

CLERK OF THE COURT

NOA
CARMINE J. COLUCCI, ESQ.
CARMINE J. COLUCCI, CHTD.
Nevada Bar No. 000881
629 South Sixth Street
Las Vegas, Nevada 89101
(702) 384-1274
Attorney for Defendant

Electronically Filed
Jun 16 2015 03:43 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

DISTRICT COURT

CLARK COUNTY, NEVADA

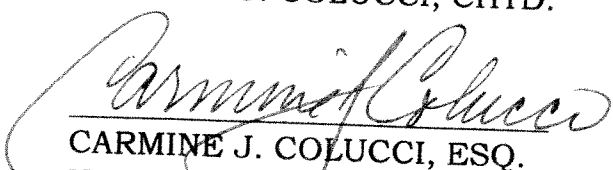
THE STATE OF NEVADA,)	CASE NO. C300979-3
)	DEPT NO. XXIII
Plaintiff,)	
)	
vs.)	
)	
JAMES CURTIS IVEY, JR.,)	
#1140194,)	
Defendant.)	

NOTICE OF APPEAL

Notice is hereby given that the Defendant, JAMES CURTIS IVEY, JR., #1140194, hereby appeals to the Supreme Court of Nevada from this court's Judgment of Conviction (Plea of Guilty) filed on June 12, 2015, in the above-entitled action.

DATED this 12th day of, June 2015

CARMINE J. COLUCCI, CHTD.


CARMINE J. COLUCCI, ESQ.
Nevada Bar No. 0881
629 South Sixth Street
Las Vegas, Nevada 89101
Attorney for Defendant

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Steven B. Wolfson
Clark County District Attorney
200 E. Lewis Avenue
Las Vegas, NV 89101

JAMES IVEY , 1140194
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NV 89070


An employee of CARMINE J. COLUCCI, CHTD.


CLERK OF THE COURT

1 ASTA
2 CARMINE J. COLUCCI, ESQ.
3 CARMINE J. COLUCCI, CHTD.
4 Nevada Bar #000881
5 629 South Sixth Street
6 Las Vegas, Nevada 89101
7 (702) 384-1274
8 Attorney for APPELLANT
9 JAMES CURTIS IVEY, JR.
10 #1140194

DISTRICT COURT

CLARK COUNTY, NEVADA

10 STATE OF NEVADA,)	CASE NO.C300979-3
)	DEPT NO. XXIII
11 Plaintiff,)	
)	
12 vs.)	
)	
13 JAMES CURTIS IVEY, JR.,)	
)	
14 Defendant.)	
)	

CASE APPEAL STATEMENT

19 1. Appellant	: James Ivey, Jr. #1140194
20 2. Judge	: Stefany Miley, District Court XXIII
21 3. Parties in District Court	: <u>State of Nevada v. James Ivey, Jr.</u>
22 4. Parties in Appeal	: <u>James Ivey, Jr. v. State of Nevada</u>
23 5. Counsel on Appeal	: Carmine J. Colucci
24	Carmine J. Colucci, Chtd.
25	629 South Sixth Street
26	Las Vegas, Nevada 89101
27	(702) 384-1274 telephone
28	Attorney for Appellant

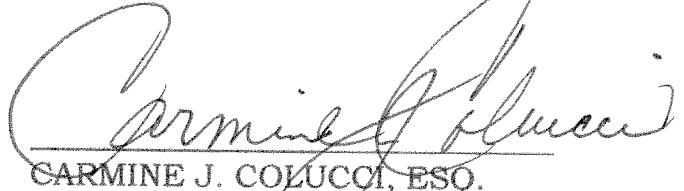
1 Steven B. Wolfson
2 Clark County District Attorney
3 200 E. Lewis Avenue
4 Las Vegas, NV 89101
5 (702) 455-4712
6 Attorney for Respondent

7 Adam Paul Laxalt
8 Nevada Attorney General
9 100 North Carson Street
10 Carson City, NV 89701-4717

- 11 6. Appellant was represented by appointed counsel in the district court.
12 7. Appellant is represented by appointed counsel on appeal.
13 8. Appellant was not granted leave to proceed in forma pauperis.
14 9. Information was filed on or about July 14, 2014.

15 DATED this 12th day of June, 2015.

16 CARMINE J. COLUCCI, CHTD.

17 
18 CARMINE J. COLUCCI, ESQ.

19 Nevada Bar No. 000881
20 629 South Sixth Street
21 Las Vegas, Nevada 89101
22 Attorney for Defendant
23
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26
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DEPARTMENT 23
CASE SUMMARY
CASE NO. C-14-300979-3

State of Nevada
vs
James Ivey, Jr.

§	Location:	Department 23
§	Judicial Officer:	Miley, Stefany
§	Filed on:	09/18/2014
§	Cross-Reference Case	C300979
§	Number:	
§	Defendant's Scope ID #:	7010542
§	ITAG Booking Number:	1400034593
§	ITAG Case ID:	1610841
§	Lower Court Case # Root:	14F10476
§	Lower Court Case Number:	14F10476C

CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. ROBBERY WITH USE OF A DEADLY WEAPON	F	06/30/2014		
Filed As: CONSPIRACY TO COMMIT ROBBERY	F	9/22/2014	Case Flags:	Appealed to Supreme Court Custody Status - Nevada Department of Corrections Charge Description Updated
Arrest: 07/02/2014				
2. CONSPIRACY TO COMMIT ROBBERY	F	06/30/2014		
Filed As: ROBBERY WITH USE OF A DEADLY WEAPON	F	9/22/2014		
3. COERCION	F	06/30/2014		
4. CONSPIRACY TO COMMIT ROBBERY	F	06/30/2014		
5. ROBBERY	F	06/30/2014		
6. CONSPIRACY TO COMMIT ROBBERY	F	06/30/2014		
7. ROBBERY WITH USE OF A DEADLY WEAPON	F	06/30/2014		
8. POSSESSION OF STOLEN PROPERTY	F	06/30/2014		

Related Cases

C-14-300979-1 (Multi-Defendant Case)

C-14-300979-2 (Multi-Defendant Case)

Statistical Closures

05/11/2015 Guilty Plea with Sentence (before trial)

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	C-14-300979-3
Court	Department 23
Date Assigned	09/18/2014
Judicial Officer	Miley, Stefany

PARTY INFORMATION

Defendant	Ivey, James Curtis, Jr.	<i>Lead Attorneys</i> Colucci, Carmine James <i>Retained</i> 7023841274(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE

EVENTS & ORDERS OF THE COURT












INDEX

09/18/2014  Criminal Bindover
Criminal Bindover

09/22/2014  Information

DEPARTMENT 23
CASE SUMMARY
CASE NO. C-14-300979-3

Information

09/23/2014	 Initial Arraignment (1:00 PM) (Judicial Officer: De La Garza, Melisa)
10/02/2014	 Transcript of Proceedings <i>Reporter's Transcript of Preliminary Hearing, September 17, 2014</i>
10/23/2014	 Petition <i>Petition for Writ of Habeas Corpus</i>
11/05/2014	 Return <i>Return to Writ of Habeas Corpus</i>
11/07/2014	 Notice of Rescheduling <i>Notice Resetting Date and Time of Hearing</i>
11/19/2014	 Petition for Writ of Habeas Corpus (11:00 AM) (Judicial Officer: Miley, Stefany) <i>Petition for Writ of Habeas Corpus</i>
12/18/2014	 Motion <i>Motion</i>
01/12/2015	 Motion (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Pro Se Motion to Dismiss Counsel</i>
02/18/2015	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Expert Witnesses</i>
02/20/2015	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses</i>
03/11/2015	 Calendar Call (9:30 AM) (Judicial Officer: Miley, Stefany)
03/11/2015	Disposition (Judicial Officer: Miley, Stefany) 3. COERCION Amended Information Filed/Charges Not Addressed PCN: Sequence: 4. CONSPIRACY TO COMMIT ROBBERY Amended Information Filed/Charges Not Addressed PCN: Sequence: 5. ROBBERY Amended Information Filed/Charges Not Addressed PCN: Sequence: 6. CONSPIRACY TO COMMIT ROBBERY Amended Information Filed/Charges Not Addressed PCN: Sequence: 7. ROBBERY WITH USE OF A DEADLY WEAPON Amended Information Filed/Charges Not Addressed PCN: Sequence: 8. POSSESSION OF STOLEN PROPERTY

DEPARTMENT 23
CASE SUMMARY
CASE NO. C-14-300979-3

Amended Information Filed/Charges Not Addressed
PCN: Sequence:

03/11/2015

Plea (Judicial Officer: Miley, Stefany)

1. ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

2. CONSPIRACY TO COMMIT ROBBERY

Guilty

PCN: Sequence:

3. COERCION

Charges Amended/Dropped

PCN: Sequence:

4. CONSPIRACY TO COMMIT ROBBERY

Charges Amended/Dropped

PCN: Sequence:

5. ROBBERY

Charges Amended/Dropped

PCN: Sequence:

6. CONSPIRACY TO COMMIT ROBBERY

Charges Amended/Dropped

PCN: Sequence:

7. ROBBERY WITH USE OF A DEADLY WEAPON

Charges Amended/Dropped

PCN: Sequence:

8. POSSESSION OF STOLEN PROPERTY

Charges Amended/Dropped

PCN: Sequence:

03/16/2015

CANCELED Jury Trial (1:00 PM) (Judicial Officer: Miley, Stefany)

Vacated

03/16/2015



Amended Information

Filed By: Plaintiff State of Nevada

Amended Information

03/16/2015



Guilty Plea Agreement

05/04/2015



PSI

05/04/2015



PSI - Victim Impact Statements

05/06/2015



Sentencing (9:30 AM) (Judicial Officer: Miley, Stefany)

Sentencing Counts 1 & 2

05/06/2015







Disposition (Judicial Officer: Miley, Stefany)

1. ROBBERY WITH USE OF A DEADLY WEAPON

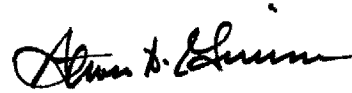
Guilty

PCN: Sequence:

DEPARTMENT 23
CASE SUMMARY
CASE NO. C-14-300979-3

	2. CONSPIRACY TO COMMIT ROBBERY Guilty PCN: Sequence:	
05/06/2015	Sentence (Judicial Officer: Miley, Stefany) 1. ROBBERY WITH USE OF A DEADLY WEAPON Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:60 Months, Maximum:180 Months Consecutive Enhancement: Use of a Deadly Weapon, Minimum:60 Months, Maximum:180 Months	
05/06/2015	Sentence (Judicial Officer: Miley, Stefany) 2. CONSPIRACY TO COMMIT ROBBERY Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:13 Months, Maximum:60 Months Consecutive: Charge 1 Credit for Time Served: 309 Days Other Fees 1. , \$880.00 To be paid Jointly and Severally with Co-Defendant Fee Totals: Administrative Assessment Fee --- 25.00 Crim fee sch Genetic Marker 3.00 Analysis AA Fee Fee Totals \$ 28.00	
05/11/2015	 Criminal Order to Statistically Close Case <i>Criminal Order to Statistically Close Case</i>	
05/12/2015	 Judgment of Conviction <i>JUDGMENT OF CONVICTION (PLEA OF GUILTY)</i>	
06/01/2015	 Recorders Transcript of Hearing <i>Transcript of Proceedings: Calendar Call March 11, 2015</i>	
06/01/2015	 Recorders Transcript of Hearing <i>Transcript of Proceedings: Sentencing Counts 1 & 2 May 6, 2015</i>	
06/12/2015	 Notice of Appeal (criminal) <i>Notice of Appeal</i>	
06/12/2015	 Case Appeal Statement <i>Case Appeal Statement</i>	

DATE	FINANCIAL INFORMATION	
	Defendant Ivey, James Curtis, Jr.	
	Total Charges	28.00
	Total Payments and Credits	0.00
	Balance Due as of 6/15/2015	28.00



CLERK OF THE COURT

JOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO. C300979-3

DEPT. NO. XXIII

JAMES CURTIS IVEY, JR.
#7010542

Defendant.

JUDGMENT OF CONVICTION

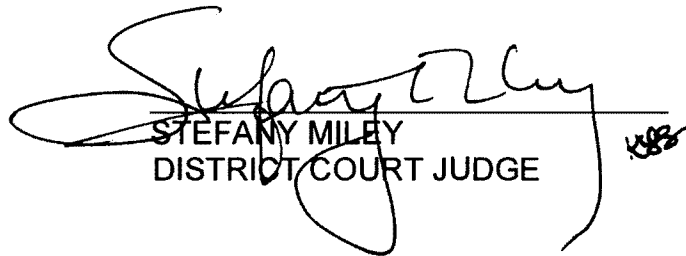
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crimes of COUNT 1 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.165; and COUNT 2 – CONSPIRACY TO COMMIT ROBBERY (Category B Felony) in violation of NRS 200.380, 199.480; thereafter, on the 6th day of May, 2015, the Defendant was present in court for sentencing with counsel CARMINE J. COLUCCI, ESQ., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee

1 including testing to determine genetic markers, and \$880.00 Restitution to be paid
2 jointly and severally with Co-Defendants plus \$3.00 DNA Collection Fee, the Defendant
3 is sentenced to the Nevada Department of Corrections as follows: as to COUNT 1 – a
4 MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole
5 eligibility of SIXTY (60) MONTHS plus a CONSECUTIVE term of ONE HUNDRED
6 EIGHTY (180) MONTHS with a MINIMUM parole eligibility of SIXTY (60) MONTHS for
7 the Use of a Deadly Weapon; and COUNT 2 - a MAXIMUM of SIXTY (60) MONTHS
8 with a MINIMUM parole eligibility of THIRTEEN (13) MONTHS; CONSECUTIVE to
9 COUNT 1; with THREE HUNDRED NINE (309) DAYS credit for time served. The
10 AGGREGATE TOTAL sentence is FOUR HUNDRED TWENTY (420) MONTHS
11 MAXIMUM with a MINIMUM of ONE HUNDRED THIRTY-THREE (133) MONTHS.
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14 DATED this 11 day of May, 2015
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19 STEFANY MILEY
20 DISTRICT COURT JUDGE
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 23, 2014

C-14-300979-3 State of Nevada
vs
James Ivey, Jr.

September 23, 2014 1:00 PM Initial Arraignment

HEARD BY: De La Garza, Melisa

COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Roshonda Mayfield

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:	Colucci, Carmine James	Attorney
	DiGiacomo, Sandra	Attorney
	Ivey, James Curtis, Jr.	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT. IVEY ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, counsel has 21 days from the filing of the preliminary transcript to file any writs.

CUSTODY

3/11/15 9:30 A.M. CALENDAR CALL (DEPT. 23)

3/16/15 1:00 P.M. JURY TRIAL (DEPT. 23)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 19, 2014

C-14-300979-3 State of Nevada
 vs
 James Ivey, Jr.

**November 19, 2014 11:00 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Bateman, Caroline	Attorney
	Colucci, Carmine James	Attorney
	Ivey, James Curtis, Jr.	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Argument by counsel regarding counts 4, 5 and 8. Court finds slight or marginal evidence, noted all three Defts. were identified, pointed out items were located in the vehicle and ORDERED, petition DENIED. Trial date STANDS.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 12, 2015

C-14-300979-3 State of Nevada
 vs
 James Ivey, Jr.

**January 12, 2015 9:30 AM Motion Defendant's Pro Se
Motion to Dismiss
Counsel**

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Colucci, Carmine James	Attorney
	DiGiacomo, Sandra	Attorney
	Ivey, James Curtis, Jr.	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Counsel advised he had spoken with Deft., stated Deft. is withdrawing the motion and Deft. WITHDREW motion. COURT ORDERED, matter OFF CALENDAR as withdrawn.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 11, 2015

C-14-300979-3 State of Nevada
 vs
 James Ivey, Jr.

March 11, 2015 9:30 AM Calendar Call

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

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	Colucci, Carmine James	Attorney
	Ivey, James Curtis, Jr.	Defendant
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- Amended Information FILED IN OPEN COURT. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. IVEY ARRAIGNED AND PLED GUILTY to COUNT 1 - ROBBERY WITH USE OF A DEADLY WEAPON (F) and COUNT 2 - CONSPIRACY TO COMMIT ROBBERY (F). Court ACCEPTED plea and ORDERED, matter referred to the Division of Parole and Probation (P & P) and set for sentencing. Trial date VACATED.

CUSTODY

05-06-15 9:30 AM SENTENCING COUNTS 1 & 2

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 06, 2015**

C-14-300979-3 State of Nevada
vs
James Ivey, Jr.

May 06, 2015**9:30 AM****Sentencing****Sentencing Counts 1
& 2****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

PRESENT:	Cannizzaro, Nicole J.	Attorney
	Colucci, Carmine James	Attorney
	Ivey, James Curtis, Jr.	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Argument by the State. Argument by counsel. Statement by Deft. DEFT. IVEY ADJUDGED GUILTY of COUNT 1 - ROBBERY WITH USE OF A DEADLY WEAPON (F) and COUNT 2 - CONSPIRACY TO COMMIT ROBBERY (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$3.00 DNA Collection fee, \$150.00 DNA Analysis fee including testing to determine genetic markers and \$880.00 Restitution to be paid Jointly and Severally, Deft. SENTENCED as to COUNT 1 - to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS and MINIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC) plus a CONSECUTIVE sentence of MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS and a MINIMUM of SIXTY (60) MONTHS for the use of Deadly Weapon and COUNT 2 - to a MAXIMUM of SIXTY (60) MONTHS and MINIMUM of THIRTEEN (13) MONTHS in the Nevada Department of Correction (NDC) to run CONSECUTIVE to COUNT 1, with THREE HUNDRED NINE (309) DAYS credit for time served. The AGGREGATE TOTAL sentence is FOUR HUNDRED TWENTY (420) MONTHS with a MINIMUM of ONE HUNDRED THIRTY-THREE (133) MONTHS. BOND, if any, EXONERATED.

NDC

CLERK'S NOTE: The above minute order has been amended to reflect aggregate sentence. 05/07/15
kls

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; JUDGMENT OF CONVICTION (PLEA OF GUILTY); DISTRICT COURT
MINUTES

STATE OF NEVADA,

Plaintiff(s),

vs.

JAMES CURTIS IVEY, JR.,

Defendant(s).

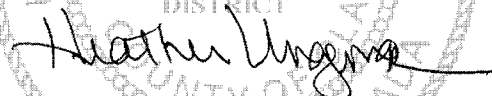
Case No: C300979-3

Dept No: XXIII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 15 day of June 2015.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk