

1 CODE 2515
2 JENNIFER LUNT, BAR #3057
3 ALTERNATE PUBLIC DEFENDER'S OFFICE
4 JARROD T. HICKMAN, BAR #12772
5 P.O. BOX 11130
6 RENO, NV 89520-0027
7 (775) 328-3955

Electronically Filed
Mar 31 2015 09:22 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

Attorney for Defendant

8 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9
10 IN AND FOR THE COUNTY OF WASHOE

11 THE STATE OF NEVADA,

12 Plaintiff,

13 v.

Case No. CR14-1044

14 MARC PAUL SCHACHTER,

Dept. No. 4

15 Defendant.

16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN that Defendant, MARC PAUL SCHACHTER, hereby
18 appeals to the Supreme Court of Nevada from the judgment of conviction entered in this case
19 on March 5, 2015. This is a fast track appeal. NRAP 3C.

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

21 The undersigned hereby affirms that the preceding document does not contain the social
22 security number of any person.

23 DATED this 24 ^{March} day of ~~April~~, 2015.

24 JENNIFER J. LUNT
Washoe County Alternate Public Defender


25 By: 
26 JARROD T. HICKMAN
Deputy Alternate Public Defender

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TRACIE LINDEMAN, CLERK
OFFICE OF THE CLERK
SUPREME COURT OF NEVADA
201 SOUTH CARSON STREET, SUITE 201
CARSON CITY, NEVADA 89701-4702
Via U.S. Mail

CATHERINE CORTEZ MASTO
ATTORNEY GENERAL STATE OF NEVADA
100 N. CARSON STREET
CARSON CITY, NEVADA 89701
Via U.S. Mail

DATED this 24 day of March, 2015.

015. 
Randi Jensen

1 CODE 1310
2 JENNIFER LUNT, BAR #3057
3 ALTERNATE PUBLIC DEFENDER
4 JARROD T. HICKMAN, BAR #12772
5 P.O. BOX 11130
6 RENO, NV 89520-0027
7 (775)328-3955

8 Attorney for Defendant

9
10 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
11
12 IN AND FOR THE COUNTY OF WASHOE

13 THE STATE OF NEVADA,

14 Plaintiff,

15 v.

Case No. CR14-1044

16 MARC PAUL SCHACHTER,

Dept. No. 4

17 Defendant.
18 _____/

19 **CASE APPEAL STATEMENT**

20 1. Appellant, MARC PAUL SCHACHTER, hereby files this Case Appeal
21 Statement;

22 2. This appeal is from a judgment of conviction entered on March 5, 2015, by the
23 Honorable Connie Steinheimer, District Court Judge;

24 3. The parties below were: (a) MARC PAUL SCHACHTER, Defendant; and (b)
25 THE STATE OF NEVADA, Plaintiff;

26 4. The parties herein are: (a) MARC PAUL SCHACHTER, Appellant; and (b)
THE STATE OF NEVADA, Respondent;

///

///

1 5. Counsel on appeal are:

2 JENNIFER J. LUNT
3 Washoe County Alternate
 Public Defender

 CHRIS HICKS
 Washoe County District Attorney

4 JARROD T. HICKMAN
5 Deputy Alternate
 Public Defender
6 P.O. Box 11130
 Reno, Nevada 89509

 TERRENCE MCCARTHY
 Deputy District Attorney
 P.O. Box 30083
 Reno, Nevada 89509

7 6. Appellant, MARC PAUL SCHACHTER, was represented by appointed counsel
8 in District Court;

9 7. Appellant, MARC PAUL SCHACHTER, is represented by appointed counsel in
10 this appeal;

11 8. Not applicable; and,

12 9. An Information was filed on July 10, 2014, charging MARC PAUL
13 SCHACHTER with one count of ATTEMPTED ROBBERY, a felony, one count of
14 BURGLARY, a felony, and one count of BEING A HABITUAL CRIMINAL. On March 5,
15 2014, MARC PAUL SCHACHTER was sentenced by the District Court.


16 This is a fast track appeal.

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

18 The undersigned hereby affirms that the preceding document does not contain the social
19 security number of any person.


20 DATED this _____ day of March, 2015.

21 JENNIFER J. LUNT
22 Washoe County Alternate Public Defender

23 By: 
24 JARROD T. HICKMAN
 Deputy Alternate Public Defender

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015.


Randi Jensen

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR14-1044

DEPT. D4

HON. CONNIE J. STEINHEIMER

Report Date & Time

3/27/2015

11:21:32AM

Case Description: STATE VS. MARC PAUL SCHACHTER (D4)

Case ID:	CR14-1044	Case Type:	CRIMINAL	Initial Filing Date:	7/2/2014
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Parties

APD	Jennifer L. Lunt, Esq. - 3057
APD	Jarrod T. Hickman, Esq. - 12772
PNP	Div. of Parole & Probation - DPNP
PLTF	STATE OF NEVADA - STATE
DA	Terrence P. McCarthy, Esq. - 2745
DA	Nickolas J. Graham, Esq. - 10885
DA	Zelalem Bogale, Esq. - 12937
DA	Kelly Ann Kossow, Esq. - 8221
DEFT	MARC PAUL SCHACHTER - @1168683

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
1	50144	7/14/2014	AI ATTEMPTED ROBBERY
2	50424	7/14/2014	AI BURGLARY
3	53138	7/14/2014	AI BEING A HABITUAL CRIMINAL

Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
1	50144	7/24/2014	PLED NOT GUILTY
2	50424	7/24/2014	PLED NOT GUILTY
3	53138		

Sentences

<i>Date</i>	<i>Charge No.</i>	<i>Charge Desc</i>	<i>Time Served</i>	<i>Sentence Text</i>
2/26/2015	1 - Nevada State Prison			NDOC - MAX. 48 MOS, MIN. PAROLE 12 MOS; FEES, SUBJECT TO REMOVAL FROM DEFT'S BOOKS AT WCJ/NDOC
2/26/2015	3 - Nevada State Prison			PURS. NRS 207.010(A)/NDOC - MAX. 20 YEARS WITH MINIMUM PAROLE AFTER 5 YRS, CONCUR WITH COUNT I

Release Information

Custody Status

9/24/2014	CUSTODY - WCJ	BAIL REDUCED TO \$20,000.00 BONDABLE
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Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
1 D10	ARRAIGNMENT	7/17/2014 08:30:00	7/17/2014

Event Extra Text:

Disposition:
D455 7/17/2014
MATTER CONT'D TO 7/24/14 @9:00AM.

Case Description: STATE VS. MARC PAUL SCHACHTER (D4)					
Case ID:	CR14-1044	Case Type:	CRIMINAL	Initial Filing Date:	7/2/2014
Department		Event Description	Sched. Date & Time		Disposed Date
2	D4	ARRAIGNMENT	7/24/2014	13:30:00	7/24/2014
Event Extra Text: (CONTINUED)			Disposition: D725 7/24/2014 AMENDED INFORMATION INVOKED 60-DAY RULE AFTER CANVASS OF THE DEFENDANT, COURT ALLOWED DEFENDANT TO REPRESENT HIMSELF - COURT ADDITIONALLY APPOINTED STAND-BY COUNSEL, PD'S OFFICE, TO ASSIST DEFENDANT WITH LEGAL RESEARCH COURT DIRECTED THE STATE TO PROVIDE THE DEFENDANT WITH ALL DISCOVERY NO LATER THAN 7/28/14 - HEARING SET THEREAFTER TO SET TRIAL DEFENDANT REQUESTED APPOINTMENT OF AN INVESTIGATOR		
Department		Event Description	Sched. Date & Time		Disposed Date
3	D4	ARRAIGNMENT	7/24/2014	09:00:00	7/24/2014
Event Extra Text: (CONT'D FROM 7/17/14)			Disposition: D844 7/24/2014 MATTERS SET OVER INTO AFTERNOON DUE TO LENGTH OF CALENDAR		
Department		Event Description	Sched. Date & Time		Disposed Date
4	D4	MOTION TO SET TRIAL	7/31/2014	09:00:00	7/31/2014
Event Extra Text:			Disposition: D425 7/31/2014 PRE-TRIAL MOTION DEADLINES SET FORTH PD'S OFFICE ACCEPTED REQUEST FOR INVESTIGATOR AND WOULD PROVIDE SUCH AT THIS TIME		
Department		Event Description	Sched. Date & Time		Disposed Date
5	D4	STATUS HEARING	8/21/2014	09:00:00	8/21/2014
Event Extra Text: REGARDING DISCOVERY			Disposition: D435 8/21/2014 DEFENDANT HANDED STAND-BY LESLIE MOTIONS TO BE FILED WITH THE COURT DEFENDANT SIGNED AND PROVIDED TO THE STATE THE STIPULATION FOR RECIPROCAL DISCOVERY COURT ORDERED THAT THE SHERIFF SHALL ALLOW DEFENDANT TO BRING ALL DISCOVERY AND LEGAL DOCUMENTS WITH HIM TO THE PRE-TRIAL MOTIONS HEARING ON 9/3/14 COURT ORDERED THE STATE TO PROVIDE THE PROPOSED JURY INSTRUCTIONS TO THE DEFENDANT NO LATER THAN 9/12/14 PRE-TRIAL MOTION HEAR SET 8/28/14 RESET TO 9/3/14 AT 1:15 P.M. DEFENSE COUNSEL PROVIDED DEFENDANT WITH STATUTES, RULES OF GENERAL PRACTICE AND CRIMINAL RULES FOR 2ND JUDICIAL DISTRICT, SUPREME COURT RULES AND SUPPLIES AS REQUESTED		

Case Description: STATE VS. MARC PAUL SCHACHTER (D4)							
Case ID:	CR14-1044		Case Type:	CRIMINAL		Initial Filing Date: 7/2/2014	
Department			Event Description		Sched. Date & Time		Disposed Date
6	D4	STATUS CONFERENCE		8/21/2014	09:00:00	8/14/2014	
Event Extra Text: REGARDING DISCOVERY				Disposition:			
				D801	8/14/2014		
Department			Event Description		Sched. Date & Time		Disposed Date
7	D4	PRE-TRIAL MOTIONS		8/28/2014	15:00:00	8/21/2014	
Event Extra Text:				Disposition:			
				D845	8/21/2014		
Department			Event Description		Sched. Date & Time		Disposed Date
8	D4	PRE-TRIAL MOTIONS		9/3/2014	13:15:00	9/3/2014	
Event Extra Text:				Disposition:			
				D498	9/3/2014		
				MOTION TO DISMISS CASE ON GROUNDS THAT THE STATE HAS LOST AND/OR DESTROYED MATERIAL EXCULPATORY EVIDENCE DENIED WITH LEAVE TO RENEW AS MOTION FOR DIRECTED VERDICT DEMAND FOR LEGAL MATERIALS AND LEGAL SUPPLIES MOOT AS RESOLVED PRIOR TO HEARING mOTION TO COMPEL THE STATE TO PROVIDE EXCULPATORY MATERIAL ("BRADY") IN IT'S POSSESSION AS TO 911 AUDIO TAPE - STATE BELIEVE THE AUDIO WAS PROVIDED PREVIOUSLY BUT WOULD PROVIDE TO DEFENDANT AGAIN MOTION TO OBTAIN MATERIAL AND EXCULPATORY VIDEO RECORD, MOTION FOR PRODUCTION OF REPLACEMENT AND/OR SUBSTITUTE LOST/DESTROYED EVIDENCE, MOTION IN LIMINE RE SURVEILANCE VIDEO EVIDENCE, MOTION TO DISMISS CASE FOR PREJUDICIAL DELAY CAUSING LOSS OR EXCULPATORY MATERIAL EVIDENCE SET OVER TO 9/11/14 - STATE TO PROVIDE EQUIPMENT TO VIEW ALL SURVEILANCE VIDEO REGARDING THIS INCIDENT AND FURTHER SUBPOENA THE OFFICER WHO OBTAINED THE VIDEO AND THE WAL-MART EMPLOYEE RESPONSIBLE FOR THE PRODUCTION OF THE SURVEILANCE VIDEO NOTICE OF STATE'S INTENT TO IMPEACH DEFENDANT'S CREDIBILITY WITH HIS PRIOR FELONY CONVICTIONS IF HE TESTIFIES SET FOR 9/11/14 AT REQUEST OF STAND-BY COUNSEL TO ADVISE DEFENDANT FURTHER OF HIS RIGHTS - STATE TO PROVIDE COURT WITH COPY OF PRIOR CONVICTION MOTION FOR PRELIMINARY HEARING TRANSCRIPTS TO BE DECIDED AT 9/11/14 HEARING MOTION IN LIMINE RE: DEFT'S EXAMINATION OF WITNESSES GRANTED MOTION IN LIMINE RE: PRIOR BAD ACTS GRANTED STATE'S COUNSEL ADVISED THE COURT THAT THE JURY INSTRUCTIONS WOULD BE PROVIDED TO THE DEFENDANT AT THE 9/11/14 HEARING			

Case Description: STATE VS. MARC PAUL SCHACHTER (D4)					
Case ID:	CR14-1044	Case Type:	CRIMINAL	Initial Filing Date:	7/2/2014
Department		Event Description	Sched. Date & Time		Disposed Date
9	D4	MOTION TO CONFIRM TRIAL	9/11/2014	09:00:00	9/3/2014
Event Extra Text:			Disposition: D844 9/3/2014		
Department		Event Description	Sched. Date & Time		Disposed Date
10	D4	HEARING ONGOING	9/11/2014	10:00:00	9/11/2014
Event Extra Text: - PRE-TRIAL MOTIONS/MOTION TO CONFIRM TRIAL DATE			Disposition: D435 9/11/2014 DECISIONS RENDERED MOTIONS TAKEN UNDER ADVISEMENT EXHIBIT MARKING SET		
Department		Event Description	Sched. Date & Time		Disposed Date
11	D4	TRIAL - JURY	9/22/2014	10:00:00	9/22/2014
Event Extra Text: (5 DAYS)			Disposition: D832 9/22/2014 PRIOR TO BEGINING JURY SELECTION AND OUTSIDE PRESENCE OF JURY, UPON MOTION OF THE STATE, COURT DISMISSED COUNT II OF THE AMENDED INFORMATION		
Department		Event Description	Sched. Date & Time		Disposed Date
12	D4	EXHIBITS TO BE MARKED W/CLERK	9/22/2014	09:00:00	9/22/2014
Event Extra Text: - DEFENDANT MUST BE PRESENT			Disposition: D596 9/22/2014		
Department		Event Description	Sched. Date & Time		Disposed Date
13	D4	TRIAL ONGOING	9/23/2014	08:30:00	9/23/2014
Event Extra Text:			Disposition: D832 9/23/2014		
Department		Event Description	Sched. Date & Time		Disposed Date
14	D4	TRIAL ONGOING	9/24/2014	09:30:00	9/24/2014
Event Extra Text:			Disposition: D895 9/24/2014 COUNT I. ATTEMPTED ROBBERY BAIL REDUCED TO \$20,000.00 BONDABLE STATUS HEARING SET TO DETERMINE IF DEFENDANT WILL REMAIN PRO PER FOR SENTENCING PURPOSES SENTENCE SET		
Department		Event Description	Sched. Date & Time		Disposed Date
15	D4	STATUS HEARING	10/2/2014	09:00:00	10/2/2014
Event Extra Text: REGARDING SELF-REPRESENTATION			Disposition: D435 10/2/2014		

Case Description: STATE VS. MARC PAUL SCHACHTER (D4)					
Case ID:	CR14-1044	Case Type:	CRIMINAL	Initial Filing Date:	7/2/2014
			DEFENDANT ADVISED THE COURT THAT HE WISHES TO CONTINUE WITH SELF-REPRESENTATION THROUGH SENTENCING ADDITIONAL STATUS HEARING SET AT DEFENDANT'S REQUEST		
	Department	Event Description	Sched. Date & Time		Disposed Date
16	D4	STATUS HEARING	11/13/2014	09:00:00	11/13/2014
Event Extra Text: RE: SELF REPRESENTATION			Disposition: D435 11/13/2014 MOTION FOR O.R. BY DEFENDANT DENIED BASED ON PRIOR CRIMINAL HISTORY DEFENDANT PROVIDED DPD LESLIE WITH DOCUMENTS TO BE FILED WITH THE COURT AND A REQUEST FOR LEGAL MATERIALS STATE ADVISED THE COURT THAT HE HAS PROVIDED THE DEFENDANT WITH A COPY OF THE 5TH PRIOR CONVICTION TO BE USED AT SENTENCING 11/20/14 STATUS HEARING TO REMAIN ON CALENDAR		
	Department	Event Description	Sched. Date & Time		Disposed Date
17	D4	STATUS HEARING	11/20/2014	09:00:00	11/20/2014
Event Extra Text:			Disposition: D435 11/20/2014 STAND BY COUNSEL ADVISED THE COURT OF ALL DOCUMENTS THAT HAVE BEEN PROVIDED TO DEFT AS REQUESTED BY DEFT. BASED ON FILING OF PETITION FOR POST-CONVICTION BY THE DEFT. CREATING A CONFLICT FOR THE PD'S OFFICE TO REMAIN AS STANDBY COUNSEL, COURT APPOINTED APD TO REPRESENT THE DEFT. SENTENCING TO REMAIN AS SCHEDULED. OBJECTION TO PSI FILED BY THE DEFT.		
	Department	Event Description	Sched. Date & Time		Disposed Date
18	D4	SENTENCING	12/4/2014	15:00:00	12/3/2014
Event Extra Text:			Disposition: D870 12/3/2014		
	Department	Event Description	Sched. Date & Time		Disposed Date
19	D4	STATUS HEARING	12/11/2014	09:00:00	12/11/2014
Event Extra Text:			Disposition: D435 12/11/2014 DEFENDANT WITHDREW WAIVE OF COUNSEL AND REQUESTED APD'S OFFICE REPRESENT HIM FOR SENTENCING PURPOSES AT REQUEST OF D.CNSL SETTING DATE CURRENT SET CONTINUED BASED ON OBJECTION TO PSI FILED BY DEFENDANT, P&P TO SUBMIT A SUPPLEMENTAL PSI TAKING INTO CONSIDERATION THE OBJECTIONS NO LATER THAN 1/26/15 PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) WITHDRAWN BY DEFENDANT AS PREMATURE		

Case Description: STATE VS. MARC PAUL SCHACHTER (D4)					
Case ID:	CR14-1044	Case Type:	CRIMINAL	Initial Filing Date:	7/2/2014
Department		Event Description		Sched. Date & Time	
20	D4	Request for Submission		1/13/2015	10:49:00
		Event Extra Text: MOTION FOR ROUGHT DRAFT TRANSCRIPTS AT PUBLIC EXPENSE AND ADDENDUM TO MOTION FOR ROUGHT DRAFT TRANSCRIPTS AT PUBLIC EXPENSE (NO PAPER ORDER PROVIDED)		Disposition: S200 1/13/2015	
				Disposition: D845 12/11/2014	
Department		Event Description		Sched. Date & Time	
21	D4	SENTENCING		1/16/2015	09:00:00
		Event Extra Text:		Disposition: D845 12/11/2014	
Department		Event Description		Sched. Date & Time	
22	D4	SENTENCING		2/26/2015	13:30:00
		Event Extra Text:		Disposition: D765 2/26/2015 DEFENDANT FOUND TO BE A HABITUAL CRIMINAL UNDER NRS 207.010(1)	
Department		Event Description		Sched. Date & Time	
23	D4	IN-CHAMBERS CONFERENCE		3/5/2015	11:00:00
		Event Extra Text: - FORM OF JUDGMENT OF CONVICTION		Disposition: D435 3/5/2015 BASED ON REQUEST BY STATE AND NO OBJECTION BY DEFENSE, COURT ADDED ADDITIONAL LANGUAGE TO THE FINDING OF HABITUAL CRIMINAL IN THE JUDGMENT OF CONVICTION	

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
DA	District Attorney's Office	DA1412219
PC	PCN number	PCNRPD1412193C
RJ	Reno Justice's Court	RCR2014077569
RP	Reno Police Department	RP14010834

Actions

Action Entry Date	Code	Code Description	Text
7/3/2014	1491	Court Services Report	Transaction 4503102 - Approved By: SHAMBRIG : 07-03-2014:11:17:03
7/3/2014	3700	Proceedings	JUSTICE COURT PROCEEDINGS
7/3/2014	NEF	Proof of Electronic Service	Transaction 4503368 - Approved By: NOREVIEW : 07-03-2014:11:18:02
7/10/2014	NEF	Proof of Electronic Service	Transaction 4511695 - Approved By: NOREVIEW : 07-10-2014:15:10:58
7/10/2014	1800	Information	Transaction 4511447 - Approved By: JYOST : 07-10-2014:15:10:00
7/14/2014	1095	Amended Information	Transaction 4515597 - Approved By: SHAMBRIG : 07-14-2014:16:39:25
7/14/2014	NEF	Proof of Electronic Service	Transaction 4515941 - Approved By: NOREVIEW : 07-14-2014:16:40:23
7/17/2014	NEF	Proof of Electronic Service	Transaction 4521917 - Approved By: NOREVIEW : 07-17-2014:13:39:17
7/17/2014	MIN	***Minutes	7/17/14 - ARRAIGNMENT - Transaction 4521915 - Approved By: NOREVIEW : 07-17-2014:13:38:19
7/24/2014	1275	** 60 Day Rule - Invoked	
7/24/2014	1670	Ex-Parte Mtn...	* SEALED * MOTION TO APPOINT INVESTIGATOR FOR A PRO PER DEFENDANT AT THE EXPENSE OF T

Case Description: STATE VS. MARC PAUL SCHACHTER (D4)				
Case ID:	CR14-1044	Case Type:	CRIMINAL	Initial Filing Date: 7/2/2014
7/24/2014	1520	Declaration	* SEALED * OF A PRO PER DEFENDANT	
7/31/2014	NEF	Proof of Electronic Service	Transaction 4540742 - Approved By: NOREVIEW : 07-31-2014:08:54:15	
7/31/2014	3370	Order ...	OF SELF-REPRESENTATION AND APPOINTMENT OF STAND-BY COUNSEL - Transaction 4540741 - Appro	
8/5/2014	3696	Pre-Trial Order	Transaction 4548509 - Approved By: NOREVIEW : 08-05-2014:16:15:52	
8/5/2014	NEF	Proof of Electronic Service	Transaction 4548518 - Approved By: NOREVIEW : 08-05-2014:16:16:44	
8/11/2014	4185	Transcript	Transaction 4556846 - Approved By: NOREVIEW : 08-11-2014:21:11:48	
8/11/2014	NEF	Proof of Electronic Service	Transaction 4556847 - Approved By: NOREVIEW : 08-11-2014:21:12:50	
8/14/2014	1250	Application for Setting	REVIEW/STATUS HEARING: 8-21-14 AT 9:00 - Transaction 4562233 - Approved By: SHAMBRIG : 08-14-2014	
8/14/2014	NEF	Proof of Electronic Service	Transaction 4562327 - Approved By: NOREVIEW : 08-14-2014:15:10:16	
8/18/2014	NEF	Proof of Electronic Service	Transaction 4565320 - Approved By: NOREVIEW : 08-18-2014:09:41:48	
8/18/2014	MIN	***Minutes	CONTINUED ARRAIGNMENT - 7/24/14 - Transaction 4565307 - Approved By: NOREVIEW : 08-18-2014:09:38	
8/19/2014	NEF	Proof of Electronic Service	Transaction 4568006 - Approved By: NOREVIEW : 08-19-2014:13:48:38	
8/19/2014	MIN	***Minutes	MOTION TO SET TRIAL - 7/31/14 - Transaction 4567997 - Approved By: NOREVIEW : 08-19-2014:13:47:39	
8/21/2014	2290	Mtn to Dismiss Case	MOTION TO DISMISS CASE ON GROUNDS THAT THE STATE HAS LOST AND/OR DESTROYED MATERIA	
8/21/2014	2290	Mtn to Dismiss Case	MOTION TO DISMISS CASE ON GROUNDS THAT THE STATE HAS LOST AND/OR DESTROYED MATERIA	
8/21/2014	2270	Mtn to Compel...	MOTION TO COMPEL THE STATE TO PROVIDE EXCULPATORY MATERIAL ("BRADY") IN ITS POSSESSIC	
8/21/2014	2245	Mtn in Limine	MOTION IN LIMINE RE: SURVEILLANCE VIDEO EVIDENCE - Transaction 4572307 - Approved By: MCHOLIC	
8/21/2014	1590	Demand ...	DEMAND FOR LEGAL MATERIALS AND LEGAL SUPPLIES - Transaction 4572307 - Approved By: MCHOLIC	
8/21/2014	1020	Addendum	ADDENDUM TO DEMAND FOR LEGAL MATERIALS AND LEGAL SUPPLES - Transaction 4572307 - Approve	
8/21/2014	2490	Motion ...	MOTION TO ADVISE WITNESSES FOR THE STATE OF THEIR PRIVILEGE AGAINST SELF-INCRIMINATION	
8/21/2014	2490	Motion ...	MOTION FOR PRELIMINARY HEARING TRANSCRIPTS - Transaction 4572307 - Approved By: MCHOLICO : (
8/21/2014	2490	Motion ...	MOTION FOR THE PRODUCTION OF "REPLACEMENT" AND/OR "SUBSTITUTE" LOST / DESTROYED EVIC	
8/21/2014	2490	Motion ...	MOTION AND ORDER TO OBTAIN MATERIAL AND EXCULPATORY VIDEO RECORDING - Transaction 4572	
8/21/2014	NEF	Proof of Electronic Service	Transaction 4572699 - Approved By: NOREVIEW : 08-21-2014:16:54:14	
8/22/2014	2610	Notice ...	NOTICE OF STATE'S INTENT TO IMPEACH DEFT'S CREDIBILTY WITH HIS PRIOR FELONY CONVICTIONS	
8/22/2014	2245	Mtn in Limine	MOTION IN LIIMINE RE: DEFT'S EXAMINATION OF WITNESSES - Transaction 4574403 - Approved By: AZIO	
8/22/2014	2290	Mtn to Dismiss Case	MOTION TO DISMISS CASE FOR PREJUDICIAL DELAY CAUSING LOSS OF EXCULPATORY MATERIAL EV	
8/22/2014	NEF	Proof of Electronic Service	Transaction 4572793 - Approved By: NOREVIEW : 08-22-2014:07:54:43	
8/22/2014	NEF	Proof of Electronic Service	Transaction 4573081 - Approved By: NOREVIEW : 08-22-2014:09:01:10	
8/22/2014	NEF	Proof of Electronic Service	Transaction 4574453 - Approved By: NOREVIEW : 08-22-2014:15:45:25	
8/22/2014	NEF	Proof of Electronic Service	Transaction 4574485 - Approved By: NOREVIEW : 08-22-2014:15:56:00	
8/22/2014	2245	Mtn in Limine	MOTION IN LIMINE RE: PRIOR BAD ACTS, IN ANY OF THE STATE'S WITNESSES - Transaction 4574431 - A	
8/26/2014	NEF	Proof of Electronic Service	Transaction 4577379 - Approved By: NOREVIEW : 08-26-2014:09:55:19	
8/26/2014	NEF	Proof of Electronic Service	Transaction 4577009 - Approved By: NOREVIEW : 08-26-2014:08:26:00	
8/26/2014	NEF	Proof of Electronic Service	Transaction 4577005 - Approved By: NOREVIEW : 08-26-2014:08:24:50	
8/26/2014	NEF	Proof of Electronic Service	Transaction 4578938 - Approved By: NOREVIEW : 08-26-2014:16:19:05	
8/26/2014	1067	Affidavit of Service	Transaction 4578682 - Approved By: SHAMBRIG : 08-26-2014:16:18:12	
8/26/2014	3839	Request Agree Ord Recp Discv	Transaction 4577364 - Approved By: SHAMBRIG : 08-26-2014:09:54:27	
8/26/2014	1130	Answer ...	ANSWER TO STATE'S MOTION IN LIMINE RE DEFENDANTS EXAMINATION OF WITNESSES - Transaction	

Case Description: STATE VS. MARC PAUL SCHACHTER (D4)				
Case ID:	CR14-1044	Case Type:	CRIMINAL	Initial Filing Date: 7/2/2014
8/26/2014	1130	Answer ...	ANSWER TO MOTION IN LIMINE RE: PRIOR BAS ACTS OF THE STATE'S WITNESSES - Transaction 45769	
8/27/2014	4105	Supplemental ...	SUPPLEMENTAL JUSTICE COURT PROCEEDINGS	
8/28/2014	2650	Opposition to ...	OMNIBUS OPPOSITION TO DEFENDANT'S PRETRIAL MOTIONS - Transaction 4583385 - Approved By: SH	
8/28/2014	NEF	Proof of Electronic Service	Transaction 4583396 - Approved By: NOREVIEW : 08-28-2014:16:46:14	
9/2/2014	NEF	Proof of Electronic Service	Transaction 4587555 - Approved By: NOREVIEW : 09-02-2014:23:42:06	
9/2/2014	4185	Transcript	7-31-14 Motion to Set Trial - Transaction 4587554 - Approved By: NOREVIEW : 09-02-2014:23:41:06	
9/3/2014	1695	** Exhibit(s) ...	A AND B - MARKED	
9/9/2014	NEF	Proof of Electronic Service	Transaction 4598812 - Approved By: NOREVIEW : 09-09-2014:16:23:01	
9/9/2014	MIN	***Minutes	STATUS HEARING REGARDING DISCOVERY - 8/21/14 - Transaction 4598809 - Approved By: NOREVIEW : (
9/10/2014	NEF	Proof of Electronic Service	Transaction 4599467 - Approved By: NOREVIEW : 09-10-2014:10:06:18	
9/10/2014	MIN	***Minutes	PRE-TRIAL MOTIONS - 9/3/14 - Transaction 4599463 - Approved By: NOREVIEW : 09-10-2014:10:05:17	
9/15/2014	4190	Transcript - Partial	9-11-14 Motions - Transaction 4606256 - Approved By: NOREVIEW : 09-15-2014:11:26:35	
9/15/2014	NEF	Proof of Electronic Service	Transaction 4606261 - Approved By: NOREVIEW : 09-15-2014:11:27:32	
9/16/2014	2842	Ord Denying Motion	ORDER DENYING DEFENDANT'S MOTION TO DISMISS CASE ON GROUNDS THAT THE STATE HAS LOS	
9/16/2014	NEF	Proof of Electronic Service	Transaction 4607647 - Approved By: NOREVIEW : 09-16-2014:08:51:06	
9/17/2014	2592	Notice of Witnesses	NOTICE OF WITNESS PURSUANT TO NRS 174.234 - Transaction 4611470 - Approved By: SHAMBRIG : 09-1	
9/17/2014	NEF	Proof of Electronic Service	Transaction 4611630 - Approved By: NOREVIEW : 09-17-2014:15:13:45	
9/17/2014	NEF	Proof of Electronic Service	Transaction 4611637 - Approved By: NOREVIEW : 09-17-2014:15:14:21	
9/17/2014	2520	Notice of Appearance	CARL HYLIN - Transaction 4611011 - Approved By: SHAMBRIG : 09-17-2014:15:12:43	
9/18/2014	NEF	Proof of Electronic Service	Transaction 4612253 - Approved By: NOREVIEW : 09-18-2014:08:09:10	
9/18/2014	2592	Notice of Witnesses	NOTICE OF WITNESSES PURSUANT TO NRS 174.234 - Transaction 4612217 - Approved By: SHAMBRIG : 0	
9/22/2014	1885	Jury Instructions	JURY INSTRUCTION READ TO THE JURY PRIOR TO THE COMMENCEMENT OF TRIAL	
9/22/2014	4220	Trial Statement - Plaintiff		
9/22/2014	1020	Addendum	TO TRIAL STATEMENT - PLAINTIFF	
9/22/2014	4210	Trial Statement - Defendant		
9/24/2014	4235	Unused Verdict Form(s)...	NOT GUILTY - COUNT I. ATTEMPTED ROBBER	
9/24/2014	4245	Verdict(s)...	GUILTY - COUNT I. ATTEMPTED ROBBERY	
9/24/2014	4235	Unused Verdict Form(s)...	GUILTY OF THE LESSER INCLUDED OFFENSE OF PETIT LARCENY	
9/24/2014	4235	Unused Verdict Form(s)...	NOT GUILTY OF THE LESSER INCLUDED OFFENSE OF PETIT LARCENY	
9/24/2014	1885	Jury Instructions	1 - 28	
9/29/2014	NEF	Proof of Electronic Service	Transaction 4627454 - Approved By: NOREVIEW : 09-29-2014:11:16:32	
9/29/2014	4185	Transcript	Status Hearing - 8-21-14 - Transaction 4627452 - Approved By: NOREVIEW : 09-29-2014:11:15:42	
10/22/2014	MIN	***Minutes	JURY TRIAL - DAY ONE - Transaction 4664081 - Approved By: NOREVIEW : 10-22-2014:14:40:04	
10/22/2014	NEF	Proof of Electronic Service	Transaction 4664086 - Approved By: NOREVIEW : 10-22-2014:14:41:05	
10/23/2014	NEF	Proof of Electronic Service	Transaction 4665365 - Approved By: NOREVIEW : 10-23-2014:09:46:57	
10/23/2014	COC	Evidence Chain of Custody Form		
10/23/2014	NEF	Proof of Electronic Service	Transaction 4665518 - Approved By: NOREVIEW : 10-23-2014:10:28:48	
10/23/2014	MIN	***Minutes	JURY TRIAL (DAY THREE) - 9/24/14 - Transaction 4665516 - Approved By: NOREVIEW : 10-23-2014:10:27:59	
10/23/2014	MIN	***Minutes	JURY TRIAL (DAY TWO) - 9/23/14 - Transaction 4665356 - Approved By: NOREVIEW : 10-23-2014:09:45:59	

Case Description: STATE VS. MARC PAUL SCHACHTER (D4)				
Case ID:	CR14-1044	Case Type:	CRIMINAL	Initial Filing Date: 7/2/2014
10/24/2014	MIN	***Minutes	STATUS HEARING REGARDING SELF-REPRESENTATION - 10/2/14 - Transaction 4668750 - Approved By: N	
10/24/2014	NEF	Proof of Electronic Service	Transaction 4668757 - Approved By: NOREVIEW : 10-24-2014:16:29:34	
10/28/2014	NEF	Proof of Electronic Service	* SEALED * Transaction 4671670 - Approved By: NOREVIEW : 10-28-2014:10:59:07	
10/28/2014	1250	Application for Setting	REVIEW/STATUS HEARING - NOVEMBER 13, 2014 @ 9:00 AM - Transaction 4671481 - Approved By: MFERI	
11/12/2014	4500	PSI - Confidential	Transaction 4692459 - Approved By: SHAMBRIG : 11-12-2014:16:09:53	
11/12/2014	NEF	Proof of Electronic Service	Transaction 4692532 - Approved By: NOREVIEW : 11-12-2014:16:10:44	
11/18/2014	2035	Mtn Clarification of Ord	MOTION FOR CLARIFICATION OF PRE-TRIAL ORDER - Transaction 4701171 - Approved By: MCHOLICO : 1	
11/18/2014	3870	Request	REQUEST FOR CASE FILE OF STAND BY COUNSEL INCLUDING ALL WORK PRODUCT - Transaction 4701	
11/18/2014	3585	Pet Writ Habeas Corpus	Transaction 4701171 - Approved By: MCHOLICO : 11-18-2014:15:52:18	
11/18/2014	2490	Motion ...	MOTION FOR TRIAL TRANSCRIPTS AT PUBLIC EXPENSE - Transaction 4701171 - Approved By: MCHOLIC	
11/18/2014	NEF	Proof of Electronic Service	Transaction 4701538 - Approved By: NOREVIEW : 11-18-2014:15:53:10	
11/19/2014	NEF	Proof of Electronic Service	Transaction 4703849 - Approved By: NOREVIEW : 11-19-2014:16:39:24	
11/19/2014	4185	Transcript	Status Hearing - 10-2-14 - Transaction 4703844 - Approved By: NOREVIEW : 11-19-2014:16:38:34	
11/20/2014	2630	Objection to ...	* SEALED * TO PRE-SENTENCE INVESTIGATION REPORT (CONFIDENTIAL)	
11/26/2014	2520	Notice of Appearance	JENNIFER LUNT, ESQ - JARROD HICKMAN, ESQ - Transaction 4712650 - Approved By: MELWOOD : 11-26-	
11/26/2014	3005	Ord Withdrawal of Counsel	PD'S OFFICE WITHDRAWN AS STAND-BY COUNSEL AND APPOINTING THE APD'S OFFICE AS STAND-B'	
11/26/2014	NEF	Proof of Electronic Service	Transaction 4712848 - Approved By: NOREVIEW : 11-26-2014:11:35:27	
11/26/2014	NEF	Proof of Electronic Service	Transaction 4712935 - Approved By: NOREVIEW : 11-26-2014:11:56:00	
12/2/2014	NEF	Proof of Electronic Service	Transaction 4718052 - Approved By: NOREVIEW : 12-02-2014:16:34:01	
12/2/2014	2650	Opposition to ...	OMNIBUS OPPOSITION TO DEFENDANT'S POST-TRIAL FILINGS - Transaction 4717678 - Approved By: MEI	
12/3/2014	NEF	Proof of Electronic Service	Transaction 4718580 - Approved By: NOREVIEW : 12-03-2014:09:34:16	
12/3/2014	4045	Stipulation to Continuance	Transaction 4718385 - Approved By: MELWOOD : 12-03-2014:09:33:00	
12/8/2014	NEF	Proof of Electronic Service	Transaction 4724869 - Approved By: NOREVIEW : 12-08-2014:09:49:27	
12/8/2014	NEF	Proof of Electronic Service	Transaction 4725826 - Approved By: NOREVIEW : 12-08-2014:13:55:09	
12/8/2014	4185	Transcript	Motions - 9-11-14 - Transaction 4725821 - Approved By: NOREVIEW : 12-08-2014:13:54:06	
12/8/2014	3020	Ord Granting Continuance	SENTENCING FROM DECEMBER 4, 2014 TO JANUARY 16, 2015 AT 9:00 A.M. - Transaction 4724337 - Appr	
12/8/2014	1250	Application for Setting	SENTENCING 12/4/14 AT 9:00 - Transaction 4724721 - Approved By: YLLOYD : 12-08-2014:09:48:16	
12/8/2014	NEF	Proof of Electronic Service	Transaction 4724339 - Approved By: NOREVIEW : 12-08-2014:07:46:15	
12/9/2014	MIN	***Minutes	11-20-14 STATUS HEARING - Transaction 4728531 - Approved By: NOREVIEW : 12-09-2014:15:10:28	
12/9/2014	1250	Application for Setting	STATUS HEARING - 12/11/14 AT 9:00 - Transaction 4726861 - Approved By: YLLOYD : 12-09-2014:09:18:40	
12/9/2014	NEF	Proof of Electronic Service	Transaction 4728541 - Approved By: NOREVIEW : 12-09-2014:15:11:29	
12/9/2014	NEF	Proof of Electronic Service	Transaction 4727035 - Approved By: NOREVIEW : 12-09-2014:09:21:00	
12/11/2014	NEF	Proof of Electronic Service	Transaction 4732813 - Approved By: NOREVIEW : 12-11-2014:17:40:06	
12/11/2014	MIN	***Minutes	STATUS HEARING REGARDING SELF-REPRESENTATION - 11/13/14 - Transaction 4732810 - Approved By:	
12/23/2014	NEF	Proof of Electronic Service	Transaction 4747651 - Approved By: NOREVIEW : 12-23-2014:11:00:30	
12/23/2014	2183	Mtn for Rough Draft Transcript	MOTION FOR ROUGH DRAFT TRANSCRIPT AT PUBLIC EXPENSE - Transaction 4747165 - Approved By: M	
12/30/2014	NEF	Proof of Electronic Service	Transaction 4755101 - Approved By: NOREVIEW : 12-30-2014:21:28:21	
12/30/2014	4185	Transcript	Status hearing - 11-13-14 - Transaction 4755099 - Approved By: NOREVIEW : 12-30-2014:21:25:31	
1/2/2015	NEF	Proof of Electronic Service	Transaction 4757255 - Approved By: NOREVIEW : 01-02-2015:09:52:50	

Case Description: STATE VS. MARC PAUL SCHACHTER (D4)				
Case ID:	CR14-1044	Case Type:	CRIMINAL	Initial Filing Date: 7/2/2014
1/2/2015	2270	Mtn to Compel...	MOTION TO COMPEL PRODUCTION OF CLIENT FILE - Transaction 4757230 - Approved By: YLLOYD : 01-0	
1/4/2015	4185	Transcript	Status Hearing - 11-20-14 - Transaction 4758264 - Approved By: NOREVIEW : 01-04-2015:15:16:44	
1/4/2015	NEF	Proof of Electronic Service	Transaction 4758265 - Approved By: NOREVIEW : 01-04-2015:15:17:44	
1/6/2015	NEF	Proof of Electronic Service	Transaction 4761871 - Approved By: NOREVIEW : 01-06-2015:16:18:54	
1/6/2015	1020	Addendum	ADDENDUM TO MOTION FOR ROUGH DRAFT TRANSCRIPT AT PUBLIC EXPENSE - Transaction 4761863 -	
1/11/2015	4185	Transcript	Status Hearing - 12-11-14 - Transaction 4768308 - Approved By: NOREVIEW : 01-11-2015:17:43:05	
1/11/2015	NEF	Proof of Electronic Service	Transaction 4768309 - Approved By: NOREVIEW : 01-11-2015:17:44:05	
1/13/2015	NEF	Proof of Electronic Service	Transaction 4770791 - Approved By: NOREVIEW : 01-13-2015:10:30:14	
1/13/2015	NEF	Proof of Electronic Service	Transaction 4772322 - Approved By: NOREVIEW : 01-13-2015:16:52:12	
1/13/2015	S200	Request for Submission Complet		
1/13/2015	3860	Request for Submission	MOTION FOR ROUGHT DRAFT TRANSCRIPTS AT PUBLIC EXPENSE AND ADDENDUM TO MOTION FOR	
1/13/2015	3000	Ord Trial Transcript/Public\$	ORDER FOR ROUGH DRAFT TRANSCRIPTS AT PUBLIC EXPENSE - Transaction 4772318 - Approved By: N	
1/14/2015	2540	Notice of Entry of Ord	Transaction 4773026 - Approved By: NOREVIEW : 01-14-2015:10:40:57	
1/14/2015	NEF	Proof of Electronic Service	Transaction 4773027 - Approved By: NOREVIEW : 01-14-2015:10:41:44	
1/15/2015	2610	Notice ...	NOTICE OF WITHDRAWAL OF MOTION TO COMPEL PRODUCTION OF CLIENT FILE - Transaction 477458	
1/15/2015	NEF	Proof of Electronic Service	Transaction 4775103 - Approved By: NOREVIEW : 01-15-2015:10:52:48	
1/26/2015	4500	PSI - Confidential	* SEALED * Transaction 4787778 - Approved By: YLLOYD : 01-26-2015:12:37:13	
1/26/2015	NEF	Proof of Electronic Service	Transaction 4788102 - Approved By: NOREVIEW : 01-26-2015:12:38:12	
2/3/2015	4185	Transcript	9-3-14 Schachter - Transaction 4800562 - Approved By: NOREVIEW : 02-03-2015:12:42:15	
2/3/2015	4185	Transcript	9-11-14 Pretrial Motions - Transaction 4800587 - Approved By: NOREVIEW : 02-03-2015:12:57:23	
2/3/2015	4185	Transcript	9-3-14 - Pretrial Motions - Transaction 4800562 - Approved By: NOREVIEW : 02-03-2015:12:42:15	
2/3/2015	4185	Transcript	9-24-14-Trial - Transaction 4800609 - Approved By: NOREVIEW : 02-03-2015:13:03:06	
2/3/2015	NEF	Proof of Electronic Service	Transaction 4800565 - Approved By: NOREVIEW : 02-03-2015:12:43:12	
2/3/2015	NEF	Proof of Electronic Service	Transaction 4800589 - Approved By: NOREVIEW : 02-03-2015:12:58:22	
2/3/2015	NEF	Proof of Electronic Service	Transaction 4800612 - Approved By: NOREVIEW : 02-03-2015:13:04:04	
2/6/2015	MIN	***Minutes	STATUS HEARING - 12/11/14 - Transaction 4807538 - Approved By: NOREVIEW : 02-06-2015:15:09:05	
2/6/2015	NEF	Proof of Electronic Service	Transaction 4807545 - Approved By: NOREVIEW : 02-06-2015:15:10:09	
2/11/2015	NEF	Proof of Electronic Service	Transaction 4813582 - Approved By: NOREVIEW : 02-11-2015:11:47:43	
2/11/2015	4185	Transcript	9-23-14 Jury Trial - Transaction 4813579 - Approved By: NOREVIEW : 02-11-2015:11:46:42	
2/11/2015	4185	Transcript	9-22-14 Jury Trial - Transaction 4813579 - Approved By: NOREVIEW : 02-11-2015:11:46:42	
2/20/2015	1960	Memorandum ...	SENTENCING MEMORANDUM - Transaction 4827443 - Approved By: MFERNAND : 02-20-2015:16:41:41	
2/20/2015	NEF	Proof of Electronic Service	Transaction 4827486 - Approved By: NOREVIEW : 02-20-2015:16:42:44	
2/23/2015	NEF	Proof of Electronic Service	Transaction 4829792 - Approved By: NOREVIEW : 02-23-2015:16:04:15	
2/23/2015	4500	PSI - Confidential	* SEALED * Transaction 4829411 - Approved By: MFERNAND : 02-23-2015:16:01:38	
2/26/2015	COLL	Sent to Collections	26-FEB-2015	
3/5/2015	NEF	Proof of Electronic Service	Transaction 4847859 - Approved By: NOREVIEW : 03-05-2015:16:10:35	
3/5/2015	1850	Judgment of Conviction	Transaction 4847851 - Approved By: NOREVIEW : 03-05-2015:16:09:38	
3/23/2015	NEF	Proof of Electronic Service	Transaction 4873259 - Approved By: NOREVIEW : 03-23-2015:13:17:58	
3/23/2015	MIN	***Minutes	SENTENCING - 2/26/15 - Transaction 4873241 - Approved By: NOREVIEW : 03-23-2015:13:16:34	

Case Description: STATE VS. MARC PAUL SCHACHTER (D4)				
Case ID:	CR14-1044	Case Type:	CRIMINAL	Initial Filing Date: 7/2/2014
3/26/2015	3870	Request	REQUEST FOR ROUGH DRAFT TRANSCRIPT - Transaction 4879562 - Approved By: MELWOOD : 03-26-201	
3/26/2015	2515	Notice of Appeal Supreme Court	Transaction 4879579 - Approved By: YVILORIA : 03-27-2015:09:12:37	
3/26/2015	NEF	Proof of Electronic Service	Transaction 4880151 - Approved By: NOREVIEW : 03-26-2015:16:18:15	
3/26/2015	1310	Case Appeal Statement	Transaction 4879572 - Approved By: YVILORIA : 03-27-2015:09:12:55	
3/27/2015	NEF	Proof of Electronic Service	Transaction 4880650 - Approved By: NOREVIEW : 03-27-2015:09:13:41	
3/27/2015	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 4881041 - Approved By: I	
3/27/2015	NEF	Proof of Electronic Service	Transaction 4880653 - Approved By: NOREVIEW : 03-27-2015:09:13:53	
3/27/2015	NEF	Proof of Electronic Service	Transaction 4881043 - Approved By: NOREVIEW : 03-27-2015:11:20:04	

1 **CODE 1850**

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5
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8
9 **STATE OF NEVADA,**

10 **Plaintiff,**

Case No. CR14-1044

11 **vs.**

Dept. No. 4

12 **MARC PAUL SCHACHTER,**

13 **Defendant.**

14 _____ /
15 **JUDGMENT**

16 The Defendant, having been found Guilty by a Jury of Attempted Robbery, a
17 violation of NRS 193.330, being an attempt to violate NRS 200.380, a felony, as charged
18 in Count I of the Amended Information, and no sufficient cause being shown by Defendant
19 as to why judgment should not be pronounced against him, the Court renders judgment as
20 follows:

21 That Marc Paul Schachter is guilty of the crime of Attempted Robbery, a
22 violation of NRS 193.330, being an attempt to violate NRS 200.380, a felony, as charged
23 in Count I of the Amended Information.

24 The State further filed a charge of Being A Habitual Criminal, as defined in
25 NRS 207.010, as charged in Count III of the Amended Information. The matter was heard
26 and the Court finds that the Defendant suffered constitutionally valid previous convictions
27 to support the adjudication of habitual criminal. In addition, after considering all factors in
28 mitigation, the prior lectures he has received, the prior chances from the State through

1 negotiations as well as his prior chances on parole, this Court finds that it is just and
2 proper that the Defendant deserves to be declared a habitual criminal. Based upon those
3 findings, this Court finds the Defendant to be a habitual criminal. The Defendant shall be
4 sentenced as a Habitual Criminal, as defined in NRS 207.010(a).

5 The Defendant shall be punished by imprisonment in the Nevada
6 Department of Corrections for the term of forty-eight (48) months with minimum parole
7 eligibility of twelve (12) months with credit for two hundred sixty-three (263) days time
8 served, for Count I; by imprisonment in the Nevada Department of Corrections for the
9 maximum term of twenty (20) years with the minimum parole eligibility of five (5) years,
10 with credit for two hundred sixty-three (263) days time served, for Count III, to be served
11 concurrently with sentence imposed in Count I; and by payment of attorney's fees in the
12 amount of One Thousand Dollars (\$1,000.00) for reimbursement of legal expenses.
13 Defendant is further ordered to pay a Three Dollar (\$3.00) administrative assessment for
14 obtaining a biological specimen and conducting a genetic marker analysis and a Twenty-
15 Five Dollar (\$25.00) administrative assessment fee to the Clerk of the Second Judicial
16 District Court.

17 The fees are subject to removal from the Defendant's books at the Nevada
18 Department of Corrections.

19 Dated this 5 day of March, 2015.
20 NUNC PRO TUNC to February 26, 2015.

21
22 Connie J. Steinheimer
23 DISTRICT JUDGE
24
25
26
27
28

CASE NO. CR14-1044 **STATE OF NEVADA VS. MARC PAUL SCHACHTER**

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

7/17/14

ARRAIGNMENT

HONORABLE

Deputy District Attorney Nathan MacLellan was present on behalf of the State.

7/24/14

ELLIOTT A.

Defendant was present, in-custody. Chief Deputy Public Defender Jim Leslie

9:00 a.m.

SATTLER

was also present. Lynette Dix was present on behalf of the Division of Parole

Cont'd

DEPT. NO.10

and Probation. Pretrial Services Officer Matt Scheiber was present in the

Arraignment/

M. Merkouris

gallery.

Faretta hrg

(Clerk)

Counsel Leslie advised the Court that a Faretta hearing was conducted in

D. Gustin

Justice Court, and Judge Lynch found that the Defendant was competent to

(Reporter)

represent himself; and he further stated that he is not entirely sure what his role in this case will be.

COURT noted that Judge Steinheimer may wish to conduct her own Faretta canvass of the Defendant.

Defendant stated that the Court's reluctance to allow him to represent himself has caused unnecessary delays in this case, and he has not been provided with all of his discovery.

COURT ORDERED: Matter continued to July 24, 2014 at 9:00 a.m.

Defendant remanded to the custody of the Sheriff.

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC
PAUL SCHACHTER**

**DATE, JUDGE
OFFICERS OF**

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

7/24/14	<u>CONTINUED ARRAIGNMENT</u>	
HONORABLE	Deputy District Attorney Zelalem Bogale, Esq., represented the State.	7/31/14
CONNIE	Defendant present representing himself. Chief Deputy Public Defender James	9:00 a.m.
STEINHEIMER	Leslie, Esq., present as stand-by counsel.	Motion to
DEPT. NO.4	A copy of the Amended Information was handed to the Defendant.	Set Trial
M. Stone	Court canvassed the Defendant as to self-representation. Upon finding the	
(Clerk)	defendant competent to represent himself and voluntarily requesting such,	
R. Malnerich	COURT ENTERED ORDER allowing the defendant to represent himself.	
(Reporter)	COURT FURTHER ENTERED ORDER appointing the Washoe County	
	Public Defender's Office as stand-by counsel.	
	Defendant acknowledged receipt of a copy of the Information; indicated to the	
	Court that name as set forth on same was his true name; waived reading and	
	entered a plea of not guilty to the charges set forth therein.	
	Defendant invoked the 60-Day Rule and COURT ORDERED this matter set	
	for jury trial within 60 days of the date of this hearing.	
	Defendant provided the Court with a Motion for Appointment of Investigator.	
	COURT directed the Clerk to file such ex-parte and under seal.	
	Discussion ensued regarding the exchange of discovery. COURT ORDERED	
	the State to provide all discovery to the Defendant no later than July 28, 2014.	
	Trial would be set thereafter.	
	Defendant remanded to the custody of the Sheriff.	

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC
PAUL SCHACHTER**

**DATE, JUDGE
OFFICERS OF**

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

7/31/14	<u>MOTION TO SET TRIAL</u>	
HONORABLE	Deputy District Attorney Kristin Erickson, Esq., represented the State.	8/28/14
CONNIE	Defendant present representing himself. Chief Deputy Public Defender James	2:00 p.m.
STEINHEIMER	Leslie, Esq., present as stand-by counsel.	Pre-Trial
DEPT. NO.4	Discovery ongoing and Defendant continued to invoke the 60-Day Rule	Motions
M. Stone	COURT ORDERED this matter set for jury trial. All pre-trial motions must be	
(Clerk)	filed no later than August 22, 2014, all responses must be filed no later than	9/11/14
E. Stubbs	August 28, 2014, and replies will not be allowed. Pre-trial motions hearing	9:00 a.m.
(Reporter)	set.	Motion to
	Discussion ensued regarding the outstanding Motion for Investigator.	Confirm Trial
	Counsel Leslie advised the Court that the Washoe County Public Defender's	Date
	Office would accept responsibility for the investigator at this time and will do	
	so until granted leave by the Court to modify.	9/22/14
	Defendant remanded to the custody of the Sheriff.	10:00 a.m.
		Jury Trial

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC
PAUL SCHACHTER**

**DATE, JUDGE
OFFICERS OF**

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

8/21/14

STATUS HEARING REGARDING DISCOVERY

HONORABLE

Deputy District Attorney Zelalem Bogale, Esq., represented the State.

9/3/14

CONNIE

Defendant present representing himself. Chief Deputy Public Defender

1:15 p.m.

STEINHEIMER

James Leslie, Esq., present as stand-by counsel for the Defendant.

Pre-Trial

DEPT. NO.4

Defendant handed counsel Leslie the pre-trial motions he wished filed.

Motions

M. Stone

Counsel Leslie shall electronically file those documents on behalf of the

(Clerk)

Defendant.

9/22/14

J. Schonlau

Defendant signed the reciprocal discovery stipulation and provided such to
counsel Leslie for submission to the Court.

10:00 a.m.

(Reporter)

Jury Trial

Upon Motion by the defendant and no objection being presented, **COURT
ENTERED ORDER** directing the Washoe County Sheriff to allow the
Defendant to bring any legal documents and/or discovery in his possession
at the Washoe County Jail to his Court hearings.

State's counsel advised the Court and the Defendant that any redactions
made to written discovery were only as to Social Security Numbers of
Witnesses.

Upon request of counsel Leslie, **COURT ORDERED** that State to provide
the Defendant with their proposed Jury Instructions no later than September
12, 2014.

COURT FURTHER ENTERED ORDER resetting the Pre-Trial Motions
hearing currently set for August 28, 2014 to September 3, 2014 at 1:15 p.m.
Counsel Leslie noted for the record that his office has provided the
defendant with any statutes requested, rules of practice, criminal and local
rules, and any U.S. Supreme Court cases requested. In addition, his office
has provided all supplies requested that are allowed by the Washoe County
Jail.

Court recessed.

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC
PAUL SCHACHTER**

**DATE, JUDGE
OFFICERS OF**

PAGE ONE

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

9/3/14

PRE-TRIAL MOTIONS

HONORABLE

Deputy District Attorney Matthew Lee, Esq., represented the State.

CONNIE

Defendant present representing himself. Chief Deputy Public Defender

STEINHEIMER

James Leslie, Esq., present as stand-by counsel for the Defendant.

DEPT. NO.4

Counsel Leslie again advised the Court that he would be in a Murder trial in another department the week this trial is scheduled but is attempting to assign new stand-by counsel for the defendant.

M. Stone

(Clerk)

J. Schonlau

(Reporter)

Motion to Dismiss Case on Grounds that the State has Lost and/or Destroyed Material Exculpatory Evidence by Defendant; presented argument.

Based on the arguments presented by defendant in the above Motion, stand-by counsel Leslie advised the Court that his office has sent subpoenas for all witnesses requested by the Defendant.

Defendant presented further argument. **COURT ENTERED ORDER** denying the Motion to Dismiss Case on Grounds that the State has Lost and/or Destroyed Material Exculpatory Evidence with leave to renew as a Motion for Directed Verdict if deemed appropriate.

Motion for Preliminary Hearing Transcript by the Defendant; presented argument; objection and argument by defense counsel; reply by Defendant. **COURT** advised the Defendant that it is inappropriate to dismiss case based on the lack of a preliminary hearing transcript since there were equipment malfunction with the JAVS system. The remedy would be for a remand to Justice Court for a new preliminary hearing, although the Defendant would waive his rights to a speedy trial by doing so. Defendant advised the Court that he is not willing to waive his speedy trial rights. Motion deemed moot due to the equipment malfunction in producing a Preliminary Hearing Transcript.

Motion to Advise Witnesses for the State of Their Privilege Against Self-Incrimination by Defendant; presented argument. State's counsel submitted matter on the written briefs.

Motion in Limine regarding Surveillance Video Evidence by Defendant; presented argument.

COURT advised counsel for the State and the Defendant that the above Motion is converted into a Motion regarding Discovery.

COURT ENTERED ORDER that the original surveillance Video shall be produced and viewed by the Defendant in Court on September 11, 2014. The State must provide the proper equipment for viewing the video.

Further, **COURT** advised the State that the officer who has custody of the

**DATE, JUDGE
OFFICERS OF****PAGE TWO****COURT PRESENT****APPEARANCES-HEARING****CONT'D TO**

9/3/14

PRE-TRIAL MOTIONSJ. Schonlau
(Reporter)

video and/or any Wal-Mart Employee may need to be subpoenaed in order to authenticate the video.

Motion for Legal Materials and Legal Supplies as well as its addendum deemed moot as stand-by counsel Leslie advised the Court at the last hearing that the Defendant has been provide all materials and supplies allowed.

COURT noted the all the Motions to Dismiss filed by the Defendant regarding any exculpatory evidence is all encompassed in the argument presented previously in this hearing.

Motion to Compel the State to Provide Exculpatory Material ("Brady") in its Possession by Defendant. State's counsel advised the Court that the 911 Call Log and Audio of Call were provided to the Defendant. Further, discussion ensued regarding the Audio of Call and service on the Defendant. **COURT** directed the State to re-serve the Audio of the 911 Call on the Defendant at the Washoe County Jail.

Motion for Production of Replacement and/or Substitute Lost/Destroyed Evidence by Defendant; presented argument. **COURT** advised the State that without providing information as to who photographed the items and when the items were photographed, the photographs would not be allowed into evidence. Any further argument on a Motion to Exclude Photographs/Evidence shall be heard at the ongoing pre-trial motions hearing on September 11, 2014.

Defendant again advised the Court that he is unwilling to waive his right to a preliminary hearing transcript and unwilling to waive his speedy trial rights. Discussion ensued regarding impeachment of the Defendant should he choose to testify. State's counsel advised the Court that the State has showed both the Defendant and his stand-by counsel the prior convictions the State intends to utilize. Stand-by counsel requested additional time to advise the Defendant regarding his prior conviction(s) and their use for impeachment purposes. **COURT** directed the State to make copies of the prior conviction(s) for the Court's use during further hearing on this matter on September 11, 2014.

Motion in Limine regarding Defendant's Examination of Witnesses submitted by the State on the pleadings without oral arguments. **COURT ENTERED ORDER** granting Motion. The Defendant shall not testify during examination of any witnesses. Should an issue arise, the State shall request a hearing outside the presence of the Jury.

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC
PAUL SCHACHTER**

**DATE, JUDGE
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COURT PRESENT

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CONT'D TO

9/3/14

PRE-TRIAL MOTIONS

J. Schonlau
(Reporter)

COURT advised counsel for the State and the Defendant that the issues to be argued at the September 11, 2014 hearing are the issues regarding the Motion to Dismiss regarding Lost/Destroyed Evidence and the Motion in Limine regarding Prior Convictions. State's counsel agreed to provide the State's Proposed Jury Instructions to the Defendant at the September 11, 2014 hearing. Defendant advised the Court that he is willing to waive his right to stand-by counsel during the Jury Trial. **COURT** did not allow such waiver as stand-by counsel will assist in judicial resources for the Defendant during the trial. Discussion ensued regarding the surveillance videos previously received by the Defendant in discovery. Defendant requested both be placed into evidence for safekeeping.

**9/11/14
10:00 a.m.
Ongoing
Pre-Trial
Motions/
Motion to
Confirm Trial
Date**

**9/22/14
10:00 a.m.
Jury Trial**

EXHIBITS A and B marked by the Defendant.

Court recessed. Defendant remanded to the custody of the Sheriff.

Exhibits

Title: **THE STATE OF NEVADA VS. MARC PAUL SCHACHTER**

PLTF: **THE STATE OF NEVADA** PATY: **ZELALEM BOGALE, ESQ.**

DEFT: **MARC P. SCHACHTER** DATY: **PRO PER**

Case No: **CR14-1044**

Dept. No: **4**

Clerk: **M. Stone**

Date: **9/3/2014**

Exhibit No.	Party	Description	Marked	Offered	Admitted
A.	Defendant	CD – “Disc 1; DA 14-12219; Schachter, Marc; 7/24/14 KP”	9/3/14		
B.	Defendant	CD - “Disc 2; DA 14-12219; Schachter, Marc; 7/24/14”	9/3/14		

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC
PAUL SCHACHTER**

**DATE, JUDGE
OFFICERS OF**

PAGE ONE

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

9/22/14

JURY TRIAL - DAY ONE

HONORABLE

Chief Deputy District Attorney Cheryl Wilson, Esq., and Deputy District

CONNIE

Attorney Zelalem Bogale, Esq., represented the State. Defendant present

STEINHEIMER

representing himself. Chief Deputy Public Defender Carl Hylin, Esq.,

DEPT. NO.4

present as standby counsel.

M. Stone

9:50 a.m. Court convened outside the presence of the Jury.

(Clerk)

Motion for Leave to File Second Amended Information by State's Counsel

Molezzo

Bogale; presented argument; objection and argument by Defendant.

Reporters

COURT ENTERED ORDER denying Motion for Leave to File Second Amended Information.

(Reporter)

State's Counsel Bogale advised the Court of the last offer made to the Defendant through Standby Counsel Leslie. Defendant advised the Court that he did not know of such offer.

10:00 a.m. Court recessed.

10:16 a.m. Court reconvened with Respective Counsel and Defendant present.

State's Counsel Bogale advised the Court that the offer was conveyed to the Defendant during the recess. Defendant rejected such offer.

Motion to Dismiss Count II of the Amended Information by State's Counsel Bogale; presented argument; no objection by Defendant. **COURT ENTERED ORDER** dismissing Count II of the Amended Information.

Motion to Dismiss for Reasons of Prejudicial Delay by Defendant; presented argument. **COURT ENTERED ORDER** denying Motion as delay was caused by Defendant due to his self-representation and refusing to be represented by the Washoe County Public Defender's Office.

Standby Counsel Hylin advised the Court of the Defendant's issues with receiving a redacted version of the Jury Questionnaires. **COURT ENTERED ORDER** that the Defendant will not be provided with the Jurors' addresses as requested but the Court would inquire of each Juror as to their employment.

Defendant presented further argument regarding the Jury Questionnaires.

Motion to Suppress Evidence by Defendant; presented argument; objection and argument by State's Counsel Bogale; reply by Defendant. Although the photograph is not as good as the actual evidence, the use of a photograph does not rise to the level of suppression, therefore, **COURT ENTERED ORDER** denying Motion to Suppress.

Discussion ensued regarding the packet of Jury Instructions provided to the Court. **COURT** directed the State to correct the Jury Instructions as to the charging document to reflect the dismissal of Count II of the Amended Information.

Court advised the State and the Defendant which questions would be allowed during voir dire of the Jury.

DATE, JUDGE
OFFICERS OF

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COURT PRESENTAPPEARANCES-HEARINGCONT'D TO

9/22/14

JURY TRIAL - DAY ONE

Molezzo

Court reviewed the process of jury selection with the State and the Defendant.

Reporters

Based on stipulation between the State and Defendant, **COURT ENTERED**

(Reporter)

ORDER that the Defendant's also known as names listed in the Amended Information will not be presented to the Jury.

10:30 a.m. Court recessed.

10:50 a.m. Court reconvened with Respective Counsel and Defendant present.

Prospective Jurors present.

Court Personnel, Respective Counsel and Defendant introduced to the jury panel.

Roll called; all prospective Jurors present; State's Counsel Bogale and Defendant stipulated to the prospective Jury Panel as now constituted. Panel sworn as to their qualifications to serve as trial jurors and generally examined by the Court.

Twenty-Three names drawn (Moberly-Houston, Speech, Pissarro, Walden, Shawnee, Monte, Cozier, Royce, Michelson, Hurting, These, Be scup, Reis, Kelps, Ruff, Stricter, Kraemer, Hester lee, Bradfield, Weeks, Yarbrough, Argall, Setoff); seated and generally examined by Court.

Upon direction of the Court, State's Counsel Bogale specifically examined the prospective jury panel; passed for cause.

Upon direction of the Court, Defendant specifically examined the prospective jury panel; passed for cause.

Court thanked and excused unselected Jurors.

Prospective jury panel moved to another courtroom in order for the exercise of peremptory challenges.

State's first peremptory challenge was of juror Cozier.

Defendant's first peremptory challenge was of juror Hester lee.

State's second peremptory challenge was of juror Thiessen.

Defendant's second peremptory challenge was of juror Hartig.

State's third peremptory challenge was of juror Stichter.

Defendant's third peremptory challenge was of juror Moberly-Houston.

State's fourth peremptory challenge was of juror Specht.

Defendant's fourth peremptory challenge was of juror Yarbrough.

State's peremptory challenge of alternate jurors was of juror Weeks.

Defendant's peremptory challenge of alternate jurors was of juror Saathoff.

Jury returned to the Courtroom and Court Clerk called names of selected Jurors as follows:

DATE, JUDGE
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COURT PRESENT**APPEARANCES-HEARING****CONT'D TO**

9/22/14

JURY TRIAL - DAY ONEMolezzo
ReportersRita Isparo
Mliss Monte
Joy Bescup
Maureen RuffRachel Walden
Tom Roice
David Reis
Bonnie KraemerAshvin Sawhney
Stephen Mikkelson
Amanda Klepps
Debra Bradfield

Alternate: Noel Argall

Court thanked and excused unselected Jurors.

Court advised the selected jury panel of roll during these proceedings.

12:19 p.m. Selected Jury Panel sworn to try this case.

Court Clerk read the Amended Information aloud and indicated that the Defendant previously entered a plea of not guilty to the charge set forth therein.

12:26 p.m. Jury admonished and excused; said admonishment administered prior to each recess for the duration of trial. Court recessed.

1:41 p.m. Court reconvened outside the presence of the jury with Respective Counsel and Defendant present.

State's counsel Bogale provided the Court with the Jury Instruction to be provided to the Jury prior to commencement of evidence based on the Defendant's self-representation.

Rule of Exclusion invoked.

Motion to Exclude the term "R.O.P." Detective by defendant; presented argument. **COURT ENTERED ORDER** granting Motion.

Discussion ensued regarding Exhibits 10 and 11 referencing the Defendant being in custody at the Washoe County Jail. **COURT** directed the State and Defendant that no mention of the custody status of the Defendant shall be made by any witness without a hearing outside the presence of the Jury prior.

1:48 p.m. Jury entered. State's Counsel Bogale and Defendant stipulated to the presence of the jury.

Jury Instruction regarding self-representation read aloud to the Jury.

EXHIBITS 1 – 15 previously marked.

State's Counsel Bogale presented opening statement.

Defendant presented opening statement.

Alejandro Monroy called by State's Counsel Bogale, sworn and testified.

EXHIBIT 7 offered by State's Counsel Bogale; objection by Defendant; ordered admitted into evidence over objection.

Witness Monroy further direct examined.

***Witness identified the Defendant for the record.

Witness Monroy further direct examined.

DATE, JUDGE
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APPEARANCES-HEARING

CONT'D TO

9/22/14

JURY TRIAL – DAY ONE

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(Reporter)

EXHIBIT 16 marked by State's Counsel Bogale.

Witness Monroy further direct examined.

EXHIBIT 16 offered by State's Counsel Bogale; objection by Defendant.

Jury admonished and excused in order for objection to be put on the record. Defendant set forth objection to Exhibit 16. Defendant examined Witness Monroy as to contents of video. Court examined Witness Monroy.

Court directed the State to play the video for the Defendant.

Defendant advised the Court that the video is the same as the video he received through the discovery process.

Defendant further examined witness Monroy.

2:31 p.m. Jury entered. State's Counsel Bogale and Defendant stipulated to the presence of the Jury.

EXHIBIT 16 ordered admitted into evidence over objection.

Witness Monroy further direct examined.

EXHIBIT 8 offered by State's Counsel Bogale; objection by Defendant; objection sustained, admission denied.

Jury admonished and excused. Outside the presence of the Jury, the Court instructed both the State and Defendant not to argue with the Court.

Court further directed the State to review Exhibit 8 as to relevance during the recess.

2:58 p.m. Court recessed.

3:18 p.m. Court reconvened outside the presence of the Jury with Respective Counsel and Defendant present.

State's Counsel Bogale set forth offer of proof as to Exhibit 8. **COURT** advised State's Counsel Bogale that the testimony presented fails to connect the property taken to the "training receipt" and advised State's Counsel Bogale that the person who created the "training receipt" would be needed in order for Exhibit 8 to be admitted.

3:23 p.m. Jury entered. State's Counsel Bogale and Defendant stipulated to the presence of the Jury.

EXHIBIT 17 marked by the State during recess.

Court instructed the Jury to disregarding the previous testimony regarding Exhibit 8.

Witness Monroy further direct examined.

EXHIBIT 17 offered by State's Counsel Bogale; objection by Defendant;

**DATE, JUDGE
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COURT PRESENT****PAGE FIVE****APPEARANCES-HEARING****CONT'D TO**

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JURY TRIAL – DAY ONE

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ordered admitted into evidence over objection.

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(Reporter)

Witness Monroy further direct examined.

EXHIBIT 18 marked by State's Counsel Bogale.

Witness Monroy further direct examined; cross-examined by Defendant.

EXHIBIT 18 offered by Defendant; no objection by State's Counsel Bogale; ordered admitted into evidence.

Witness further cross-examined; redirect examined; recross-examined; excused, subject to recall.

Matthew Hand called by State's Counsel Bogale.

*** Witness identified the Defendant for the record.

Witness Hand further direct examined.

4:58 p.m. Jury admonished and excused. Outside the presence of the Jury, Court advised State of modification to the packet of Jury Instructions as to gender neutrality made by the Court.

Court further directed the State to modify the Charging Instruction. Further the Court directed each side to remove the Instructions regarding Burglary from their packets.

State's Counsel Bogale presented objection to Exhibit 14 which is the 911 call as it has numerous calls recorded. **COURT ENTERED ORDER** that Exhibit 14 will be admitted of the limited purpose of the 911 call by Matthew Hand. The Exhibit will not be produced to the Jury during deliberations unless specifically requested at which time Court will reconvene for the limited purpose of playing the 911 call by Matthew Hand only.

State's Counsel Bogale advised the Court and Defendant of the schedule of witness for the next day.

Discussion ensued regarding the Jury Instructions. Defendant advised Court that Standby Counsel Hylin will presented the arguments regarding the Jury Instructions on behalf of the Defendant.

Defendant advised the Court that the defense will be calling 1 witness which the Washoe County Public Defender's Office is coordinating.

COURT canvassed the Defendant as to his rights against self-incrimination.

Discussion ensued regarding discovery production.

At the request of Defendant, **COURT** directed the Clerk to mark an Inmate Grievance Form by the Defendant as an exhibit.**EXHIBIT 19** marked by Defendant.

5:10 p.m. Court recessed. Defendant remanded to the custody of the Sheriff.

9/23/14

9:00 a.m.

Ongoing
Jury Trial

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC
PAUL SCHACHTER**

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COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

9/23/14

JURY TRIAL - DAY TWO

HONORABLE
CONNIE
STEINHEIMER
DEPT. NO.4

Chief Deputy District Attorney Cheryl Wilson, Esq., and Deputy District Attorney Zelalem Bogale, Esq., represented the State. Defendant present representing himself. Deputy Public Defender Carl Hylin, Esq., present as standby counsel.

M. Stone
(Clerk)
Molezzo
Reporters
(Reporter)

9:01 a.m. Court convened outside the presence of the Jury.
COURT advised counsel that Juror Sawney recognized Det. Reed as somebody she had knowledge of. Deputy Butler set forth for the record the communication she had with Juror Sawney. State's Counsel Bogale advised the Court that the State does not intend to call Det. Reed. Defendant waived any conflict with Juror Sawney remaining on the panel.
State's Counsel Bogale presented the Court with the modification to the Jury Instructions as requested by the Court. State's Counsel Bogale further advised the Court that should the Defendant specifically request a Jury Instruction regarding his right not to testify, the State has one available.
Discussion ensued regarding the possibility of giving the Jury lessor included instructions.
Defendant set forth for the record his grievance outlined in Exhibit 19. Standby Counsel Hylin advised the Court that the Defendant has all the discovery received by the Washoe County Public Defender's Office.
9:25 a.m. Court recessed.
9:41 a.m. Court reconvened with Respective Counsel and Defendant present. State's Counsel Bogale and Defendant stipulated to the presence of the Jury.

Witness Hand, heretofore sworn, resumed stand and was further cross-examined by Defendant; redirect examined; excused.

Anna Young called by State's Counsel Bogale, sworn and testified.

***Witness identified the Defendant for the record.

Witness Young further direct examined.

EXHIBIT 8 offered by State's Counsel Bogale; no objection by Defendant; ordered admitted into evidence.

Witness Young further direct examined; cross-examined by Defendant; redirect examined; recross-examined; excused.

Coralee Bunker called by State's Counsel Bogale, sworn and testified.

10:36 a.m. Jury admonished and excused. Outside the presence of the Jury, discussion ensued regarding the chain of custody of Exhibit 6.

DATE, JUDGE OFFICERS OF COURT PRESENT	PAGE TWO APPEARANCES-HEARING	CONT'D TO
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9/23/14 Molezzo Reporters (Reporter)	<u>JURY TRIAL - DAY TWO</u> Witness Bunker excused from Courtroom. State's Counsel Bogale presented additional offer of proof as to Exhibit 6. Defendant presented objection. 10:40 a.m. Court recessed. 10:50 a.m. Court reconvened outside the presence of the Jury with respective counsel and Defendant present. State's Bogale advised the Court that no resolution was achieved as to the chain of custody of Exhibit 6. State's Counsel Bogale requested that the items contained in Exhibit 6 be marked individually. Defendant presented objection. COURT ENTERED ORDER overruling objection and directed the Clerk to mark each item contained in Exhibit 6 individually.	
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EXHIBITS 6A, 6B, 6C and 6D marked by State's Counsel Bogale.

Witness Bunker, heretofore sworn resumed stand and was examined as to the offer of proof of Exhibit 6C.

EXHIBIT 6C offered by State's counsel; no objection by Defendant; ordered admitted into evidence.

11:21 a.m. Jury entered. State's counsel Bogale and Defendant stipulated to the presence of the Jury.

COURT advised the Jury that Exhibit 6C was admitted into evidence during hearing outside the presence of the Jury.

Witness Bunker was further direct examined.

***Witness identified the Defendant for the record.

Witness Bunker was further direct examined; cross-examined by Defendant; redirect examined; recross-examined; excused.

Terry West called by State's Counsel Bogale, sworn and testified; cross-examined by Defendant.

EXHIBIT 20 marked by Defendant.

Witness West further cross-examined.

EXHIBIT 20 offered by Defendant; no objection by State's Counsel Bogale; ordered admitted into evidence.

Witness West further cross-examined; redirect examined.

**DATE, JUDGE
OFFICERS OF
COURT PRESENT**

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APPEARANCES-HEARING

CONT'D TO

9/23/14

JURY TRIAL - DAY TWO

Molezzo

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EXHIBIT 21 marked by State's Counsel Bogale.

Witness West further redirect examined; recross-examined; excused.

12:06 p.m. Jury admonished and excused. Outside the presence of the Jury, State's Counsel Bogale advised the Court of the schedule of witnesses. Defendant advised the Court that he does not believe he will testify. Defendant requested clarification of the scope of testimony of Officer Keisha Ellis.

12:10 p.m. Court recessed.

1:26 p.m. Court reconvened with Respective Counsel and Defendant present. State's Counsel Bogale and Defendant stipulated to the presence of the Jury.

Keisha Ellis called by State's Counsel Bogale, sworn and testified.

EXHIBIT 22 marked by State's Counsel Bogale.

Witness Ellis further direct examined.

EXHIBIT 22 offered by State's Counsel Bogale; no objection by Defendant; ordered admitted into evidence.

Witness Ellis further direct examined; cross-examined by Defendant; excused.

State rested.

Phillip Yoder called by Defendant, sworn and testified; cross-examined by State's Counsel Bogale; redirect examined; excused.

1:57 p.m. Jury admonished and excused. Outside the presence of the Jury, discussion ensued regarding the Jury Instructions. Defendant specifically requested the lessor included Jury Instructions and Verdict Forms.

2:00 p.m. Court recessed.

2:14 p.m. Court reconvened outside the presence of the Jury with Respective Counsel and Defendant present.

Defendant advised the Court that Officer West will not be called as a Witness on behalf of the defense. Defendant further advised the Court that he invokes his rights against self-incrimination and request a Jury Instruction be given to the Jury stating his rights.

State's Counsel Bogale advised the Court that the State has no rebuttal case to present.

2:20 p.m. Jury entered was admonished and excused for the day.

Outside the presence of the Jury, discussions ensued regarding the Jury Instructions.

**DATE, JUDGE
OFFICERS OF****PAGE FOUR****COURT PRESENT****APPEARANCES-HEARING****CONT'D TO**

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JURY TRIAL – DAY TWO

Molezzo

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(Reporter)

Based on no objections being made, **COURT ENTERED ORDER** removing Jury Instruction 23A from packet and modifying Jury Instruction 23B to remove Grand Larceny as an option. Once modification made, that instruction will be marked Jury Instruction 23.

State's counsel presented objection to Jury Instruction 21. Standby Counsel Hylin presented argument in favor of Jury Instruction 21. The Court having reviewed Crawford in totality, finds that if the Defendant requests instruction then it must be given.

Discussion ensued regarding the forms of Verdict.

State's Counsel Bogale and Standby Counsel Hylin had no further objections to offer and no further instructions to offer. State's Counsel Bogale and Standby Counsel Hylin had no objections to the forms of Verdict.

Court advised Respective Counsel and Defendant that Jury Instructions 1-28 would be given to the Jury.

State's Counsel Bogale and Defendant stipulated to the reading of the Jury Instructions prior to arguments.

2:37 p.m. Court recessed. Defendant remanded to the custody of the Sheriff.

**9/24/14
9:30 a.m.
Ongoing
Jury Trial**

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC
PAUL SCHACHTER**

**DATE, JUDGE
OFFICERS OF**

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COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

9/24/14

JURY TRIAL - DAY THREE

HONORABLE

Chief Deputy District Attorney Cheryl Wilson, Esq., and Deputy District

CONNIE

Attorney Zelalem Bogale, Esq., represented the State. Defendant present

STEINHEIMER

representing himself. Deputy Public Defender Carl Hylin, Esq., present as

DEPT. NO.4

standby counsel.

M. Stone

9:39 a.m. Court convened outside the presence of the Jury.

(Clerk)

State's Counsel Bogale and Defendant advised the Court that they are ready

Molezzo

to proceed and have no issues to resolve.

Reporters

9:40 a.m. Jury entered. State's counsel Bogale and Defendant stipulated to

(Reporter)

the presence of the Jury.

Court read the Jury Instructions aloud.

State's Counsel Bogale presented opening argument.

Defendant presented answering argument.

State's Counsel Bogale presented closing argument.

Upon agreement of counsel, Alternate Juror Argall excused to return to
normal daily activities, subject to recall.

10:28 a.m. Bailiff and Law Clerk sworn.

Outside the presence of the Jury, Court advised respective counsel and
Defendant that a "clean" computer has been received from the District
Attorney's Office for the Jury's use during deliberation. Defendant had no
objection to such procedure.

Court further advised Respective Counsel and Defendant that Exhibit 14
would not be presented to the Jury for use in the jury room until specifically
requested then Court would reconvene in order to present the Exhibit in its
limited capacity.

10:31 a.m. Court recessed awaiting Jury.

11:29 a.m. Court reconvened.

Clerk called roll of the jury panel.

Jury returned the following verdict:

VERDICT

We, the jury in the above-entitled matter, find the defendant, MARC
PAUL SCHACHTER, GUILTY of COUNT I. ATTEMPTED ROBBERY.

DATED this 24th day of September, 2014.

(sgd) Tom Roice
FOREPERSON

DATE, JUDGE
OFFICERS OF

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COURT PRESENTAPPEARANCES-HEARINGCONT'D TO

9/24/14	<u>JURY TRIAL – DAY THREE</u>	
Molezzo	Court inquired of the jurors as a whole if the verdict as read was the verdict	
Reporters	to which they agreed and there were no negative responses.	10/2/14
(Reporter)	Upon request of Defendant, COURT ORDERED jury polled. To the	9:00 a.m.
	Question "Is this your verdict as read?" posed to each juror individually,	Status
	there were no negative responses.	Hearing
	Court thanked and excused the jury.	
	COURT ORDERED the matter referred to Probation Department for PSI and	12/4/14
	continued for entry of judgment, consideration of probation report and	3:00 p.m.
	imposition of sentence.	Sentencing
	Defendant advised the Court that he may withdraw his request for self-	
	representation for the purposes of sentencing. COURT set a status hearing	
	in 1 week for Defendant to decide whether or not he would like counsel	
	appointed for sentencing purposes.	
	Based on the dismissal of Count II of the Amended Information, COURT	
	ENTERED ORDER reducing the Defendant's bail to \$20,000.00 bondable.	
	11:43 a.m. Court recessed. Defendant remanded to the custody of the	
	Sheriff.	

Exhibits

Title: **THE STATE OF NEVADA VS. MARC PAUL SCHACHTER**

PLTF: **THE STATE OF NEVADA** PATY: **ZELALEM BOGALE, ESQ.**

DEFT: **MARC P. SCHACHTER** DATY: **PRO PER**

Case No: **CR14-1044**

Dept. No: **4**

Clerk: **M. Stone**

Date: **9/3/2014**

Exhibit No.	Party	Description	Marked	Offered	Admitted
A.	Defendant	CD – “Disc 1; DA 14-12219; Schachter, Marc; 7/24/14 KP”	9/3/14		
B.	Defendant	CD - “Disc 2; DA 14-12219; Schachter, Marc; 7/24/14”	9/3/14		
B1.	State	Computer PrintPage of CD File Contents (JustWare5)	9/11/14	No Objection	9/11/14
C.	State	CD- “Case #14-10834; Schachter, Marc; Disc on JW 6-26-14”	9/11/14	No Objection	9/11/14
D.	State	Computer PrintPage of CD File Content (DVD RW Drive (D:) Export Media	9/11/14	Objection Overruled	9/11/14
E.	State	CD – “14-10837 Schachter, M.”	9/11/14		
F.	State	Photograph – Backpack and Contents	9/11/14	No Objection	9/11/14
1.	State	Evidence Envelope containing CD Depicting Incident at Walmart ***Admitted for 9/11/14 Pre-Trial Motions Hearing then marked for Trial purposes	9/11/14		

Exhibits

Title: **THE STATE OF NEVADA VS. MARC PAUL SCHACHTER**

PLTF: **THE STATE OF NEVADA** PATY: **ZELALEM BOGALE, ESQ.**

DEFT: **MARC P. SCHACHTER** DATY: **PRO PER**

Case No: **CR14-1044**

Dept. No: **4** Clerk: **M. Stone**

Date: **9/3/2014**

Exhibit No.	Party	Description	Marked	Offered	Admitted
1A.	State	CD – Depicting Incident at Walmart ***Admitted for 9/11/14 Pre-Trial Motions Hearing then marked for Trial purposes	9/11/14		
1B.	State	Computer PrintPage of CD Content (JustWareWebService) (1A) ***Admitted for 9/11/14 Pre-Trial Motions Hearing then marked for Trial purposes	9/11/14		
2.	State	Prior Conviction – Second Judicial District Court case no. CR09-1429	9/11/14		
3.	State	Prior Conviction – Ninth Judicial District Court case no. 06-CR-00052-DC	9/11/14		
4.	State	Prior Conviction – Santa Clara Municipal Court case no. E9171929	9/11/14		
5.	State	Prior Conviction – Suffolk County Court case no. CC#86-863893	9/11/14		

Exhibits

Title: **THE STATE OF NEVADA VS. MARC PAUL SCHACHTER**

PLTF: **THE STATE OF NEVADA** PATY: **ZELALEM BOGALE, ESQ.**

DEFT: **MARC P. SCHACHTER** DATY: **PRO PER**

Case No: **CR14-1044**

Dept. No: **4** Clerk: **M. Stone**

Date: **9/3/2014**

Exhibit No.	Party	Description	Marked	Offered	Admitted
6.	State	Clear Plastic Evidence Envelope – Contents from Property Obtained from Marc Schachter	9/22/14		
6A.	State	Box of Hair Color contained in Exhibit 6	9/23/14		
6B.	State	Solar Garden Light contained in Exhibit 6	9/23/14		
6C.	State	Original Walmart Receipt contained in Exhibit 6	9/23/14	No Objection	9/23/14
6D.	State	Receipt – Washoe County, Nevada Office of the District Attorney dated 9/19/14	9/23/14		
7.	State	Diagram of Walmart	9/22/14	Objection Overruled	9/22/14
8.	State	Walmart Receipt #00009052 – Invalid Receipt – Training	9/22/14	No Objection	9/23/14
9.	State	Copy of Receipt – 00001423 – Solar Light and Haircolor	9/22/14		
10.	State	Tiburon Print Screen – Personal Property Tab - Schachter, Marc Paul	9/22/14		
11.	State	CD – Jail Calls for Schachter, Marc	9/22/14		
12A- H.	Defendant	Photographs - Walmart	9/22/14		
13.	Defendant	Diagram – Floor Plan of Walmart	9/22/14		

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14.	Defendant	CD – 911 Calls	9/22/14	Objection Overruled	9/23/14 – Limited Admission
15.	Defendant	Walmart – Performance Evaluation for Anna Young	9/22/14		
16.	State	CD - “Disc 2; DA 14-12219; Schachter, Marc; 7/24/14”	9/22/14	Objection Overruled	9/22/14
17.	State	Photograph - Backpack and Contents (Same as Exhibit f)	9/22/14	Objection Overruled	9/22/14
18.	State	RPD – Statement of Alejandro Monroy case no. 14-10834	9/22/14	No Objection	9/22/14
19.	Defendant	Inmate Grievance Form dated 9/8/14 from Inmate Schachter, M	9/22/14		
20.	Defendant	Arrest Report and Declaration of Probable Cause case no. 14-10834 by T. West	9/23/14	No Objection	9/23/14
21.	State	RPD – Report dated 6/9/14 by West, Terry	9/23/14		
22.	State	Washoe County Sheriff’s Office Detention Property Record Form for Schachter, Marc	9/23/14	No Objection	9/23/14

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC
PAUL SCHACHTER**

**DATE, JUDGE
OFFICERS OF**

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

10/2/14

STATUS HEARING REGARDING SELF-REPRESENTATION

HONORABLE

Deputy District Attorney Zelalem Bogale, Esq., represented the State.

11/20/14

CONNIE

Defendant present representing himself. Chief Deputy Public Defender

9:00 a.m.

STEINHEIMER

James Leslie, Esq., present as standby counsel.

Sentencing

DEPT. NO.4

Defendant requested guidance from the Court as to what his sentence would be. **COURT** advised the defendant that the Court does not make a determination of sentence until the presentence investigation report is received and all sentencing arguments are presented.

M. Stone

Defendant advised the Court that he wishes to remain self-represented at this time.

(Clerk)

State's counsel advised the Court that there are 7 prior convictions alleged in the Habitual Criminal charge and further advised the defendant of the possible penalty.

J. Schonlau

COURT encouraged the Defendant to have the Public Defender's Office appointed to represent him for sentencing purposes.

(Reporter)

Motion for Trial Transcripts at Public Expense provided to standby counsel for filing.

COURT advised the defendant of his appeal rights.

Defendant provided a list of legal materials needed to standby counsel.

Defendant advised the Court that he has had a presentence investigation report prepared in the last 5 years and requests waiver of new report.

State's counsel invoked right to a presentence investigation report.

COURT directed standby counsel to advise the defendant of his rights during the presentence investigation interview.

Sentencing to remain as previously scheduled.

Defendant remanded to the custody of the Sheriff.

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC PAUL
SCHACHTER**

**DATE, JUDGE
OFFICERS OF**

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

11/20/14

STATUS HEARING

HONORABLE

Deputy District Attorney Zelalem Bogale, Esq., represented the State.

12/4/14

CONNIE

Defendant present representing himself. Chief Deputy Public Defender

9:00 a.m.

STEINHEIMER

James Leslie, Esq., present as standby counsel. Probation Officer Thomas

Sentencing

DEPT. NO. 4

Wilson was present on behalf of the Division of Parole and Probation.

M. Slane

Defendant's stand by counsel advised the Court that paper was provided to

(Clerk)

the Defendant as requested, all documents provided to stand by counsel by

J. Schonlau

Defendant have been filed, as well as the handwritten copies of same have

(Reporter)

been returned to Defendant. Stand by counsel further advised the Court

that Defendant has been provided with the necessary form to file a Notice of

Appeal and that all copies of cases requested by Defendant as to case law

have been provided to him, save one.

Defendant notified the Court that he filed a Motion for Clarification of Pre-Trial Order, a Request for Case File of Stand-By Counsel Including All Work Product, a Motion for Trial Transcripts at Public Expense and a Petition for Writ of Habeas Corpus.

Based on a filing of a Petition for Writ of Habeas Corpus creating a conflict of interest for the Public Defender's Office, **COURT ORDERED** the Alternate Public Defender's Office appointed as stand-by counsel.

Defendant noted he has filed a Motion for Trial Transcripts at Public Expense. Court advised Defendant that this Motion is not appropriate until he has filed the appeal.

Motion by Defendant that sentencing be continued to a later date. **COURT ORDERED** Motion for Continuance denied at this time unless and until new stand-by counsel requests such.

Defendant noted his objections to the Pre-Sentence Investigation Report.

Court advised Defendant that his Objection to Pre-Sentence Investigation Report will be filed with the Court.

State's counsel advised the Division of Parole and Probation that certified copies of Defendant's prior convictions can be made available to them.

COURT directed the Clerk to make the Court's certified copies of Defendant's prior convictions available to him, further directing State's counsel to also provide their certified copies to Defendant.

Defendant advised the Court of his issue regarding items and services needed for his pro se representation. **COURT** directed Bailiff to contact the jail.

Defendant remanded to the custody of the Sheriff

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC
PAUL SCHACHTER**

**DATE, JUDGE
OFFICERS OF**

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

11/13/14

STATUS HEARING REGARDING SELF-REPRESENTATION

HONORABLE

Deputy District Attorney Zelalem Bogale, Esq., represented the State.

11/20/14

CONNIE

Defendant present representing himself. Chief Deputy Public Defender

9:00 a.m.

STEINHEIMER

James Leslie, Esq., present as stand-by counsel for the Defendant.

Status

DEPT. NO.4

Motion for Release from Custody into the Salvation Army Treatment

Hearing

M. Stone

Program by defendant; presented argument; objection and argument by

(Clerk)

State's counsel. **COURT ENTERED ORDER** denying Motion.

J. Schonlau

Stand-by counsel Leslie advised the Court that the Defendant provided

(Reporter)

documents to him for filing with the Court, which will be done if the

document are appropriate and timely to be filed at this time.

State's counsel noted for the record that the Defendant's fifth prior

conviction has been provided to the Defendant.

Currently set status hearing to remain as scheduled.

Defendant remanded to the custody of the Sheriff.

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC
PAUL SCHACHTER**

**DATE, JUDGE
OFFICERS OF**

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

12/11/14

STATUS HEARING

HONORABLE

Deputy District Attorney Zelalem Bogale represented the State. Defendant present representing himself. Deputy Alternate Public Defender Jarrod

2/26/15

CONNIE

Hickman present as stand-by counsel.

1:30 p.m.

STEINHEIMER

Defendant requested counsel be appointed to represent him for sentencing purposes. **COURT ENTERED ORDER** appointing the Alternate Public Defender's Office to represent the defendant for sentencing purposes.

**Continued
Sentencing**

DEPT. NO.4

Motion to Continue Currently Set Sentencing Date by defense counsel; presented argument; no objection by State's counsel.

M. Stone

COURT ENTERED ORDER continuing the sentencing set for January 16, 2015.

(Clerk)

Defense counsel advised the Court that the defense would be requesting the trial transcripts.

J. Schonlau

Defense counsel further withdrew the Petition for Writ of Habeas Corpus filed by the defendant as it is premature.

(Reporter)

COURT FURTHER ORDERED the Division of Parole and Probation to prepare a supplemental PSI no later than January 26, 2015 taking into account the defendant's objection.

Defendant remanded to the custody of the Sheriff

CASE NO. CR14-1044

**TITLE: THE STATE OF NEVADA VS. MARC
PAUL SCHACHTER**

**DATE, JUDGE
OFFICERS OF**

PAGE ONE

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

2/26/15

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

HONORABLE

Deputy District Attorney Zelalem Bogale represented the State. Defendant present with counsel, Deputy Public Defender Marc Picker. Probation

CONNIE

Officer Deborah Brown present on behalf of the Division of Parole and

STEINHEIMER

Probation.

DEPT. NO.4

M. Stone

Court noted receipt of the amended supplemental report from the Division of Parole and Probation.

(Clerk)

R. Malnerich

Defense counsel presented additional corrections to be made to the report as to the defendant's date of birth and criminal history.

(Reporter)

EXHIBIT 24 marked and offered by defense counsel; no objection by State's counsel; ordered admitted into evidence to show that local rules regarding objections to PSI's were followed.

COURT ENTERED ORDER striking the additional date of birth.

COURT FURTHER ENTERED ORDER denying the request as to the defendant's criminal history.

Defense counsel Picker advised the Court that the defendant does not waive any of his prior objections to the PSI.

State's counsel set forth additional corrections to be made to the PSI.

EXHIBIT 4 offered by State's counsel; objection and argument by defense counsel; ordered admitted into evidence after being found constitutionally valid to verify the existence of a prior conviction. The Court found that the defendant was represented by counsel and that his rights were protected.

Motion to Strike Exhibit 5 by defense counsel; presented argument; objection and argument by State's counsel; reply by defense counsel.

COURT ENTERED ORDER denying the Motion as the defendant had a trial set and was not promised any favors in the statement of plea when he entered his plea of guilty.

Motion to Strike Exhibit 23 by defense counsel; presented argument; objection and argument by State's counsel; reply by defense counsel.

COURT ENTERED ORDER granting Motion and Exhibit 23 will not be considered by the Court.

Respective counsel presented argument regarding the defendant being found to be a Habitual Criminal.

**DATE, JUDGE
OFFICERS OF****PAGE TWO****COURT PRESENT****APPEARANCES-HEARING****CONT'D TO**

2/26/15

R. Malnerich
(Reporter)**ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE**

Probation Officer Brown update the report as to credit for time served and stood by the recommendation in the report.

Defendant made a statement on his own behalf.

The Court finds that the Defendant has suffered constitutionally valid previous convictions to support the adjudication of habitual criminal. In addition, after considering all factors in mitigation, the prior lectures he has received, the prior chances from the State through negotiations as well as his prior chances on parole, this Court finds that it is just and proper that the Defendant deserves to be declared a habitual criminal. Based upon those findings, this Court finds the Defendant to be a habitual criminal. The Defendant shall be sentenced as a Habitual Criminal, as defined in NRS 207.010(a).

EXHIBITS 2 and 3 ordered admitted in to evidence after having been found constitutionally valid prior convictions.

COURT ORDERED JUDGMENT ENTERED and sentenced the defendant to imprisonment in the Nevada Department of Corrections for the term of forty-eight (48) months with minimum parole eligibility of twelve (12) months with credit for two hundred sixty-three (263) days time served, for Count I; to imprisonment in the Nevada Department of Corrections for the maximum term of twenty (20) years with the minimum parole eligibility of five (5) years, with credit for two hundred sixty-three (263) days time served, for Count III, to be served concurrently with sentence imposed in Count I; and to pay attorney's fees in the amount of One Thousand Dollars (\$1,000.00) for reimbursement of legal expenses. Defendant is further ordered to pay a Three Dollar (\$3.00) administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis and a Twenty-Five Dollar (\$25.00) administrative assessment fee to the Clerk of the Second Judicial District Court.

The fees are subject to removal from the Defendant's books at the Nevada Department of Corrections.

Defendant remanded to the custody of the Sheriff for transportation to the Warden.

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A.	Defendant	CD – “Disc 1; DA 14-12219; Schachter, Marc; 7/24/14 KP”	9/3/14		
B.	Defendant	CD - “Disc 2; DA 14-12219; Schachter, Marc; 7/24/14”	9/3/14		
B1.	State	Computer PrintPage of CD File Contents (JustWare5)	9/11/14	No Objection	9/11/14
C.	State	CD- “Case #14-10834; Schachter, Marc; Disc on JW 6-26-14”	9/11/14	No Objection	9/11/14
D.	State	Computer PrintPage of CD File Content (DVD RW Drive (D:) Export Media	9/11/14	Objection Overruled	9/11/14
E.	State	CD – “14-10837 Schachter, M.”	9/11/14		
F.	State	Photograph – Backpack and Contents	9/11/14	No Objection	9/11/14
1.	State	Evidence Envelope containing CD Depicting Incident at Walmart ***Admitted for 9/11/14 Pre-Trial Motions Hearing then marked for Trial purposes	9/11/14		

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1A.	State	CD – Depicting Incident at Walmart ***Admitted for 9/11/14 Pre-Trial Motions Hearing then marked for Trial purposes	9/11/14		
1B.	State	Computer PrintPage of CD Content (JustWareWebService) (1A) ***Admitted for 9/11/14 Pre-Trial Motions Hearing then marked for Trial purposes	9/11/14		
2.	State	Prior Conviction – Second Judicial District Court case no. CR09-1429	9/11/14	No Objection	2/26/15
3.	State	Prior Conviction – Ninth Judicial District Court case no. 06-CR-00052-DC	9/11/14	No Objection	2/26/15
4.	State	Prior Conviction – Santa Clara Municipal Court case no. E9171929	9/11/14	Objection Sustained	
5.	State	Prior Conviction – Suffolk County Court case no. CC#86-863893	9/11/14	Objection Sustain	

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6C.	State	Original Walmart Receipt contained in Exhibit 6	9/23/14	No Objection	9/23/14
6D.	State	Receipt – Washoe County, Nevada Office of the District Attorney dated 9/19/14	9/23/14		
7.	State	Diagram of Walmart	9/22/14	Objection Overruled	9/22/14
8.	State	Walmart Receipt #00009052 – Invalid Receipt – Training	9/22/14	No Objection	9/23/14
9.	State	Copy of Receipt – 00001423 – Solar Light and Haircolor	9/22/14		
10.	State	Tiburon Print Screen – Personal Property Tab - Schachter, Marc Paul	9/22/14		
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12A- H.	Defendant	Photographs - Walmart	9/22/14		
13.	Defendant	Diagram – Floor Plan of Walmart	9/22/14		

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21.	State	RPD – Report dated 6/9/14 by West, Terry	9/23/14		
22.	State	Washoe County Sheriff’s Office Detention Property Record Form for Schachter, Marc	9/23/14	No Objection	9/23/14
23.	State	Los Angeles Superior Court case no. 8A031490-01	2/26/15	Objection Sustained	

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Exhibit No.	Party	Description	Marked	Offered	Admitted
24	Defendant	E-Mail communication regarding Objections to the PSI	2/26/15	No Objection	2/26/15

By /s/ Yvonne Viloria
Yvonne Viloria
Deputy Clerk