

IN THE SUPREME COURT OF THE STATE OF NEVADA

QUINZALE MASON,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Appeal from a Judgment of Conviction in Case Number CR14-1830
The Second Judicial District Court of the State of Nevada
Honorable Elliott A. Sattler, District Judge

JOINT APPENDIX VOLUME ONE

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Attorneys for Respondent

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DA #14-14272

RPD RP14-015205

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Jacqueline Bryant
Clerk of the Court
Transaction # 4803576 : lbarraga

1 CODE 1800
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4 P.O. Box 11130
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7 Attorney for State of Nevada

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

11 * * *

12 THE STATE OF NEVADA,

13 Plaintiff,

Case No.: CR14-1830

14 v.

Dept. No.: D01

15 QUINZALE MASON,

16 Defendant.

17 AMENDED INFORMATION

18 CHRISTOPHER J. HICKS, District Attorney within and for the
19 County of Washoe, State of Nevada, in the name and by the authority
20 of the State of Nevada, informs the above entitled Court that
21 QUINZALE MASON, the defendant above named, has committed the crimes
22 of:

23 COUNT I. BATTERY WITH A DEADLY WEAPON, a violation of NRS
24 200.481(2)(e), a felony, in the manner following:

25 That the said defendant on the 9th day of August A.D.,
26 2014, or thereabout, and before the filing of this Information, at
and within the County of Washoe, State of Nevada, did willfully and
unlawfully use force or violence upon the person of CECILIA M. at or

1 near 2397 Patton Drive, Reno, Washoe County, Nevada, with the use of
2 a deadly weapon, to wit: a handgun, by shooting CECILIA M. in her
3 right leg.

4 COUNT II. ASSAULT WITH A DEADLY WEAPON, a violation of NRS
5 200.471, a felony, in the manner following:

6 That the said defendant on the 9th day of August A.D.,
7 2014, or thereabout, and before the filing of this Information, at
8 and within the County of Washoe, State of Nevada, did willfully and
9 unlawfully attempt to use physical force against another person and/or
10 intentionally place another person in reasonable apprehension of
11 immediate bodily harm, with the use of, or present ability to use, a
12 deadly weapon, to wit: a handgun, at or near 2397 Patton Drive, Reno,
13 Washoe County, Nevada, by pointing a handgun at or towards ANTHONY
14 HOLLY and discharging said handgun multiple times.

15 COUNT III. BEING A FELON IN POSSESSION OF A FIREARM, a
16 violation of NRS 202.360, a felony, (F150) in the manner following:

17 That the said defendant on the 9th day of August A.D.,
18 2014, or thereabout, and before the filing of this Information, at
19 and within the County of Washoe, State of Nevada, did willfully and
20 unlawfully, having been previously convicted on December 9, 2011 in
21 the County of Clark, State of Nevada (by way of a file-stamped Fourth
22 Amended Judgment of Conviction) of the crime of VOLUNTARY
23 MANSLAUGHTER WITH THE USE OF A DEADLY WEAPON, a felony under the laws
24 of the State of Nevada, have in his possession or under his custody
25 or control a firearm, to wit: a handgun, at or near 2397 Patton
26 Drive, Reno, Washoe County, Nevada.

1 All of which is contrary to the form of the Statute in such
2 case made and provided, and against the peace and dignity of the
3 State of Nevada.

4
5 CHRISTOPHER J. HICKS
6 District Attorney
7 Washoe County, Nevada
8

9 By /s/ Zach Young
10 ZACH YOUNG
11 9227
12 DEPUTY District Attorney
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1 The following are the names and addresses of such witnesses
2 as are known to me at the time of the filing of the within
3 Information:

4 See Notice of Witnesses Pursuant to NRS 174.234, filed with this
5 Court on January 30, 2015

6 The party executing this document hereby affirms that this
7 document submitted for recording does not contain the social security
8 number of any person or persons pursuant to NRS 239B.230.

9 CHRISTOPHER J. HICKS
10 District Attorney
11 Washoe County, Nevada

12 By /s/ Zach Young
13 ZACH YOUNG
14 9227
15 DEPUTY District Attorney

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CR14-1830
DC-0990063849-004
STATE VS. QUINZALE MASON ID 38 Pages
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Washoe County
MULTIPLE

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JACQUELINE BRYANT, CLERK

By: VAD
DEPUTY CLERK

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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,**

11 **vs.**

Case No. CR14-1830

12 **QUINZALE MASON,**

Dept. No. 10

13 **Defendant.**
14 _____/

15 **JURY INSTRUCTIONS**

16 **SEE ATTACHED DOCUMENT(S)**

17 **///**

18 **///**

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ORIGINAL

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE.

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR14-1830

11 v.

Dept. No. 10

12 QUINZALE MASON,

13 Defendant.

14 _____ /
15 LADIES AND GENTLEMEN OF THE JURY:

16 It is my duty as judge to instruct you in the law that
17 applies to this case, and it is your duty as jurors to follow the law
18 as I shall state it to you, regardless of what you may think the law
19 is or ought to be. On the other hand, it is your exclusive province
20 to determine the facts in the case, and to consider and weigh the
21 evidence for that purpose. The authority thus vested in you is not
22 an arbitrary power, but must be exercised with sincere judgment,
23 sound discretion, and in accordance with the rules of law stated to
24 you.

25
26 Instruction No. 1

1 If in these instructions, any rule, direction or idea is
2 stated in varying ways, no emphasis thereon is intended by me and
3 none must be inferred by you. For that reason, you are not to single
4 out any certain sentence, or any individual point or instruction, and
5 ignore the others, but you are to consider all the instructions as a
6 whole and to regard each in the light of all the others.

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26 Instruction No. 2

1 If, during this trial, I have said or done anything which
2 has suggested to you that I am inclined to favor the position of
3 either party, you will not be influenced by any such suggestion.

4 I have not expressed, nor intended to express, nor have I
5 intended to intimate, any opinion as to which witnesses are or are
6 not worthy of belief, what facts are or are not established, or what
7 inference should be drawn from the evidence. If any expression of
8 mine has seemed to indicate an opinion relating to any of these
9 matters, I instruct you to disregard it.

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26 Instruction No. 3

1 The defendant, QUINZALE MASON, in this matter is being
2 tried upon an Amended Information which was filed on the 4th day of
3 February, 2015, in the Second Judicial District Court, charging the
4 said defendant, QUINZALE MASON, with:

5 COUNT I. BATTERY WITH A DEADLY WEAPON, a violation of NRS
6 200.481(2)(e), a felony, in the manner following:

7 That the said defendant on the 9th day of August A.D.,
8 2014, or thereabout, and before the filing of this Information, at
9 and within the County of Washoe, State of Nevada, did willfully and
10 unlawfully use force or violence upon the person of CECILIA M. at or
11 near 2397 Patton Drive, Reno, Washoe County, Nevada, with the use of
12 a deadly weapon, to wit: a handgun, by shooting CECILIA M. in her
13 right leg.

14 COUNT II. ASSAULT WITH A DEADLY WEAPON, a violation of NRS
15 200.471, a felony, in the manner following:

16 That the said defendant on the 9th day of August A.D.,
17 2014, or thereabout, and before the filing of this Information, at
18 and within the County of Washoe, State of Nevada, did willfully and
19 unlawfully attempt to use physical force against another person and/or
20 intentionally place another person in reasonable apprehension of
21 immediate bodily harm, with the use of, or present ability to use, a
22 deadly weapon, to wit: a handgun, at or near 2397 Patton Drive, Reno,
23 Washoe County, Nevada, by pointing a handgun at or towards ANTHONY
24 HOLLY and discharging said handgun multiple times.

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26 ///

1 To the charges stated in the Amended Information, the
2 defendant, QUINZALE MASON, pled "NOT GUILTY".
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Instruction No. 4

1 An Amended Information is a formal method of accusing a
2 defendant of a crime. It is not evidence of any kind against the
3 accused, and does not create any presumption or permit any inference
4 of guilt.

1 The penalty provided by law for the offense charged is not to
2 be considered by the jury in arriving at a verdict.
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Instruction No. 6

1 There are two kinds of evidence: direct and
2 circumstantial. Direct evidence is direct proof of a fact, such as
3 testimony of an eyewitness. Circumstantial evidence is indirect
4 evidence, proof of a chain of facts from which you could find that
5 another fact exists, even though it has not been proved directly.
6 Such evidence may consist of any acts, declarations or circumstances
7 of the crime. You are entitled to consider both kinds of evidence.
8 The law permits you to give equal weight to both, but it is for you
9 to decide how much weight to give to any evidence.

10 If you are satisfied of the defendant's guilt beyond a
11 reasonable doubt, it matters not whether your judgment of guilt is
12 based upon direct or positive evidence or upon indirect and
13 circumstantial evidence or upon both.

14 It is for you to decide whether a fact has been proved by
15 circumstantial evidence. In making that decision, you must consider
16 all the evidence in the light of reason, common sense and experience.

17 You should not be concerned with the type of evidence but
18 rather the relative convincing force of the evidence.
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1 Nothing that counsel say during the trial is evidence in
2 the case.

3 The evidence in a case consists of the testimony of the
4 witnesses and all physical or documentary evidence which has been
5 admitted.

1 It is the duty of the attorneys on each side of a case to
2 object when the other side offers testimony or other evidence which
3 counsel believes is not admissible.

4 When the court has sustained an objection to a question,
5 the jury is to disregard the question and may draw no inference from
6 the wording of it or speculate as to what the witness would have said
7 if permitted to answer.

1 Neither side is required to call as witnesses all persons
2 who may have been present at any of the events disclosed by the
3 evidence or who may appear to have some knowledge of these events, or
4 to produce all objects or documents mentioned or suggested by the
5 evidence.

1 To the jury alone belongs the duty of weighing the evidence
2 and determining the credibility of the witnesses. The degree of
3 credit due a witness should be determined by his or her character,
4 conduct, manner upon the stand, fears, bias, impartiality,
5 reasonableness or unreasonableness of the statements he or she makes,
6 and the strength or weakness of his or her recollections, viewed in
7 the light of all the other facts in evidence.

8 If the jury believes that any witness has willfully sworn
9 falsely, they may disregard the whole of the evidence of any such
10 witness.

1 The fact that a witness has been convicted of a felony, if
2 such be a fact, may be considered by you only for the purpose of
3 determining the credibility of that witness. The fact of such a
4 conviction does not necessarily destroy or impair the witness'
5 credibility. It is one of the circumstances that you may take into
6 consideration in weighing the testimony of such a witness.

1 Inconsistencies or discrepancies in the testimony of a
2 witness, or between the testimony of different witnesses, may or may
3 not cause the jury to discredit such testimony. Two or more persons
4 witnessing an incident or transaction may see or hear it differently;
5 an innocent misrecollection, like failure to recollect, is not an
6 uncommon experience. In weighing the affect of a discrepancy,
7 consider whether it pertains to a matter of importance, or an
8 unimportant detail, and whether the discrepancy results from innocent
9 error or willful falsehood.

1 The testimony of one witness which you believe is
2 sufficient to prove any fact.

3 The final test in weighing conflicting testimony is the
4 relative convincing force of the evidence and not the relative number
5 of witnesses who have testified on different sides of an issue.
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24 Instruction No. 14
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1 A statement made by a defendant other than at his or her
2 trial may be either an admission or a confession, or neither.

3 An admission is a statement by a defendant, which by itself
4 is not sufficient to warrant an inference of guilt, but which tends
5 to prove guilt when considered with the rest of the evidence.

6 A confession is a statement by a defendant which discloses
7 his or her intentional participation in the criminal act for which he
8 or she is on trial and which discloses his or her guilt of that
9 crime.

10 You are the exclusive judges as to whether an admission or
11 a confession was made by the defendant and if the statement is true
12 in whole or in part. If you should find that such statement is
13 entirely untrue, you must reject it. If you find it is true in part,
14 you may consider that part which you find to be true.

1 A witness who has special knowledge, skill, experience,
2 training or education in a particular science, profession or
3 occupation is an expert witness. An expert witness may give an
4 opinion as to any matter in which the witness is skilled.

5 You should consider such expert opinion and weigh the
6 reasons, if any, given for it. You are not bound, however, by such
7 an opinion. Give it the weight to which you deem it entitled,
8 whether that be great or slight, and you may reject it, if, in your
9 judgment, the reasons given for it are unsound.

10 The opinions of experts are to be considered by you in
11 connection with all other evidence in the case. The same rules apply
12 to expert witnesses that apply to other witnesses in determining the
13 weight or value of such testimony.

1 Every person charged with the commission of a crime shall
2 be presumed innocent unless the contrary is proven by competent
3 evidence. The burden rests upon the prosecution to establish every
4 element of the crime with which the defendant is charged beyond a
5 reasonable doubt.
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Instruction No. 17

1 It is a constitutional right of a defendant in a criminal
2 trial that he or she may not be compelled to testify. Thus the
3 decision as to whether he or she should testify is left to the
4 defendant on the advice and counsel of his or her attorney.

5 You must not draw any inference of guilt from the fact that
6 he or she does not testify, nor should this fact be discussed by you
7 or enter into your deliberations in any way.

1 In every crime there must exist a union or joint operation
2 of act and intent.

3 The burden is always upon the prosecution to prove both act
4 and intent beyond a reasonable doubt.
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26 Instruction No. 19

1 Intent may be proved by circumstantial evidence. It rarely
2 can be established by any other means. While witnesses may see and
3 hear and thus be able to give direct evidence of what a defendant
4 does or fails to do, there can be no eyewitness account of a state of
5 mind with which the acts were done or omitted, but what a defendant
6 does or fails to do may indicate intent or lack of intent to commit
7 the offense charged.

8 In determining the issue as to intent, the jury is entitled
9 to consider any statements made and acts done or omitted by the
10 accused, and all facts and circumstances in evidence which may aid
11 determination of state of mind.

1 A reasonable doubt is one based on reason. It is not mere
2 possible doubt, but is such a doubt as would govern or control a
3 person in the more weighty affairs of life. If the minds of the
4 jurors, after the entire comparison and consideration of all the
5 evidence, are in such a condition that they can say they feel an
6 abiding conviction of the truth of the charge, there is not a
7 reasonable doubt. Doubt to be reasonable, must be actual, not mere
8 possibility or speculation.

1 Each count charges a separate and distinct offense. You must
2 decide each count separately on the evidence and the law applicable
3 to it, uninfluenced by your decision as to any other count. The
4 defendant may be convicted or acquitted on either or both of the
5 offenses charged.

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26 Instruction No. 22

1 The crime of Battery With a Deadly Weapon, as set forth in
2 Count I of the Amended Information, consists of the following
3 elements:

- 4 1. The defendant did willfully and unlawfully;
- 5 2. use force or violence upon the person of Cecilia
6 M.; and
- 7 3. with the use of a deadly weapon.

1 The crime of Assault With a Deadly Weapon, as set forth in
2 Count II of the Amended Information, consists of the following
3 elements:

- 4 1. The defendant did
5 a. unlawfully attempt to use physical force
6 b. intentionally place Anthony Holly in
7 reasonable apprehension of immediate bodily
8 harm;
9 2. with the use of, or present ability to use, a
10 deadly weapon.

1 A "deadly weapon" is defined as:

- 2 (1) Any instrument which, if used in the ordinary
3 manner contemplated by its design and construction,
4 will or is likely to cause substantial bodily harm or
5 death;
6 (2) Any weapon, device, instrument, material or
7 substance which, under the circumstances in which it is
8 used, attempted to be used or threatened to be used, is
9 readily capable of causing substantial bodily harm or
10 death; or
11 (3) A pistol, revolver or other firearm.

1 The State is not required to have recovered the deadly
2 weapon used in an alleged crime, or to produce the deadly weapon in
3 court at trial, to establish that a deadly weapon was used in the
4 commission of the alleged crime.

1 The term "willfully," when applied to the intent with which
2 an act is done or omitted, as used in these instructions, implies
3 simply a purpose or willingness to commit the act or to make the
4 omission in question. The word does not require in its meaning any
5 intent to violate the law or to injure another.

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26 Instruction No. 27

1 Motive is not an element of the crime charged and need not
2 be shown. However, you may consider motive as a circumstance in this
3 case. Presence of motive may tend to establish guilt. Absence of
4 motive may tend to establish innocence. You will therefore give its
5 presence or absence, as the case may be, the weight to which you find
6 it to be entitled.

1 If an illegal and unintended act results from the intent to
2 commit a crime, that act is also considered illegal. The doctrine of
3 transferred intent is a theory of imputed liability. The intent to
4 use force or violence against a certain person is transferred or
5 imputed to a different person where the different person is hit; this
6 is so even where the different person is hit by mistake or
7 inadvertence. The doctrine applies in any case where there is intent
8 to commit a criminal act and the only difference between the actual
9 result and the contemplated result is the nature of the personal
10 injuries sustained.

11 The doctrine of transferred intent is applicable to all
12 crimes where an unintended victim is harmed as a result of the intent
13 to harm an intended victim, whether or not the intended victim is
14 injured.

1 Although you are to consider only the evidence in the case
2 in reaching a verdict, you must bring to the consideration of the
3 evidence your everyday common sense and judgment as reasonable men
4 and women. Thus, you are not limited solely to what you see and hear
5 as the witnesses testify. You may draw reasonable inferences which
6 you feel are justified by the evidence, keeping in mind that such
7 inferences should not be based on speculation or guess.

8 A verdict may never be influenced by sympathy, passion,
9 prejudice, or public opinion. Your decision should be the product of
10 sincere judgment and sound discretion in accordance with these rules
11 of law.
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1 It is your duty as jurors to consult with one another and
2 to deliberate, with a view of reaching an agreement, if you can do so
3 without violence to your individual judgment. You each must decide
4 the case for yourself, but should do so only after a consideration of
5 the case with your fellow jurors; and you should not hesitate to
6 change an opinion when convinced that it is erroneous. However, you
7 should not be influenced to vote in any way on any question submitted
8 to you by fact that a majority of the jurors, or any of them, favor
9 such a decision. In other words, you should not surrender your
10 honest convictions concerning the effect or weight of evidence for
11 the mere purpose of returning a verdict or solely because of the
12 opinion of the other jurors.

1 Upon retiring to the jury room you will select one of your
2 number to act as foreperson, who will preside over your deliberations
3 and who will sign a verdict to which you agree.

4 When all twelve (12) of you have agreed upon a verdict, the
5 foreperson should sign and date the same and request the Bailiff to
6 return you to court.

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9 DISTRICT JUDGE

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26 Instruction No. 32

1 The defendant, QUINZALE MASON, in this matter is being
2 tried upon an Amended Information which was filed on the 4th day of
3 February, 2015, in the Second Judicial District Court, charging the
4 said defendant QUINZALE MASON, with:

5 COUNT III. BEING A FELON IN POSSESSION OF A FIREARM, a
6 violation of NRS 202.360, a felony, (F150) in the manner following:

7 That the said defendant on the 9th day of August A.D.,
8 2014, or thereabout, and before the filing of this Amended
9 Information, at and within the County of Washoe, State of Nevada, did
10 willfully and unlawfully, having been previously convicted on
11 December 9, 2011 in the County of Clark, State of Nevada (by way of a
12 file-stamped Fourth Amended Judgment of Conviction) of a felony under
13 the laws of the State of Nevada, have in his possession or under his
14 custody or control a firearm, to wit: a handgun, at or near 2397
15 Patton Drive, Reno, Washoe County, Nevada.

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17 To the charges stated in the Amended Information, the
18 defendant, QUINZALE MASON, pled "NOT GUILTY".
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1 The crime of Being a Felon in Possession of a Firearm, as
2 set forth in Count III of the Amended Information, consists of the
3 following elements:

- 4 1. The defendant did willfully and unlawfully;
- 5 2. have in his possession or under his custody or control a
6 firearm; and
- 7 3. after having been previously convicted of a felony in the
8 State of Nevada or any other State.

1 You may consider all of the evidence presented to you in
2 the first phase of the trial, in conjunction with any new evidence
3 presented to you for your deliberations as to Count III, BEING A
4 FELON IN POSSESSION OF A FIREARM. You may also consider all of the
5 jury instructions previously provided to you in the first phase of
6 the trial, in conjunction with all of the new jury instructions
7 presented to you for your deliberations as to Count III, BEING A
8 FELON IN POSSESSION OF A FIREARM.

Both the defense and the State have entered a stipulation that the defendant, QUINZALE MASON, is a convicted felon in the State of Nevada, and that the defendant, QUINZALE MASON, has a prior, valid and enforceable felony conviction.

Instruction No. 36

1 CODE 4245

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE.

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR14-1830

11 v.

Dept. No. 10

12 QUINZALE MASON,

13 Defendant.

14 _____/
15 VERDICT

16 We, the jury in the above-entitled matter, find the
17 defendant, QUINZALE MASON, GUILTY of COUNT I. BATTERY WITH A DEADLY
18 WEAPON.

19 DATED this 11th day of February, 2015.

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1 CODE 4245
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE.

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR14-1830

11 v.

Dept. No. 10

12 QUINZALE MASON,

13 Defendant.
14 _____/

15 VERDICT

16 We, the jury in the above-entitled matter, find the
17 defendant, QUINZALE MASON, GUILTY of COUNT II. ASSAULT WITH A DEADLY
18 WEAPON.

19 DATED this 11th day of February, 2015.
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE.

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR14-1830

11 v.

Dept. No. D10

12 QUINZALE MASON,

13 Defendant.
14 _____/

15 VERDICT

16 We, the jury in the above-entitled matter, find the
17 defendant, QUINZALE MASON, GUILTY of COUNT III. BEING A FELON IN
18 POSSESSION OF A FIREARM.

19 DATED this 12th day of February, 2015.
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21 _____
22 FOREPERSON
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1 CODE: 4185
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8 SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

9 IN AND FOR THE COUNTY OF WASHOE

10 THE HONORABLE ELLIOTT A. SATTLER, DISTRICT JUDGE

--oOo--

11 STATE OF NEVADA, Case No. CR14-1830
12 Plaintiff, Dept. No. 10
13 vs.
14 QUINZALE MASON,
15 Defendant.

16 TRANSCRIPT OF PROCEEDINGS

17 SENTENCING

18 Tuesday, March 17, 2015
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1 APPEARANCES:

2 For the Plaintiff

ZACH YOUNG, ESQ.
Deputy District Attorney
1 South Sierra Street, 4th Floor
Reno, Nevada 89501

4 For the Defendant

CARL F. HYLIN, ESQ.
Deputy Public Defender
350 South Center Street
Reno, Nevada 89501

7 For Parole and Probation

WESLEY BLACKWELL

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I N D E X

DEFENSE WITNESSES:

DIRECT

CROSS

Valorie Stewart

Janay Shantell Cameron

-000-
RENO, NEVADA, TUESDAY MARCH 17, 2015, 10:21 A.M.
-000-

THE COURT: The next matter on the Court's calendar is
the State of Nevada versus Quinzale Mason, CR14-1830.

Mr. Mason appears in court in custody with his attorney,
Mr. Hylin.

Good morning to both of you gentlemen.

MR. HYLIN: Good morning, Your Honor.

THE DEFENDANT: Good morning, Your Honor.

THE COURT: Mr. Young is here on behalf of the State of Nevada. Mr. Blackwell is here on behalf of the Division of Parole and Probation.

Good morning to both of you, as well.

MR. YOUNG: Good morning, Your Honor.

THE COURT: This is the time set for sentencing. The Court has received and reviewed the March 5, 2015, file-stamped Presentence Investigation Report.

Mr. Blackwell, are there any additions, corrections, or deletions that need to be made to that document?

MR. BLACKWELL: No, there are not, Your Honor.

THE COURT: Mr. Hylin, do you have a copy of the Presentence Investigation Report, and do you have any additions, corrections, or deletions that you believe need to

1 be made?

2 MR. HYLIN: No, Your Honor. Well, yes, we're in --

3 THE COURT: Yes, you have it, there are no
4 corrections?

5 MR. HYLIN: We are in possession of it, and we have
6 both read it, and I don't believe there's any errors that we
7 need to correct, Your Honor.

8 THE COURT: Okay. Then let's go forward with
9 sentencing. The Court would note that it was -- or that it did
10 preside over the trial that led to the defendant's conviction
11 for the three offenses described in the Presentence
12 Investigation Report, so I am very familiar with the facts.

13 Mr. Hylin, go ahead.

14 MR. HYLIN: Thank you, Your Honor. If you note, there
15 was a whole depth of medical information that I sent you.

16 THE COURT: I did -- and I apologize for failing to
17 reference that. I did receive and review the -- I think it was
18 about a hundred and 50 pages of medical records that were sent
19 by Mr. Hylin to the Court. Hold on a second. Let me just get
20 to those on my computer. They weren't actually printed out for
21 me, but I had the opportunity to review them digitally. One
22 moment.

23 They were filed on March 11th of 2015. They are --
24 they are two separate packets of information, filed under seal,

1 and they discuss the defendant's medical conditions. And it
2 was March 12th, I apologize, not March 11. The letters were
3 submitted on March 11th.

4 Go ahead, Mr. Hylin.

5 MR. HYLIN: Thank you, Your Honor.

6 Actually, we almost didn't get a chance to do the
7 trial, Your Honor, because of these medical conditions, which
8 are so severe that he actually died on August 15th and they had
9 to revive him. And that was because of a problem with his
10 heart that is exacerbated by the potassium levels that build up
11 in his system, and the reason he needs dialysis four times a
12 week now.

13 He also has -- well, this is a result of his diabetes.
14 He's had diabetes nearly his entire life, and now it's so
15 extreme that he -- he knows right now, as he sits here, that
16 his blood sugar is way higher this morning. When he tested, it
17 was at 367. I don't know how familiar everybody in the
18 courtroom is with blood sugar, but that's outrageously high --

19 THE COURT: Yeah, that's bad.

20 MR. HYLIN: -- blood sugar, and it no doubt
21 exacerbates all of the conditions that he has with his organs.
22 They also had to take him to the hospital once or twice else
23 for emergency type of treatment.

24 And I'm not doing this to generate, so much, sympathy,

1 as to impress on the Court how critical it is that he get some
2 sort of treatment. He was going to be placed on the transplant
3 list for his kidneys prior to this event happening, and there's
4 a letter that I included in that packet to that effect.

5 THE COURT: From the U.C. Davis Medical Center.

6 MR. HYLIN: Correct.

7 There's also -- and there's one letter from the ACLU
8 that doesn't really apply.

9 If I may approach?

10 THE COURT: You may.

11 MR. HYLIN: It doesn't really -- and I did give a copy
12 of this to the State.

13 THE COURT: You did or did not?

14 MR. HYLIN: Did.

15 THE COURT: Okay.

16 MR. HYLIN: It doesn't really address the conditions.
17 It was from the ACLU. But, you know, he was trying to contact
18 them to get any help he could to deal with this in a more
19 expedite -- expeditious fashion.

20 But at any rate, when -- about -- I think it was in
21 2011, he was told that he's got maybe four or five years
22 before -- without a transplant, that he was going to die
23 because of these conditions. I know -- that's --

24 THE COURT: That's my copy?

1 MR. HYLIN: Yeah. Mikki was going to put a cover
2 sheet on it and file it.

3 THE COURT: The Court will admit the January 20, 2015,
4 dated letter from the American Civil Liberties Union.

5 Go ahead.

6 MR. HYLIN: Now, obviously, since 2011 it's been four
7 years. And, literally, the clock is ticking on the
8 deterioration of all of his organs, in particular the kidneys,
9 which are just about nonexistent now, and why he requires
10 dialysis four times a week. And his blood pressure oftentimes
11 goes well over 200 over 100, and is very difficult to control.
12 And that's also an outgrowth of the diabetes itself. It's
13 difficult under conditions when he's out of custody to control,
14 although he does a much better job of it himself, of testing
15 and whatnot.

16 It's been very, very sporadic at the jail, I'll have
17 to say. I don't think they should ever let an inmate get in
18 the position where his blood sugar is approaching 400 before
19 they really do anything about it. But be that as it may, he is
20 literally critically ill on this.

21 I, of all people, have dealt with this case, as has
22 Mr. Young, and the Court is clearly familiar with all of the
23 facts of the case. It was a horrendous act. I'm not offering
24 an excuse for it. But at the same time, the punishments that

1 are recommended by the Division literally will be a death
2 sentence. And the reason being -- that it would be a death
3 sentence -- is because he will not live long enough, without a
4 transplant, and he cannot be on the transplant list as long as
5 he's incarcerated.

6 THE COURT: Well, then what's interesting about that,
7 Mr. Hylin, is, then any sentence that I impose, short of a
8 period of community supervision, would be a death sentence,
9 because I either have to put him in prison for a minimum of two
10 years as a result of Count 1 -- the death sentence that you
11 suggest -- or the alternative is, is I place him on probation.
12 But I really don't have a lot of latitude one way or the other
13 in between those two concepts.

14 MR. HYLIN: No, I understand, Your Honor. It's a
15 tough -- it's a tough call.

16 His mother, Valorie, will explain in more detail some
17 of the history that he has suffered. And his sister, Janay,
18 would also like to speak with the Court, but --

19 THE COURT: Okay.

20 MR. HYLIN: I just -- you know, I'm personally
21 thankful that there wasn't any more serious injuries than there
22 were occurring in this case, because it was a dangerous act.

23 You know, for a moment, though -- I'm sure that the
24 manslaughter conviction from Las Vegas had some bearing on the

1 recommendation of the sentence, too. And I talked to -- I
2 talked to him at length. The negotiation down to a
3 manslaughter, that was based on the fact that this -- and
4 proved -- that one of the people that he shot down there were
5 trying to rob him. But it was -- it didn't -- it involved
6 about four different people.

7 There were some females down there that I -- that
8 essentially set him and his friend up. He had a big gold chain
9 that he wore. He had saved up a lot of money over a long
10 period of time to get the chain. And one of the people that
11 attempted to rob him had noted this a few days before, and they
12 set it up with these girls, who were -- ostensibly, they were
13 going to go party with him and his friend. And then the car
14 that -- one of the people that got shot, cut him off. And they
15 were coming after him, and he knew -- he was real sure they
16 were coming after his chain.

17 THE COURT: Hmm.

18 MR. HYLIN: His gold chain. So it ended up in a
19 gunfight situation. And one of the other people died from it.
20 So, hence, the manslaughter instead of murder.

21 But be that as it may, this case here doesn't -- that
22 doesn't detract from the seriousness of this matter here, but
23 fortunately the injuries were not anywhere near
24 life-threatening. And it could have been, obviously, a lot

1 worse than it was.

2 So I understand the dichotomy that the Court is facing
3 between probation and a prison sentence. He asked me before
4 court if there was some sort of sentence modification that they
5 have, and I explained to him that, "Well, if there's any
6 modification on a medical basis down at the prison, that would
7 have to occur at the prison."

8 THE COURT: That's --

9 MR. HYLIN: The Court doesn't really have the
10 authority to order them to do any alternative sort of
11 sentencing.

12 THE COURT: Well, that's an issue of clemency, more
13 than anything. And I don't -- that's an executive function,
14 not a judicial function, so -- I know that it exists, that
15 there certainly is a clemency board who may reconsider whatever
16 sentence I have -- or I impose, assuming that it's a prison
17 sentence, given the defendant's medical condition. I don't
18 know. I have no idea how that works.

19 MR. HYLIN: Well, if the Court can't see fit to grant
20 him probation so that he can head over to California for a
21 transplant, or at least get on the list and then head over
22 later if they get a hit on the list, I would certainly ask that
23 he be given the minimum sentence, and run everything consec- --
24 or, excuse me, concurrent so that at least he has some chance

1 at survival.

2 You know, and the -- I think the medical services down
3 in the prison -- I've always heard -- are much superior to the
4 ones at the jail here. So I feel a little more confident that
5 he'll be treated better, and his blood sugar watched a lot
6 closer down there in the medical unit, which they do have a
7 medical unit in prison that they can have them live in so they
8 can monitor them more closely.

9 But at any rate -- actually, during the entire course
10 of the trial I thought about this. And I thought, well, if
11 they did find him guilty, you know, it potentially could amount
12 to a death sentence, which really wasn't intended under the
13 legislative enactments that he was tried under.

14 So my request then would be, if you can't see fit for
15 a long, long probation to allow him a chance to go get some
16 immediate medical help, that you give him the minimum sentence
17 on the -- at least on the low end, of 24 months on Count 1 and
18 24 -- 12 months on each of the Counts 2 and 3, to be run
19 concurrent, so that he has at least a fighting chance, that by
20 the time he finishes the low end and can parole, then he could
21 be placed back on the list for the transplant.

22 With that, Your Honor, I would like his mother,
23 Valorie, to come up and address the Court.

24 MS. STEWART: Thank you, Your Honor.

1 THE COURT: Ma'am, could you please raise your right
2 hand and be sworn as a witness.

3 THE CLERK: Please come forward.

4 (The oath was administered to Ms. Stewart.)

5 THE CLERK: Please have a seat.

6 THE COURT: Ma'am, why don't you sit down and make
7 yourself comfortable.

8 Could you please tell us -- or state and spell your
9 full name for me.

10 MS. STEWART: Valorie, V-a-l-o-r-i-e. Last name
11 Stewart, S-t-e-w-a-r-t.

12 THE COURT: Go ahead, Mr. Hylin.

13 MR. HYLIN: Thank you, Your Honor.

14 VALORIE STEWART,

15 being first duly sworn by the clerk,

16 was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. HYLIN:

19 Q. And where do you hail from?

20 A. I'm sorry?

21 Q. Where do you live?

22 A. In Arizona.

23 Q. Phoenix?

24 A. Phoenix, um-hum.

1 Q. So you had to make the trip up here --

2 A. Drove.

3 Q. -- for the hearing?

4 A. Yeah.

5 Q. Thank you. Could you tell us a little bit about
6 Quinzale's youth and his growing period?

7 A. Well, I had Quinzale at a young age, so, you know, and
8 a single parent. And his father died when Quinzale was, like,
9 two years old. So basically I raised him on my own.

10 At the age of eight is when he became sick. At the
11 time I was a young mother. I really didn't know what was
12 wrong. I found out it was diabetes and it was very serious.
13 He was in and out of the hospital a lot throughout his
14 childhood.

15 And, also, he was picked on a lot because of his
16 height, and he often got into fights in school. And, you know,
17 I would talk with the counselors and they're telling me, you
18 know, that because of his height, he -- he is picked on a lot,
19 which is the reason, you know. And, you know, the counselors
20 would try and talk to him and try to help him to deal with it
21 better, to -- you know, so it won't be confrontations. But it
22 happened a lot.

23 You know, as he got older, it just seems like his
24 health started to deteriorate more. Even now, like, when he --

1 he's in a wheelchair now, which I really didn't expect him to
2 still be in the wheelchair, so -- and that just lets me know
3 that he is not getting any better.

4 Q. Did you get help raising him from other members of the
5 family?

6 A. Well, my family, my mother and, you know, family
7 members. As best that they could, yeah, they helped, but for
8 the most part, you know, I did it on my own.

9 Q. Okay. His grandmother, which is your mother --

10 A. My mother, yes.

11 Q. -- lives in Las Vegas?

12 A. Um-hum.

13 Q. And he was living with her.

14 A. Um-hum.

15 THE COURT: You need to say "yes" or "no."

16 THE WITNESS: Yes. I'm sorry.

17 THE COURT: Thank you.

18 BY MR. HYLIN:

19 Q. Okay. Could you describe in more detail the regiment
20 that was -- that he was put through for his medical condition?
21 In other words, what was required of his treatment and --

22 A. Oh. Growing up?

23 Q. Yeah. What did you and the family --

24 A. Yeah.

1 Q. -- have to go through?

2 A. Well, like I said, he was in and out of the hospital a
3 lot. There were several occasions where he was unconscious,
4 and just different things that occurred. Learning how to try
5 and manage his diet a little better, just different things like
6 that. But it was -- it was pretty rough. I mean, he was --
7 he's been sick way over more than half of his life, and it's
8 just -- it wasn't easy, you know. It hasn't always been easy
9 for him.

10 You know, I always wished that I could have done more.
11 Or, you know, sometimes I, you know, think back to what I could
12 have did to make -- you know, maybe, you know, if I educated
13 myself a little more as far as how to take care of him as a
14 child, help him manage his diet, or -- you know, so that he can
15 be healthier. I don't know. Sometimes I find myself going
16 over that, from childhood on up, if things could have been
17 different. How I could have made things different?

18 Q. But he wasn't a mean or cruel child?

19 A. No, absolutely not. No.

20 Q. Was he pleasant to get along with?

21 A. Well, most times. I mean, he has a brother and a
22 sister and, of course, growing up they fought, as kids did.

23 And she has her daughter with her, so I'm not sure if
24 they're not letting her in the courtroom. My daughter is

1 outside with my granddaughter.

2 Q. Well, when she wants to speak, we'll swap out, so --

3 A. Okay. Okay. Yeah, but other than that, no. I mean,
4 we have a pretty big family and there's -- you know, there was
5 always a bunch of kids, and they all always, you know, got
6 along. Of course, they fought like kids do. But that's pretty
7 much it. He was never a difficult child to get along with
8 or -- you know.

9 Q. So Quinzale was just one of the other kids in the
10 family --

11 A. Exactly.

12 Q. -- and got along with everybody?

13 A. Exactly.

14 Q. He wasn't the black sheep, so that he was considered
15 mean or cruel or --

16 A. No.

17 Q. -- an outcast?

18 A. No, absolutely not.

19 Q. Okay. And, you know, when you heard about this matter
20 here, did you think that was characteristic of him?

21 A. What? What, the incident?

22 Q. Yeah.

23 A. No. No, not characteristic.

24 Q. Okay. In other words, had you ever seen that sort of

1 behavior in him before?

2 A. No.

3 Q. Okay. Did you have anything else that you wanted to
4 say to the Court regarding his sentence or --

5 A. No, I --

6 Q. -- your experience?

7 A. First of all, when I first got up here, I wanted to
8 apologize to the victim, you know.

9 THE COURT: You don't have to apologize to her, ma'am.
10 You didn't do anything wrong.

11 THE WITNESS: Well, I know I didn't, but, you know, I
12 still want to apologize --

13 THE COURT: That's thoughtful.

14 THE WITNESS: -- that, you know, that the entire
15 incident happened, anyway.

16 But my son is -- is not a bad person. You know? And
17 I raised him, like I said, the best I could. I had him at 16
18 years old. His father died. I tried to give him a normal
19 life, you know, a normal childhood, which I -- I think he had
20 for the most part, other than his in-and-out of the hospital.

21 You know, I involved him in recreations involving his
22 diabetes. He went away to camp. He did things like that, you
23 know, got involved in programs with the Juvenile Diabetes
24 Foundation, different things like that, so -- you know, to try

1 and give him a normal childhood and learn how to live his life
2 with this disease, which I also have, too.

3 BY MR. HYLIN:

4 Q. Okay. Is there anything else you would like to say?

5 A. I would just ask that, you know, the Court show
6 leniency and just give him a chance, because, you know, he is
7 very sick and I don't want to lose him. That's it.

8 MR. HYLIN: Thank you, Ms. Stewart.

9 Your Honor --

10 THE COURT: Cross-examination, Mr. Young?

11 Hold on a second.

12 MR. YOUNG: Good morning, ma'am.

13 Your Honor, I have no questions.

14 THE COURT: Thank you for being here. You may step
15 down.

16 MR. HYLIN: If I can take a minute, Your Honor? She
17 was going to go out and watch the child while his sister,
18 Janay, comes in.

19 THE COURT: Okay.

20 THE CLERK: Please raise your right hand.

21 (The oath was administered to Ms. Cameron.)

22 THE CLERK: Please be seated in that chair.

23 THE COURT: Good morning, ma'am.

24 MS. CAMERON: Good morning.

1 THE COURT: Could you please tell me what your full
2 name is, and spell it for me.

3 MS. CAMERON: It's Janay Shantell Cameron. J-a-n-a-y.
4 Last name Cameron, C-a-m-e-r-o-n.

5 THE COURT: How do you spell Shantell?

6 MS. CAMERON: S-h-a-n-t-e-l-l.

7 THE COURT: Thank you for being here today. Go ahead,
8 Mr. Hylin.

9 MS. CAMERON: Thank you.

10 MR. HYLIN: Thank you, Your Honor.

11 JANAY SHANTELL CAMERON,

12 being first duly sworn by the clerk,

13 was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. HYLIN:

16 Q. Janay, could you explain what it was like growing up
17 with Quinzale?

18 A. Yeah. There's three of us. He's the oldest. Sorry.
19 It wasn't easy for us, but he was the man of the house from the
20 beginning, like day one. And he's always been really strong.
21 I mean, we went through a lot of stuff as kids, so we had to
22 grow up pretty fast. But he never wanted myself or my little
23 brother to stray or take part in a lot of the stuff that
24 happens in the street. He always tried to protect us from the

1 stuff that was going on outside of the house. He's always been
2 a protector.

3 Q. All right. What's your age difference between you and
4 Quinzale?

5 A. Four years.

6 Q. All right. So you said he was the man of the house.
7 So what would he do to support the family?

8 A. He just -- he just always made sure that we were okay.
9 Like, my mom, she was a single mom, so she was always at work.
10 So him being the oldest, it was -- I mean, it was me and him a
11 lot. Because our younger brother is five years younger than
12 me. So it was a lot of teamwork between him and I when it
13 comes to making sure that everything was taken care of as far
14 as, like -- whatever it was, whether my little brother needed
15 money for lunch or whatever. We always made sure that, as long
16 as we had each other, that it was going to be okay.

17 My mom knew that if there was us two that everything
18 would be okay, she wouldn't have to worry about anything but
19 going to work, really.

20 Q. Okay. Do you remember when he was diagnosed with
21 diabetes?

22 A. I do. Vaguely, but I do.

23 Q. And do you remember --

24 A. He was eight and I was, like, four or five, but I

1 remember him being really sick as a kid.

2 Q. Okay. Do you remember some of the struggles that he
3 had to go through as you grew up?

4 A. Yeah. He was in and out of the hospital a lot through
5 childhood. I remember my mom struggling, just because it's
6 hard to tell your eight-year-old that he can't have, like,
7 candy, like everybody else. So that was something that he
8 struggled with. And he was in and out of the hospital a lot,
9 pretty much all through his childhood.

10 Q. Okay. Is there anything you would like to tell the
11 Court on behalf of Quinzale?

12 A. Just that he's needed in our family. My daughter
13 needs him, misses him. His daughter needs him and misses him.
14 Just the little glimpse that my daughter got of him through the
15 window -- she calls him her best friend. She doesn't even call
16 him her uncle, she calls him her best friend. So when she saw
17 him, like, that did so much for her, because this is the
18 longest that she's gone without seeing him.

19 THE COURT: How old is your daughter?

20 THE WITNESS: She's four-and-a-half.

21 And before he moved to Reno, he lived with me, and so
22 they had a lot of one-on-one time, because he would help me out
23 with her while I worked. And so his presence is needed. And
24 he's a really good person, and we need him in our family.

1 MR. HYLIN: I have no further questions, Your Honor.

2 THE COURT: Mr. Young, do you have any questions?

3 MR. YOUNG: Good morning, ma'am.

4 No, thank you.

5 THE COURT: Thank you for being here today.

6 THE WITNESS: Thank you.

7 THE COURT: I appreciate your coming.

8 MR. HYLIN: Would you mind if they brought the child
9 in, Your Honor?

10 THE COURT: No, no. The only time that children are
11 excluded from the courtroom is if they disrupt the proceedings,
12 but other than that, I don't have any problems with children
13 being here.

14 MR. HYLIN: Thank you, Your Honor. While I think I
15 made the presentation that I need to, Your Honor, I would just
16 ask you to show some mercy regarding his medical condition.
17 And I'll submit it with that. I think he would probably like
18 to address the Court, too.

19 THE COURT: Okay. Thank you.

20 Mr. Young, on behalf of the State?

21 MR. YOUNG: Thank you, Your Honor.

22 You know, I don't know a whole lot about diabetes. I
23 certainly have no reason to quarrel over the seriousness of his
24 health. And I think both Your Honor and Mr. Hylin know me well

1 enough. Nothing I am going to say here in any way discounts
2 his health concerns, but --

3 You know, from the State's perspective, and in the
4 interests of the State, you have an individual whose criminal
5 history -- while maybe the number of convictions isn't overly
6 alarming, the majority of them being misdemeanors -- the
7 seriousness is -- it's amazing that, despite what the facts of
8 his murder arrest that ended in a voluntary manslaughter with a
9 firearm conviction was, he pled guilty to killing a woman in
10 Las Vegas.

11 And the information that was provided to counsel
12 through discovery -- and short of a stipulation that he was a
13 convicted felon -- that I would have presented was that he shot
14 this woman and killed her with a firearm. So it's an
15 individual who, in his past, has a firearm and kills an
16 individual.

17 If you look at the balance of his history, it's
18 replete with failing to comply with conditions, between FTAs --
19 a couple of those -- his voluntary manslaughter conviction
20 resulted in a number of probation violations, ultimately ending
21 in a dishonorable discharge.

22 He committed a felony possession-of-drug offense while
23 he was on probation for the voluntary manslaughter conviction,
24 which was ultimately reduced down to a gross misdemeanor, but

1 then, it's another drug offense. It's contempt of court. So
2 he just hasn't shown that he's able or willing to comply with
3 any sort of court order.

4 He does have -- the majority of his offenses appear to
5 be drug related. And I can see on page 3 of his PSI he noted
6 that he denied any use of alcohol, controlled substances. So
7 I'm a little curious how that meshes together, but --

8 THE COURT: Mr. Young, as I read the Presentence
9 Investigation Report, specifically as it related to the
10 defendant's conviction of voluntary manslaughter with the use
11 of a deadly weapon, as I looked through it, it looked like he
12 actually never did any time in prison. He was on probation.
13 And presumably he would do time in the Clark County Detention
14 Facility while he was awaiting probation revocation.

15 But from December 7th of 2006, through December 12th
16 of 2011 -- a total of almost exactly four years -- the
17 defendant was on probation, but never did any time in prison.

18 MR. YOUNG: And the certified copy that I received
19 and, again, provided to counsel prior to trial -- confirms
20 that, that he kept getting violated and the Court -- and I
21 can't speak as to why, obviously. It was out of Las Vegas.
22 But the Court kept reinstating him with various conditions and
23 ultimately, in 2011, ending in the dishonorable discharge. So
24 he has not spent any time in prison.

1 Again, I can't speak to why the Court did that. I
2 frankly am surprised that he ended up not serving any time in
3 prison based on the nature of the charge and the number of
4 violations he faced. But, again, I leave that to the Las Vegas
5 court to determine why or why not they did that. The fact
6 remains that he had a firearm and he killed a woman. And then
7 when he comes up to Reno, he again has a firearm, knowing full
8 well he's not supposed to possess one.

9 And then the facts of the instant case are just
10 atrocious. You have Delphine Martin, who is outside with her
11 four-year-old daughter, Cecilia, playing.

12 And, you know, Ms. Martin is doing the best that she
13 can. The same as you heard from Ms. Stewart, as far as when
14 she was raising the defendant. Ms. Martin is doing the best
15 she can for her daughter and they're out there. They have no
16 prior issues, that you heard from the testimony, with the
17 defendant whatsoever.

18 And because of a prior interaction and dispute over
19 gambling with Anthony Hawley, the defendant decides, rather
20 ridiculously, to track Mr. Hawley down, pull in the parking lot
21 and start firing -- the evidence shows two times -- at
22 Mr. Hawley, and it strikes Cecilia.

23 And I made it clear in my presentation, and I'll
24 repeat it here: I don't believe in any way that he was

1 intending to hit Cecilia. I don't think that was his intent at
2 all. It certainly was his intent to strike Mr. Hawley, and
3 based on the law, he's held accountable for striking Cecilia.

4 In speaking with the doctor, in addition to dismissing
5 the charge against Delphine Martin based on the injuries she
6 sustained, he said "Well, it certainly could be a graze injury.
7 It could be something else." So that's the basis for that.

8 But I also spoke to him about Cecilia and said, "Look,
9 she's a four-year-old girl with a metallic fragment stuck in
10 her leg." Kind of, "What's at risk for her?"

11 And he said, "Well, it depends. It could be nothing,
12 she could be fine. But as she grows, obviously, it could be a
13 major concern down the road."

14 And that's something that a four-year-old girl
15 shouldn't have to deal with when she's out playing right
16 outside of her apartment. All over something as nonsensical as
17 a gambling debt and the defendant choosing to take matters into
18 his own hands and start firing a weapon right outside
19 somebody's home.

20 And so based on -- Ms. Sefchick is present. She is
21 going to be reading a statement that was written by Ms. Martin,
22 a copy of that was provided to counsel yesterday of what she'll
23 read.

24 Ms. Martin, Delphine, is in the courtroom. I know you

1 recognize her from the trial. She has asked not to address the
2 Court personally, but have Ms. Sefchick read the letter. So I
3 will let her finish with that, because she'll be able to speak
4 greater volumes than what I can relate, but --

5 Mr. Hylin said, you know, any sort of prison sentence
6 is a death sentence. And I understand the point that he's
7 trying to convey. But the sentence I'm going to ask you to do
8 is not a death sentence. It's a sentence that's statutorily
9 allowed and, based on his criminal history, which is violent,
10 and the facts of the instant case, which is violent, both
11 including firearms, is appropriate and warranted.

12 So what I am going to recommend, Your Honor -- I
13 understand why the Division is recommending what they are, and
14 I agree with them, because I'm going to recommend 48 to 120
15 months on Count 1, and I'm going to recommend 28 to 72 months
16 on Count 2. They're different victims, so they should be
17 treated -- recognized separately. So I would recommend
18 consecutive time.

19 As to Count 3, again, I would recommend consecutive
20 time on Count 3, as well. I understand that the -- that charge
21 is the same -- forms the same fact pattern as supporting
22 Counts 1 and 2, but it's a different offense, and he shouldn't
23 be having a firearm. And based on the threat that he poses to
24 society I think that a maximum sentence is certainly

1 appropriate.

2 So with that, I have nothing further to add, Your
3 Honor. I would ask that Ms. Sefchick be allowed to read in the
4 statement as written by Ms. Martin. If she can approach?

5 THE COURT: Thank you. We'll do that after Mr. Mason
6 has the opportunity to address the Court.

7 MR. YOUNG: Yes, Your Honor.

8 THE COURT: Mr. Mason, the law does afford you the
9 opportunity to address the Court prior to imposition of
10 sentence and tell me anything that you think I need to know
11 about yourself or your case.

12 Anytime a case goes to trial, I always tell a
13 defendant that I am aware that you have the right to appeal.
14 And so if you don't say anything about your culpability or
15 about what happened on the day in question, I want you to be
16 comfortable knowing I won't hold that against you.

17 So you don't need to talk about what happened on this
18 day or about whether or not you believe you are guilty or
19 innocent of this offense, because you do have certain appeal
20 rights. But if there's something else that you want to tell me
21 about that day or about yourself, I would certainly hear from
22 you now.

23 THE DEFENDANT: Yes, Your Honor, there's a couple of
24 things I would like to say. For one, I know Mr. Young here got

1 a job to do as a District Attorney, but the picture that he's
2 painting is not an accurate picture. I'm not that type of
3 person. Over \$50? A gambling debt? That's assassinating my
4 character.

5 And it's unfortunate for Mrs. Martin and Cecilia that
6 that situation happened. I'm sorry for it, too, also, but --
7 I'm going to take this to the grave with me -- I'm not the one
8 that was out there shooting that firearm. For what?

9 I wasn't out there shooting dice that morning. When I
10 left there was a group of people out there smoking and doing
11 what they do on Patton Drive. That is the reason why I don't
12 let my kids play outside, because there's 10-year-olds,
13 11-year-olds running around there smoking weed. I don't have
14 my kids around that type of stuff.

15 And, I mean, I'm not trying to, you know, put anybody
16 under the bus, but you can't believe everybody, as far as
17 Mr. Hawley, as far as Mrs. Martin over here, who is his good
18 friend. Which in her statement when she was in the preliminary
19 hearing says she doesn't know him very well. But as Stanley
20 Paul got up there and said, that everybody is good friends.

21 So why is -- like, the stories, it -- wasn't none of
22 these stories accurate. For the simple fact that nobody can
23 tell what the shooter was wearing, but you seen me with a gun
24 in my hand and you seen my face. But you don't know what

1 color -- and on top of that, no gun powder residue on my
2 clothes. The car that they say had pulled up got a black
3 two-foot primer on the side door. My car doesn't have that.

4 I almost lost my life in Washoe County Detention
5 Center due to the lack of, you know, medical treatment that I'm
6 receiving. I can't see my family, my family in Las Vegas. I
7 lost my kids. My girl even turned her back on me while I'm in
8 here because of the allegations that's going on. I can't see
9 my daughter.

10 You know, and it's just -- it's an unfortunate
11 situation for everybody. I mean, this is -- I just don't
12 understand. And I've been in here too long.

13 Yeah, that conviction in '06, that was me protecting
14 myself. In every other arrest, I'm not a violent person. I
15 don't have violence on my record. Just that 2006 incident
16 because of the robbery that was prior -- before that situation.
17 And just --

18 I just don't know, Your Honor. All I can say is I
19 just -- I'm trying to just say I didn't -- I'm not the one.
20 It's so many -- man. There's so much that goes on. There's so
21 much that people don't even know as far as when you live in an
22 area like that, you know.

23 I don't know, Your Honor. All I could say is, I'm
24 sorry for the baby. I'm sorry for Mrs. Martin. And, mainly,

1 it just is, I'm sorry for my kids and I'm sorry for my family.
2 Because I've got to put -- they going through it, too. They
3 going through it, too. And I just don't know what else to do
4 with it.

5 I mean, I'm in the medical unit. My blood sugar is at
6 3-, 400 on a consistent basis. I'm getting put on lock-downs
7 because I'm arguing with the medical staff on -- about my
8 medical condition. It's just so much going on. Like,
9 mentally, it's breaking me down. I don't know what else to do.

10 But I know it's not all about me, because you've got
11 victims here, also. It's just -- it's an unfortunate
12 situation, Your Honor, for everybody. It's an unfortunate
13 situation. And I just ask that you, you know, have some kind
14 of leniency on me and let me be home with my family, or just --
15 you know, give me the minimum sentence of time. Let me get on
16 and get this out of my way.

17 Because all of my problems in life has been because of
18 me being around the wrong people, as far as -- you know, I've
19 never been the one to just to drop in, do -- you know, do crazy
20 stuff like that. It's the people I surround myself around that
21 tends to -- you know, they -- you know, guilty by association.
22 And that's been my -- that's been my problem my whole life.

23 I'm 31 years old. And, I mean, if I've got to go to
24 prison to grow up and be a man, then, I mean, that's something

1 I've got to do. But I -- I didn't shoot -- I didn't shoot no
2 gun, a gun at a crowd of people for 50 -- over \$50. That's
3 just -- it ain't even worth fighting over, \$50, let alone going
4 and shooting at somebody. I've had a gun since 2006.

5 That's all I have to say, Your Honor.

6 THE COURT: Thank you, Mr. Mason.

7 Ms. Sefchick, on behalf of Ms. Martin, if you would
8 like to step forward and read the Victim Impact Statement that
9 has been previously provided to the defense.

10 Ms. Sefchick, could you spell your last name?

11 MS. SEFCHICK: Yes. It's S-e-f-c-h-i-c-k.

12 THE COURT: Thank you. Go ahead.

13 MS. SEFCHICK: Do I need to sit over there?

14 THE COURT: No, you can just read it from right there,
15 that's fine.

16 MS. SEFCHICK: "Dear Judge: This crime has affected
17 us considerably. First, my baby girl got hurt. We had just
18 pretty much gotten settled on Patton when this happened. I had
19 to pick up my family and move somewhere else. Sometimes when
20 my baby girl hears loud noises, she jumps. My baby girl got a
21 piece of a bullet in her leg. Her leg was damaged. My baby
22 girl is having nightmares. She yells really loud for no
23 reason. She is having problems adjusting. Also, when she sees
24 an African American man she runs away screaming.

1 "I was also injured during this incident. I've never
2 been through anything like this, and it's very scary. It's
3 just me and my kids. It is pretty scary knowing that you are
4 testifying against someone who shot at us. What will happen if
5 he gets out?

6 "This was all for no reason. What really got me is
7 that he stared straight at us after he shot. Even if it wasn't
8 meant for us, he still pointed straight in our direction, all
9 the way across, and pulled the trigger. He didn't care and he
10 had a choice. He wasn't defending himself. This was over
11 something stupid; money, drugs, a game. Who knows? It could
12 have been much worse than it was. And it could have been
13 avoided.

14 "We have Medicaid, so I don't have any medical bills.

15 "I am very scared that the man who did this will find
16 us. He will probably kill us or hurt us very bad. Please give
17 him the maximum amount possibly. Thank you."

18 THE COURT: Thank you.

19 MR. YOUNG: Thanks, Your Honor.

20 THE COURT: Mr. Hylin, is there any legal reason why
21 judgment should not enter at this point?

22 MR. HYLIN: I know of none, Your Honor.

23 THE COURT: There being none, it will be the order and
24 judgment of the Court that the defendant, Quinzale Mason, is

1 guilty of Count 1, Battery With a Deadly Weapon, a felony; he
2 is guilty of Count 2, Assault With a Deadly Weapon, a felony;
3 and he is guilty of Count 3, Being an Ex-Felon in Possession of
4 a Firearm, a felony, all pursuant to the jury verdicts entered
5 on February 12th of 2015.

6 Mr. Mason, I, as I said to you earlier, respect your
7 right -- respected your right not to testify or to say anything
8 about the case, and I also respect your right to allocute, that
9 is, to say something about the case today, and I understand
10 that you're maintaining your innocence and saying that it
11 simply was not you who committed these offenses.

12 THE DEFENDANT: Correct. I'm sorry.

13 THE COURT: The counterpoint to that is, is that I
14 presided over your trial and I heard the testimony of all the
15 witnesses and I saw all of the evidence that was admitted in
16 the case, and I believe that the jury's verdict is a just and
17 proper one and, therefore, it's my job to sentence you based on
18 that verdict in spite of your protestations that you're
19 innocent.

20 You present a very interesting dichotomy -- to use
21 Mr. Hylin's term -- Mr. Mason. You are a very intelligent
22 person from everything I have seen of you and from how you've
23 been described by Mr. Hylin. You're articulate. You seem to
24 be very thoughtful. You seem to have good family members who

1 love and care about you. I remember your grandmother
2 testifying, and now your sister and your mom have come in and
3 testified on your behalf. So you're truly a beloved person
4 with a lot to offer.

5 And you've also been dealt a very difficult hand
6 physically. I'm sure that the bullying that you suffered at
7 the hands of other people as a young person was very difficult
8 to deal with. And, frankly, growing up in a rough
9 neighborhood, it's probably even harder to get bullied in a
10 rough neighborhood for being smaller in stature, than it might
11 be in some other neighborhoods. And so I understand all of
12 that.

13 And then the diabetes and all the other things that
14 you're dealing with are also very troubling. So you've been
15 dealt a very tough hand. There's no question about that.

16 And your criminal history is actually not that
17 atrocious, save and except for that one event. Mr. Hylin -- if
18 you didn't have that voluntary manslaughter conviction on your
19 record, Mr. Hylin might be in here arguing for probation, and I
20 would be very, very seriously considering it. Because I would
21 have to balance your health concerns with what happened in the
22 case.

23 But when I look at your criminal history, the one
24 glaring thing about it is that conviction back in 2009, I

1 believe it was -- or was it 2007? I apologize. 2006 -- a 2006
2 conviction where you killed another human being with a handgun.
3 And now, not too long later, you stand convicted of firing a
4 gun into a crowd of people and striking a young child. You're
5 very lucky, Mr. Mason, that you didn't either hit Mr. Hawley
6 and kill him, or hit Cecilia, in this case, and kill her. You
7 would be looking at murder convictions and spending the rest of
8 your life, regardless of how long that may be, in the Nevada
9 Department of Corrections.

10 So though you may not feel that way, you're actually
11 lucky that nothing worse happened in this case than it did.
12 And that does take into account the fact that you say you
13 didn't do anything at all. I'm saying, based on what I saw I
14 think you're a lucky man that nothing worse occurred.

15 So I have to balance those considerations, both you
16 and your physical conditions with your prior criminal history,
17 the threat you pose to this community, how you performed
18 previously on community supervision down in Las Vegas, and the
19 fact that there needs to be some deterrence for people not only
20 not to do what you did in this case, but also convicted felons
21 not to possess weapons.

22 And, therefore, it will be the order and judgment of
23 the Court, as follows: I am going to order that you pay a \$25
24 administrative assessment fee and a \$3 administrative

1 assessment fee for the collection of genetic material. I'm
2 going to order that you pay \$1,000 in attorneys' fees.

3 As to Count 1, the Court will order that the defendant
4 be sentenced to the Nevada Department of Corrections for an
5 indeterminate period not to exceed 36 months, with a minimum
6 parole eligibility of 120 months (verbatim).

7 As to Count 2, it will be the order and judgment of
8 the Court that the defendant be sentenced to the Nevada
9 Department of Corrections for an indeterminate period not to
10 exceed 60 months, with a minimum parole eligibility of 24
11 months.

12 It is the order of the Court that the sentence in
13 Count 2 is consecutive to, and not concurrent with, the
14 sentence imposed in Count No. 1.

15 Further, as to Count 3, it will be the order and
16 judgment of the Court that the defendant be sentenced to the
17 Nevada Department of Corrections for an indeterminate period
18 not to exceed 60 months, with a minimum parole eligibility of
19 24 months.

20 It is the intention of the Court that the sentence in
21 Count 3 is concurrent with, and not consecutive to, the
22 sentence imposed in Count No. 2 and, therefore, the sentences
23 in Counts 2 and 3 will be served concurrently, but they will be
24 consecutive to the sentence imposed in Count No. 1.

1 The defendant will be given 218 days' time served in
2 the Washoe County Jail.

3 Good luck to you, Mr. Mason.

4 MR. HYLIN: Thank You, Your Honor.

5 (Proceedings concluded.)
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1 STATE OF NEVADA)
2) SS.
3 COUNTY OF WASHOE)

4 I, MARIAN S. BROWN PAVA, Certified Court Reporter in
5 and for the State of Nevada, do hereby certify:

6 That the foregoing proceedings were taken by me at the
7 time and place therein set forth; that the proceedings were
8 recorded stenographically by me and thereafter transcribed via
9 computer under my supervision; that the foregoing is a full,
10 true and correct transcription of the proceedings to the best
11 of my knowledge, skill, and ability.

12 I further certify that I am not a relative nor an
13 employee of any attorney or any of the parties, nor am I
14 financially or otherwise interested in this action.

15 I declare under penalty of perjury under the laws of
16 the State of Nevada that the foregoing statements are true and
17 correct.

18 Dated this 17th day of June, 2015.

19 /s/ Marian S. Brown Pava

20 _____
21 Marian S. Brown Pava, CCR #169
22
23
24

1 **CODE 1850**

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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. CR14-1830

11 **vs.**

Dept. No. 10

12 **QUINZALE MASON,**

13 **Defendant.**
14 _____ /

15 **JUDGMENT**

16 The Defendant, having been found guilty by a jury, and no sufficient cause being
17 shown as to why judgment should not be pronounced against him, the Court rendered judgment as
18 follows:

19 That Quinzale Mason is guilty of the crime of Battery With a Deadly Weapon, a
20 violation of NRS 200.481 (2) (e), a felony, as charged in Count I of the Amended Information, and
21 that he be punished by imprisonment in the Nevada Department of Corrections for the maximum
22 term of one hundred twenty (120) months with the minimum parole eligibility of thirty-six (36)
23 months, with credit for two hundred eighteen (218) days time served.

24 That Quinzale Mason is guilty of the crime of Assault With a Deadly Weapon, a
25 violation of NRS 200.471, a felony, as charged in Count II of the Amended Information, and that he
26 be punished by imprisonment in the Nevada Department of Corrections for the maximum term of
27 sixty (60) months with the minimum parole eligibility of twenty-four (24) months, to be served
28 consecutively to the sentence imposed for Count I, with credit for zero (0) days time served.

1 That Quinzale Mason is guilty of the crime of Being a Felon in Possession of a
2 Firearm, a violation of NRS 202.360, a felony, as charged in Count III of the Amended Information,
3 and that he be punished by imprisonment in the Nevada Department of Corrections for the
4 maximum term of sixty (60) months with the minimum parole eligibility of twenty-four (24)
5 months, to be served concurrently to the sentence imposed in Count II, with credit for zero (0) days
6 time served.

7 It is further ordered that the Defendant shall pay the statutory Twenty-Five Dollar
8 (\$25.00) administrative assessment fee; that he shall pay the Three Dollar (\$3.00) administrative
9 assessment fee for obtaining a biological specimen and conducting a genetic marker analysis; and
10 that he shall reimburse Washoe County in the amount of One Thousand Dollars (\$1,000.00) for
11 legal services rendered.

12 It is further ordered that the fees are subject to removal from the Defendant's books
13 at the Washoe County Jail and/or Nevada Department of Corrections.

14 Dated this 17 day of March, 2015.
15 NUNC PRO TUNC to March 17, 2015.

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19 DISTRICT JUDGE
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1 CODE NO. 2515
2 WASHOE COUNTY PUBLIC DEFENDER
3 JOHN REESE PETTY, State Bar Number 10
4 350 South Center Street, 5th Floor
5 P.O. Box 11130
6 Reno, Nevada 89520-0027
7 (775) 337-4827
8 Attorney for Defendant

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

10 IN AND FOR THE COUNTY OF WASHOE

11 THE STATE OF NEVADA,

12 Plaintiff,

13 vs.

Case No. CR14-1830

14 QUINZALE MASON,

Dept. No. 10

15 Defendant.

16 **NOTICE OF APPEAL**

17 QUINZALE MASON, the defendant above named, appeals to the Supreme Court of
18 Nevada from the judgment of conviction entered in this action on March 17, 2015. This is a Fast
19 Track Appeal.

20 The undersigned hereby affirms, pursuant to NRS 239B.030, that this document does not
21 contain the social security number of any person.

22 DATED this 15th day of April 2015.

23 JEREMY T. BOSLER
24 WASHOE COUNTY PUBLIC DEFENDER

25 By: /s/ John Reese Petty
26 JOHN REESE PETTY, Chief Deputy

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QUINZALE MASON (# 1135809)
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, Nevada 89702

ADAM LAXALT
Attorney General State of Nevada
100 N. Carson Street
Carson City, Nevada 89701

DATED this 15th day of April 2015.

/s/ John Reese Petty
JOHN REESE PETTY

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 6th day of July 2015. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Terrence P. McCarthy, Chief Appellate Deputy,
Washoe County District Attorney's Office

I further certify that I deposited a true and correct copy of the foregoing in the United States Mail, postage prepaid, and addressed to:

Mr. Quinzale Mason (#1135809)
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, Nevada 89702

John Reese Petty
Washoe County Public Defender's Office