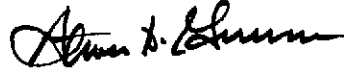


1 NOAS

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



CLERK OF THE COURT

Electronically Filed
Dec 02 2014 11:40 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

8
9 DISTRICT COURT

10 CLARK COUNTY, NEVADA

11 THE STATE OF NEVADA,)	
)	
12 Plaintiff,)	CASE NO. C-11-277650-1
)	
13 v.)	DEPT. NO. XXIII
)	
14 MICHAEL ALAN LEE,)	
)	
15 Defendant.)	
<hr/>		<u>NOTICE OF APPEAL</u>

16 TO: THE STATE OF NEVADA

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

20 NOTICE is hereby given that Defendant, Michael Alan Lee,
21 presently incarcerated in the Nevada State Prison, appeals to the
22 Supreme Court of the State of Nevada from the judgment entered
23 against said Defendant on the 10th day November, 2014, whereby he
24 was convicted of Ct. 1 - First Degree Murder by Child Abuse, Ct. 2
25 - Child Abuse & Neglect With Substantial Bodily Harm and sentenced
26 to \$25 Admin. fee; Ct. 1 - Life Without the Possibility of Parole,
27 consecutive to C199242; Ct. 2 - 96-240 months; 0 days CTS; \$150
28

1 DNA analysis fee and genetic testing previously imposed and
2 waived.

3 DATED this 24th day of November, 2014.

4 PHILIP J. KOHN
5 CLARK COUNTY PUBLIC DEFENDER

6
7 By: /s/ Kedric A. Bassett
8 KEDRIC A. BASSETT, #4214
9 Deputy Public Defender
309 S. Third Street, Ste. 226
Las Vegas, Nevada 89155
(702) 455-4685

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

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

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

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


CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C-11-277650-1
)	
v.)	DEPT. NO. XXIII
)	
MICHAEL ALAN LEE,)	
)	
Defendant.)	

CASE APPEAL STATEMENT

1. Appellant filing this case appeal statement:
Michael Alan Lee.

2. Judge issuing the decision, judgment, or order
appealed from: Stefany Miley.

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; Michael Alan Lee, Defendant.

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

/ / /

/ / /

/ / /

/ / /

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

3 PHILIP J. KOHN
4 Clark County Public Defender
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

8 Counsel for Respondent

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): Complaint filed 11/18/11.

20 DATED this 24th day of November, 2014.

21 PHILIP J. KOHN
22 CLARK COUNTY PUBLIC DEFENDER

23 By: /s/ Kedric A. Bassett
24 KEDRIC A. BASSETT, #4214
25 Deputy Public Defender
26 309 S. Third Street, Ste. 226
27 Las Vegas, Nevada 89155
28 (702) 455-4685

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

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

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEPARTMENT 23
CASE SUMMARY
CASE NO. C-11-277650-1

State of Nevada
vs
Michael Lee

§ Location: Department 23
§ Judicial Officer: Miley, Stefany
§ Filed on: 11/17/2011
§ Cross-Reference Case Number: C277650
§ Defendant's Scope ID #: 1699107
§ Lower Court Case Number: 11FH1653

CASE INFORMATION

Offense	Deg	Date	Case Type:
1. MURDER	F	06/13/2011	Felony/Gross Misdemeanor
2. CHILD ABUSE/NEGLECT WITH SUBSTANTIAL BODILY HARM	F	06/13/2011	Case Flags: Appealed to Supreme Court Custody Status - Nevada Department of Corrections

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	C-11-277650-1
Court	Department 23
Date Assigned	11/17/2011
Judicial Officer	Miley, Stefany

PARTY INFORMATION

Defendant **Lee, Michael A**

Lead Attorneys

Public Defender
Retained







Plaintiff **State of Nevada**

Wolfson, Steven B
702-671-2700(W)

DATE

EVENTS & ORDERS OF THE COURT












INDEX

11/09/2011	Bail Set \$20,000
11/17/2011	 Criminal Bindover
11/18/2011	 Information <i>Information</i>
11/21/2011	 Initial Arraignment (10:30 AM) (Judicial Officer: De La Garza, Melisa) Events: 11/17/2011 Criminal Bindover
11/23/2011	 Reporters Transcript Filed By: Plaintiff State of Nevada <i>Reporter's Transcript of Preliminary Hearing - Heard November 8, 2011</i>
12/02/2011	 Media Request and Order <i>Media Request and Order for Camera Access to Court Proceedings</i>
12/12/2011	 Petition for Writ of Habeas Corpus Filed by: Defendant Lee, Michael A

DEPARTMENT 23
CASE SUMMARY
CASE NO. C-11-277650-1

12/13/2011	 Notice of Rescheduling <i>Notice Resetting Date and Time of Hearing</i>
12/13/2011	 Receipt of Copy Filed by: Defendant Lee, Michael A
12/15/2011	 Notice <i>Notice of Expert Witnesses</i>
12/15/2011	 Notice <i>Notice of Witnesses</i>
12/15/2011	 Notice <i>Notice of Witnesses</i>
12/22/2011	 Return <i>Return To Writ Of Habeas Corpus</i>
12/30/2011	 Reply Filed by: Defendant Lee, Michael A <i>Reply to State's Return to Petition for Writ of Habeas Corpus</i>
01/11/2012	 Calendar Call (9:30 AM) (Judicial Officer: Miley, Stefany)
01/17/2012	CANCELED Jury Trial (1:00 PM) (Judicial Officer: Miley, Stefany) <i>Vacated - per Judge</i>
01/18/2012	 Order for Production of Inmate <i>Michael A Lee BAC #81950</i>
01/30/2012	 Petition for Writ of Habeas Corpus (11:00 AM) (Judicial Officer: Miley, Stefany) Events: 12/12/2011 Petition for Writ of Habeas Corpus
05/01/2012	 Ex Parte Order <i>Ex Parte Order Declaring the Defendant's Indigent for Purposes of Authorizing Payment of Specific Categories of Ancillary Defense Costs</i>
05/01/2012	 Ex Parte <i>Ex Parte Application for Court Approval of Payment of Specific Categories of Ancillary Defense Costs</i>
06/19/2012	 Motion to Continue Trial <i>Motion to Continue Trial</i>
06/20/2012	 Receipt of Copy
07/02/2012	 Motion (9:30 AM) (Judicial Officer: Miley, Stefany) Events: 06/19/2012 Motion to Continue Trial <i>Defendant's Motion to Continue Trial</i>
07/18/2012	CANCELED Calendar Call (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Vacated - per Judge</i>

DEPARTMENT 23
CASE SUMMARY
CASE NO. C-11-277650-1
















07/23/2012	CANCELED Jury Trial (1:00 PM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - per Judge</i>
01/11/2013	 Supplemental <i>Supplemental Notice of Witnesses</i>
01/11/2013	 Supplemental <i>Supplemental Notice of Expert Witnesses</i>
03/04/2013	 Request (9:30 AM) (Judicial Officer: Miley, Stefany) <i>DA Setting Slip - State's Request: Reset TD</i>
03/11/2013	 Order for Production of Inmate <i>Order for Production of Inmate</i>
03/13/2013	 Confirmation of Counsel (9:30 AM) (Judicial Officer: Miley, Stefany) <i>(Nadia von Magdenko)</i>
05/08/2013	CANCELED Calendar Call (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Vacated - per Judge</i>
05/13/2013	CANCELED Jury Trial (1:00 PM) (Judicial Officer: Miley, Stefany) <i>Vacated - per Judge</i>
10/17/2013	 Motion in Limine <i>Motion in Limine to Exclude Prior Bad Acts of Defendant</i>
10/28/2013	 Motion in Limine (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Motion in Limine to Exclude Prior Bad Acts of Defendant</i>
10/30/2013	 Notice of Motion <i>Notice of Motion and Motion for Proper and Correct Service</i>
11/13/2013	CANCELED Motion (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Vacated - Moot</i> <i>State's Notice of Motion and Motion for Proper and Correct Service</i>
12/11/2013	 Notice of Witnesses and/or Expert Witnesses <i>Defendant Michael Allan Lee's Witness Disclosure</i>
12/11/2013	 Production of Documents <i>Defendant Michael Allan Lee's Disclosure of Documents</i>
01/02/2014	 Motion in Limine <i>Notice Of Motion And Motion In Limine Re: Defendant's Expert (Rundell) And To Foundational Aspects Of The Defense Experts' Opinion</i>
01/08/2014	 Calendar Call (9:30 AM) (Judicial Officer: Miley, Stefany)
01/13/2014	CANCELED Jury Trial (1:00 PM) (Judicial Officer: Miley, Stefany) <i>Vacated - per Judge</i>
01/17/2014	 Notice of Motion <i>State's Motion for Production of Discoverable Material Pursuant to NRS 174.245's Reciprocal</i>

DEPARTMENT 23
CASE SUMMARY
CASE NO. C-11-277650-1










Discovery Provisions and NRS 174.234 Governing Expert Witness Disclosures

06/05/2014	 Opposition <i>Defendant's Opposition to Motion in Limine re: Defendant's Expert (Rundell) and to the Foundational Aspects of the Defense Experts' Opinion</i>
06/05/2014	 Opposition <i>Defendant's Opposition to State's Motion for Production of Discoverable Material</i>
06/10/2014	 Motion in Limine <i>Defendant's Motion in Limine to Exclude Autopsy Photographs</i>
06/10/2014	 Motion <i>Defendant's Motion for Dismissal</i>
06/13/2014	 Opposition <i>State's Opposiiton to Defendant's Motion for Dsimissal</i>
06/20/2014	 Opposition <i>State's Opposition To Defendant's Motion In Limine To Exclude Autopsy Photographs</i>
06/25/2014	Motion in Limine (9:30 AM) (Judicial Officer: Miley, Stefany) <i>State's Motion in Limine Re: Defendant's Expert (Rundell) and to Foundational Aspects of the Defense Experts' Opinion</i>
06/25/2014	Motion in Limine (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Motion in Limine to Exclude Autopsy Photographs</i>
06/25/2014	Motion to Dismiss (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Motion for Dismissal</i>
06/25/2014	Motion for Discovery (9:30 AM) (Judicial Officer: Miley, Stefany) <i>State's Motion for Production of Discoverable Material Pursuant to NRS 174.245's Reciprocal Discovery Provisions and NRS 174.234 Governing Expert Witness Disclosures</i>
06/25/2014	 All Pending Motions (9:30 AM) (Judicial Officer: Miley, Stefany)
07/10/2014	 Order <i>Order Denying Defendant's Motion in Limine to Exclude Autopsy Photographs and Order Denying Defendant's Motion for Dismissal</i>
07/28/2014	 Notice of Witnesses and/or Expert Witnesses <i>Second Supplemental Notice of Witnesses</i>
07/30/2014	 Calendar Call (9:30 AM) (Judicial Officer: Miley, Stefany)
08/04/2014	 Jury Trial (1:00 PM) (Judicial Officer: Miley, Stefany) 08/04/2014-08/08/2014, 08/11/2014, 08/14/2014-08/15/2014
08/04/2014	 Jury List
08/06/2014	 Media Request and Order <i>Media Request And Order For Camera Access To Court Proceedings.</i>

DEPARTMENT 23
CASE SUMMARY
CASE NO. C-11-277650-1

08/14/2014	 Proposed Jury Instructions Not Used At Trial <i>Defendant's Proposed Jury Instructions Not Used At Trial</i>
08/14/2014	 Proposed Jury Instructions Not Used At Trial <i>State's Proposed Jury Instructions Not Used At Trial</i>
08/15/2014	 Verdict
08/15/2014	 Instructions to the Jury
08/15/2014	 Amended Jury List
08/15/2014	Plea (Judicial Officer: Miley, Stefany) 1. MURDER Adjudicated 2. CHILD ABUSE/NEGLECT WITH SUBSTANTIAL BODILY HARM Adjudicated
08/18/2014	 Jury Trial (1:00 PM) (Judicial Officer: Miley, Stefany) <i>Jury Trial (Penalty Phase)</i>
08/18/2014	 Motion <i>Motion for Judgment of Acquittal</i>
08/18/2014	 Stipulation <i>Stipulation Pursuant to NRS 175.552 (2) Waiving Penalty Hearing And Agreeing To Have Sentence Imposed By Trial Judge</i>
08/20/2014	 Motion for New Trial <i>Motion for New Trial</i>
08/20/2014	 Receipt of Copy <i>Receipt of Copy</i>
08/20/2014	 Document Filed <i>Clarification Of Record No Hearing Requested</i>
08/21/2014	 Opposition <i>State's Opposition to Defendant's Motion for Judgment of Acquittal</i>
08/22/2014	 Opposition <i>State's Opposition to Defendant's Motion for New Trial</i>
08/29/2014	 Reply to Opposition <i>Reply to State's Opposition to Motion for Judgment of Acquittal and Motion for New Trial</i>
09/03/2014	Motion for Judgment (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Motion for Judgment of Acquittal</i>
09/03/2014	Motion for New Trial (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Motion for New Trial</i>
09/03/2014	 All Pending Motions (9:30 AM) (Judicial Officer: Miley, Stefany)

DEPARTMENT 23
CASE SUMMARY
CASE NO. C-11-277650-1

09/16/2014	 Order <i>Order Denying Defendant's Motion for Judgment of Acquittal and Order Denying Defendant's Motion for New Trial</i>
10/01/2014	 PSI
10/14/2014	 Memorandum <i>Sentencing Memorandum</i>
10/20/2014	 Sentencing (9:30 AM) (Judicial Officer: Miley, Stefany) 10/20/2014-10/21/2014
10/20/2014	 Order for Production of Inmate <i>Order For Production Of Inmate - Michael Alan Lee, BAC #81950</i>
10/21/2014	Disposition (Judicial Officer: Miley, Stefany) 1. MURDER Guilty 2. CHILD ABUSE/NEGLECT WITH SUBSTANTIAL BODILY HARM Guilty
10/21/2014	Sentence (Judicial Officer: Miley, Stefany) 1. MURDER Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Life without the possibility of parole Consecutive: Case Number C199242
10/27/2014	 Further Proceedings (11:00 AM) (Judicial Officer: Miley, Stefany) <i>Further Proceedings: Clarification of Sentence on Count 2</i>
10/27/2014	Sentence (Judicial Officer: Miley, Stefany) 2. CHILD ABUSE/NEGLECT WITH SUBSTANTIAL BODILY HARM Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:96 Months, Maximum:240 Months Consecutive: Charge 1 Fee Totals: Administrative Assessment Fee --- 25.00 Crim fee sch Fee Totals \$ 25.00 \$150.DNAF Previously Imposed
11/10/2014	 Judgment of Conviction <i>JUDGMENT OF CONVICTION (JURY TRIAL)</i>
11/24/2014	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
11/24/2014	 Case Appeal Statement <i>Case Appeal Statement</i>

DATE

FINANCIAL INFORMATION

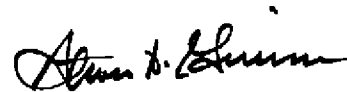
Defendant Lee, Michael A
Total Charges

25.00

DEPARTMENT 23
CASE SUMMARY
CASE NO. C-11-277650-1

Total Payments and Credits
Balance Due as of 11/25/2014

0.00
25.00



CLERK OF THE COURT

JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MICHAEL ALAN LEE
#1699107

Defendant.

CASE NO. C277650-1

DEPT. NO. XXIII

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 - MURDER (Category A Felony) in violation of NRS 200.020, 200.030, 200.508, and COUNT 2 - CHILD ABUSE & NEGLECT WITH SUBSTANTIAL BODILY HARM (Category B Felony) in violation of NRS 200.508, 0.060; and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNT 1 - FIRST DEGREE MURDER BY CHILD ABUSE (Category A Felony) in violation of NRS 200.010, 200.030, 200.508; and COUNT 2 - CHILD ABUSE & NEGLECT WITH

1 SUBSTANTIAL BODILY HARM (Category B Felony) in violation of NRS 200.508,
2 0.060; thereafter, on the 21st day of October, 2014, the Defendant was present in court
3 for sentencing as to COUNT 1; Defendant returned to court for sentencing as to
4 COUNT 2 on the 27th day of October, 2014, with his counsel STEVEN ALTIG, ESQ.,
5 and good cause appearing,
6

7 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
8 addition to the \$25.00 Administrative Assessment Fee, the Defendant is SENTENCED
9 to the Nevada Department of Corrections (NDC) as follows: COUNT 1 – LIFE
10 WITHOUT THE POSSIBILITY OF PAROLE, CONSECUTIVE to C199242; and COUNT
11 2 – a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS with a MINIMUM parole
12 eligibility of NINETY-SIX (96) MONTHS, CONSECUTIVE to COUNT 1, with ZERO (0)
13 DAYS credit for time served. As the \$150.00 DNA Analysis Fee and Genetic Testing
14 have been previously imposed, the Fee and Testing in the current case are WAIVED.
15

16 DATED this _____ day of October, 2014

17
18
19
20
21
22
23
24
25
26
27
28

STEFANY MILEY
DISTRICT COURT JUDGE

TE
YP

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 21, 2011

C-11-277650-1 State of Nevada
 vs
 Michael Lee

November 21, 2011 10:30 AM Initial Arraignment

HEARD BY: De La Garza, Melisa **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Roshonda Mayfield

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:	Lee, Michael A	Defendant
	McDonald, Patrick E.	Attorney
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

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

CUSTODY

1/11/12 9:30 A.M. CALENDAR CALL (DEPT. 23)

1/17/12 1:00 P.M. JURY TRIAL (DEPT. 23)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 11, 2012

C-11-277650-1 State of Nevada
 vs
 Michael Lee

January 11, 2012 9:30 AM Calendar Call

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Christine Erickson
 Anntoinette Naumec-Miller

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- David Stanton, Deputy District Attorney, present for the State of Nevada.
Deft. Lee, present in custody, with Patrick McDonald, Esq.

Mr. McDonald advised because of outstanding discovery issues the parties have agreed to continue the trial and the Deft. waived the 60-day rule. COURT ORDERED, trial date VACATED and RESET. Mr. McDonald further advised, because of this case, the Deft s Nevada Department of Corrections (NDC) housing leaves him unable to contact the Deft. and requested the Deft. remanded to the Clark County Detention Center (CCDC). Court advised the Deft. cannot be remanded to CCDC with a July trial date. Upon Court's inquiry, Mr. McDonald confirmed he doesn't need to speak to the Deft. prior to the Petition but he does need to be able to speak with him. Court further advised the issue can be further discussed on 1/30.

CUSTODY

7/18/12 9:30 AM CALENDAR CALL

C-11-277650-1

7/23/12 1:00 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 30, 2012

C-11-277650-1 State of Nevada
 vs
 Michael Lee

**January 30, 2012 11:00 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Christine Erickson
Anntoinette Naumec-Miller

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- David Stanton, Deputy Distirct Attorney
Deft. Lee, present in custody, with Patrick McDonald, Esq.

Mr. McDonald argued that Deft. was charged with Count 1 and 2 in Justice Court and although he acknowledges the burden of proof is slight or marginal evidence, slight or marginal evidence that the acts were committed did not exist at this Preliminary Hearing.

Mr. McDonald further argued there was no direct or circumstantial evidence either slight or marginal that petitioner committed a criminal act nor abused or neglected the Decedent resulting in his demise. Additional arguments by Mr. McDonald.

Mr. Stanton argued the Doctrine of Corpus Delicti and stands for the proposition that there is insufficient evidence showing that Brodie, a healthy two year old, died; the uncontroverted testimony from Dr. Gavin, the pathologist, is that Brody died from homicide and blunt force trauma. Mr. Staton further argued Dr. Gavin testified that she can date these injuries within the last 24 hours of life.

Additional arguments by Mr. Stanton. Court stated its findings and ORDERED, Deft s Writ of Habeas Corpus DENIED. Colloquy regarding Deft s custody status. COURT FURTHER ORDERED Defendant REMANDED to CUSTODY at the CLARK COUNTY DETENTION CENTER, advising as long as the Deft. is not revoked by the Department of Corrections, he will remain in custody; however, if revoked, Deft. to return to the Department of Corrections.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 02, 2012

C-11-277650-1 State of Nevada
 vs
 Michael Lee

July 02, 2012 9:30 AM Motion

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- David Stanton, Deputy District Attorney, present for the State of Nevada.
Nadia von Magdenko, Esq., present on behalf of Deft. Lee.

Deft. not present. Ms. von Magdenko advised she still hasn't been able to get the third expert the Defense wanted and March or May are the only times open in counsel's calendars. Colloquy regarding date for trial. COURT ORDERED, Motion GRANTED, trial date VACATED and RESET.

NDC

5/8/13 9:30 AM CALENDAR CALL

5/13/13 1:00 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 04, 2013

C-11-277650-1 State of Nevada
 vs
 Michael Lee

March 04, 2013 9:30 AM Request

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- David Stanton and John Giordani, Deputy District Attorneys, present for the State of Nevada.
Nadia von Magdenko, Esq., present on behalf of Deft. Lee.

Deft. not present. Mr. Stanton advised he placed the matter on calendar based on a conflict with a trial setting in Department 5. Mr. Stanton further advised he communicated to Mr. McDonald via e-mail and received a responsive e-mail back from Ms. von Magdenko advising they were prepared to go forward. Mr. Stanton indicated he made arrangements to go forward and this can be taken off calendar; however, Ms. von Magdenko advised him there is an issue with Mr. McDonald not being able to defend this case. CONFERENCE AT BENCH. COURT ORDERED, matter CONTINUED for Confirmation of Counsel. Court indicated it has been advised by Ms. von Magdenko that Mr. McDonald isn't practicing law so Deft. will need to retain new counsel or have counsel assigned to him. COURT FURTHER ORDERED, Deft. is to be transported on 3/11/13 so Ms. von Magdenko can meet with Deft. on 3/12, prior to the hearing.

NDC

C-11-277650-1

3/13/13 9:30 AM CONFIRMATION OF COUNSEL (NADIA VON MAGDENKO)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 13, 2013

C-11-277650-1 State of Nevada
 vs
 Michael Lee

March 13, 2013 9:30 AM Confirmation of Counsel

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Jacqueline Bluth, Deputy District Attorney, present for the State of Nevada.
Deft. Lee, present in custody, with Gregory Knapp, Esq., and Nadia von Magdenko, Esq.

Upon Court's inquiry, Mr. Knapp confirmed he will be trial counsel and spoke to Deft. and his family. Mr. Knapp advised he is ready to set a date. Upon Court's inquiry, Ms. von Magdenko confirmed she will be co-counsel. Mr. Bluth indicated it is her understanding trial will not be going. Colloquy regarding trial dates. MATTER TRAILED.

MATTER RECALLED. All parties present as before. Ms. Bluth advised she spoke with Mr. Knapp and Mr. Knapp made representations Deft's family is on board with having him as counsel. Deft. concurred. COURT ORDERED, trial date VACATED and RESET.

NDC

1/8/14 9:30 AM CALENDAR CALL

C-11-277650-1

1/13/14 1:00 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 28, 2013

C-11-277650-1 State of Nevada
 vs
 Michael Lee

October 28, 2013 9:30 AM Motion in Limine

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller
 Melissa Murphy

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- David Stanton, Deputy District Attorney, present for the State of Nevada.
Nadia von Magdenko, Esq., present on behalf of Defendant.

Deft. not present. Arguments by counsel. COURT ORDERED, Motion DENIED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 08, 2014

C-11-277650-1 State of Nevada
 vs
 Michael Lee

January 08, 2014 9:30 AM Calendar Call

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- David Stanton and John Giordani, Deputy District Attorneys, present for the State of Nevada. Deft. Lee, present in custody, with Nadia von Magdenko, Esq., and Steven Altig, Esq.

Court noted it received notification Mr. Altig will be substituting in, in place of Mr. Knapp, and the trial will need to be reset to allow Mr. Altig time to prepare. Mr. Stanton advised the State would have announced ready; however, there is a basis to continue the case. Mr. Altig indicated he would not be effective if he had to go to trial next week. Upon Court's inquiry, Deft. confirmed he is agreeable to Mr. Altig substituting in. COURT ORDERED, trial date VACATED and RESET, State's Motion in Limine Re: Defendant's Expert (Rundell) RESET.

NDC

6/25/14 9:30 AM STATE'S MOTION IN LIMINE RE: DEFENDANT'S EXPERT (RUNDELL) AND TO FOUNDATIONAL ASPECTS OF THE DEFENSE EXPERTS' OPINION

7/30/14 9:30 AM CALENDAR CALL

C-11-277650-1

8/4/14 1:00 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 25, 2014**

C-11-277650-1 State of Nevada
 vs
 Michael Lee

June 25, 2014 9:30 AM All Pending Motions

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller
Emma Knauss

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Altig, Steven	Attorney
	Giordani, John	Attorney
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff
	von Magdenko, Nadia	Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION IN LIMINE TO EXCLUDE AUTOPSY PHOTOGRAPHS...DEFENDANT'S MOTION FOR DISMISSAL...STATE'S MOTION FOR PRODUCTION OF DISCOVERABLE MATERIAL PURSUANT NRS 174.245'S RECIPROCAL DISCOVERY PROVISIONS AND NRS 174.234 GOVERNING WITNESS DISCLOSURES...STATE'S MOTION IN LIMINE RE: DEFENDANT'S EXPERT (RUNDELL) AND TO FOUNDATIONAL ASPECTS OF THE DEFENSE EXPERTS' OPINION.

Deft. not present. Upon Court's inquiry, both Defense Counsel confirmed they are waiving Deft's presence at the hearing. With respect to Deft's Motion in Limine, arguments by Ms. von Magdenko and Mr. Giordani. COURT stated its FINDINGS and ORDERED, Motion DENIED; however, the State will be limited in the number of photographs, to those that are absolutely necessary, and the

photographs will be presented to the Court prior to being shown to the jury.

With respect to State's Motion for Production, Mr. Stanton confirmed the State has all of the material. COURT ORDERED, Motion GRANTED; however, the Defense provided everything prior to the hearing.

With respect to State's Motion in Limine, arguments by Ms. von Magdenko and Mr. Stanton. COURT stated its FINDINGS and ORDERED, Motion GRANTED.

With respect to Deft's Motion for Dismissal, arguments by Ms. von Magdenko and Mr. Stanton. COURT stated its FINDINGS and ORDERED, Motion DENIED.

CUSTODY (COC-NDC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 30, 2014

C-11-277650-1 State of Nevada
 vs
 Michael Lee

July 30, 2014 9:30 AM Calendar Call

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller
Emma Knauss

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- David Stanton, Deputy District Attorney, present for the State of Nevada.
Deft. Lee, present in custody, with Nadia von Magdenko, Esq., and Steve Altig, Esq.

Mr. Stanton and Mr. Altig announced ready for trial. COURT ORDERED, trial date STANDS. Mr. Stanton provided photos and the autopsy report to the Court for review and advised the photos he provided are the photos that would be used to determine cause and manner of death.

CUSTODY (COC-NDC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 04, 2014

C-11-277650-1 State of Nevada
 vs
 Michael Lee

August 04, 2014 1:00 PM Jury Trial

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller
Emma Knauss

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- David Stanton and John Giordani, Deputy District Attorneys, present for the State of Nevada. Deft. Lee, present in custody, with Nadia von Magdenko, Esq., and Steven Altig, Esq.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL. Mr. Stanton advised the State subpoenaed Deft's mother, sister, and friend and he has been unable to reach them to advise them not to mention Deft's felony convictions, Deft's parole, and the discussions several of the witnesses had about speaking to attorneys. Mr. Stanton requested the Defense's assistance in contacting the witnesses and the Court's assistance in advising the witnesses not to go in to certain subject matter, unless directed by the Court. Mr. Altig and Ms. von Magdenko advised the witnesses will be present today. COURT ADMONISHED Mr. Fico and Ms. Lee regarding subjects they are not to go into during their testimony. Upon Court's inquiry, Mr. Stanton advised the Defense never solicited an offer from the State. Ms. von Magdenko confirmed an offer was not made by the State.

PROSPECTIVE JURY PANEL PRESENT. Voir dire of panel.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL. Colloquy regarding challenges for cause. COURT ADMONISHED Ms. Barton regarding subjects she is not to go into during her testimony. COURT CANVASSED Juror #148.

PROSPECTIVE JURY PANEL PRESENT. Voir dire of panel. CONFERENCES AT BENCH. Peremptory challenges exercised. Twelve jurors and two alternates selected and sworn. COURT ORDERED, matter CONTINUED.

CUSTODY (COC)

CONTINUED TO: 8/5/14 1:00 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 05, 2014

C-11-277650-1 State of Nevada
 vs
 Michael Lee

August 05, 2014 1:00 PM Jury Trial

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller
Emma Knauss

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- David Stanton and John Giordani, Deputy District Attorneys, present for the State of Nevada. Deft. Lee, present in custody, with Nadia von Magdenko, Esq., and Steven Altig, Esq.

OUTSIDE THE PRESENCE OF THE JURY. Mr. Altig advised the State extended an offer to the Defense yesterday, placed the terms of the State's offer on the record, and indicated Deft. rejected the offer. Upon Court's inquiry, Deft. confirmed he had the chance to discuss the offer, as well as the strengths and weaknesses of his case, with his counsel and decided to go to trial. Mr. Altig noted he and Ms. von Magdenko were approached by a Juror and asked what floor the trial was on. Mr. Altig indicated Ms. von Magdenko told the Juror what floor, that was the extent of the conversation, and he notified the State.

JURY PRESENT. Clerk read Information and stated Deft's plea thereto. Opening statements by Mr. Giordani and Ms. von Magdenko. CONFERENCE AT BENCH. Testimony and exhibits presented (See Worksheets). COURT ORDERED, matter CONTINUED.

C-11-277650-1

CUSTODY (COC)

CONTINUED TO: 8/6/14 1:00 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 06, 2014

C-11-277650-1 State of Nevada
 vs
 Michael Lee

August 06, 2014 1:00 PM Jury Trial

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller
Emma Knauss

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- David Stanton and John Giordani, Deputy District Attorneys, present for the State of Nevada.
Deft. Lee, present in custody, with Nadia von Magdenko, Esq., and Steven Altig, Esq.

JURY PRESENT. Testimony and exhibits presented (See Worksheets). CONFERENCE AT BENCH.

OUTSIDE THE PRESENCE OF THE JURY. Arguments by Ms. von Magdenko, Mr. Stanton, and Mr.
Altig. Mr. Altig made an oral Motion for Mistrial. COURT stated its FINDINGS and ORDERED, oral
Motion for Mistrial DENIED.

JURY PRESENT. Testimony and exhibits presented (See Worksheets). CONFERENCES AT BENCH.
COURT ORDERED, matter CONTINUED.

CUSTODY (COC)

CONTINUED TO: 8/7/14 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 07, 2014

C-11-277650-1 State of Nevada
 vs
 Michael Lee

August 07, 2014 9:30 AM Jury Trial

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller
Emma Knauss

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- David Stanton and John Giordani, Deputy District Attorneys, present for the State of Nevada.
Deft. Lee, present in custody, with Nadia von Magdenko, Esq., and Steven Altig, Esq.

OUTSIDE THE PRESENCE OF THE JURY. Arguments by Mr. Stanton and Mr. Altig. Mr. Altig renewed his oral Motion for Mistrial. COURT stated its FINDINGS and ORDERED, oral Motion for Mistrial DENIED.

JURY PRESENT. Testimony and exhibits presented (See Worksheets). CONFERENCES AT BENCH. COURT ORDERED, matter CONTINUED.

CUSTODY (COC)

CONTINUED TO: 8/8/14 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 08, 2014

C-11-277650-1 State of Nevada
vs
Michael Lee

August 08, 2014 9:30 AM Jury Trial

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller
Emma Knauss

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- David Stanton and John Giordani, Deputy District Attorneys, present for the State of Nevada. Deft. Lee, present in custody, with Nadia von Magdenko, Esq., and Steven Altig, Esq.

OUTSIDE THE PRESENCE OF THE JURY. Mr. Stanton advised the next two witnesses are Jennifer Lee and Danny Fico and requested to question them as an adverse party pursuant to NRS 50.115(4). Mr. Stanton further advised the need to redirect and question is based on their relationship to Deft. and the subject matter. Mr. Altig requested them admonished outside the presence of the jury, if they need to be admonished. COURT ADMONISHED Jennifer Lee and Danny Fico regarding the subjects they are not to go into. COURT ORDERED, the State will be allowed to lead the witnesses pursuant to NRS 50.115 on the basis they are an adverse party and the Court is concerned they would go in to impermissible areas without leading.

JURY PRESENT. Testimony presented (See Worksheet). CONFERENCES AT BENCH. COURT ORDERED, matter CONTINUED.

C-11-277650-1

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

CUSTODY (COC)

CONTINUED TO: 8/11/14 1:00 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 11, 2014

C-11-277650-1 State of Nevada
 vs
 Michael Lee

August 11, 2014 1:00 PM Jury Trial

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller
Emma Knauss

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- David Stanton and John Giordani, Deputy District Attorney, present for the State of Nevada.
Deft. Lee, present in custody, with Steven Altig, Esq., and Nadia von Magdenko, Esq.

JURY PRESENT. Testimony presented (See Worksheet). State rests. COURT ORDERED, matter
CONTINUED.

CUSTODY (COC)

CONTINUED TO: 8/14/14 10:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 14, 2014

C-11-277650-1 State of Nevada
 vs
 Michael Lee

August 14, 2014 10:30 AM Jury Trial

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller
Emma Knauss

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- David Stanton and John Giordani, Deputy District Attorney, present for the State of Nevada.
Deft. Lee, present in custody, with Steven Altig, Esq., and Nadia von Magdenko, Esq.

OUTSIDE THE PRESENCE OF THE JURY. Jury Instructions settled on the record. Colloquy regarding testimony of Defense's expert. Argument by Mr. Altig and renewed Motion for Mistrial. COURT stated its FINDINGS and ORDERED, oral Motion for Mistrial DENIED.

JURY PRESENT. Testimony and exhibit presented (See Worksheets). CONFERENCE AT BENCH. Defense rests. CONFERENCE AT BENCH. Court instructed the Jury. COURT ORDERED, matter CONTINUED.

CUSTODY (COC)

CONTINUED TO: 8/15/14 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 15, 2014

C-11-277650-1 State of Nevada
 vs
 Michael Lee

August 15, 2014 9:30 AM Jury Trial

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Altig, Steven	Attorney
	Giordani, John	Attorney
	Lee, Michael A	Defendant
	Stanton, David L.	Attorney
	State of Nevada	Plaintiff
	von Magdenko, Nadia	Attorney

JOURNAL ENTRIES

- JURY PRESENT. Closing arguments by Mr. Giordani and Mr. Altig. Rebuttal argument by Mr. Stanton. At the hour of 10:48 am the Jury retired to deliberate.

At the hour of 1:46 pm the Jury returned with the verdict of GUILTY of COUNT 1 - FIRST DEGREE MURDER BY CHILD ABUSE and on COUNT 2 - CHILD ABUSE & NEGLECT WITH SUBSTANTIAL BODILY HARM. COURT instructed the Jury regarding the penalty phase and ORDERED matter CONTINUED. Further, thanked and admonished the Jury for evening recess.

OUTSIDE THE PRESENCE OF THE JURY. Court admonished the Deft of his right to make statements during the penalty proceedings .

C-11-277650-1

CUSTODY (COC)

CONTINUED TO 08/18/14 1:00 PM (PENALTY PHASE)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 18, 2014

C-11-277650-1 State of Nevada
 vs
 Michael Lee

August 18, 2014 1:00 PM Jury Trial

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller
Emma Knauss

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- David Stanton and John Giordani, Deputy District Attorney, present for the State of Nevada. Deft. Lee, present in custody, with Steven Altig, Esq., and Nadia von Magdenko, Esq.

Stipulation pursuant to NRS 175.552(2) Waiving Penalty Hearing and Agreeing to have Sentence Imposed by Trial Judge FILED IN OPEN COURT

OUTSIDE THE PRESENCE OF THE JURY. Mr. Altig advised all parties agreed to the waiver and Deft. believes it is in his best interests. Upon Court's inquiry, Deft. confirmed he discussed it with his attorney and is waiving to have the Court sentence him. Upon Court's further inquiry, Deft. indicated his counsel answered any questions and discussed the pros and cons with him. Order SIGNED IN OPEN COURT.

JURY PRESENT. Jury thanked and excused.

OUTSIDE THE PRESENCE OF THE JURY. COURT ORDERED, Deft. REMANDED WITHOUT

C-11-277650-1

BAIL, Sentencing SET.

CUSTODY (COC)

10/20/14 9:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 03, 2014

C-11-277650-1 State of Nevada
vs
Michael Lee

September 03, 2014 9:30 AM All Pending Motions

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Anntoinette Naumec-Miller

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- David Stanton and John Giordani, Deputy District Attorneys, present for the State of Nevada.
Nadia von Magdenko, Esq., and Steven Altig, Esq., present on behalf of Deft. Lee.

DEFENDANT'S MOTION FOR JUDGMENT OF ACQUITTAL...DEFENDANT'S MOTION FOR
NEW TRIAL

Argument by Mr. Altig noting the State pled the murder allegation occurred on the fourteenth or fifteenth; however, Dr. Gavin testified the date of injury occurred at least twenty-four hours prior to death and there was no evidence anything happened between Deft. and Brodie on the fourteenth. Mr. Altig further argued there was no evidence presented that Deft. had access to Brodie at that time by himself. Mr. Stanton requested the Court order any citations from trial stricken from Deft's Reply as there was no record provided with the initial Motion. Argument by Mr. Stanton noting just because both of them were in the home doesn't mean the child couldn't have been beaten and murdered in the fashion that he was. Mr. Stanton further argued the murder of the child falls directly within the timeline of the State's Information and there were numerous times Deft. was alone with the child during that time period. Additional argument by Mr. Altig. COURT stated its FINDINGS

and ORDERED, Motions DENIED. COURT FURTHER ORDERED, State's oral Request to Strike Citations GRANTED.

CUSTODY (COC-NDC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 20, 2014

C-11-277650-1 State of Nevada
 vs
 Michael Lee

October 20, 2014 9:30 AM Sentencing

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Tia Everett

RECORDER: Maria Garibay

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- John Giordani, Deputy District Attorney, present on behalf of the State. Defendant not present in custody with the Nevada Department of Corrections and represented by Steven Altig Esq.

Mr. Giordani advised Defendant was not transported; however, Mr. Stanton has spoken with the prison who indicates they can have Defendant present tomorrow. Colloquy regarding scheduling. Mr. Giordani advised he has 5 out of State witnesses and requested to have sentencing tomorrow, if possible. There being no opposition, COURT ORDERED, matter CONTINUED.

CUSTODY (COC-NDC)

CONTINUED TO: 10/21/2014 1:00 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 21, 2014**

C-11-277650-1 State of Nevada
vs
Michael Lee

October 21, 2014 1:00 PM Sentencing

HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Tia Everett**RECORDER:** Sandra Pruchnic**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- David Stanton and John Girodani, Deputy District Attorneys, present on behalf of the State.
Defendant present in custody and represented by Steven Altig Esq. and Nadia Von Magdenko Esq.

By way of jury verdict; DEFT LEE ADJUDGED GUILTY of COUNT 1 - FIRST DEGREE MURDER BY CHILD ABUSE (F). Matter argued and submitted. Victim speakers sworn and addressed the Court (see worksheets). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee; Deft. SENTENCED to LIFE in the Nevada Department of Corrections (NDC) WITHOUT THE POSSIBILITY OF PAROLE; CONSECUTIVE to case number C199242; with ZERO (0) DAYS credit for time served. FURTHER ORDERED, \$150.00 DNA Analysis fee including testing to determine genetic markers, WAIVED as previously ordered and/or taken.

NDC

CLERK'S NOTE: Following hearing, COURT FURTHER ORDERED, matter SET for Further Proceedings to address Count 2. te

10/27/2014 11:00 AM FURTHER PROCEEDINGS: CLARIFICATION OF SENTENCE ON COUNT 2

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 27, 2014**

C-11-277650-1 State of Nevada
 vs
 Michael Lee

**October 27, 2014 11:00 AM Further Proceedings Further Proceedings:
Clarification of
Sentence on Count 2**

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Ying Pan

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Altig, Steven	Attorney
	Giordani, John	Attorney
	Lee, Michael A	Defendant
	Letizia, Harmony T.	Attorney
	State of Nevada	Plaintiff
	von Magdenko, Nadia	Attorney

JOURNAL ENTRIES

- Court NOTED, Defendant was sentenced for Count 1; however, the Defendant was convicted for two counts. Mr. Giordani agreed and indicated Count 2 is separate and distinct, he requested the Court to impose the maximum sentencing term and run it consecutive to Count 1. Mr. Altig requested sentencing term be run concurrent without possibility to parole. DEFT LEE ADJUDGED GUILTY of CT. 2 - CHILD ABUSE & NEGLECT WITH SUBSTANTIAL BODILY HARM (F). COURT ORDERED, Deft. SENTENCED to a MAXIMUM of TWO HUNDRED AND FORTY (240) MONTHS and MINIMUM of NINE-SIX (96) MONTHS in the Nevada Department of Corrections (NDC); Sentence to run CONSECUTIVE to Count 1; with ZERO (0) DAYS Credit for Time Served. Court FURTHER NOTED, an Amended Judgment of Conviction is needed. Ms. Von Magdenko raised an

Oral Motion to Withdraw as Counsel on the Record. COURT FURTHER ORDERED, Oral Motion GRANTED, the Office and Public Defender is APPOINTED to handle direct appeal.

BOND, if any, EXONERATED.

NDC

CLERK'S NOTE: The minute order has been amended to reflect the Public Defender's Office is appointed to handle direct appeal. A copy of this minute order was placed in the attorney folders of: the District Attorney's Office - Criminal Division and the Public Defender's Office. - YP 10-30-14

Exhibit List

Case: C-11-277650-1 Party: Sort Order: Status Defendant Name: Lee, Michael A DOB

Exhibit ID	On Behalf Of	Status/Date	Return/Destroy Date	Type and Description	Exhibit Flag	Source	In Custody Of	Location
*LOCATION N	Other			ENVELOPE (1)		State of Nevada	Department 23 08/18/2014	
JC	Plaintiff	Admitted 11/18/2011	Destroy 06/25/2016	Document Justice court exhibits		Roger, David J.		
Court 1	Other	Admitted 06/25/2014		Media CD of Autopsy Photos		Wolfson, Steven B		
Comment: for complete list - please see events tab for exhibit list								
1	Plaintiff	Admitted 08/05/2014	Destroy 08/18/2016	Photograph photo		Wolfson, Steven B		

Court's EXHIBITS

CASE NO. C277650

[illegible]

STATE'S EXHIBITS

CASE NO. C277650

		Date Offered	Objection	Date Admitted
1-	Photo	8/5/14	NO	8/5/14
2-		8/5/14	NO	8/5/14
3-		8/6/14	NO	8/6/14
4-		8/6/14	NO	8/6/14
5-		8/7/14	NO	8/7/14
6-		8/5/14	NO	8/5/14
7-		8/6/14	NO	8/6/14
8-				
9-				
10-				
11-				
12-	"			
13-				
14-		"	"	"
15-				
16-				
17-				
18-				
19-				
20-				
21-				
22-	✓	↓	↓	↓
23-	Photo	8/6/14	NO	8/6/14

STATE'S EXHIBITS

CASE NO. C277650

	Date Offered	Objection	Date Admitted
24- Photo	8/6/14	NO	8/6/14
25-	↓	↓	↓
26-	↓	↓	↓
27-	↓	↓	↓
28-	↓	↓	↓
29-	↓	↓	↓
30-	↓	↓	↓
31-	↓	↓	↓
32- "	↓	↓	↓
33-	"	"	"
34-	↓	↓	↓
35-	↓	↓	↓
36-	↓	↓	↓
37-	↓	↓	↓
38-	↓	↓	↓
39-	↓	↓	↓
40-	↓	↓	↓
41-	8/6/14	NO	8/6/14
42-	8/5/14	NO	8/5/14
43-	↓	↓	↓
44-	"	"	"
45- ↓	↓	↓	↓
46- Photo	8/5/14	NO	8/5/14

STATE'S EXHIBITS

CASE NO. C277650

		Date Offered	Objection	Date Admitted
47-	Photo	8/5/14	NO	8/5/14
48-				
49-				
50-				
51-				
52-				
53-				
54-				
55-				
56-	"			
57-		"	"	"
58-				
59-				
60-				
61-				
62-				
63-				
64-				
65-				
66-				
67-				
68-	▼	▼	▼	▼
69-	Photo	8/5/14	NO	8/5/14

STATE'S EXHIBITS

CASE NO. C277650

[illegible]

DEFENDANT'S EXHIBITSCASE NO. C277650

	Date Offered	Objection	Date Admitted
A - Photo	8/7/14	Stip	8/7/14
B -			
C -	8/7/14	Stip	8/7/14
D -	↓	↓	↓
E -			
F -	8/7/14	Stip	8/7/14
G -	8/14/14	NO	8/14/14
H -			
I -	8/7/14	Stip	8/7/14
J -			
K -			
L - ↓	8/7/14	Stip	8/7/14
M - Photo	8/7/14	Stip	8/7/14

COURT'S EXHIBITS

CASE NO. C277650

[illegible]

Certification of Copy

State of Nevada }
County of Clark } SS:

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

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

STATE OF NEVADA,

Plaintiff(s),

vs.

MICHAEL A. LEE,

Defendant(s).

Case No: C277650

Dept No: XXIII

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 25 day of November 2014.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk