTS MADE BY DEFT FOLLOWING HIS ILLEGAL ARREST, OR, IN THE ALTERNATIVE, REQUEST FOR AN EVIDENTIARY HEARING: Following brief argument as to citation issue, COURT ORDERED, matter SET for Jackson v. Denno hearing.

DEFT'S MOTION TO SUPPRESS PHOTOGRAPHIC LINE-UP AND SUBSEQUENT IN-COURT IDENTIFICATIONS: Arguments by counsel as to fairness of the line-up and victim's confidence at identifying the person who robbed him. COURT ORDERED, motion DENIED as it does not appear to be unnecessarily suggestive.

DEFT'S SUPPLEMENTAL MOTION FOR DISCLOSURE OF BRADY MATERIAL: Ms. Pensabene stated the only issue out of the 4 items is the request for information of Deft's contact with law enforcement on this case prior to his arrest in May. Ms. Trippiedi advised they are not aware of any contact Deft had with law enforcement in April. Statement by Deft regarding contact on May 14th. Ms. Pensabene requested leave to amend the request to look into the May 14th date. COURT SO ORDERED. Court ADMONISHED Deft to remain silent as he has counsel. Ms. Trippiedi further advised State's detective is not aware of any awards as requested in Deft's supplement. Court so noted, and ORDERED, matter CONTINUED to Wednesday, January 8th.

#### CUSTODY

1-8-14 9:30 AM DEFT'S SUPPLEMENTAL MOTION FOR DISCLOSURE OF BRADY MATERIAL...DEFT'S MOTION TO SUPPRESS STATEMENTS MADE BY DEFT FOLLOWING HIS ILLEGAL ARREST, OR, IN THE ALTERNATIVE, REQUEST FOR AN EVIDENTIARY HEARING...JACKSON V. DENNO HEARING: DEFT'S MOTION TO SUPPRESS STATEMENTS MADE BY DEFT FOLLOWING HIS ILLEGAL ARREST...CALENDAR CALL

1-13-14 1:00 PM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 08, 2014**

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C-13-290624-1

State of Nevada

vs

James Manning

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**January 08, 2014**

**9:30 AM**

**All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Dulce Romea

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**

Banks, Jeff

Attorney

Harris, Belinda T.

Attorney

Manning, James

Defendant

Pensabene, Marissa

Attorney

State of Nevada

Plaintiff

Trippiedi, Hagar

Attorney

**JOURNAL ENTRIES**

- CALENDAR CALL...JACKSON V. DENNO HEARING: DEFENDANT'S MOTION TO SUPPRESS STATEMENTS MADE BY DEFENDANT FOLLOWING HIS ILLEGAL ARREST...DEFT'S MOTION TO SUPPRESS STATEMENTS MADE BY DEFT FOLLOWING HIS ILLEGAL ARREST, OR, IN THE ALTERNATIVE, REQUEST FOR AN EVIDENTIARY HEARING...DEFT'S SUPPLEMENTAL MOTION FOR DISCLOSURE OF BRADY MATERIAL

Parties announced ready. Colloquy regarding anticipated length of trial. Court noted another case set for trial in this Department on January 13, 2013, is expected to last longer; ORDERED, instant case REFERRED to Overflow. Colloquy between Court and counsel regarding overlapping issues and Public Defender's request for a general evidentiary hearing, which would be more appropriately titled as a Franks hearing. Joseph Rauchfuss, Chad Embry, and Scott Kavon, SWORN and TESTIFIED. Arguments by counsel. COURT stated findings, and ORDERED, Motion to Suppress



DENIED as the City marshal had authority to detain Deft at Doolittle Park for violation of ordinance posted park rules. At Mr. Banks' request, Court further clarified, there was not an unconstitutional use of City of Las Vegas' police power. Defense counsel is DIRECTED to send a copy of anything related to constitutionality to City Attorney Brad Jerbic. Deft's Supplemental Motion for Disclosure of Brady Material GRANTED as no further update was provided today.

CUSTODY

1-10-14      8:45 AM      OVERFLOW: 3 DAYS; 4-6 WITNESSES; DEP DA HAGAR  
TRIPPIEDI/DEP PD'S MARISSA PENSABENE & BELINDA HARRIS      (DEPT XVII)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 10, 2014**

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C-13-290624-1

State of Nevada

vs

James Manning

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**January 10, 2014**

**8:45 AM**

**Overflow**

**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Carol Donahoo

**RECORDER:** Michelle Ramsey

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Hagar Trippiedi, Dep DA, present on behalf of the State; Marissa Pensabene, Dep PD, and Belinda Harris, Dep PD, present on behalf of Deft. Manning, who is also present.

State and Defense announced ready; the trial is expected to take three (3) days. COURT ORDERED, matter REFERRED to Department III for Jury Trial. Court instructed both counsel to provide their proposed Jury Instructions to Chambers on the first day of trial. Any special instructions should include case citations.

**CUSTODY**

01/13/14 10:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 13, 2014**

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C-13-290624-1

State of Nevada

vs

James Manning

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**January 13, 2014**

**10:30 AM**

**Jury Trial**

**HEARD BY:** Herndon, Douglas W.

**COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Carol Green;

**RECORDER:**

**REPORTER:** Sharon Howard

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Hagar Trippiedi, Deputy District Attorney, present on behalf of the State.

Defendant Manning present, represented by Marissa Pensabene and Belinda Harris, Deputy Public Defenders.

OUTSIDE PRESENCE OF THE PROSPECTIVE JURY PANEL. Ms. Pensabene requested that Bench Conference be recorded. Court stated that this is a reporting department so Bench Conferences are not reported, however, a record can be made at a recess or counsel can request a recess to make a record. Ms. Trippiedi requested that Page 2 of Information be corrected to and read "him" rather than "her". COURT ORDERED, Line 1, Page 2 of Information AMENDED BY INTERLINEATION to reflect "him".

PROSPECTIVE JURY PANEL PRESENT. Voir Dire of Panel. OUTSIDE PRESENCE OF THE PRESENCE OF PROSPECTIVE JURY PANEL. Both side passed panel for cause and proceeded with peremptory challenges. PROSPECTIVE JURY PANEL PRESENT. Jury selected and sworn.

OUTSIDE PRESENCE OF JURY PANEL. Colloquy regarding photo lineup exhibit and testimony to establish where photos were obtained. Discussion regarding other exhibits.

JURY PRESENT. Opening argument by Mr. Trippiedi and Ms. Harris. Witnesses sworn and testified per worksheets. Exhibits marked and admitted per worksheets. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 1/14/14 1:00 PM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 14, 2014**

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C-13-290624-1

State of Nevada

vs

James Manning

---

**January 14, 2014**

**10:30 AM**

**Jury Trial**

**HEARD BY:** Herndon, Douglas W.

**COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Carol Green

**RECORDER:**

**REPORTER:** Sharon Howard

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Hagar Trippiedi, Deputy District Attorney, present on behalf of the State.  
Defendant Manning present, represented by Marissa Pensabene and Belinda Harris, Deputy Public  
Defenders.

OUTSIDE PRESENCE OF THE JURY. Record made as to previous bench conferences.

JURY PRESENT. Continued testimony and exhibits per worksheets. State rests.

OUTSIDE PRESENCE OF THE JURY. Record made as to previous bench conferences.  
Defendant given rights regarding testifying.

JURY PRESENT. Continued testimony and exhibits per worksheets.

OUTSIDE PRESENCE OF THE JURY. Argument by counsel as to questions being asked of  
Defendant regarding statements made by Defendant to detective. After noting that Defense should  
have filed a motion in limine, COURT ORDERED, questions by the State as to statements of  
Defendant will be allowed as similar in time, location, and manner, so they are admissible.

Additionally, Court stated it is very clear that statements are relevant as to motive, intent and common scheme and plan. Statement marked and admitted as a Court exhibit. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 1/15/14 1:00 PM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 15, 2014**

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C-13-290624-1

State of Nevada

vs

James Manning

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**January 15, 2014**

**10:30 AM**

**Jury Trial**

**HEARD BY:** Herndon, Douglas W.

**COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Carol Green

**RECORDER:**

**REPORTER:** Sharon Howard

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Hagar Trippiedi, Deputy District Attorney, present on behalf of the State.  
Defendant Manning present, represented by Marissa Pensabene and Belinda Harris, Deputy Public  
Defenders.

OUTSIDE PRESENCE OF JURY. Instructions settled on the record.

JURY PRESENT. Instructions read. Closing argument by counsel. At 2:22 PM Jury left to deliberate

OUTSIDE PRESENCE OF JURY. Record made regarding Bench Conference.

JURY PRESENT. At 4:00pm Jury returned with verdict in accordance with written verdict FILED IN  
OPEN COURT. Jury found Defendant as follows:

COUNT 1 - NOT GUILTY

COUNT 2 - GUILTY of BATTERY WITH INTENT TO COMMIT A CRIME (F)

Jury thanked and excused. COURT ORDERED, matter referred to the Division of Parole and  
Probation (P & P) and set for sentencing.

PRINT DATE: 06/11/2014

Page 21 of 25

Minutes Date:

July 03, 2013

**C-13-290624-1**

CUSTODY

3/20/14 9:00 AM SENTENCING



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 04, 2014**

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C-13-290624-1

State of Nevada

vs

James Manning

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**February 04, 2014**

**9:00 AM**

**Motion**

**Defendant's Motion  
for Judgment of  
Acquittal, or in the  
Alternative, Motion  
for New Trial**

**HEARD BY:** Herndon, Douglas W.

**COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Carol Green

**RECORDER:**

**REPORTER:** Sharon Howard

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Hagar Trippiedi, Deputy District Attorney, present on behalf of the State.  
Defendant Manning present, in custody, represented by Marissa Pensadene, Deputy Public Defender.

Counsel submitted on motion and opposition. Statements by the Court, noting that there was nothing improper about the verdict. COURT ORDERED, motion DENIED.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 20, 2014**

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C-13-290624-1

State of Nevada

vs

James Manning

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**March 20, 2014**

**9:00 AM**

**Sentencing**

**HEARD BY:** Herndon, Douglas W.

**COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Carol Green; Tia Everett

**RECORDER:**

**REPORTER:** Sharon Howard

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Victoria Villegas, Deputy District Attorney, present on behalf of the State. Defendant present in custody and represented by Marissa Pensabene, Deputy Public Defender.

Court noted Ms. Pensabene contacted the Court indicating she would be requesting a continuance in order to look into the gang affiliation information in the Pre Sentence Investigation Report (PSI). Ms. Pensabene advised she has received and reviewed the field interview (FI) cards provided and believes a Somee hearing as she does not believe there is enough information to support the gang affiliation; however, defendant would like to proceed with sentencing this morning with the information being stricken from the PSI. Court stated based on the information on the FI cards the Court is not inclined to strike any of the information in the PSI regarding the gang affiliation. Conference at the bench. COURT ORDERED, matter CONTINUED to allow counsel to discuss the FI cards information with defendant.

**CUSTODY**

**CONTINUED TO:** 4/24/2014 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 13, 2014**

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C-13-290624-1

State of Nevada

vs

James Manning

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**May 13, 2014**

**9:00 AM**

**Sentencing**

**HEARD BY:** Herndon, Douglas W.

**COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Tia Everett

**RECORDER:**

**REPORTER:** Robert Cangemi

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Hagar Trippiedi, Deputy District Attorney, present on behalf of the State. Defendant present in custody and represented by Marissa Pensabene, Deputy Public Defender.

Ms. Pensabene advised this matter previously continued in order to obtain the field interview cards (FI); however, the State has not received the information and Defendant would like to proceed with sentencing today. Court so noted. By virtue of a jury verdict, DEFT MANNING ADJUDGED GUILTY of COUNT 2 - BATTERY WITH INTENT TO COMMIT A CRIME (F). Matter argued and submitted. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA analysis fee, including testing to determine genetic markers, \$250.00 Indigent Defense Civil Assessment fee, and \$1,614.62 in RESTITUTION payable to Victims of Crime; Defendant SENTENCED to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC); with THREE HUNDRED SIXTY-TWO (362) DAYS credit for time served.

NDC

## EXHIBITS

Date Offered	Objection	Date Admitted
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## EXHIBITS

CASE NO. C290624

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# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

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

STATE OF NEVADA,

Plaintiff(s),

vs.

JAMES MANNING aka JAMES DAEVON  
MANNING,

Defendant(s).

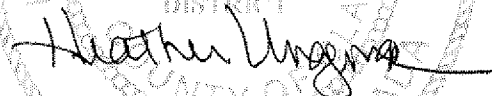
Case No: C290624

Dept No: III

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 11 day of June 2014.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk