

15

1 outside?

2 A We did.

3 Q Everybody but Danielle?

4 A Hers was the only one that wasn't there. It  
5 wasn't anywhere around the house that they could have  
6 dropped it or anything.

7 Q You never saw that phone again?

8 A Never seen it. We tried calling it and nothing  
9 happened.

10 MS. KOLLINS: Pass the witness, Judge.

11 THE COURT: We do need to take a lunch break  
12 and I understand that there's some conflicts in the  
13 afternoon with the trial and that would necessitate us  
14 continuing this preliminary hearing. So is the April 17th  
15 date good?

16 MS. LUZAICH: I can do Tuesday.

17 MR. ORONOZ: Is there a chance we can do it in  
18 the afternoon?

19 MS. LUZAICH: That would be great.

20 THE COURT: One o'clock. We'll continue this,  
21 the witnesses are still under subpoena to come back on the  
22 17th at one p.m. We'll be in recess.

23

24 (The proceedings concluded.)

25

\* \* \* \* \*

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15 1 ATTEST: Full, true and accurate transcript of  
2 proceedings.

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5 LISA BRENSKE, CCR No. 186  
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CASE NO. C232494

FILED

IN THE JUSTICE'S COURT OF HENDERSON TOWNSHIP

COUNTY OF CLARK, STATE OF NEVADA

\* \* \* \* \*

CLERK OF THE COURT

ORIGINAL

THE STATE OF NEVADA,

Plaintiff,

-vs-

DELARIAN K. WILSON &  
NARCUS S. WESLEY,

Defendants.

Case No. 07FH-317A/B

REPORTER'S TRANSCRIPT

OF

PRELIMINARY HEARING

BEFORE RODNEY T. BURR, JUSTICE OF THE PEACE

Tuesday, April 17, 2007

1:00 P.M.

APPEARANCES:

For the State:

ELISSA LUZAICH, ESQ.  
Deputy District Attorney

For Defendant Wilson:

JAMES A. ORONoz, ESQ.

For Defendant Wesley:

FRANK P. KOCKA, ESQ.

Reported by: LISA BRENSKE, CSR No. 186  
Official Court Reporter

000202

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000293



HENDERSON, CLARK COUNTY; TUESDAY, APRIL 17, 2007

P R O C E E D I N G S

THE COURT: This is the continuation of the preliminary hearing of Wilson and Narcus Wesley, 07FH-317A and B.

Is the State prepared to call their next witness?

MR. KOCKA: Actually I think it was State had finished with --

MS. LUZAICH: We passed Justin Richardson and I believe it's time for the defense cross.

THE COURT: Let's recall Justin Richardson.

JUSTIN RICHARDSON,

called as a witness by the State, having been first duly sworn to tell the truth, the whole truth, and nothing but the truth, testified as follows:

THE CLERK: Please state your full name and spell it for the record.

THE WITNESS: My name is Justin Richardson, J-u-s-t-i-n, R-i-c-h-a-r-d-s-o-n.

THE COURT: Cross.

0002^4

1 MR. KOCKA: Thank you, Judge.

2  
3 CROSS-EXAMINATION

4 BY MR. KOCKA:

5 Q Justin, I am going to ask you to bear with me a  
6 little bit because if you remember last time State had an  
7 opportunity to ask you some questions and we broke before I  
8 had a chance to so I am going to kind of pick up where the  
9 State left off and I may kind of be a little disjointed and  
10 I don't mean to be, but we've had a week's break in time.

11 A That's fine.

12 Q If you get stuck, just let me know and  
13 hopefully between you and I we'll be able to reconstruct  
14 where the D.A. left us off.

15 All right. Justin, I want to start off by  
16 asking you a couple questions. During the course of the  
17 direct examination by the district attorney's office you  
18 kept referring to they. There were two individuals in the  
19 house that night, correct?

20 A Correct.

21 Q And do you also remember giving an interview to  
22 the police that night or shortly after the incident?

23 A Correct.

24 Q And in that interview you gave to the police  
25 you referred to one of the individuals as being the main

000205

1           1           guy. Do you recall that?

2           A           Yes, I do.

3           Q           Now, my client is Mr. Wesley, the individual  
4           sitting directly to my left. Which of these two individuals  
5           in court today did you identify as being the main guy?

6           A           Not your client.

7           Q           What I am going to try to do is make it more  
8           concrete. What I'd like to do is refer to instead of saying  
9           the main guy, the number one, number two, the stockier, the  
10          thinner, my client is Mr. Wesley, the other individual is  
11          Mr. Wilson. So would it be fair then to say that the main  
12          guy you refer to is actually Mr. Wilson?

13          A           Mr. Wilson, yes.

14          Q           Now, you I believe were saying that when this  
15          incident began were in one of the back rooms sleeping,  
16          correct?

17          A           Correct.

18          Q           So you didn't see who actually came to the door  
19          of the residence?

20          A           No. I did not.

21          Q           Now, I believe you also in your interview to  
22          the police indicated that you have less than perfect  
23          eyesight; is that correct?

24          A           Correct.

25          Q           You wear glasses?

000266

1 A Glasses and contacts.

2 Q And I believe if I remember correctly in a  
3 statement to the police officer you say something to the  
4 effect that your eye sight is so bad that it's limited to  
5 about five feet, right?

6 A Without them, yes.

7 Q Without your glasses or contacts?

8 A Yes.

9 Q I think you actually characterize that -- I am  
10 doing the same thing, I have to do this, my eyes aren't that  
11 good anymore -- you can't see that good, you're really bad  
12 with regard to your eyes, correct?

13 A Yes.

14 Q Correct?

15 A Correct.

16 Q And you're limited to about five feet?

17 A Correct.

18 Q Now, were you actually asleep in your room when  
19 you heard the knock at the door?

20 A I was asleep and as soon as I woke up my  
21 nightstand is where my glasses were and I put them on as  
22 soon as I woke up before anything really happened.

23 Q So it's fair to assume you didn't have your  
24 contacts in at that point?

25 A Yeah.

000207

1 Q Now, what was the lighting condition in your  
2 room?

3 A My light was off. As soon as I put my glasses  
4 on I turned on my light. I have a remote for it.

5 Q Do you recall who was in your room or knocking  
6 on your door?

7 A Mr. Wilson.

8 Q Were you given any instructions with regard to  
9 the light?

10 A Yes. He told me to turn it off.

11 Q So after the light was turned on you turned the  
12 light off and your room was once again dark?

13 A Yes.

14 Q Was my client Mr. Wesley in the room with Mr.  
15 Wilson?

16 A Not my bedroom, no.

17 Q Did you see Mr. Wesley at any point in time?

18 A I did.

19 Q In your room?

20 A No, not in my room.

21 Q Where did you go after you left your room?

22 A We walked -- me and my girlfriend and Mr.  
23 Wilson walked through the hallway into the living room.

24 Q Now, was Mr. Wesley with you during this walk  
25 down the hallway?

000208

- 1 A No. He was in the living room.
- 2 Q And were the lights on in the hallway or off?
- 3 A They were turned off.
- 4 Q In the living room were the lights on or off?
- 5 A Off.
- 6 Q Except for?
- 7 A The TV.
- 8 Q Now, where in the living room was Mr. Wesley
- 9 standing?
- 10 A He was standing in front of the recliner couch
- 11 directly in front of me as I walked down the hall.
- 12 Q How far away from you was Mr. Wesley?
- 13 A About ten feet.
- 14 Q Now, did you have your head up or were you
- 15 instructed to keep your head down as you were walking?
- 16 A I had my head down, but I was kind of peeking
- 17 up to see what was going on.
- 18 Q So for the most part you had your head down but
- 19 you were sneaking peeks up as you walked along?
- 20 A Yes.
- 21 Q Now, you said that Mr. Wesley was about ten
- 22 feet was it in front of you?
- 23 A Yes. And at this time I did have my glasses on
- 24 still at this time.
- 25 Q Were you able to observe Mr. Wilson?

000209

2 1 A Yes. I noticed him. I was able to notice he  
2 was wearing dark clothes. I couldn't get too specific on  
3 that.

4 Q Why is it that you can't get too specific on  
5 that?

6 A I wasn't trying to. I wasn't trying to stare  
7 at him.

8 Q You were giving him very quick glances?

9 A I was just trying to see.

10 Q How long was it between the time that you  
11 entered the living room until you were told to lay face  
12 down?

13 A What was that?

14 Q How long was it from the time that you entered  
15 the living room until you were told to lay face down?

16 A As soon as I entered the living room, stood  
17 there until I seen the circle and just, I don't know, maybe  
18 20 seconds.

19 Q About 20 seconds?

20 A Yeah.

21 Q Now, the district attorney asked you whether or  
22 not my client had a gun.

23 A She did.

24 Q Did you see a gun on my client?

25 A I seen it -- the outline of a gun, what I

000210

2           1       thought to be a gun.

2           Q       Let's stop there. You saw what you thought to  
3       be an outline of a gun?

4           A       Yes.

5           Q       Could you describe it for me.

6           A       It was dark, looked like a handgun.

7           Q       Could it have been something other than a  
8       handgun?

9           A       To me, no, I thought it was a gun.

10          Q       You come down a dark hallway into a dark room,  
11       someone is about ten feet away and I think you characterize  
12       it that you thought it might have been a handgun. What  
13       makes you today so sure that it was a handgun?

14          A       Just how he had it in his hand. I mean, if it  
15       was something else he wouldn't have been carrying it like he  
16       was.

17          Q       Let me ask you that. Is it then the manner he  
18       was carrying this object that makes you believe it was a gun  
19       or did you actually see the gun?

20          A       Well, I seen him carrying it. I figured it was  
21       a gun, he talked about it being a gun. To me that's a gun.

22          Q       Let me stop you there. You figured that it was  
23       a gun, correct?

24          A       Yeah. From what I saw it was a gun.

25          Q       Can you tell me what kind of a gun it was? Was

000211



2 1 it a revolver?

2 A No. It seemed like a semiautomatic pistol  
3 handgun. I honestly couldn't tell you what kind.

4 Q Was it silver?

5 A It was dark.

6 Q How was he holding it?

7 A What was that?

8 Q How was he holding it?

9 A Just in his hand, just carrying it around on  
10 the side.

11 Q Did he ever point it at you?

12 A No.

13 Q Did he ever display the gun to you in a  
14 threatening manner?

15 A No.

16 Q Did he ever issue any command to you to do  
17 something because he had a gun, "Lay down because I've got a  
18 gun"?

19 A He commanded to all of us keep quiet because he  
20 had a gun, if we said anything --

21 Q Let me stop you there. Was it Mr. Wilson who  
22 issued the command --

23 A No, it was Mr. Wesley. This was when Mr.  
24 Wilson was gone.

25 Q I'm talking about when you first came into the

000212

2 1 room, not when Mr. Wilson was gone. We will get there in a  
2 minute. When you, if you remember, came into the room who  
3 was issuing the commands?

4 A Mr. Wilson.

5 Q At that point in time did Mr. Wesley display  
6 the gun or issue any commands to you?

7 A No.

8 Q During the time that Mr. Wilson was there did  
9 you hear Mr. Wesley issue any commands to you?

10 A No.

11 Q After your initial introduction to Mr. Wesley  
12 when you first saw him did you see him again after that  
13 point before Mr. Wilson left?

14 A No.

15 Q Now, who was it that was asking for the money  
16 and the ATM cards?

17 A Mr. Wilson.

18 Q When there was not sufficient money to be had  
19 who was it that took an individual out of the house to go to  
20 the ATM?

21 A Mr. Wilson.

22 Q Did you hear Mr. Wilson give any commands or  
23 directions to Mr. Wesley at that point in time?

24 A Yes.

25 Q And what was that?

000213

3           1           A       He told him if anybody moved, talked, to shoot  
2           them.

3           Q       And that was a command that you heard Mr.  
4           Wilson instruct Mr. Wesley to do?

5           A       Yes.

6           Q       Did you hear anything from Mr. Wesley at that  
7           point?

8           A       He just said yeah, if any of them moved.

9           Q       Now, during the time that Mr. Wilson left what  
10          were you doing?

11          A       Still laying on the floor of the living room.

12          Q       Did you have your face down still?

13          A       Yes.

14          Q       Was your face in a pillow or was it just face  
15          down on the floor?

16          A       Just face down.

17          Q       Were you moving your head around looking?

18          A       I wasn't moving it. I was just kind of trying  
19          to see out of the corner of my eye what I could see.

20          Q       And what did you see?

21          A       Just a lot of darkness. At this time I had my  
22          glasses off by now and I could just hear him walking around.

23          Q       Did he touch you in any way?

24          A       No.

25          Q       When I say "he," I'm referring to Mr. Wesley.

000214

3

1 A No, he did not.

2 Q Did he threaten you in any way or make any  
3 demands of you in any way?

4 A No.

5 Q About how long was Mr. Wilson gone?

6 A It seemed like about 20 minutes. I didn't see  
7 a clock, but it was probably around 20 minutes.

8 Q Now, I am going to ask about when Mr. Wilson  
9 came back. Do you recall Mr. Wilson making any statements?

10 A Yes.

11 Q And what was that?

12 A He said that we were 90 percent done and we had  
13 ten percent to go.

14 Q Did Mr. Wesley make any statement along those  
15 lines?

16 A No.

17 Q With regard to the 90 percent done, ten percent  
18 left to go, counsel asked you obviously what that meant and  
19 we are going to get into that a little bit of what  
20 transpired. Who was it that gave you instructions to have  
21 sexual relations with your girlfriend?

22 A Mr. Wilson.

23 Q Did Mr. Wesley at any point in time instruct  
24 you to have sexual relations with your girlfriend?

25 A He didn't instruct me, no.

000215

3 1 Q Did Mr. Wilson have a gun pointed at you while  
2 this was being done?

3 A Yes.

4 Q Did Mr. Wesley have a gun pointed at you while  
5 this is going on?

6 A No.

7 Q During what I believe you testified to be the  
8 first act you were told to roll over so you were face up,  
9 correct?

10 A Correct.

11 Q And I believe that then you testified that  
12 there was a pillow thereafter placed over your face?

13 A Correct.

14 Q And a gun placed next to your head?

15 A Correct.

16 Q Who was it that placed the gun next to your  
17 head with the pillow over your face?

18 A Mr. Wilson.

19 Q Did Mr. Wesley at any point in time participate  
20 putting the pillow over your face or gun?

21 A I can't hear you.

22 Q Did Mr. Wesley at any point in time participate  
23 in placing the pillow over your head or the gun next to your  
24 head?

25 A No.

000216

3           1           Q       With regard to what happened with Ryan, the  
2           instructions that were given to Ryan for him to masturbate,  
3           who gave the instructions to Ryan?

4           A       Mr. Wilson.

5           Q       Did Mr. Wesley participate in giving those  
6           instructions?

7           A       No.

8           Q       You had indicated when the district attorney  
9           was asking you questions that you heard an individual, you  
10          weren't specific, but you heard an individual say that if  
11          you can't get hard that he would shoot you?

12          A       Correct.

13          Q       Who made that statement?

14          A       Mr. Wilson.

15          Q       Did Mr. Wesley make that statement to you?

16          A       No.

17          Q       Another statement that was made thereafter was  
18          that they would have sex with her. Who made that statement?

19          A       Mr. Wilson made that statement and then Mr.  
20          Wesley basically agreed upon it saying, "Yeah."

21          Q       Was that statement made after the statement  
22          that Mr. Wilson said he would kill you if you couldn't get  
23          it hard?

24          A       Yes, it was after.

25          Q       You indicated that my client in a statement

000217

3 1 saying, "Come on, if they can't do it, I can." Is that  
2 correct?

3 A Correct.

4 Q Was that statement made after the statement by  
5 Mr. Wilson that if you can't get it hard he is going to  
6 begin shooting people?

7 A Yes.

8 Q And that I believe it was that you wouldn't be  
9 the only one shot but the next person that couldn't get it  
10 up would be shot also, correct?

11 A Correct.

12 Q And thereafter my client said, "Come on, if he  
13 can't do it, I can"?

14 A Correct.

15 Q Is the reason that you described to the police  
16 that Mr. Wilson was the main guy that he seemed to be in  
17 charge of this whole operation?

18 MS. LUZAICH: Objection. He can't testify who  
19 was in charge of the operation.

20 BY MR. KOCKA:

21 Q Let me ask you then why did you describe Mr.  
22 Wilson as the main guy?

23 A He was giving most of the commands it seemed  
24 like, he was the one asking for the money. To me it just  
25 seemed like he was the one running the show.

900218

4 1 Q As a matter of fact I believe you described to  
2 the police that Mr. Wesley was actually quite nervous during  
3 this whole encounter; wasn't that correct?

4 A Yeah, I believe I said that during when Mr.  
5 Wilson was gone he seemed nervous.

6 MR. KOCKA: I'll pass the witness, Judge.

7 THE COURT: Mr. Oronoz.

8 MR. ORONoz: Thank you, Judge.

9  
10 CROSS-EXAMINATION

11 BY MR. ORONoz:

12 Q Mr. Richardson, you recall meeting with  
13 representatives of the Henderson Police Department on  
14 February 19th in conjunction with this case?

15 A Yes.

16 Q Do you remember talking to detectives?

17 A Yes.

18 Q And do you remember those detectives talking  
19 about the two individuals who were involved in this  
20 incident?

21 A Yes.

22 Q They talked about a number one and a number  
23 two?

24 A Yes.

25 Q And in fact, you refer to number one as the

000219



4 1 larger of the two, the stockier of the two?

2 A Yeah, that's correct.

3 Q And the number two was the more slight a build,  
4 thinner, correct?

5 A Correct.

6 Q And you were asked to give a description of  
7 number one; do you recall that?

8 A I don't recall.

9 Q Let me ask you this: Do you recall a detective  
10 saying, "Okay. Now give me a description of the number one  
11 guy." Do you remember that?

12 A Yeah, I do.

13 Q And do you remember your answer?

14 A I can't tell you off the top of my head. I'm  
15 sure I said something about him being more built, stockier.

16 Q Do you recall saying that, "I never got a look  
17 at his face"? Do you recall answering the detective's  
18 question in that manner?

19 A Yes.

20 Q "I never got a look at his face;" is that  
21 correct?

22 A That is correct.

23 Q And do you recall then asking you about what  
24 type of hair number one had, whether it was short or long,  
25 things of that nature, do you recall that question?

000220

4 1 A No, I don't.

2 Q Would it refresh your recollection if I showed  
3 you a copy of the document or the interview?

4 A Yeah.

5 MR. ORONOZ: Judge, may I approach?

6 THE COURT: Yes.

7 MS. LUZAICH: What page?

8 MR. ORONOZ: Page 14, counsel, lines 22 and 23.

9 Q Does that help refresh your recollection?

10 A Somewhat. Not --

11 Q Do you recall answering the detectives that,  
12 "No, I never got one look at his face"?

13 A I don't remember saying it like that in that  
14 meaning.

15 Q Do you dispute the accuracy of this transcript?

16 A Dispute the way how you said it. Like you said  
17 it like I didn't get any like --

18 MR. ORONOZ: Can I approach?

19 THE COURT: Sure.

20 BY MR. ORONOZ:

21 Q Would you mind reading your answer on line 23.  
22 Can you tell me what your answer says on line 23?

23 A Yeah, my answer says, "Na, I never got one look  
24 at his face.

25 Q Do you recall the detectives asking you about

000221

4 1 number one's clothing, what type of clothing he was wearing?

2 A Yes.

3 Q And do you recall telling them, "No, I was -- I  
4 didn't look at him at all." Do you recall that answer?

5 A No, I don't recall that.

6 MR. ORONOZ: May I approach?

7 Counsel, page 16, lines four through six.

8 THE WITNESS: I don't recall saying that. I  
9 don't recall saying that.

10 BY MR. ORONOZ:

11 Q Okay. So is it your testimony that when asked  
12 if you saw any of the clothing that number one was wearing  
13 that you did not say, "No, I was -- I didn't look at him at  
14 all"? Is it your testimony you didn't say that to these  
15 detectives?

16 A Yeah.

17 Q Then it's your testimony that this is  
18 incorrect?

19 A I'm saying -- I might have if I was -- I don't  
20 know. I might have been scared still, but I did get a look  
21 at him.

22 Q So your position here today two months later is  
23 you did in fact get a look at him and that these things are  
24 incorrect? Is that your testimony here today?

25 A No, sir.

00022

4 1 Q Is it your testimony here today then that your  
2 interview of February 7th was accurate then?

3 A I'm saying that I don't recall saying that. I  
4 recall saying that I did see him, but I didn't see him that  
5 good. I know I seen his clothing.

6 Q So when if you said, "I never got a look at his  
7 face," is that correct or incorrect?

8 A That's correct, I did say that.

9 Q When you said you never got a look -- when  
10 asked about his hair, "Was it long, was it short," and you  
11 said, "Na, I never got one look at his face," was that  
12 correct or incorrect?

13 A That's incorrect. Did you say his face or him?

5 14 Q Well, they asked you about his hair, whether it  
15 was long or short, and your response was, "Na, I never got  
16 one look at his face," is that correct or incorrect?

17 A That I said?

18 Q Yes.

19 A I honestly don't remember.

20 Q When you were asked about his clothing is it  
21 correct that you didn't look at his clothing at all or him  
22 at all, is that correct or incorrect?

23 A Incorrect.

24 Q So on February 7th when you talked to these  
25 detectives, a lot of these details when it comes to

000223

5           1       describing my client are incorrect? Is that what you're  
2           2       saying at this point?

3           A       I honestly don't know. I'm not sure. I don't  
4           4       remember saying those.

5           Q       Let me ask you this: Was this interview tape  
6           6       recorded? Do you recall a tape recorder being there?

7           A       Yeah. In the car, yes.

8           Q       Do you recall detectives taking any notes while  
9           9       you were being spoken to?

10          A       Yeah, I believe one or two of them.

11          Q       Which detective?

12          A       I don't remember any of their names.

13          Q       Let me ask you this: Other than identifying my  
14          14       client here in court what other things happened as far as  
15          15       identification? Were you shown a six pack or were you shown  
16          16       photos, things of that nature?

17          A       I was shown photos.

18          Q       Do you recall the name of the detective who  
19          19       showed you those photos?

20          A       I'm sorry, I don't know. I haven't talked to  
21          21       them since that happened.

22          Q       Did you have to write anything in conjunction  
23          23       with whom you pick out of a lineup? Did you have to write  
24          24       anything, you know, I choose number two or --

25          A       I did write and I remember what I wrote.

000224

5           1           Q       And you wrote it and did the detective write  
2                           anything as well?

3           A       He did write something above it.

4           Q       Do you recall what he wrote?

5           A       I don't remember what he wrote. I just  
6           remember I wrote that I wasn't sure by just looking at the  
7           face.

8           Q       So when you looked at the picture you couldn't  
9           tell?

10          A       I couldn't tell.

11          Q       Let's change gears and I just have one final  
12          question or group of questions I should say. I'm directing  
13          your attention to the night of the incident when you're led  
14          out back into the living room. Is there a television in  
15          that room?

16          A       Yes.

17          Q       Was the television on when all this was  
18          occurring?

19          A       Yes, it was.

20          Q       And was it turned up so people could hear or  
21          was it turned down or?

22          A       It was turned off about -- it was a little ways  
23          into it. They told us someone turned it off.

24          Q       So somebody turned it off?

25          A       At some point it did turn off, just the TV.

000205

5           1       The DVD player was still running.

2                       MR. ORONOZ: Thank you. I have no further  
3 questions.

4                       THE COURT: Redirect?

5  
6                               REDIRECT EXAMINATION

7 BY MS. LUZAICH:

8                       Q       When you said earlier he asked you about what  
9 you said about his face, what did you think you said as you  
10 sit here now? What do you think you said about seeing his  
11 face?

12                      A       Just that I didn't get that clear enough look  
13 at it.

14                      Q       You saw it but you didn't stare at it?

15                      A       I seen it and I was told to look straight down  
16 just as soon as I looked. So it's real hard to say.

17                      Q       When Mr. Kocka -- and this is Mr. Kocka in the  
18 white shirt right here -- when he said the first one next to  
19 him is Wesley, the second one is Wilson, was Wesley nervous  
20 when Wilson was gone, so was the thinner one nervous when  
21 Wilson was gone or was that the only time --

22                      A       That was the only time it seemed he was  
23 nervous.

24                      Q       Now, when the stockier one was gone and the  
25 thinner one was there with you guys, did he ever say "Oh,

000206

5           1       you can get up and walk around"?

2           A       No.

3           Q       Did he ever let you hug your girlfriend?

4           A       No.

5           Q       Did he ever let any of you get up and move  
6 around?

7           A       No.

8           Q       Did he let you guys leave?

9           A       No.

10          Q       Did he make you stay there with a gun pointed  
11 at you?

12          A       He made us stay walking around saying he had a  
13 gun and I honestly didn't look to see what was pointed at  
14 me.

15          Q       And when you say "he made us stay walking  
16 around," it was him that was walking around, you guys were  
17 still laying face down?

18          A       Correct.

19          Q       When the stockier one was telling you guys to  
20 do things, when he was telling you to lay down, when he was  
21 telling you to give the money and when he was telling you  
22 and Danielle to do things to each other, did the thinner one  
23 ever say, "Oh, don't do that"?

24          A       No, he didn't.

25          Q       Did the thinner one ever say, "Stop doing

000227



5 1 that"?

2 A No.

3 Q Did the thinner one ever say, "Oh, come on,  
4 give these poor kids a break"?

5 A No.

6 Q When the stockier one said something about if  
7 you can't do this with Danielle, we are going to shoot  
8 somebody, did the thinner one say, "Oh, no, don't shoot  
9 anybody"?

10 A No.

11 Q When the thinner one said, "If they can't do  
12 it, I can," what was his tone of voice? Did he sound scared  
13 when he said that?

14 A No.

15 Q Did he sound excited when he said that?

16 A Yeah.

17 Q Could you actually see what the thinner was  
18 doing to Danielle when he was touching her?

19 A No.

20 Q Could you hear what was happening?

21 A No.

22 Q Could you hear that he was at least near  
23 Danielle?

24 A Yeah.

25 Q And did there come a time that the stockier one

00028

6

1 told him to stop?

2 A No. Well, I'm sorry. Would you --

3 Q Do you want me to repeat that?

4 A Yeah, like --

5 Q When the thinner one was touching Danielle did  
6 there come a time when the stockier one told him to stop  
7 touching Danielle?

8 A Yeah. He said that was enough.

9 Q What did the thinner one do or say when the  
10 stockier one said that's enough?

11 A He was just kind of like, "Oh, man, come on."

12 Q He wanted to keep going?

13 A Yeah. And the stockier one said no, that we've  
14 been doing good.

15 Q When you were walking from your bedroom down  
16 the hall towards the living room you said the light from the  
17 TV was on or the TV was on and therefore there was some  
18 light in the room?

19 A Correct.

20 Q Do you know where in relation to the TV the  
21 thinner one was?

22 A Yeah, the TV was facing him. I was -- he was  
23 straight in front of me, the TV would have been in front of  
24 him, just to the side of me. So the light was on him.

25 Q So the light from the TV was on him and you

000229

6 1 were able to see him?

2 A Yes.

3 Q Is that how you were able to see a gun in his  
4 hand?

5 A Yes.

6 Q And when he was holding the gun, I mean was he  
7 holding it kind of like in a pocket or was he holding it  
8 away from his body?

9 A No. He was holding it like towards the side.  
10 It wasn't in his pocket, but it was like on the side. His  
11 hand was down by his side and he was holding it. Like he  
12 wasn't waving it around or nothing.

13 Q So it didn't appear to you in any way that his  
14 hand was in his pocket pretending to be a gun?

15 A No.

16 Q There was definitely something in his hand?

17 A Yes.

18 MS. LUZAICH: Thank you. I have nothing  
19 further.

20 MR. KOCKA: Just a couple follow up questions,  
21 Your Honor.

22  
23  
24  
25  
000230

6

1

RECROSS EXAMINATION

2

BY MR. KOCKA:

3

Q When Miss Luzaich asked you that when Mr.

4

Wilson was gone he said he had a gun, you never actually saw

5

a gun in his hand; is that correct?

6

A No. At that point, no. I had my glasses off

7

and I really couldn't see anything at that time.

8

Q She was also asking about his hand being down

9

on his side.

10

A Correct.

11

Q Do you 100 percent positive beyond a reasonable

12

doubt see a gun in his hand or could it have been something

13

else in his hands?

14

MS. LUZAICH: Objection to the beyond a

15

reasonable doubt.

16

THE COURT: Sustained.

17

BY MR. KOCKA:

18

Q Are you a hundred percent positive that it was

19

a gun or could it have been something else?

20

A I am not a hundred percent positive.

21

Q So it could have been something else?

22

A Yes.

23

Q Not positive it was a gun?

24

MS. LUZAICH: Asked and answered.

25

THE COURT: Sustained.

000231

6

1 BY MR. KOCKA:

2 Q Now, Miss Luzaich also asked you about  
3 something that was going on with Danielle back at the  
4 staircase. When that was going on was your face down on the  
5 ground?

6 A Yes.

7 Q So you didn't actually see if Danielle was  
8 being touched; is that correct?

9 A Correct.

10 Q So when Miss Luzaich asked you about Danielle  
11 being touched, you don't know if she was touched at that  
12 point because you didn't see it, correct?

13 A I didn't see it, no.

14 MR. KOCKA: Judge, I am going to ask to have  
15 the testimony he indicated upon Miss Luzaich's comment --  
16 Miss Luzaich actually asked about Danielle being touched and  
17 I ask it be stricken from the record. He indicated he did  
18 not see it. Previously when Miss Luzaich asked whether or  
19 not he saw Danielle being touched he indicated yes.

20 MS. LUZAICH: No, he didn't. He never saw her  
21 being touched. I asked what he heard at the time.

22 MR. KOCKA: Okay. That Danielle was being  
23 touched. He's just indicated he's never seen Danielle being  
24 touched so he would have no knowledge that Danielle was  
25 being touched by the thin man.

000232

6 1 THE COURT: If that's the case I have the same  
2 recollection from my notes. I didn't have down that he ever  
3 saw it, just the comment. So the record will control  
7 4 whatever that is and of course he just said what his answer  
5 was. So let's move on.

6 BY MR. KOCKA:

7 Q With you not having seen who was touching  
8 Danielle, you just heard the comments between the two,  
9 correct?

10 A Correct.

11 Q You're not able to say by observing who is  
12 speaking who said which comment, correct?

13 A I am sorry?

14 Q You didn't actually see who was speaking which  
15 words, you didn't actually see the speaker of the words, did  
16 you?

17 A No.

18 Q So you don't know who was actually saying what  
19 comment?

20 A Yeah, I knew the voice of Mr. Wilson from when  
21 he came in my room and it was quite different from that of  
22 Mr. Wesley.

23 Q But when Miss Luzaich asked you, you heard  
24 someone say stop, not having seen what was going on with  
25 Danielle you have no reference point what that was in regard

000223

7 1 to, do you?

2 A No.

3 MR. KOCKA: I have nothing further.

4 THE COURT: Mr. Oronoz.

5 MR. ORONOS: Nothing, Your Honor.

6 THE COURT: Anything further?

7 MS. LUZAICH: No.

8 THE COURT: Thank you for your testimony.

9 You're excused and you're free to return to the room.

10 Next witness.

11 MS. LUZAICH: Ryan Tognotti if he's here and if  
12 not Ryan, Clint.

13 Judge, just for the record I filed an amended  
14 complaint when I got here. I gave a copy to both Mr. Kocka  
15 and Mr. Oronoz. It cleans up some of the language I had  
16 mentioned earlier that I was going to do that. It also  
17 changed some of the counts and at the conclusion of the  
18 hearing there's a couple things I forgot and I am going to  
19 further amend just a little bit and I spoke to Mr. Oronoz  
20 and Mr. Kocka about that as well.

21  
22 RYAN TOGNOTTI,

23 called as a witness by the State, having been first duly  
24 sworn to tell the truth, the whole truth, and nothing but  
25 the truth, testified as follows:

000224

7           1           THE CLERK: Please state your full name and  
2 spell it for the record.

3           THE WITNESS: Ryan Tognotti, R-y-a-n,  
4 T-o-g-n-o-t-t-i.

5  
6                           DIRECT EXAMINATION

7 BY MS. LUZAICH:

8           Q       Hi, Ryan. Do you live now the same place that  
9 you did February 18th, 2007?

10          A       No.

11          Q       On February 18th of 2007 where did you live?

12          A       690 Great Dane Court, Henderson, Nevada 89052,  
13 I believe.

14          Q       And that is a house; is that correct?

15          A       Yeah.

16          Q       And at the time who did you live with?

17          A       I lived with three other male roommates; Justin  
18 Foucault, Justin Richardson and David Machunbacher.

19          Q       Justin Richardson just left the courtroom?

20          A       Right.

21          Q       And Justin Foucault is here with you as well?

22          A       Yes.

23          Q       Specifically on February 18th of 2007 was  
24 Justin Richardson's girlfriend down here and staying at the  
25 house?

000235



7 1 A Yes.

2 Q And is that something that she can kind of did  
3 often?

4 A Yeah. Probably like once every couple months.

5 Q And was your brother also visiting with you  
6 guys at the house?

7 A Yeah.

8 Q Is his name Clint?

9 A Yeah.

10 Q And was another friend of yours visiting at the  
11 house, Aitor?

12 A Yes.

13 Q And he's here as well?

14 A Yeah.

15 Q Somewhere around ten o'clock that night were  
16 you guys getting ready to do something?

17 A Watch a movie.

18 Q As you were hanging out who was sitting there  
19 getting ready to watch the movie?

20 A Me, Justin Foucault, Justin Richardson and  
21 Aitor.

22 Q Justin Richardson?

23 A I am sorry. Me, Justin Foucault, my brother  
24 Clint and Aitor. And then Danielle and Justin Richardson  
25 were in the bedroom.

000236

7 1 Q Had they gone into the bedroom awhile back?

2 A Yeah. Probably like a couple hours.

3 Q As you guys were getting ready to watch the  
4 movie did something happen?

5 A Yeah, we heard a knock at the door.

6 Q Were you expecting people?

7 A We were expecting people. We were expecting a  
8 couple other friends to come.

9 Q Since you were expecting people what did you do  
10 when you heard the knock?

11 A Said to come in.

12 Q Did anybody come in?

13 A Not at first.

14 Q So what did you do?

15 A We waited a couple seconds and then I got up to  
16 answer the door and right before I answered the door the  
17 door handle turned and the door opened into the house.

18 Q Was the door locked or unlocked?

19 A It was unlocked.

20 Q When the door opened into the house what  
21 happened?

22 A I grabbed the door handle and I looked outside  
23 and I saw two gentlemen outside and I asked them, "What can  
24 I help you with?" and they said they were looking for a man  
25 that previously lived there I guess named Grant.

000237

7 1 Q So they gave a name?

2 A Yeah.

3 Q Had you ever seen these two individuals before?

4 A No.

5 Q What happened?

6 A They asked if Grant lived there. We told them  
7 no, and they told me that they were certain that Grant lived  
8 there 'cuz they said that that was his TV. They're like,  
9 "We know Grant lives here, that's his TV," and we're like,  
10 "No, we moved in six months ago, there's no Grant that lives  
11 here."

12 Q While that conversation is happening where are  
13 the two individuals?

14 A Like right outside the door.

15 Q So they're still not inside?

16 A Not yet.

17 Q Then what happens?

18 A And then as soon as like we told them that  
19 Grant lived there no longer and after we had the discussion  
20 that was Grant's TV and we told them no, it wasn't, they  
21 proceeded to lift their shirts up, take two handguns out of  
22 their waistband and enter the door and tell us to get on the  
23 ground.

24 Q Did you personally see both of them take guns  
25 out of their waistband?

000228

8 1 A Yes, I did.

2 Q Do you see those two people here in court  
3 today?

4 A Yes.

5 Q Can you describe where they're sitting and what  
6 they're wearing.

7 A They are sitting right there in front of me  
8 wearing blue suits.

9 MS. LUZAICH: Record reflect identification of  
10 the defendants?

11 THE COURT: Yes.

12 BY MS. LUZAICH:

13 Q Was there a difference between the two of them  
14 like that you can describe?

15 A One was shorter and stockier and the other one  
16 was taller and skinnier.

17 Q As you were having the conversation at the door  
18 was one or both of them talking to you?

19 A Mostly the short and stocky one was talking to  
20 us.

21 Q Did you see both the short and stocky one and  
22 the thinner one pull guns out of their waistband?

23 A Yeah.

24 Q Did you get a good look at both guns?

25 A I could tell they were handguns, looked like --

000229

8           1       they looked dark. I couldn't tell if they were black for  
2           2       certain, but they were dark, yeah.

3           Q       Are you familiar with guns enough to know the  
4           4       difference between a revolver and an automatic or  
5           5       semiautomatic?

6           A       Yeah. I've hunted pretty much all my life  
7           7       since I grew up so I know the difference between like an old  
8           8       style revolver and an actual like handgun like Glock.

9           Q       The stockier one that he pulled out, was it a  
10          10       revolver or automatic or semiautomatic?

11          A       It was an automatic or semiautomatic like  
12          12       Glock.

13          Q       Like a Glock?

14          A       Yeah.

15          Q       Are you familiar with Glock's?

16          A       Yeah.

17          Q       The gun that the thinner one pulled out of his  
18          18       waistband, was that a revolver or an automatic or  
19          19       semiautomatic gun?

20          A       Automatic, semiautomatic.

21          Q       When they pulled these guns out of their  
22          22       waistband what did they do?

23          A       They told us to get on the floor and then they  
24          24       proceeded to shut the door. Kept asking us where Grant was  
25          25       and we told them Grant no longer lives there. And so they

000.40

8

1 asked us to get out our wallets and give us the money that  
2 we had in our wallets.

3 Q When you say they told us what to do, was one  
4 or both of them talking?

5 A Mostly just the short, stocky one. The taller,  
6 skinnier one just kept telling us to keep our heads down.

7 Q So the shorter, stockier one said, "Get down on  
8 the ground," and asked for money?

9 A Uh-huh.

10 Q Is that a yes?

11 A Yes.

12 Q Remember you have to say yes or no.

13 A Sorry.

14 Q When the shorter, stockier one told you to get  
15 down on the ground, did you get down on the ground?

16 A Yeah, we all got down on the ground.

17 Q Were you scared?

18 A Yeah, a little bit. Never had that happen to  
19 me so yeah.

20 Q When he said to give up your money or something  
21 along those lines, did he ask for money in particular or did  
22 he ask for something else?

23 A The first — that first incident when he asked  
24 for money he just asked for cash like did we have any money  
25 in our wallets.

000241

8 1 Q So he mentioned wallets?

2 A Yeah, "Get your wallets out, give us your  
3 money," and I'm assuming he meant cash cause later he asked  
4 for our debit or credit cards. So the first time I'm  
5 assuming he was asking for cash because that's what we all  
6 got out.

7 Q When you laid down on the ground did you pull  
8 out your wallets?

9 A We all pulled out our wallets.

10 Q When you say "we all," who is we at this point?

11 A Me, Justin Foucault, my little brother Clint  
12 and Aitor.

13 Q So you pulled out your wallets?

14 A Uh-huh.

15 Q Did you have any money in your wallet?

16 A Like two dollars.

17 Q What did you do with the wallet and the money?

18 A I just set the wallet out in front of me and  
19 then got two dollars out and kind of threw it out on the  
20 floor in front of me.

21 Q Do you know what happened to the money as it  
22 was thrown on the floor after you threw it on the floor in  
23 front of you?

24 A I'm not sure who picked it up. One of them  
25 picked it up. I couldn't tell because my head was face down.

000?42

9           1       on the floor and they kept telling us to keep our heads down  
2           2       so I know it was picked up, though.

3           Q       When you said "they kept telling us to keep our  
4           4       heads down," was it just the stockier one saying that or  
5           5       both?

6           A       Both of them.

7           Q       Did you either see or feel whether your brother  
8           8       Clint pulled anything out of his pocket?

9           A       He did not pull his wallet out because he left  
10          10       his wallet in the car and he told them that.

11          Q       What about Justin Foucault, did you see or feel  
12          12       him pull anything out of his pocket?

13          A       I didn't see him pull anything out but I heard  
14          14       him pull his wallet out and like I heard like money rubbing  
15          15       together and I think he pulled some money out of his wallet.

16          Q       What about Aitor?

17          A       Aitor, I know he got his wallet out but I  
18          18       didn't see or hear if he pulled money out at the time.

19          Q       Did the two guys ask about whether anybody else  
20          20       was in the home?

21          A       Yeah. They asked who else was in the house and  
22          22       we told them that our other roommate Justin Richardson and  
23          23       his girlfriend were in the house, and the shorter, stockier  
24          24       one proceeded to go upstairs and we told him, "No, they're  
25          25       in the bedroom right there," like which was across from the

000243



9           1       living room. We were in the living room and the kitchen and  
2           2       Justin's bedroom is right next to the kitchen and we pointed  
3           3       to his bedroom.

4           Q       Did the stockier one go to the bedroom?

5           A       He came back down the stairs and he knocked on  
6           6       the door and entered the room.

7           Q       Did he come out of the bedroom with Justin and  
8           8       Danielle?

9           A       Yeah, after about a couple minutes of waking  
10          10       Justin up and like Justin finally coming to, he brought them  
11          11       out of the bedroom and made them lay on the floor next to  
12          12       us.

13          Q       Now, while you guys were in the living room  
14          14       what happened with the lights?

15          A       The lights were turned off when they first  
16          16       entered the house.

17          Q       Who turned the lights off?

18          A       I couldn't. My face was facing the floor.

19          Q       Did one of you or did one of them?

20          A       One of them turned the lights off.

21          Q       Was the TV on when they came through the door?

22          A       Yeah, the TV was on because the movie was still  
23          23       playing.

24          Q       So while the stockier and thinner were there in  
25          25       the living room the TV was still on?

000244

9           1           A       Yeah.

2           Q       When Justin and Danielle came out were they  
3 also ordered to lay down?

4           A       Yes.

5           Q       And was it the stockier one that ordered them  
6 to do that?

7           A       Yes.

8           Q       And then did they ask for anything else?

9           A       They just asked — they made them lay down and  
10 then they asked if we had any more money in the house and I  
11 was like, "No, not that I believe." He kept asking people  
12 for money and finally they asked me — finally me and Justin  
13 gave up our debit cards because they told us if we didn't  
14 come up with a thousand dollars they were going to kill us.  
15 And nobody else had debit cards so me and Justin give them  
16 our debit cards.

17           Q       Who is the one that was asking for the debit  
18 cards or for the thousand dollars I should say?

19           A       The shorter, stockier one.

20           Q       Did you see who you gave your debit card to?

21           A       I just threw it out on the floor.

22           Q       Did somebody collect it?

23           A       Somebody collected it, yes.

24           Q       Justin Foucault also threw out a debit card?

25           A       Yes.

000245

9 1 Q And did somebody collect it?

2 A Yeah.

3 Q What happened with the debit cards?

4 A They were taken by one of the gentlemen and  
5 then like the shorter, stockier one gave directions that he  
6 was going to take me to the bank and that the taller,  
7 thinner one was going to stay with the rest of my friends at  
8 the house and that we were going to go to the bank, he told  
9 Justin if his PIN number was wrong he was going to shoot me  
10 and then come back and shoot them.

11 Q When you say "he told Justin" --

12 A The shorter, stockier one.

13 Q Okay.

14 A So Justin give me his PIN number. I went  
15 upstairs accompanied by the shorter, stockier one, grabbed  
16 the keys off my desk, we went back downstairs and he told --  
17 the shorter, stockier one told the thinner one to watch us  
18 and just like make sure they didn't do anything stupid.

19 And then we proceeded to go outside to my car,  
20 get in the car and drive to a couple ATM's.

21 Q What kind of car?

22 A Honda Civic EX 2001.

23 Q And when you say "then we got in the car," who  
24 got in the car?

25 A Me and the shorter, stockier one.

000246

10

1 Q Who got in the driver's seat?

2 A I did.

3 Q Who got in the passenger seat?

4 A The shorter, stockier one.

5 Q Did he tell you where to go?

6 A He told me to drive to the closest ATM.

7 Q Did you drive to the closest ATM?

8 A So I was going to drive to the closest ATM in a  
9 grocery store that was right next to our house and he told  
10 me, "No, that's a bad idea. Don't go there." And so he  
11 proceeded to tell me to go to a different ATM which was Bank  
12 of Nevada I believe which was just down the street from the  
13 grocery store that I was going to take him to.

14 Q Did he tell you why he wanted you to go to the  
15 Bank of Nevada one instead of the grocery store one?

16 A Because the grocery store was inside with a  
17 bunch of lights and basically didn't want to be seen.

18 Q What about the Bank of Nevada one, what was the  
19 difference?

20 A The Bank of Nevada one was a drive-thru and the  
21 grocery one you had to walk into. So he wanted to go to the  
22 drive-thru to make it quicker and so people couldn't see us.

23 Q Did he have anything with him as you were  
24 driving to the Bank of Nevada?

25 A He had the handgun pointed at my hip.

000247

10

1 Q Did you actually go to the Bank of Nevada?

2 A Yes.

3 Q What happened there?

4 A We tried Justin's card there, Justin's card did  
5 not work. So we left the Bank of Nevada and then he told me  
6 to go down the street a little ways further and take -- go  
7 to the Wells Fargo down the street and try the ATM cards  
8 there.

9 Q What kind of ATM was that?

10 A Drive-thru also.

11 Q Did you go there?

12 A Yes.

13 Q And did you withdraw money?

14 A Yes.

15 Q How much money did you withdrew?

16 A We withdrew 400 from my account and 500 from  
17 Justin Foucault's account.

18 Q What did you do with the money that you  
19 withdrew?

20 A Gave it to the shorter, stockier one that was  
21 in the car with me.

22 Q And did you do that because you were scared?

23 A Yeah.

24 Q Because there was a gun pointed at you?

25 A Yeah.

000248

10

1 Q When you were done withdrawing the money where  
2 did he tell you to go?

3 A He told me to drive back to the house.

4 Q Did you drive back to the house?

5 A Yes.

6 Q And did you go inside with him?

7 A Yes.

8 Q And was everybody where you left them?

9 A Yes. They were all still laying on the floor.

10 Q Now, as you walked in the house could you see  
11 the thinner guy?

12 A Yes. He was sitting on the stairs when we  
13 entered back into the house.

14 Q Where are the stairs in relation to the front  
15 door?

16 A The stairs are parallel with the front door.  
17 If you walk in the front door, the stairs are to the left.

18 Q Could you see whether he had anything in his  
19 hand as he was sitting on the stairs?

20 A Handgun.

21 Q How was he holding the handgun as he was  
22 sitting on the stairs?

23 A He had his knees up and he was kind of hunched  
24 forward with the handgun in between his legs.

25 Q For the record you had your two hands kind of

000249

4

1 Q Did you go get it?

2 A No.

3 Q Did one of them go get it?

4 A Yes.

5 Q So not you or Justin or Ryan or any of the  
6 boys?

7 A No.

8 Q And when one of them went and got your cell  
9 phone, did they bring it back into the room where all of you  
10 were?

11 A Yes.

12 Q And how do you know that?

13 A Because you could hear all our phones ringing  
14 and we all have personalized ring tones.

15 Q So were they looking at or answering the phones  
16 as they were ringing?

17 A Every time someone's phone would ring they'd  
18 pull it out of the pocket and ask who it was.

19 Q Earlier when they asked for the cell phones and  
20 you said everybody gave up their cell phones except yours  
21 that was in the bedroom, who did what with the cell phones?

22 A I don't know who pocketed them, but someone put  
23 them in the pockets.

24 Q One of the two?

25 A Yes.

5

000150

5

1 Q Did there come a time when you were still in  
2 the front room and your boyfriend Justin went to the back  
3 room?

4 A Yes. I don't remember which point in time that  
5 was. I don't know if it was before or after.

6 Q That's fine. So you were talking about they  
7 said count and we'll leave your cell phones outside. So  
8 what happened?

9 A They walked out after awhile just small talking  
10 with us while our heads were still on the ground telling us  
11 that we cooperated well. They were walking out and none of  
12 us moved at all and all of a sudden the stockier guy busted  
13 in with the gun and was yelling and saying, "Who moved?"  
14 All of us were really scared because no one moved and he  
15 said he was just kidding and then he walked out and we  
16 started counting for two minutes and then we laid there for  
17 an extra minute.

18 Q Because you were scared?

19 A Yeah. Ryan went out and got our phones. Mine  
20 wasn't there.

21 Q Did everybody get their cell phone back except  
22 you?

23 A Yeah.

24 Q Did they say anything about calling the police?

25 A They said if we called the police that they'd

000151



5           1       have someone come back and kill us.

2           Q       Did you believe it?

3           A       Yes.

4           Q       So the time came that he busted in and then  
5 they left again, you went outside, you guys got their cell  
6 phones after waiting an extra minute. Did they ever come  
7 back?

8           A       No.

9           Q       Did you ultimately call the police?

10          A       We came back for a few minutes, we talked about  
11 if we should call the police there or if we should leave and  
12 call the police just in case they did come back. We stayed  
13 there, packed up a bag and went to their friend's apartment  
14 and then called the cops.

15          Q       I am sorry. I forgot, I know this is  
16 difficult. When you were on the floor and they told you to  
17 perform oral sex on Justin, that didn't work, were you asked  
18 or told to do something else or was Justin told to do  
19 something?

20          A       Yes.

21          Q       What was Justin told to do?

22          A       To perform oral sex on me.

23          Q       When you say "oral sex," did a part of his body  
24 touch a part of your body?

25          A       His mouth touched my vagina.

000152

5

1 Q Did you want him to do that?

2 A No.

3 Q At least at that time.

4 A No.

5 Q And which of the two told him to do that?

6 A The stockier one.

7 Q So now fast forward, did there come a time  
8 recently that somebody called your cell phone pertaining to  
9 this case?

10 A Yes.

11 Q You said you never got your telephone back?

12 A We got a new one, we never thought of switching  
13 the number.

14 Q So you had the same number now that you did  
15 then or at least --

16 A I did at that time.

17 Q And when did you get this phone call?

18 A March Madness, somewhere around the weekend of  
19 March Madness.

20 Q The Sweet 16?

21 A Yes.

22 Q Who was it that called you?

23 A One of the defendants' dad.

24 Q Did he identify himself?

25 A Not at first. I didn't know who it was, it was

000153

5 1 a weird number. Kept asking who I was. I guess a phone  
2 call placed from my --

3 Q Don't speculate.

4 A But he asked who I was. I didn't tell him  
5 because I didn't know who it was because I kept hanging up  
6 and he kept calling back and Justin answered.

7 Q Who was that that called?

8 A Narcus's dad.

9 MS. LUZAICH: Thank you. I would pass the  
10 witness.

11 Mr. Kocka.

12  
13 CROSS-EXAMINATION

14 BY MR. KOCKA:

15 Q I just have a few questions for you. What time  
16 on the 18th did this happen?

17 A Around ten o'clock.

18 Q Ten o'clock at night?

19 A Somewhere around there. I was sleeping.

20 Q And you keep referring -- and I am going to try  
21 and clarify this a little bit -- to the taller or skinnier  
22 guy, stockier guy. My name is Frank Kocka. Which of the  
23 two do I represent, the taller, skinnier guy or the stockier  
24 guy? Who is sitting next to me? Who is sitting to my left?

25 A The skinnier guy.

000154

5

1

MS. LUZAICH: Objection.

2

BY MR. KOCKA:

3

Q So the person you keep referring to this

4

morning as counsel is asking questions as the taller,

5

skinnier guy would be my client?

6

A Yes.

7

Q You gave a statement to the police?

8

A Yes.

9

Q And in that statement I believe you refer to

10

the two individuals as number one and number two?

11

A Yes.

12

Q Do you remember that?

13

A Vaguely.

6

14

Q And the reason I think you refer to them as the

15

first guy and the second guy -- do you recall that?

16

A Somewhat.

17

MR. KOCKA: It's going to become a little

18

important so if I could approach and show her, her

19

statement.

20

Q I am going to show you the interview and this

21

is you, right?

22

A Yes.

23

Q What I am showing you is a typed version of

24

what is purported to be the statement and throughout there

25

you keep referring to the first guy and then as to the

000155

6 1 second guy.

2 A I think I meant the first guy as the one that  
3 was in charge, the stockier guy, the one who approached me  
4 first.

5 Q So in your interview with the police the first  
6 guy would be the stockier guy you're referring to today?

7 A Yes.

8 Q And the second guy would be the taller guy  
9 which would be my client?

10 A Yes.

11 Q Now, you were woken by the stockier guy?

12 A Yes.

13 Q The first guy coming to the door?

14 A Yes.

15 Q Which was not my client?

16 A No.

17 Q And that individual ordered you out of the room  
18 that you were sleeping?

19 A Yes.

20 Q Now, when you came into the living room were  
21 the lights on in the living room?

22 A No.

23 Q It was just the TV, correct?

24 A Yes.

25 Q And where did you first see my client standing?

000156

6

1           A     Kind of by the doorway entrance. Here is the  
2 doorway and here is where all the boys were so he was kind  
3 of off to the side.

4           Q     How far away from you would that be?

5           A     The living room is really small. Like five  
6 feet maybe.

7           Q     And it was your testimony that you could see  
8 that he had a gun?

9           A     Yes.

10          Q     Where was the gun?

11          A     It was like he had it in his hands like right  
12 by his chest.

13          Q     What kind of gun was it?

14          A     I have no idea. I'm not familiar with guns.

15          Q     Do you know the difference between a revolver  
16 and semiautomatic?

17          A     No.

18          Q     Was it a black gun or a silver gun?

19          A     I have no idea.

20          Q     How --

21          A     It was a darker gun.

22          Q     How were you able to determine that it was in  
23 fact a gun?

24          A     You could just tell by the way -- because he  
25 had it up the whole time and every time I'd glance up like I

000157

6

1 knew it was a gun.

2 Q How long were you actually in the room before  
3 you were ordered to put your face down on the floor?

4 A Well, we had our heads down the whole time we  
5 were walking out and then as soon as we hit to where the  
6 boys' feet were we laid down. So a couple seconds maybe.

7 Q So from the bedroom where you were is there a  
8 hallway going into the living room?

9 A Yes.

10 Q You had your head down the whole time going  
11 from the bedroom down the hallway into the living room?

12 A Yes.

13 Q And when you entered the living room your head  
14 is still down?

15 A Yes.

16 Q It was dark in the living room?

17 A I glanced up a couple times to see what was  
18 going on.

19 Q And you say for about two or three seconds you  
20 looked around the room and you went down to the floor?

21 A Yes.

22 Q So you had a two or three second window to  
23 observe my client in a dark living room, correct?

24 A Yes.

25 Q And the distance between you and my client was

000158

6

1 about what, if you know? I don't want you to guess.

2 A Not very much more. It was from the boys' feet  
3 because as soon as we walked in we laid like right where he  
4 was. We didn't go to the back --

5 Q Let's use the courtroom as a guide. From where  
6 you're sitting can you give me the approximation from the  
7 object in here how far?

8 A Probably to where the end of her stand is.

9 MR. KOCKA: Judge, do we have courtroom  
10 measurements?

11 THE COURT: To the front of the table is  
12 eighteen feet. So figure what's the difference between the  
13 table?

14 MR. KOCKA: Probably six foot so maybe twelve  
15 feet from there to here?

16 THE COURT: All right.

17 BY MR. KOCKA:

18 Q And you had your head down for the most part  
19 the remaining time, correct?

20 A Yes.

21 Q Now, I want to make it very clear because for  
22 the most part of your testimony you kept referring to they  
23 and I want to be very specific now. Who was it that was  
24 giving the orders or directions to remove the wallets?

25 A The stockier guy.

000159



6 1 Q And who was it that in your opinion if you can  
2 give one seemed to be in charge of the situation?

3 A The stockier guy.

4 Q What was my client doing?

5 A He was really quiet for the most part. He  
6 listened to the stockier guy most of the time. He kind of  
7 stood off to the back. He seemed -- when the stockier guy  
8 left to the ATM he seemed more nervous about things. Like  
9 he kept asking us how far it was, he kept pacing a lot.

7 10 Q We are going to get there in a minute. Let's  
11 go back to when they're both still in the room?

12 A He was really quiet.

13 Q You said that the individuals on the floor took  
14 some money out. Who actually picked up the money?

15 A The stockier guy.

16 Q When it came time to take out the ATM's, who  
17 picked those up?

18 A The stockier guy.

19 Q And who was it that actually got up off the  
20 ground and left the premises?

21 A Ryan.

22 Q Who directed Ryan to get up?

23 A The stockier guy.

24 Q And during this whole time my client was still  
25 kind of off in the background?

000160

7

1 A Yes.

2 Q Did you hear my client make any demands upon  
3 anybody for money or give directions to do anything while  
4 the stockier guy was doing this?

5 A Not that I can recall.

6 Q Now, after Ryan and the stockier guy leave  
7 about how long of a period of time transpires before they  
8 come back?

9 A Like how long were they gone?

10 Q Yes.

11 A 15, 20 minutes.

12 Q During this 15 or 20 minutes what is my client  
13 doing?

14 A Just pacing back and forth around us. Telling  
15 us if we lifted up -- not to lift up our head, not to look  
16 up.

17 Q Did he make contact with anyone?

18 A No.

19 Q Physical contact with anyone?

20 A Not that I can recall.

21 Q Did he order anybody to do anything?

22 A No.

23 Q Did he tell anybody to get up and move?

24 A No.

25 Q Could you see whether or not he pointed a gun

000161

7  
1 at anyone?

2 A I couldn't, no.

3 Q As a matter of fact you didn't see anything he  
4 did at that point, correct? You don't even know if he had a  
5 gun at that point?

6 A No.

7 Q After the stockier man and Ryan come back again  
8 you refer to they making some statements. Who made the  
9 statement you're 90 percent done?

10 A The stockier guy.

11 Q Did you hear my client make any response to  
12 that statement?

13 A No.

14 Q Who made the statement initiating the sexual  
15 contact between you and Justin?

16 A The stockier guy.

17 Q Where was my client when that was going on?

18 A I don't remember.

19 Q He wasn't in the immediate vicinity of the  
20 stockier man?

21 A He might have been on the other side. I don't  
22 know.

23 Q But nowhere you could see?

24 A No.

25 Q Did you hear my client make any statements to

000162

7           1       the stockier man as, "Yeah, let's do that," or, "Go ahead,"  
2           2       or did he give any commands to you to order you what to do?

3           A       No.

4           Q       Did you ever hear my client make any statements  
5           5       to you ordering you what to do with Justin?

6           A       Not that I can remember, no.

7           Q       The individual who had the gun to Justin, who  
8           8       was that?

9           A       Stockier guy.

10          Q       Did you ever see my client point a gun at  
11          11       Justin during the sexual encounter between you and Justin?

12          A       No.

13          Q       When Justin had difficulty performing you said  
14          14       that they ordered Ryan to become aroused, basically  
15          15       masturbate, correct?

16          A       Yes.

17          Q       Who ordered Ryan to do that?

18          A       The stockier guy.

19          Q       Did you hear my client give any direction to  
20          20       Ryan to do that?

21          A       No.

22          Q       Did you see my client in the immediate vicinity  
23          23       while that was going on?

24          A       No.

25          Q       Do you know where my client was when that was

000163

7  
1 going on?

2 A No.

3 Q There came a point in time where the attention  
4 was focused towards you, correct?

5 A Yes.

6 Q Who was it that initially focused the attention  
7 on you?

8 A The stockier guy at first.

9 Q And can you explain to me how that transpired.

10 A After I was on the stairway and he told me to  
11 move to the chair, the stockier guy --

12 Q Let me stop you there for a second. When this  
13 was transpiring with Justin and Ryan, you were on the floor,  
14 correct?

15 A Yes.

16 Q How did you get to the stairway?

17 A The stockier guy told me to get up.

18 Q So it was the --

19 A That's when I took off my clothes.

20 Q The stockier guy told you to go to the  
21 stairwell?

22 A Yes.

23 Q Is that the same person that told you to take  
24 off your clothes?

25 A Yes.

000164

7           1           Q       Was my client making any demands upon you at  
2           this point?

3           A       No.

4           Q       Do you recall any statements being made as to  
5           the individuals being frustrated that no one could sexually  
6           perform?

7           A       You could tell they were getting a little  
8           aggravated.

9           Q       When you say "they," who is they?

10          A       Both of them. They both -- like you could hear  
11          little noises like them sighing and stuff.

12          Q       When you say "you could hear," did you have  
13          your face down?

14          A       Yes.

15          Q       So you don't know who was actually sighing?

16          A       No.

17          Q       You could just hear frustration so you don't  
18          know who is actually frustrated?

19          A       No.

20          Q       Do you hear any indications or threats that if  
21          someone can't perform someone is going to get killed or  
22          hurt?

23          A       Yes.

24          Q       Do you know who said that?

25          A       No.

000165

8

1 Q But you do hear statements that if somebody  
2 doesn't perform or somebody doesn't get it on, somebody is  
3 going to get killed?

4 A Yes.

5 Q But again you don't know who said that?

6 A No.

7 Q Was that before you were taken off the floor  
8 and led to the staircase?

9 A I don't recall.

10 Q Do you know if that occurred when you were  
11 still having interaction with either Justin or Ryan?

12 A Yes.

13 Q So that would be before you were taken to the  
14 staircase?

15 A Yes.

16 Q Now let's go back to the stockier gentleman  
17 leading you to the staircase. And I believe it was your  
18 testimony that the stockier gentleman was the one who  
19 directed you to get undressed?

20 A Yes, sir.

21 Q What transpired at the staircase?

22 A Nothing really. I sat there. They touched --  
23 the stockier guy rubbed my back.

24 Q When you say "they"?

25 A The stockier guy.

000166

B

1 Q So the stockier guy is the one who had physical  
2 contact with you at the staircase?

3 A Yes.

4 Q And explain for me what happens, how does he  
5 make contact with you?

6 A Just had his hands on my shoulder. That was  
7 it.

8 Q What else?

9 A They told me to get up, move to the chair.

10 Q Again they. Who is the they?

11 A The stockier guy.

12 Q I need you to be careful because we have two  
13 individuals and when you keep referring to they, that  
14 implicates both of them. If it's one person, please limit  
15 it to which person. If it's both, please say they. But if  
16 it's one, indicate which one. So the stockier man does what  
17 then?

18 A Tells me to move to the chair.

19 Q So at the direction of the stockier man you  
20 move to the chair. What happens there?

21 A I'm sitting there. Your client approaches me,  
22 touches me and then just asks me if I like it. The stockier  
23 guy told him to stop, that it's enough, he knew that I  
24 didn't want to do anything else.

25 Q Let me stop you there. You say that the

000167



8

1 stockier guy said stop, that he knew that you didn't  
2 want —

3 A He just said, "Stop. They're cool. They  
4 cooperated."

5 Q Now, the stockier guy in your statement to the  
6 police you refer to as the first guy, correct?

7 A Yes.

8 Q Do you recall telling the police that the first  
9 guy was telling me that he was going to have sex with me?

10 A Yes. This is before I even got to the chair.  
11 They kept telling the boys — the stockier guy told Justin  
12 and the boys that if they couldn't get hard that he'd finish  
13 the job.

14 Q Who would finish the job?

15 A The stockier guy.

16 Q Do you recall telling the police, "The first  
17 guy was telling me" — meaning you -- "that he was going to  
18 have sex with me and he was telling Justin that he was going  
19 to have sex with me"?

20 A Yes.

21 Q Do you also recall telling the police that,  
22 "He — the first guy said there was nothing anyone can do  
23 about it"?

24 A Yes.

25 Q "He started touching my chest and stuff"?

000168

8

1 A Yes. That was when I was still on the ground.

2 Q "And that's when he gets me to the chair"?

3 A Yes.

4 Q So you went from the staircase to the chair,  
5 correct?

6 A Yes.

7 Q So you would have been at the staircase when  
8 this is occurring?

9 A Yes, sir.

10 Q So it's in fact the first guy, the stockier guy  
11 that says he is going to have sex with you?

12 A At that point, yes.

13 Q So then it's your testimony my client when you  
14 get back to the chair touches you?

15 A Yes.

16 Q And then the first guy's attitude all of a  
17 sudden changes, "I am going to have sex with you too"?

18 A He just kind of stood in the background.

19 Q And, "There is nothing you can do about it, I  
20 am going to have sex with you too. Hey, let's stop"?

21 A Yeah.

22 Q What happened after my client touched you?

23 A The stockier guy told him to stop, give me my  
24 clothes, let me get dressed.

25 Q The stockier guy still had the gun at this

000169

8 1 time?

2 A Yes.

3 Q After you get your clothes back on what  
4 happened?

5 A I had to sit back down on the ground with my  
6 face into the carpet.

7 Q Now, during this time the lights are still off  
8 in the house?

9 A Yes.

10 Q The only light that's -- is the TV still on?

11 A Yes.

12 Q Now, the chair, where is that? Is that in the  
13 living room?

14 A Yes.

9 15 Q My client seem nervous that this was going on?

16 A Yeah. A little.

17 Q Even when the touching was going on?

18 A No. He kind of eased up after awhile, but the  
19 first half of when he was there he was kind of nervous.

20 MR. KOCKA: I have nothing further, Judge.

21 THE COURT: Mr. Oronoz.

22 MR. ORONOS: Just a very few questions.

23  
24  
25 000170

CROSS-EXAMINATION

BY MR. ORONCZ:

Q I just wanted to clarify a couple of the issues that prior counsel talked about. It's correct that my client never inserted a finger in you or sexually assaulted you in any way; is that correct?

A That's correct.

Q At most you're alleging that he touched your bottom, your behind?

A Yes.

Q That's correct?

A That's it.

Q The second issue is you talk about firearms and you're not that familiar with firearms?

A No.

Q The object that my client allegedly had in his hand, do you recall what color it was?

A No.

Q You don't know --

A It was dark. It wasn't nothing shiney or bright.

Q Did you see it up close?

A No. I seen it when it was pointed at the pillow at Justin, but I had my head down.

Q So as you sit here and testify today you can't

000171

9           1       be sure if it even was a firearm or not, correct?

2           A       No. I'm pretty sure. Like I know what a gun  
3 looks like.

4           Q       But you cannot state with certainty that it was  
5 in fact a firearm, correct?

6           A       No.

7           MR. ORONOZ: Thank you. I have no further  
8 questions.

9           THE COURT: Redirect?

10          MS. LUZAICH: Just briefly.

11  
12                               REDIRECT EXAMINATION

13          BY MS. LUZAICH:

14          Q       While his client had his finger in your vagina  
15 where was the gun?

16          A       Like right here at my stomach.

17          Q       So not only --

18          A       I wasn't looking.

19          Q       So you could feel it?

20          A       Yes.

21          Q       The stocky guy, he told his client to stop  
22 while his client's finger was in your vagina?

23          A       Yes.

24          Q       Now, did there come a time when the stockier  
25 guy whispered in Justin's ear?

000172

9           1           A       I don't know.

2           Q       Did you hear him say something to Justin while  
3 you and Justin were laying on the floor?

4           A       I seen him bent down kneeling over Justin, but  
5 I didn't see anything.

6           Q       You didn't hear him whisper in his ear  
7 something about you?

8           MR. ORONoz: Objection. Asked and answered.

9           THE COURT: Sustained.

10          BY MS. LUZAICH:

11          Q       Something that made you feel better?

12          MR. ORONoz: Asked and answered, Judge.

13          THE COURT: Do you remember or don't you?

14          THE WITNESS: No.

15          MS. LUZAICH: That's fine. Nothing further.

16          MR. KOCKA: I have one question.

17

18                   RECROSS EXAMINATION

19          BY MR. KOCKA:

20          Q       You're saying you felt something on your side.  
21 Now, you said you didn't see it, correct?

22          A       Yes.

23          Q       You don't know if it was a gun?

24          A       No.

25          Q       You felt something, correct?

000173

9

1 A Yes.

2 Q Again when I asked you earlier on if you had  
3 seen for about two or three seconds in a dark room my client  
4 holding something up, right?

5 A Yes.

6 Q In fact, you don't even know what that was, do  
7 you?

8 A No.

9 Q So when counsel asked you about a gun being  
10 pointed in your side during this altercation, you don't even  
11 know if it was a gun at that point, it was something in your  
12 side, correct?

13 A Yes.

14 MR. KOCKA: Nothing further, Judge.

15 THE COURT: Thank you for your testimony,  
16 ma'am. You're excused and you're free to leave.

17 (Recess.)

18 THE COURT: Back on the record in the Wesley  
19 and Wilson case.

20 State call their next witness, please.

21 MS. LUZAICH: Justin Richardson.

22

23

24

25

000174

9

1

JUSTIN RICHARDSON,

2

called as a witness by the State, having been first duly

3

sworn to tell the truth, the whole truth, and nothing but

4

the truth, testified as follows:

5

6

THE CLERK: Please state your full name and

7

spell it for the record.

8

THE WITNESS: Justin Richardson, J-u-s-t-i-n,

9

R-i-c-h-a-r-d-s-o-n.

10

11

DIRECT EXAMINATION

12

BY MS. KOLLINS:

13

Q Good morning, Justin. How are you?

14

A I am good. How are you doing?

15

Q Fine, thank you, sir.

16

Back in February of this year where did you

17

live?

18

A 690 Great Dane Court.

19

Q And specifically on February 18th?

20

A Yes.

21

Q You lived there on February 18th of '07?

22

A Yes.

23

Q That's here in Henderson, Clark County, Nevada?

24

A Yup.

25

Q Who lived there with you?

000175



9           1           A       Me, Ryan Tognotti, Justin Foucault and also  
2           2           another member David Machunbacher who was not present that  
3           3           night.

4           4           Q       Now, you have a girlfriend by the name of  
5           5           Danielle Browning?

6           6           A       I do.

7           7           Q       And she does not reside here in the Las Vegas  
8           8           area?

9           9           A       No.

10          10          Q       The weekend of February 16th through 18th was  
11          11          actually her birthday weekend, correct?

12          12          A       Correct.

13          13          Q       And February 18th of '07 was the day of the All  
14          14          Star game?

15          15          A       Uh-huh. That's right.

16          16          Q       And she spent the evening and the weekend at  
17          17          your house?

18          18          A       She did.

19          19          Q       Turning your attention to February 18th of '07  
20          20          did you have to be at work in the early morning hours of  
21          21          that Monday morning?

22          22          A       Yes. Three in the morning Monday morning.

23          23          Q       So did you and Danielle retire early?

24          24          A       Yeah. We were in bed by nine, eight o'clock.

25          25          Q       Did something happen that woke you up?

000176

10

1 A Yes.

2 Q What happened?

3 A I woke up to a loud knock on my bedroom door  
4 and it was persistent. I didn't know who it was. I thought  
5 it was one of my roommates so I was just asking, "What do  
6 you want?"

7 Q When you heard the loud knock on the door and  
8 you asked, "What do you want," did the person say anything  
9 to you?

10 A He was saying my name.

11 Q Was it a voice you recognized?

12 A No.

13 Q Did the person eventually come into your  
14 bedroom?

15 A Yes.

16 Q And describe what the person looked like that  
17 came into your bedroom.

18 A Well, I had my glasses on for a second and when  
19 he first came in I could just tell he was a black male and  
20 that was about it. Because as soon as I seen the gun I  
21 looked down and the lights were out too. I had turned the  
22 lights off.

23 Q So the person had a gun?

24 A (No oral response.)

25 Q You have to answer out loud.

000177

10

1 A Yes.

2 Q Where was the gun?

3 A In his hand.

4 Q Right or left; do you remember?

5 A Pretty sure it was his right hand because he  
6 opened the door with his left.

7 Q Do you know what color the gun was?

8 A It was dark. That's all I could tell.

9 Q Now, you said the lights were on for a second  
10 and then you had to turn the lights off?

11 A Yes.

12 Q Why did you turn the lights off?

13 A He told me to.

14 Q After he told you to turn the lights off what  
15 happened next?

16 A He came in, he told me to stand up, put my  
17 hands on my head and walk to the front of the bed with my  
18 head down and he then started walking to my bed and he seen  
19 my girlfriend Danielle and he asked who it was and I just  
20 told him that it was my girlfriend.

21 Q Once you told him that was your girlfriend,  
22 what did he do next?

23 A He told her to get up and do the same thing as  
24 me, put her hands on top of her head, put her head down and  
25 walk behind me.

000178

10

1 Q Did she listen to him?

2 A Yes.

3 Q After you both had your hands behind your head  
4 standing by the edge of the bed what happened next?

5 A He told us to walk out into the living room  
6 with our heads down, make sure we keep our head down, don't  
7 look at anything and he said join our friends in the living  
8 room.

9 Q Did you have to walk down a hallway to get to  
10 the living room?

11 A Yes.

12 Q When you got to the living room you and both  
13 Danielle went at the same time to the living room?

14 A Yes.

15 Q Did he stay behind you?

16 A Yes.

17 Q Was the gun still in his hand?

18 A Yes.

19 Q When you get to the living room what do you  
20 see?

21 A I see my roommates and a couple friends laying  
22 on the living room floor in a circle. It was a semi circle  
23 at the time with all their hands in the middle.

24 Q And when you say you saw your roommates and  
25 some friends laying on the floor, who exactly was there on

000179

10

1 the floor?

2 A Ryan, Justin, Aitor and Clint.

3 Q So it's Ryan Tognotti?

4 A Justin Foucault, Aitor Eskandor and Clint  
5 Tognotti.

6 Q So Aitor and Clint do not live at that Great  
7 Dane house or did not live at that time?

8 A No, they don't.

9 Q What did you have to do when you first got in  
10 the living room, what happened next, you and Danielle?

11 A They laid us down on the ground -- they told us  
12 to get down with them and put our hands in the middle.

13 Q Other than your four friends that were on the  
14 floor was there anyone else in the living room?

15 A Yes. There was another man.

16 Q Can you describe him generally?

17 A I didn't look up. I could just tell -- like I  
18 started to and they told me just keep my head down. And at  
19 this time I didn't have my glasses on either. I was told to  
20 take them off.

21 Q And I am going to ask you to be as specific as  
22 you can because we are talking about more than one person  
23 here so when you say "they," I am going to ask you to try to  
24 specify the person you're talking about. Whether it was the  
25 person that brought you from the bedroom or the person that

000180

10 1 was in the living room when you first got there.

2 A Okay.

3 Q The person that brought you from the bedroom,  
4 could you compare them in size to the person from the living  
5 room?

6 A Yeah, the one who came into my bedroom was much  
7 stockier. From what I seen the guy in the living room, he  
8 was skinnier, a little taller perhaps.

9 Q Now, you described the man that came in your  
10 bedroom as a black male adult. Do you see the ethnicity of  
11 the person in the living room?

12 A Yeah, he was also a black male.

13 Q Do you see those individuals in court here  
14 today?

15 A Yes, I do.

16 Q And could you tell me where they're seated and  
17 what they're wearing for the record. First of all do you  
18 see the man that came into your bedroom with the gun?

19 A Yes, I do.

20 Q Where is he seated specifically and what's he  
21 wearing today?

22 A He's sitting third to the right.

23 Q Third to the right at the table on my left;  
24 would that be correct?

25 A That's correct.

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11

1 MS. KOLLINS: May the record reflect the  
2 witness identified the defendant Delarian Wilson?

3 THE COURT: Yes.

4 BY MS. KOLLINS:

5 Q Do you see the man that was in the living room  
6 here today in court?

7 A Yes.

8 Q Where is he seated?

9 A He's seated to the right of Delarian.

10 Q To the right of Delarian?

11 A His right. My left.

12 Q To your left, to Delarian's right?

13 A Yes.

14 MS. KOLLINS: May the record reflect  
15 identification of Marcus Wesley?

16 THE COURT: Yes.

17 BY MS. KOLLINS:

18 Q Now, you had to lay down on the floor in the  
19 living room. What happened next? Did you have to put your  
20 hands in the middle of the circle as well?

21 A Yes, I did. Me and Danielle both had to. They  
22 started asking for money.

23 Q Remember how we talked before when you say  
24 they?

25 A I'm sorry. The one who went into my bedroom,

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11

1 the stockier one, he started asking for money, for ATM  
2 cards. He didn't really ask anything of me personally at  
3 this point.

4 Q Did you have any money?

5 A No, I didn't.

6 Q Did anyone else in the group, Clint, we'll call  
7 him Justin number two, Aitor, anyone else have any money?

8 A Yes. Ryan Tognotti and Justin Foucault, they  
9 had a few bucks. I'm not sure exactly. They gave up some  
10 money.

11 Q So they gave who the money; do you know?

12 A The stockier one.

13 Q When the stockier one was asking for the money  
14 or demanding the money did he have the gun still?

15 A Yes.

16 Q Now, it wasn't much money turned over, it  
17 wasn't much cash?

18 A No.

19 Q Did either or both of the men ask for anything  
20 else after that?

21 A Yes. The one who went in my room --

22 Q Which one went in your room?

23 A The stockier one. He seemed pretty upset that  
24 we didn't have that much money so he started asking for ATM  
25 cards.

000183



11           1           Q       Did anyone have ATM cards to give him?

2           A       Yes. Ryan and Justin Foucault.

3           Q       And was there also a request made for  
4 everyone's cell phones?

5           A       Yes.

6           Q       Who asked for that, for those?

7           A       Well, those were actually -- mine he took from  
8 my room. I didn't know it until later.

9           Q       When you say "he"?

10          A       The stockier one. I'm sorry.

11          Q       That's okay. Were you present in the living  
12 room when either the stockier one or the one you described  
13 as thinner or skinnier made a demand for cell phones from  
14 everyone?

15          A       Yes.

16          Q       And who made that demand?

17          A       The stockier one.

18          Q       And who gave cell phones over?

19          A       All of us. Everyone who was in the living  
20 room.

21          Q       Everyone who was in the living room gave up  
22 their cell phone?

23          A       Yeah.

24          Q       But yours and Danielle's were still in the  
25 bedroom?

000184

11

1 A Right.

2 Q Now, Ryan and Justin had ATM cards?

3 A Yes.

4 Q Who took those ATM cards from Ryan and Justin,  
5 who did they give those to?

6 A The stockier one.

7 Q Once the stockier one got ahold of Justin and  
8 Clint's ATM cards what happened?

9 A It was Ryan's.

10 Q I am sorry. Ryan.

11 A After that they asked for the PIN's -- he asked  
12 for Ryan to get up --

13 Q I am going to back you up. You said "they  
14 asked for the PIN's." Who asked?

15 A The stockier one asked for the PIN number and  
16 he asked for Ryan to take it down, to remember it. Ryan  
17 also took Justin's ATM card too after -- they were given to  
18 Ryan to take with him and right then is when he started  
19 walking -- the stockier one started walking Ryan out with  
20 him, said they were going to go to an ATM.

21 Q Let me stop you right there. While the  
22 stockier one is gathering the cell phones and asking for the  
23 ATM cards with the gun what's the other one doing?

24 A He's just walking around, pacing around.

25 Q Is he talking to any of the individuals on the

12

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12

1 floor?

2 A No. He didn't say anything.

3 Q Now, you said the stockier one took Ryan.

4 Where did he take Ryan, if you know? What did he say he was  
5 going to do?

6 A He said he was going to take him to an ATM bank  
7 to get the money out.

8 Q So who got Ryan up off the floor to take him?

9 A The stockier one.

10 Q And did Ryan in fact leave the residence, leave  
11 the Great Dane residence with the stockier one?

12 A He did.

13 Q What was the other one doing while Ryan was  
14 gone?

15 A While Ryan was gone the other one, skinny one,  
16 he just kept walking around us making sure we didn't move,  
17 we didn't raise our heads at all.

18 Q What did he do to make sure that you didn't  
19 move or raise your heads?

20 A Well, before they left the stockier one told  
21 him that if any of us moved, shoot us. And so that was  
22 basically a warning to us. The skinny one really didn't  
23 have to say anything after he left. He just walked around  
24 watching us.

25 Q Did he have the gun while he was watching you?

000186

12

1 A Yes.

2 Q You didn't feel free to get up and go call the  
3 police or move around the house, right?

4 A No.

5 Q Did he have any conversation with you about the  
6 distance going to the ATM?

7 A Yes.

8 Q What did he say?

9 A He started getting nervous after a little  
10 while. He asked how far the ATM was, how long it should  
11 take. And so we just answered freely with our heads down  
12 still.

13 Q Did anyone that was still left on the floor try  
14 to get up?

15 A No.

16 Q Did Ryan eventually come back with the stockier  
17 one?

18 A He did.

19 Q How long did that take?

20 A It seemed like 15, 20 minutes maybe.

21 Q What happened when they got back?

22 A When they got back they told Ryan to lay back  
23 down.

24 Q And again who told Ryan to lay back down?

25 A The stockier one.

000187

12

1 Q Did Ryan listen to him?

2 A Yes.

3 Q Did the stockier one still have the gun?

4 A Yes.

5 Q After Ryan laid back down what happened?

6 A Then the stockier one said that we were 90  
7 percent done and we had ten percent to go.

8 Q Did anybody ask him what he meant by ten  
9 percent?

10 A No.

11 Q What happened next? Did the skinny one say  
12 anything when the stocky said, "You're 90 percent done"?

13 A No.

14 Q What happened next?

15 A Next they told Danielle to start performing  
16 sexual acts on me.

17 Q And I'm sorry, Justin, to keep doing this to  
18 you, but when you say "they," who told Danielle —

19 A The stocky one.

20 Q To perform?

21 A The stocky one was the one who said it.

22 Q I am sorry. I thought I heard something behind  
23 me.

24 The stocky one told Danielle to perform sexual  
25 acts on you?

000188

12

1 A Uh-huh.

2 Q Is that a yes?

3 A Yes.

4 Q What kind of sexual acts did the stockier one  
5 want performed on you?

6 A He told her to give me oral sex.

7 Q And by oral sex you mean put her mouth on your  
8 penis?

9 A Yes.

10 Q Did she do that?

11 A Yes.

12 Q Did you want her to do that at that time?

13 A No.

14 Q Now, you had been face down prior to him  
15 telling Danielle to perform oral sex on you; is that  
16 correct?

17 A That's correct.

18 Q And you did not remain face down for her to  
19 perform oral sex on you, did you?

20 A No.

21 Q What were you directed if anything to do?

22 A He told me to roll over with my eyes closed and  
23 as I rolled over as my face started coming upward he put a  
24 pillow over my head and he held it there with his gun, the  
25 stockier one.

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12

1 Q So you're laying face up with a pillow over  
2 your face with a gun touching your head or just poking you  
3 through the pillow?

4 A Yeah.

5 Q Obviously you didn't become aroused at that  
6 time, right?

7 A No.

8 Q And did that cause the stockier one any sense  
9 of frustration?

10 A Yeah.

11 Q What did he do to let you know that?

12 A He kept telling me if I couldn't get hard he  
13 was going to shoot me and then he'd keep like suggesting  
14 that they would if I couldn't.

15 Q Suggesting they would what?

16 A They would have sex with her.

17 Q They being him and the skinny one would have  
18 sex with Danielle if you couldn't perform?

19 A Yeah, the stockier one was saying they would.

13

20 Q Did he have you touch your body in any way to  
21 try to get you to become aroused?

22 A No. They made her start to though.

23 Q By oral sex?

24 A Yeah. And then the hand.

25 Q And they had her put her hand on your penis as

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13

1 well?

2 A Yes, sir.

3 Q Now, after that act concluded did there come a  
4 time that either or both of them wanted you to do some  
5 sexual act on Danielle?

6 A Yeah. The stockier one told us to basically  
7 switch.

8 Q Switch meaning what?

9 A Meaning Danielle laid down on her back and me  
10 perform oral sex on her.

11 Q And when they had Danielle lay down on her back  
12 did they cover her face at all and hold a gun to her at all?

13 A I honestly didn't look up.

14 Q Did you in fact put your mouth on her vagina?

15 A Yes.

16 Q At the direction of the stockier one?

17 A Yes.

18 Q Did you want to do that at that time?

19 A No.

20 Q After that act concluded what happened next?

21 A After that he told me -- he started getting  
22 more frustrated that I still -- the stockier one was getting  
23 more frustrated that I still couldn't get aroused and at  
24 that time he started asking everybody else in the living  
25 room that was laying down if they could and he started

000191



13

1 threatening saying that if I couldn't he was going to shoot  
2 me and go on to the next guy, and if he couldn't, shoot him,  
3 go to the next guy.

4 Q So if you couldn't have intercourse with  
5 Danielle you were going to lose your life?

6 A Yes.

7 Q Now, at some point does someone start asking  
8 for condoms? Is that right around this time?

9 A Yeah. It was after all that was over, after  
10 they made Danielle get dressed again.

11 Q Then I'm sorry, I've jumped ahead of you. Now,  
12 the stockier one asks -- is he the one that's saying you  
13 need to do it with her or one of these guys needs to do it  
14 with her or somebody is going to die essentially?

15 A Yeah. And then he grabbed some lotion and gave  
16 it to me so while I was still performing oral sex tried to  
17 get myself hard still and at that time he also made Ryan do  
18 it just with himself.

19 Q So he being the stockier?

20 A Stockier.

21 Q What was the skinny one saying during this?

22 A He was saying, "Come on. If he can't do it, I  
23 can, just let me." And he'd just say little things like  
24 that during it.

25 Q So during the time you're performing oral sex

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13

1 on Danielle and the stockier one is having you masturbate,  
2 the skinnier one is saying, "Come on, if he can't do it,  
3 I'll get it on"?

4 A Yes.

5 Q So does the stockier one have Ryan flip over  
6 and take his clothes off and masturbate himself?

7 A Yes.

8 Q Can you see that happening or can you just  
9 hear?

10 A I can just hear.

11 Q Is the skinnier one saying anything to Ryan  
12 while that's going on?

13 A No.

14 Q Just the comment you already talked about?

15 A Yeah.

16 Q Then do you become aroused so that you can --

17 A No.

18 Q -- fulfill their requests?

19 A No.

20 Q After you don't become aroused what happens  
21 then?

22 A They finally were like -- the stocky one was to  
23 the point where he just was tired of trying and he told me  
24 just roll over and put my face back down.

25 Q And after you roll over and put your face back

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13

1 down does Danielle stay next to you or does she go somewhere  
2 else?

3 A Well, she stayed next to me just for a little  
4 bit, for a couple minutes and then they made her move.

5 Q Who made her move?

6 A The stockier one made her get up and I know she  
7 walked behind me to the stairway and the stocky one sat her  
8 down, but I don't know who was over there.

9 Q You couldn't see because that was behind you?

10 A I couldn't see. It was behind me.

11 Q Was either the stocky one or the skinny one  
12 directing her to do anything before she got to the stairs?

13 A No. They were asking her if she wanted it from  
14 them.

15 Q And again, I'm sorry, Justin, the they thing,  
16 who asked her if --

17 A Both of them were getting in on it now like  
18 saying that.

19 Q So both the skinny one and the stocky one were  
20 asking her whether she wanted what?

21 A Sex.

22 Q Was she clothed at that time or --

23 A I'm pretty sure she had her bra on still.  
24 That's about it.

25 Q And what's Danielle saying back to them when

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13  
14  
1 they're both saying that?

2 A They're asking her if she wanted to and she's  
3 saying no and they were asking her if she was scared and  
4 she's saying yeah.

5 MR. KOCKA: I object as to hearsay.

6 MS. KOLLINS: I'll move on.

7 Q Could you hear whether or not by what either  
8 the skinny one or the stockier one were saying whether they  
9 actually committed any sexual acts on Danielle? I mean I  
10 know you couldn't see --

11 A At that time, no.

12 Q Could you hear anything?

13 A I couldn't.

14 Q Is everyone else still laying face down on the  
15 floor?

16 A Yes.

17 Q What's the next thing that happened?

18 A The stockier one told her to get dressed and  
19 lay back down.

20 Q And when the stocky one tells her to get  
21 dressed and lay back down, what's the skinny one doing; do  
22 you know?

23 A He was behind me somewhere, just I don't know.  
24 He was standing somewhere behind me.

25 Q And I asked you about some condoms earlier. Is

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14

1 this the part of the sequence of events where the condoms  
2 come up?

3 A Yes.

4 Q Can you tell me about that?

5 A Yeah. The stockier one asked if any of us had  
6 any condoms and I said, "Yeah, I do in my room." So he told  
7 me same drill, get up with my head down and hands on my head  
8 and he walked behind me with the gun to my back as we went  
9 to my room.

10 Q And did you retrieve anything in your room?

11 A Yeah.

12 Q What was that?

13 A Two condoms.

14 Q And where did you get those out of?

15 A My nightstand dresser next to my bed.

16 Q Did the stocky guy stand behind you with the  
17 gun the whole time?

18 A Not as I was in front of the dresser. He  
19 stayed behind the bed.

20 Q So what did you do with the two condoms when  
21 you got them out of the dresser drawer or the nightstand?

22 A I kept my head down and I just reached over  
23 across the bed and he grabbed them from me.

24 Q And after he grabbed them from you what  
25 happened?

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14

1 A He walked me back out and same thing, hands on  
2 my head, head down into the living room and laid back down.

3 Q When you say hands on your head, interlocked?

4 A I just had hands on my head.

5 Q So you walked back in the living room and laid  
6 down. Did you lay down in the same spot?

7 A Yes.

8 Q Did he tell you, the stocky one, what he was  
9 going to do with the condoms?

10 A No. He just said he's hoping he'd have them  
11 for tonight -- for that night.

12 Q When you got back into the living room was  
13 Danielle on the floor then?

14 A Yes.

15 Q What happened after you laid down?

16 A After we laid down -- after I laid back down  
17 they said that we did good, that --

18 Q Who said that?

19 A Stockier one. He was saying that we did good,  
20 we cooperated, that we were just in a bad spot at the wrong  
21 time and started saying that he was -- he said he was a good  
22 guy and he wouldn't hurt us or anything.

23 Q Comforting, right?

24 A Yeah.

25 Q Did he tell the skinny one to leave Danielle

000197

14 1 alone? Do you remember any conversation like that?

2 A Yeah. The skinny one was saying -- he was  
3 saying sexual comments.

4 Q Can you recall some of those sexual comments as  
5 you sit here right now?

6 A He was saying, "Come on, just let me go at it  
7 with her. Let me have it." The stockier one was -- he told  
8 him, "No, they did good, it's over."

9 Q So after the stockier one said that they did  
10 good and it's over, what happened next?

11 A Then the stockier one started telling us that  
12 his plan for when they leave, he said that he was going to  
13 go out -- they were going to leave out the front door and  
14 they were going to leave it open and when they left they  
15 were going to leave our cell phones that they had out in our  
16 driveway and they told us to count to two minutes out loud  
17 and after two minutes we could get up and get our cell  
18 phones.

19 Q So after the stockier one told you that did he  
20 and the skinnier one leave?

21 A Yeah. Right before they left they said that if  
22 anybody moves we have people -- we'll come back and kill you  
23 guys.

24 Q Who said that? The stockier one?

25 A The stockier one.

000108

14 1 Q So they both go out the door together, the same  
2 door they came in?

3 A Yes.

4 Q And do you guys lay there on the floor and  
5 wait?

6 A We waited about it might have been five to ten  
7 seconds and the stockier one came running back in yelling  
8 saying, "Who moved? Who was that?" And waving his gun  
15 9 around, and none of us said a word. We just had our heads  
10 down. And then he started laughing and said, "No, I'm just  
11 playing with you guys. But start over," and he just left  
12 and walked out.

13 Q Were you scared this entire time?

14 A Yeah.

15 Q Did you guys lay there and wait before you went  
16 outside to get the cell phones?

17 A We counted out loud to two minutes and we got  
18 up and shut the door and locked it and we didn't go outside  
19 for a little while.

20 Q And you actually didn't call the police from  
21 there, you guys went somewhere else?

22 A Yeah.

23 Q Went to Clint's apartment?

24 A Clint and Aitor's apartment.

25 Q And did you all retrieve your cell phones from

000109



HENDERSON  
JUSTICE COURT  
Feb 26 2 35 PM '07  
FILED

JUSTICE COURT, HENDERSON TOWNSHIP  
CLARK COUNTY, NEVADA

STATE OF NEVADA, )  
 )  
Plaintiff, ) CASE NO. 07FH0317B  
 )  
-vs- )  
 )  
NARCUS S. WESLEY, ) NOTIFICATION OF  
 ) MEDIA REQUEST  
 )  
Defendant. )

TO: COUNSEL OF RECORD IN THE ABOVE-CAPTIONED CASE:

You are hereby notified pursuant to Supreme Court Rule 230 that the attached Media Request has been filed in this case. Any objection should be filed within 24 hours of receipt of this notice.

DATED this 26 day of February, 2007.

HENDERSON JUSTICE COURT

By: J. Diaz  
Deputy Clerk

CERTIFICATE OF FACSIMILE

I hereby certify that service of the was made this day, by faxing a copy to the below number:

District Attorney  
200 Lewis Ave.  
Las Vegas, Nevada 89101  
Fax: 477-2900

DATED this 26 day of February, 2007.

J. Diaz  
Deputy Clerk, Henderson Justice Court

**COUNTY OF CLARK**  
OFFICE OF THE JUSTICE OF THE PEACE  
HENDERSON TOWNSHIP  
243 WATER STREET  
HENDERSON, NEVADA 89015

RODNEY T. BURR  
Justice of the Peace  
Department I

STEPHEN L. GEORGE  
Justice of the Peace  
Department II

**FAX MESSAGE COVER SHEET**

DATE: February 26, 2007

TO: District Attorney

FAX NUMBER: 455-2294

TO:

FAX NUMBER:

NUMBER OF PAGES SENT (Including Cover Sheet): 3

NAME OF SENDER: Jennifer

OUR FAX NUMBER: (702) 455-7935

\*\*\* IF YOU DO NOT RECEIVE THE CORRECT NUMBER OF PAGES OR THE  
INFORMATION IS DISTORTED, PLEASE CONTACT THIS OFFICE AT 455-7985

ADDITIONAL INFORMATION OR MESSAGE: NOTIFICATION OF MEDIA REQUEST  
CASE NO. 07FH0317B FOR February 27, 2007

REPLY MESSAGE: \_\_\_\_\_

JUSTICE COURT, HENDERSON TOWNSHIP

CLARK COUNTY, NEVADA

CASE 07FH0317B  
NAME NARCUS S. WESLEY DATE FEBRUARY 21, 2007

LOCATION ☒ HJC ☐ OTHER

CHARGE SEXUAL ASSAULT - 3 COUNTS - \$15,000 EACH  
CONSPIRACY TO COMMIT A CRIME (ROBBERY WITH A DEADLY WEAPON) - \$30,000  
ROBBERY WITH A DEADLY WEAPON - \$30,000  
1ST DEGREE KIDNAPPING - 100,000

BAIL \_\_\_\_\_ DATE OF ARREST 02/20/07  
TOTAL 205,000 Total c/s PC REVIEW \_\_\_\_\_

**THE COURT INFORMS YOU:**

1. You have the right to have an attorney present during any questioning and to represent you concerning these charges;
2. That if you cannot afford to hire an attorney, one will be appointed for you free of charge (unless you are being held as a fugitive from justice);
3. That you have the right to remain silent and that any statement you may make may be used against you;
4. That you have the right to a Preliminary Hearing and one will be ordered for you when you appear in Court on 3/1/07 at 9:00 a.m. The Court is located at 243 Water Street, Henderson, Nevada.


OR jail notified

If you are being held as a fugitive from justice a return date will be set for you when you appear in Court on \_\_\_\_\_ at 9:00 a.m. The Court is located at 243 Water Street, Henderson, Nevada.

DEPUTY DISTRICT ATTORNEY

Initial: AR

Days Requested 5

  
JUSTICE OF THE PEACE, HENDERSON TOWNSHIP

000102

ORIGINAL

JUSTICE COURT, HENDERSON TOWNSHIP

CLARK COUNTY, NEVADA

CASE NO. 07FH0317A-B

STATE OF NEVADA,

Plaintiff

-vs-

DELARIAN KAMERON WILSON #19966773  
NARCUS SAMONE WESLEY #1757866,  
Defendant(s)

COMMITMENT

and

ORDER TO APPEAR

An Order having been made this day by me, that DELARIAN KAMERON WILSON NARCUS SAMONE WESLEY be held to answer upon the charge(s) of CONSPIRACY TO COMMIT BURGLARY; CONSPIRACY TO COMMIT ROBBERY; BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON - 2 COUNTS; ROBBERY WITH USE OF A DEADLY WEAPON - 4 COUNTS; ASSAULT WITH USE OF A DEADLY WEAPON - 2 COUNTS; FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON; SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON - 5 COUNTS; COERCION WITH USE OF A DEADLY WEAPON; OPEN OR GROSS LEWDNESS WITH USE OF A DEADLY WEAPON Committed in said County, on or about the 18TH day of FEBRUARY, 2007,

IT IS FURTHER ORDERED that unless the Defendant(s) have/has been previously released on bail or by order of the Court, that the Sheriff of the County of Clark receive the above named Defendant(s) into custody, and detain such Defendant(s) until such Defendant(s) be legally discharged, and that such Defendant(s) be admitted to bail in the sum of \$404,000 Cash or Surety Bond; and

IT IS FURTHER ORDERED that said Defendant(s) is/are commanded to appear in the Eighth Judicial District Court, Regional Justice Center, Las Vegas, Nevada at 9:00 A.M. on the 9TH day of MAY, 2007, for arraignment and further proceedings on the within charge.

Dated: April 19, 2007.

  
JUSTICE OF THE PEACE FOR HENDERSON TOWNSHIP  
R. T. BURR, JP

000103

FILED

2007 MAY 17 P 3:13

CLERK OF THE COURT

1 0001  
2 FRANK P. KOCKA, ESQ.  
3 Nevada Bar No. 3095  
4 KOCKA & BOLTON, LLC.  
5 600 South 8<sup>th</sup> Street  
6 Las Vegas, Nevada 89101  
7 (702) 383- 8700  
8 Attorney for Defendant

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

Case No. C232494

Dept. No. XXIV

NARCUS S. WESLEY, aka, Narcus Samone

Wesley # 1757866,

Defendant,

Date of Hearing :

Time of Hearing :

MOTION FOR RELEASE OF OWN RECOGNIZANCE OR IN THE  
ALTERNATIVE TO SET REASONABLE BAIL

COMES NOW, Defendant, NARCUS S. WESLEY, by and through his attorney, FRANK P. KOCKA, ESQ., of the law offices of KOCKA & BOLTON, LLC, and moves this Honorable court for an Order granting her an own recognizance release pending trial, or, in the alternative, to have reasonable bail set pending said trial.

This Motion is made and base upon all files and pleadings in this action, Affidavit and Points and Authorities submitted herewith, and evidence to be adduced at time of hearing, if necessary.

DATED this 17 day of May, 2007.

KOCKA & BOLTON, LLC.,

FRANK P. KOCKA, ESQ.  
Nevada Bar No. 003095  
1900 E. Bonanza Rd.  
Las Vegas, Nevada 89101  
Attorney for Defendant

000104

CLERK OF THE COURT

MAY 17 2007

RECEIVED



1 this matter prior to trial. The preparation of his defense would benefit greatly by having Mr.  
2 Wesley available to counsel, out of custody. It is therefore requested that Mr. Wesley be granted  
3 an own recognizance release and if the court so desires to impose the condition of intensive  
4 supervision on such release. In the alternative, it is requested that the court reduce his bail to  
5 \$10,000.00 again with the condition of intensive supervision if necessary.

6  
7  
8 **POINTS AND AUTHORITIES**

9 NRS 178.487 provides that:

10 Every release on bail without or without security is conditional upon  
11 the defendant's good behavior while so released.

12 NRS 178.498 provides:

13 I. If the defendant is admitted to bail, a bail must be set at an  
14 amount which in the judgement of the magistrate will reasonably  
insure the appearance of the defendant's and the safety of other  
persons of the community, having regard to:

- 15 1. The nature and circumstances of the offense charged;  
16 2. The financial ability of the defendant to give bail;  
17 3. The character of the defendant; and  
4. The factors listed in NRS 178.4853.

18 Under NRS 178.4853 some factors include his/her prior criminal record; his or her  
19 possibility of conviction, the danger to the community during his or her release and his or her  
20 reputation and character. Also, the likelihood of continued criminal activity is taken into account.

21 Important things to note about Ms. Wesley's case are the following:

- 22 1. He has resided in Nevada all his life.  
23 1. He will remain in Nevada living with his family.  
24 2. He has strong and numerous ties to the community including a small child.  
25 3. Based upon the lack of prior involvement with the criminal justice system. The  
26 likelihood of continued criminal activity is minimal at best. This is also supported  
27 by the exhibits attached hereto that express the shock of many members of the  
28 community who know Mr. Wesley.



1  
2 Based on the above factors, it is clear that the Defendant would be a reasonable candidate  
3 for an own recognizance release or to have reasonable bail set on the matter before this Court. If  
4 the Court is not inclined to grant an O R release alone, Defendant would request that the O R be  
5 granted and an additional requirement of house arrest be imposed as a condition of her release.

6 N.R.S. 211.250 provides:

7 Unless the sentencing court otherwise orders in a particular case, the  
8 sheriff or chief of police may supervise a convicted prisoner  
electronically instead of confining him physically in the county or  
city jail if:

9 1. The prisoner has a residential living situation which  
10 is capable of meeting the standards set in the general rules and  
individual conditions for electronic supervision; and

11 2. The sheriff or chief of police concludes that  
electronic supervision poses no unreasonable risk to public safety.

12 N.R.S. 211.300 provides:

13 With the approval of the court of jurisdiction for a particular case,  
14 the sheriff or chief of police may supervise an unconvicted person  
detained before his trial in the manner provided for convicted  
15 prisoners in NRS 211.250 to 211.290, inclusive. If such approval is  
given, the provisions of NRS 211.250 TO 211.290, inclusive, apply  
16 to the unconvicted person in the same manner as they apply to a  
convicted prisoner.

17 In this case, the Defendant can afford to pay the house arrest fee, and has a dwelling  
18 suitable for this purpose.

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**CONCLUSION**

Based upon the foregoing, the Defendant respectfully requests this Honorable Court to set reasonable bail or in the alternative to set reasonable bail and further impose a condition of house arrest until his revocation hearing.

DATED this 5 day of May, 2007.

KOCKA & BOLTON, LLC.

  
FRANK P. KOCKA ESQ.  
1900 E. Bonanza Rd.  
Las Vegas, Nevada 89101  
(702)383 -8700  
Attorney for Defendant

1 ROC  
FRANK P. KOCKA, ESQ.  
2 Nevada Bar No. 3095  
KOCKA & BOLTON, LLC.  
3 600 South 8<sup>th</sup> Street  
Las Vegas, Nevada 89101  
4 (702) 383-8700  
Attorney for Defendant  
5

6 **DISTRICT COURT  
CLARK COUNTY, NEVADA**

7 THE STATE OF NEVADA,

8 Plaintiff,

Case No. C232494  
Dept. No. XXIV

9 vs.

10 NARCUS S. WESLEY, aka, Narcus Samone  
11 Wesley #1757866

12 Defendant.

13 **RECEIPT OF COPY**

14 RECEIPT OF COPY of the fore going MOTION FOR OWN RECOGNIZANCE

15 RELEASE, OR IN THE ALTERNATIVE TO SET BAIL is hereby acknowledged this \_\_\_\_\_

16 day of May 2007.

17  
18 DISTRICT ATTORNEY'S OFFICE

19  
20 DAVID ROGER, ESQ.  
DISTRICT ATTORNEY  
21 200 S. Lewis Ave  
Las Vegas, Nevada 89155  
22 Attorney for Plaintiff  
23  
24  
25  
26  
27  
28

1 0001  
FRANK P. KOCKA, ESQ.  
2 Nevada Bar No. 3095  
KOCKA & BOLTON, LLC.  
3 600 South 8<sup>th</sup> Street  
Las Vegas, Nevada 89101  
4 (702) 383- 8700  
Attorney for Defendant

5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 vs.

Case No. C232494

10 Dept. No. XXIV

11 NARCUS S. WESLEY, aka, Narcus Samone

12 Wesley # 1757866,

13 Defendant,

Date of Hearing :

Time of Hearing :

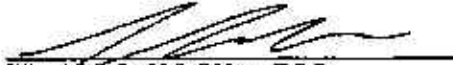
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15 **MOTION FOR RELEASE OF OWN RECOGNIZANCE OR IN THE**  
16 **ALTERNATIVE TO SET REASONABLE BAIL**

17 COMES NOW, Defendant, NARCUS S. WESLEY, by and through his attorney, FRANK P.  
18 KOCKA, ESQ., of the law offices of KOCKA & BOLTON, LLC, and moves this Honorable court  
19 for an Order granting her an own recognizance release pending trial, or, in the alternative, to have  
20 reasonable bail set pending said trial.

21 This Motion is made and base upon all files and pleadings in this action, Affidavit and Points  
22 and Authorities submitted herewith, and evidence to be adduced at time of hearing, if necessary.

23 DATED this 13 day of May, 2007.

24 KOCKA & BOLTON, LLC.,

25  
26   
FRANK P. KOCKA, ESQ.  
27 Nevada Bar No. 003095  
1900 E. Bonanza Rd.  
Las Vegas, Nevada 89101  
28 Attorney for Defendant

000110

1 NOTICE OF MOTION

2  
3 TO: THE STATE OF NEVADA and

4 TO: CLARK COUNTY DISTRICT ATTORNEY'S OFFICE

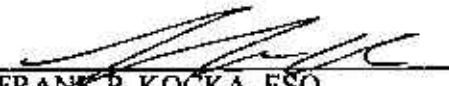
5 YOU WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing

6 Motion on for hearing on the \_\_\_\_\_ day of \_\_\_\_\_, 2007, at

7 \_\_\_\_\_m., in Department No.XXIV , or as soon thereafter as counsel may be  
8 heard.

9 DATED this 15 day of May, 2007.

10 KOCKA & BOLTON, LLC.,

11  
12   
13 FRANK P. KOCKA, ESQ.  
14 Nevada Bar No. 3095  
1900 E. Bonanza Rd  
Las Vegas, Nevada 89101  
Attorney for Defendant

15 STATEMENT OF FACTS

16 Mr. Wesley id alleged to have committed the crimes before the court on February 18, 2007. A  
17 search warrant was executed on February 20, 2007 and Mr. Wesley was arrested thereafter. Prior  
18 to these charges, Mr. Wesley has not sustained any convictions and has led a trouble free life. In  
19 fact, Mr. Wesley was involved in Western High School football program and the University of  
20 Nevada Athletics department where he stood out as a role model for many younger players in Las  
21 Vegas. Mr. Wesley has lived in Las Vegas all of his life and has close family ties and community  
22 support as evidenced by the letters attached hereto as exhibits for the court. Mr Wesley has  
23 maintained employment up to the time of his arrest. At the preliminary hearing held in this  
24 matter, numerous issues arose with regard to whether Mr. Wesley possessed a gun, was in fact  
25 acting under the control and direction of the co-defendant and acting out of fear for himself and  
26 the victims in this case and identification issues of Mr. Wesley by the witnesses testifying at the  
27 preliminary hearing. There are numerous factors which need to be explored in preparing his  
28 defense to the charges of which he is accused. It is also necessary to sever the two defendants in

1 this matter prior to trial. The preparation of his defense would benefit greatly by having Mr.  
2 Wesley available to counsel, out of custody. It is therefore requested that Mr. Wesley be granted  
3 an own recognizance release and if the court so desires to impose the condition of intensive  
4 supervision on such release. In the alternative, it is requested that the court reduce his bail to  
5 \$10,000.00 again with the condition of intensive supervision if necessary.

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7  
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- 15 1. The nature and circumstances of the offense charged;  
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28 community who know Mr. Wesley.

1  
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5 granted and an additional requirement of house arrest be imposed as a condition of her release.

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- 9 1. The prisoner has a residential living situation which  
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individual conditions for electronic supervision; and  
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electronic supervision poses no unreasonable risk to public safety.

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convicted prisoner.

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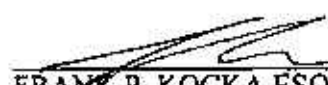
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CONCLUSION

Based upon the foregoing, the Defendant respectfully requests this Honorable Court to set reasonable bail or in the alternative to set reasonable bail and further impose a condition of house arrest until his revocation hearing.

DATED this 5 day of May, 2007.

KOCKA & BOLTON, LLC.

  
FRANK P. KOCKA ESQ.  
1900 E. Bonanza Rd.  
Las Vegas, Nevada 89101  
(702)383 -8700  
Attorney for Defendant

ERICA MILNE, Esq.  
Nevada Bar No. 8574  
MILNE LAW FIRM, LLC.  
1900 E. Bonanza Rd.  
Las Vegas, Nevada 89101  
(702) 383-9901  
Attorney for Defendant

**JUSTICE COURT, HENDERSON TOWNSHIP  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

Case No.: 07TH0086X

vs.

Dept. No.: 1

AUTUMN GOYET-WAYERSKI

ID# \_\_\_\_\_,

Defendant.

**RECEIPT OF COPY**

**RECEIPT OF COPY** of Defendant's CONFIRMATION OF COUNSEL is hereby

acknowledged this \_\_\_\_\_ day of \_\_\_\_\_ 2007.

DISTRICT ATTORNEY'S OFFICE

\_\_\_\_\_  
DAVID ROGER, ESQ.  
200 Lewis Ave.  
Las Vegas, Nevada 89101





# WESTERN HIGH SCHOOL

4601 WEST BONANZA RD. LAS VEGAS, NEVADA 89107 PHONE 799-4080

2/28/2007

To Whom It May Concern:

I am writing this letter on behalf of Narcus Wesley. I am Coach Washington, of Western High School. I have been teaching in the Clark County School District for 29 years, at Western for nine years. I have been acquainted with Narcus for nine years, as a student and athlete.

I am quite disturbed to here of the current circumstances, surrounding my former student. Mr. Wesley has always displayed mature, responsible qualities to me, an upstanding young man. A true team player, with excellent communication skills. I believe the situation currently surrounding Narcus will prove to be false.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Mel Washinton  
Health Teacher  
Coach for Basketball & Track  
Western High School

000116



# WESTERN HIGH SCHOOL

4601 WEST DONANZA RD LAS VEGAS, NEVADA 89107 PHONE 799-4080

2/28/2007

To Whom It May Concern:

I am writing this letter on behalf of Narcus Wesley. I am a teacher, coach, and athletic director at Western High School. I have known Narcus for 8 years, and have only positive things to say about him. Narcus is a friendly, fun-loving person that was a good student and a great athlete while he was at Western. I enjoyed conversations with Narcus even after he graduated and attended UNLV, where he played football.

When I read the news of his current situation, something did not seem right. There was no way the Narcus that I know would do something like that. I have no doubt that he was in the wrong place at the wrong time - but I absolutely cannot imagine Narcus being the ring leader of such a horrible crime.

Please contact me if I can help further.

Thank you,

Brian Murray  
Athletic Director  
Head Football Coach  
Western High School  
702-277-8349

000117

# **KP Properties, LLC**

**1050 East Sahara Avenue  
Las Vegas, Nevada 89104**

March 3, 2007

To Whom It May Concern:

This is in the matter of Narcus Wesley, I would like to start by saying this is a young man of great values and morals. I have worked with Narcus for the last seven months. He is a young man that would be at work everyday, what ever the job entailed to be for the day was completed to my approval. I have known the Wesley family for the pass five years. When Narcus and I met for the first time, I found him to be a very respectable person. He is also respected by his co-workers. To me that means a great deal. He would supervise the job to my approval of what should be completed.

I don't think in anyway that if released he would be a danger to his community. I also don't fill that Narcus Wesley would be a flight risk, because of his strong family ties to the area. Narcus has lived in the Las Vegas Valley all of his life. With the exception of the time he was enrolled at Minot State University.

I fill that allegations are false.

Sincerely,



Randy Morgan  
8149 O'Bannon  
Las Vegas, NV  
(702) 303-3566

000118



March 2, 2007

The Honorable Rodney T. Burr  
243 South Water Street  
2<sup>nd</sup> Floor  
Henderson, NV 89015

RE: Wesley, Narcus

Dear Judge Burr,

Just last night I became aware of the charges which have been made against Mr. Wesley. I have a great deal of difficulty believing that Narcus was or could have been involved in the criminal activities that were reported to me.

Mr. Wesley has worked for me as a masonry crew supervisor on almost a daily basis for the past 1 1/2 years. As a young man managing a number of older trades people, I found him to be completely honest in his dealings with all those concerned, steady and reliable in his timeliness for work and willingness to stay as late as necessary to see that the work was completed to the best of his abilities. First and foremost, I believe his interests are focused on an education and pursuing a possible career in athletics and fitness training. He and his family (with whom I am also well acquainted) are extremely close and have been in the community since the late 1960s. I know they are devastated by these developments, as any close knit family would be.

Regardless of what the facts surrounding the events turn out to be, the purpose of this letter is to urge you to make it no more difficult than absolutely necessary for this young man to have the opportunity to defend himself and his reputation in a familiar environment surrounded by family. This is an honest, hardworking family without unlimited financial means. I hope you can see your way clear to give him and this family every benefit of doubt at this juncture.

Thank you for your consideration. Obviously this is not the type of letter that anyone wants or expects to write, but I believe his is a situation deserving your special consideration. I remain

Respectfully yours,

A handwritten signature in black ink, appearing to read "Steve Arrington", written over a horizontal line.

William S. "Steve" Arrington  
325 W. Lake Mead Pkwy.  
Henderson, NV 89015  
(702) 565-9743

000119



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2-28-07

TO WHOM IT MAY CONCERN

REGARDING NARCUS WESLEY, I HAVE KNOWN NARCUS FOR OVER TWELVE YEARS. HE HAS ALWAYS BEEN A REALLY GOOD KID AND HAS GROWN INTO A NICE YOUNG MAN. HE GRADUATED HIGH SCHOOL AND WENT TO COLLEGE AND PLAYED COLLEGE FOOTBALL. CAME BACK TO LAS VEGAS AND WENT TO SCHOOL AT UNLV. NARCUS WAS JUST OVER MY HOUSE WITH MY SON A COUPLE OF NIGHTS BEFORE THE ALLEGED INCIDENT OCCURED. I LOVE THIS KID LIKE A SON, HE HAS STRONG FAMILY SUPPORT FROM HIS FATHER AND MOTHER AND SIBBLINGS. HE ALSO HAS A YOUNG CHILD THAT HE LOVES DEARLY. IF THERES ANY WAY YOU CAN HELP HIM OUT BEFORE HIS TRIAL IT WOULD BE GREATLY APPRECIATED THANK YOU VERY MUCH.

WENDELL WEST SR

*Wendell West*

☐ 7475 W. Sahara Avenue, Suite #100  
Las Vegas, NV 89117

☐ 777 N. Rainbow Boulevard, Suite #250  
Las Vegas, NV 89107

☐ 985 White Dr., #200  
Las Vegas, NV 89119

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**2372 Valley Dr.**  
**Las Vegas, NV**  
**89102**

March 3, 2007

To: Judge Rodney Burr  
Henderson Courts Dept.

In regards to Narcus Wesley

Dear Your Hounor:

I am writing this letter to you judgeship in the issue with the above named person. As a father in raising a child in this wayward world sometimes we try our best to make our children be the best, and not stray away from our teaching through life. As for Narcus I truly can not believe he would do such acts as accused or have any involvement in such a crime or any crime. Of course we can all be coerced by others that have made this a way of living for themselves.

I am not pleading total innocents for my son Narcus, but only a chance to let him continue to be with his family and toddler child which whom he cares for dearly, and takes care for like a young gentleman should. Simply to let him continue to work and have freedom until this is cleared up by the courts.

Narcus has been a foreman for my company since returning from college and has been a very good worker since about eight years of age. If in any way you see fit to help in any way by the law of course we, his family, and friends would truly appreciate it.

Thank you very kindly  
May god bless us all

Sincerely Yours,

Narviez Wesley

March 2, 2007

To Whom It May Concern:

I'm writing on behalf of Narcus Wesley. I'm his stepmother, Angela Wesley. I have known Narcus for the pass seven years. With coming in to his life as a young man I found him to be very respectable and intelligent. Narcus live at home with myself and his father. I know that the person I have lived with could not have done things that he is allegately charged. Narcus is always very respectable to myself an others. I have followed him doing his high school and college years as an outstanding athletic. This is a young man that has been training to hopefully one day go to the NFL. He has traveled to several camps in hope of that dream of a future at his own expense.

As a young father he takes care of his one year old daughter every weekend from birth until current. Each Saturday and Sunday he would pick her up and provide the care need until taking her home each night. I give him the up most respect. Because there are not very many young father today that would take that responsibility.

I don't feel that the community would be in danger if released. I know that he is not a flight risk because all of the family is here in the Las Vegas area.

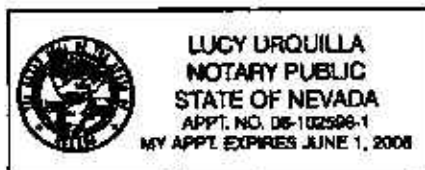
Thanks for allowing me the chance to share my feeling with you on this matter regarding Narcus. I hope that you can see in this young man the good I have over the years.

Respectfully yours,

*Angela Wesley*

Angela Wesley  
4232 Gaye Lane  
Las Vegas, NV 89108  
(702) 544-4874

State of Nevada County of Clark  
Subscribed and sworn to before me on 3/5/07  
(Date)  
*[Signature]*  
(Notary Signature)  
Lucy Urquilla



000122



**To whom it may concern:**

**My name is Kiaziah Washington, I'm Narcus Wesley's sister. I just wanted to say a few things on my brother's behalf. He is easy to talk to about most things, fun, loving, understanding. For my daughter he's been a great uncle, role model, and someone she looks up to. When babysitting his daughter he's always calling and checking on her to see what's she doing. That let's me know he's concerned about her. Narcus is not the kind of person to be involved in something like this. This whole thing has struck me by surprise. I believe he was in the wrong place at the wrong time.**

**Sign:** *Kiaziah Washington*  
**Kiaziah Washington**  
Office Tech



To whom it may concern:

In regards to Narcus Wesley my son, who means a great deal to me. This whole thing upsets me so much, because I know my son and I know there must be some mix up or something. My son and I talk on a daily basis, we are very close. Even when he was off to college we talked on the phone at least every other day. Narcus has been a good son, very much in to sports, including basketball and football, which kept him out of trouble and very occupied. Narcus is a loving, caring, understanding person.

Sign:  
Mother  
Linda Washington

*Linda Washington*

MARCH 5, 2007

TO WHOM IT MAY CONCERN:

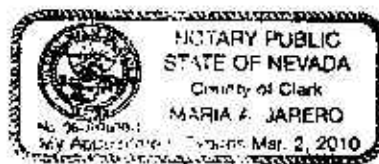
I, Carolyn Merrick, am writing this letter on behalf of Narcus "Packie" Wesley. For the time I have been acquainted with Narcus, which has been about 5 years, he has appeared to me to be quite a brilliant young man. He has always been employed and responsible on jobs. He is an idol for my 14 year old son as far as his football abilities. He was also a GREAT father to his little girl. I have found Narcus to be a very respectful young man. It's truly hard to believe he is capable of the things he's been accused of, but on other hand I believe he deserves another chance. Anything that can be done to give this young man another chance in society would be greatly appreciated by myself and any others that knew "Packie".

Sincere Thanks,

Carolyn D. Merrick

*Carolyn D. Merrick*

State of Nevada	
County of <u>Clark</u>	
Signed or attested before me on <u>03.05.07</u> by	
<u>Carolyn D. Merrick</u>	
(Notary Stamp)	<u><i>[Signature]</i></u> (Signature of Notarial officer)



000125

Dear Sir

This letter is on behalf of Narcus Westley. my name is Jerry Washington, I am a corrections officer with the LmPd. I have been employed for 28 years.

Narcus's mother Linda Washington is my first cousin. I have known Narcus all of his life. He attended college and played football while doing so. Narcus has always been a good kid. never involved with the law whatsoever.

Narcus has tremendous family support and he deserves a chance in this particular matter.

Thank You  
Jerry Washington

CASE NO. C232494

FILED

IN THE JUSTICE'S COURT OF HENDERSON TOWNSHIP

COUNTY OF CLARK, STATE OF NEVADA

\*\*\*\*\*

CLERK OF THE COURT

ORIGINAL

THE STATE OF NEVADA,

Plaintiff,

-vs-

DELARIAN K. WILSON &  
NARCUS S. WESLEY,

Defendants.

Case No. 07FH-317A/B

REPORTER'S TRANSCRIPT

OF

PRELIMINARY HEARING

BEFORE RODNEY T. BURR, JUSTICE OF THE PEACE

Thursday, April 12, 2007

10:30 A.M.

APPEARANCES:

For the State:

ELISSA LUZAICH, ESQ.  
Deputy District Attorney

&

STACY L. KOLLINS, ESQ.  
Deputy District Attorney

For Defendant Wilson:

JAMES A. ORONOZ, ESQ.

For Defendant Wesley:

FRANK P. KOCKA, ESQ.

Reported by: LISA BRENSKE, CSR No. 186  
Official Court Reporter

000127

RECEIVED  
MAY 23 2007  
CLERK OF COURT

WITNESSES FOR THE STATE:DANIELLE BROWNING

Direct Examination by Ms. Luzaich	4
Cross-Examination by Mr. Kocka	28
Cross-Examination by Mr. Oronoz	45
Redirect Examination by Ms. Luzaich	46
Recross Examination by Mr. Kocka	47

JUSTIN RICHARDSON

Direct Examination by Ms. Kollins	49
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000128

HENDERSON, CLARK COUNTY; THURSDAY, APRIL 12, 2007

P R O C E E D I N G S

THE COURT: This is the time set for preliminary hearing in the case of Delarian Wilson and Narcus Wesley, 07FH-317A and B.

Will the State call their first witness, please.

MS. LUZAICH: State would call —

MR. KOCKA: At this time I'd ask that any witnesses or potential witnesses be excluded from the courtroom.

MS. LUZAICH: That's fine. All of them are in the room behind the courtroom.

THE COURT: Thank you. We'll note that for the record that it is in effect.

Your first witness?

MS. LUZAICH: The State would call Danielle Browning.

Judge, just so the court is aware — and I spoke to defense counsel earlier — at the end of the preliminary hearing I am going to be making small amendments. There are some names that are wrong and things of that nature.

000129

1 THE COURT: Thank you.

2  
3 DANIELLE BROWNING,

4 called as a witness by the State, having been first duly  
5 sworn to tell the truth, the whole truth, and nothing but  
6 the truth, testified as follows:

7  
8 THE CLERK: Please state your full name and  
9 spell it for the record.

10 THE WITNESS: Danielle Browning,  
11 D-a-n-i-e-l-l-e, B-r-o-w-n-i-n-g.

12  
13 DIRECT EXAMINATION

14 BY MS. LUZAICH:

15 Q Good morning, Danielle. How are you doing?

16 A Fine.

17 Q Are you a little nervous?

18 A Yes.

19 Q I need you to do the best you can to speak up  
20 just because everybody needs to hear you.

21 Danielle, how old are you?

22 A Eighteen.

23 Q And do you live down here in Clark County?

24 A No.

25 Q Do you have a boyfriend down here in Clark

000130

1 County?

2 A Yes.

3 Q What's his name?

4 A Justin Richardson.

5 Q And do you know where he lives?

6 A Yes.

7 Q Where?

8 A Crystal Creek Apartments in Henderson.

9 Q Does he live somewhere different than he did on  
10 February 18th, 2007?

11 A Yes.

12 Q On February 18th, 2007 did he live at  
13 690 Great Dane Court?

14 A Yes.

15 Q That's here in Henderson, Clark County?

16 A Yes.

17 Q And did he have a couple of roommates?

18 A Yes.

19 Q Do you know what his roommates' names are?

20 A Ryan, Justin and David.

21 Q And are Ryan and Justin actually in another  
22 room here today?

23 A Yes.

24 Q And when you and Justin have been together is  
25 it kind of a long distance relationship?

000131



1 A Yes.

2 Q Would you come down here and spend some time  
3 with him?

4 A Yes.

5 Q Specifically the weekend of February 18th this  
6 year 2007 were you down here for the weekend spending time  
7 with Justin?

8 A I came down for my birthday, yes.

9 Q When is your birthday?

10 A February 16th.

11 Q When you come down do you stay at his house?

12 A Yes.

13 Q And does he have his own room in the house?

14 A Yes.

15 Q Specifically on February 18th of 2007 was that  
16 a Sunday night?

17 A Yes.

18 Q And did Justin have to go to work later on like  
19 late night, early morning?

20 A Early morning Monday.

21 Q So did you guys go to bed fairly early?

22 A Yes.

23 Q Do you know about what time it was that you  
24 went to bed?

25 A Around 8:30, nine o'clock.

000132

- 1 Q After you went to bed did something happen?
- 2 A Yes.
- 3 Q Can you describe for me what happened?
- 4 A We got woke up.
- 5 Q How did you get woke up?
- 6 A A guy -- a bigger guy approached the door and
- 7 was saying Justin's name. Justin woke up, he didn't have
- 8 his contacts or his glasses in so he didn't know what was
- 9 going on, like if we knew him or didn't. He went to turn on
- 10 his light. The guy yelled for him to turn off his light and
- 11 told Justin to stand up and walk towards the front of the
- 12 bed with his hands on his bed.
- 13 Q Could you see and hear this happening?
- 14 A Yes.
- 15 Q At that time could you see the person who told
- 16 Justin to get up and move away from the bed?
- 17 A Kind of.
- 18 Q Could you tell was it a man or woman?
- 19 A It was a man.
- 20 Q And could you tell was it somebody that was
- 21 bigger than you?
- 22 A Yes.
- 23 Q Was it somebody that was bigger than Justin?
- 24 A Yes. Like stockier, not taller.
- 25 Q Buff, stocky?

000133

1 A Yes.

2 Q Did Justin actually move away from the bed with  
3 his hands on his head?

4 A Yes.

5 Q At the time was he dressed?

6 A He had a wife beater on and boxer shorts.

7 Q And so what happened?

8 A They asked him who I was. He stated that I was  
9 his girlfriend. They made me stand up and follow Justin  
10 with my hands on my head.

11 Q Now, you're saying "they." How many people  
12 were at the door in addition to --

13 A The one guy told us to go out to the living  
14 room.

15 Q And at the time you got out of bed were you  
16 dressed?

17 A Yes.

18 Q What were you wearing?

19 A Pajama pants and a tank a top.

20 Q Did you and Justin both go out of the room down  
21 the hall with your hands on your head?

22 A Yes.

23 Q When you got down the hall, is there an open  
24 room area in the house?

25 A Yes.

000134

1 Q And when you got to the open room area, what  
2 did you see?

3 A The roommates and two of the friends that we  
4 were with earlier that night face down on the ground.

5 Q Were the lights on —

6 A And another man.

7 Q Were the lights on or off?

8 A Off.

9 Q But was there kind of light in the room?

10 A From the TV.

11 Q The TV was on?

12 A Yes.

13 Q So there were two men?

14 A Uh-huh.

15 Q You need to answer out loud. She has a yes  
16 button and a no button.

17 A Yes.

18 Q And can you describe the two men that you saw?

19 A One was shorter and buffer, the other one was a  
20 bit taller and skinnier.

21 Q What about ethnicity?

22 A They were black.

23 Q Both of them?

24 A Yes.

25 Q Do you see them in court here?

000135

2 1 A Yes.

2 Q Can you describe where they're sitting?

3 A Yes.

4 Q Can you point to them. Is that both of them?

5 A Yes.

6 MS. LUZAICH: Record reflect identification of  
7 the defendants?

8 THE COURT: Yes.

9 BY MS. LUZAICH:

10 Q I mean as you sit there right now you described  
11 one as taller and skinnier and one as stockier. Is the one  
12 on your right the taller one or the stockier one?

13 A The stockier one.

14 Q The one on your left, would he be the taller  
15 one or skinnier I should say you said?

16 A Yes.

17 Q Which one was the one that was in the bedroom,  
18 the one on the left or the one on the right?

19 A The one on the right.

20 Q I am sorry?

21 A The one on the right.

22 Q So you say you came out and you saw the two  
23 roommates and two friends. Who were the two roommates that  
24 were on the floor?

25 A Ryan and Justin.

000136

- 2           1           Q       Now, your boyfriend is Justin, correct?
- 2           A       Yes.
- 3           Q       That's Justin Richardson?
- 4           A       Yes.
- 5           Q       Justin Foucault was out in the living room?
- 6           A       Yes.
- 7           Q       So Ryan and Justin on the floor and you said
- 8       there were two friends. Who were the two friends?
- 9           A       Clinton and Aitor.
- 10           Q       When you saw the stockier one that right now is
- 11       sitting on the right in your doorway, did he have anything
- 12       with him?
- 13           A       A gun.
- 14           Q       When you got to the open room and you saw the
- 15       second man, the one on the left, did he have anything with
- 16       him?
- 17           A       A gun.
- 18           Q       So you saw two guns?
- 19           A       Yes.
- 20           Q       From the time that you walked down the hall --
- 21       the whole time that this transpired did you see two guns?
- 22           A       Yes.
- 23           Q       So when you got out to the big room what
- 24       happened?
- 25           A       We were placed face first on the ground. All

000137

2           1       our hands were in a circle to where our hands were on top of  
2           2       each other.

3           Q       Why? Did somebody tell you to do that?

4           A       Yes.

5           Q       Who told you to do that?

6           A       The stockier guy.

7           Q       And you did what he told you to do?

8           A       Yes.

9           Q       Were you scared?

10          A       Yes.

11          Q       What happened after you were all on the ground?

12          A       They asked if we had any money.

13          Q       Now, when you say "they asked," did one person  
14       ask or did both of those --

15          A       The stockier person asked.

16          Q       So one person specifically asked?

17          A       Yes.

18          Q       The stockier one?

19          A       Yes.

20          Q       You said asked if you had any money, and who  
21       had money, if anyone?

22          A       I think Ryan and Justin Foucault and Clint --  
23       Aitor had a couple dollars on him.

24          Q       Some people had money and some didn't?

25          A       Yes.

000128

2 1 Q Did you have any money there?

2 A No.

3 Q As far as you know did your boyfriend have  
4 money?

5 A No.

6 Q When you say "they asked for any money," did  
7 they ask everybody to take anything out, to do anything with  
8 something?

9 A The wallet and the cell phones we had to give  
10 to them.

11 Q Did you give them your cell phone?

12 A Not at that time. My cell phone was still in  
13 the bedroom.

14 Q Did you see or hear the other guys in the room  
15 giving up cell phones?

16 A Yes.

17 Q Did you see or hear the other guys in the room  
18 giving out wallets?

19 A Yes.

20 Q And was there then some discussion between the  
21 two guys that were there with guns about what was given up?

22 A They just were talking about they wanted at  
23 least a thousand dollars from us because the guy that they  
24 were looking for, when they approached the other boys in the  
25 door, was named Grant, who lived there before the boys did

000199



2           1       owed them money.

2           Q       Did it seem that the two guys with the guns  
3       knew that Grant didn't live there anymore?

4           A       After awhile, yeah, they realize that we really  
5       didn't know who he was.

6           Q       So when a little bit of money was given up how  
7       did they react to that?

8           A       They seemed pretty mad. They wanted more than  
9       that.

10          Q       Did they do anything in furtherance of getting  
11       more than that?

12          A       They asked Ryan and Justin for their ATM cards.  
13       They took their ATM cards.

14          Q       When you say "they took their ATM cards"?

15          A       The stockier guy.

16          Q       While the stockier guy is taking the ATM cards  
17       was the taller, skinnier guy still standing there holding  
18       his gun?

19          A       He's just sitting behind him holding his gun.

20          Q       Did he ever tell the stockier guy, "Hey, don't  
21       take the money, don't take the ATM cards, don't take cell  
22       phones"?

23          A       No.

24          Q       What if anything did Ryan do with the ATM  
25       cards?

000140

3 1 A He gave them to the stockier guy.

2 Q What happened then?

3 A The stockier guy pointed the gun at Justin

4 Foucault and told him to tell the stockier guy what his PIN

5 number was.

6 Q Just so we're clear the stockier guy with the

7 gun told Justin to tell the guy with the gun what his PIN

8 number was?

9 A Yes.

10 Q And did Justin do that?

11 A Yes.

12 Q And did somebody leave?

13 A The stockier guy and Ryan left.

14 Q And when the stockier guy and Ryan left did the

15 stockier guy still have the gun?

16 A Pointed at Ryan, yes.

17 Q Did you see or hear them leave and close the

18 door?

19 A Yes.

20 Q Were they gone for a period of time?

21 A 15, 20 minutes.

22 Q While they were gone was the other taller,

23 thinner guy still in the house?

24 A The stockier guy told him to stay there and

25 watch us.

000141

3 1 Q And did anything happen while they were gone?

2 A The skinnier guy kept asking us how far the ATM  
3 was from where we lived.

4 Q Was there any other conversation?

5 A Not really. He was pretty quiet.

6 Q Were your heads still down on the ground?

7 A Yes.

8 Q Were you still scared?

9 A Yes.

10 Q Did they come back?

11 A Yes.

12 Q What happened when they came back?

13 A They said we were 90 percent of the way dead.

14 Q When you say "they said," did one of them —

15 A The stockier guy.

16 Q Did he explain what he meant by 90 percent  
17 done?

18 A He looked down where me and Justin were laying  
19 and he said that basically the last ten percent was up to  
20 me.

21 Q And did he explain that any further or show you  
22 anything?

23 A He told me to perform oral sex on Justin right  
24 there in the living room. Stuck a pillow over Justin's face  
25 with the gun aimed at the pillow.

000142

1 Q When you say "Justin," there's two Justins?

2 A Justin Richardson.

3 Q Did he cause Justin to roll over?

4 A Yes.

5 Q So was there a point that Justin your boyfriend  
6 was on his back?

7 A Yes.

8 Q And then was the pillow covering his face?

9 A Yes.

10 Q Did you see the gun touching the pillow that  
11 was covering his face?

12 A Yes.

13 Q Did it scare you?

14 A Yes.

15 Q So what happened?

16 A So I performed oral sex on him.

17 Q When you say "oral sex," what do you mean?

18 A Sucking.

19 Q Did you put a part of your body on a part of  
20 his body?

21 A Yes.

22 Q What part of your body?

23 A My mouth.

24 Q On what part?

25 A His penis.

000143

3 1 Q Did you want to do that?

2 A No.

3 Q Did you do that because there was a gun to his  
4 head?

5 A Yes.

6 Q When you did that what happened?

7 A They later told us that they wanted me to have  
8 sex with Justin in front of them. Justin couldn't get it  
9 hard because he was nervous and they said that basically  
10 they wanted to see me have sex with someone that night.  
11 They asked all the other boys if they could get hard.

12 Q When you say "they asked"?

13 A The stockier guy.

14 Q As of this point when "they" -- and I use that  
15 term in quotes -- are talking about any sex acts, was the  
16 taller, skinnier guy saying anything yet?

17 A No.

18 Q So the stockier guy told you -- and I am sorry  
19 I interrupted you, go ahead -- if Justin couldn't get hard?

20 A Then if the other boys could. For some reason  
21 they picked out Ryan who was across from us. They made Ryan  
22 turn over on his back, made Justin turn back over to where  
23 his face was in the ground and they put the pillow over  
24 Ryan's face.

25 Q When you say "they put the pillow over Ryan"?

000144

3           1           A       The stockier guy.

2                       And they told Ryan to try to get hard. He  
3       couldn't because he was nervous.

4           Q       Could you see what Ryan was doing?

5           A       Yes.

6           Q       What was Ryan doing?

7           A       He was trying to jack off. They gave him  
8       lotion.

9           Q       Just for the record when you say "trying to  
10       jack off," did he touch a part of his own body with another  
11       part of his own body?

12          A       Yes.

13          Q       What part of his body?

14          A       His hand on his penis.

15          Q       They gave him lotion. Who gave him lotion?

16          A       The stockier guy.

17          Q       And he was not able to get hard?

18          A       No.

19          Q       And then what happened?

20          A       They made him flip over and told all the boys  
21       that since they couldn't get hard they would do the job  
22       themselves.

23          Q       Who said that?

24          A       The stockier guy.

25          Q       And what happened?

000145

4           1           A       The boys were flipped over. At that time I  
2           flipped back over on my stomach and I was holding Justin's  
3           hand. They told me to get up and take off all my clothes,  
4           the stockier guy.

5           Q       Did you do that?

6           A       Yes.

7           Q       Did you want to do that?

8           A       No.

9           Q       What happened after you took your clothes off?

10          A       They set me up on the stairs by the doorway.

11          Q       When you say "set me up on the stairs" --

12          A       They told me to get on the stairs and sit  
13          there.

14          Q       Who is "they"?

15          A       The stockier guy.

16          Q       Did you go to the stairs and sit there?

17          A       Yes.

18          Q       Were you naked?

19          A       Yes.

20          Q       Then what happened?

21          A       And then they just kept telling me that I had a  
22          nice body or whatever. The stockier guy asked if he could  
23          touch my ass.

24          Q       He actually asked you if he could touch your  
25          ass?

000146

4 1 A Yes.

2 Q Did he say anything about it first?

3 A He said it was nice or something.

4 Q And did he then touch you?

5 A Yes.

6 Q When you say he touched your ass, how did he do

7 that?

8 A Just rubbed it. With his hand.

9 Q Did not penetrate you at all at that point?

10 A No.

11 Q Then what happened?

12 A The stockier guy told me to sit over on the

13 chair and the skinnier guy approached me.

14 Q What happened when the skinnier guy approached

15 you?

16 A He started touching me.

17 Q Where did he touch you?

18 A On my vagina.

19 Q When the skinnier guy touched you on your

20 vagina, did part of his body go inside a part of your body?

21 A His finger.

22 Q Went inside what part of your body?

23 A My vagina.

24 Q Was he saying anything while that happened?

25 A He was just asking me if I liked it. Asking me

000147



4 1 where I was from. Just little questions, small talk.

2 Q Did you want him to do that?

3 A No.

4 Q Did he do anything else at that point?

5 A No.

6 Q And then what happened?

7 A They realized I was nervous and let me get back  
8 up and told me to put my clothes back on and lay back down  
9 on the floor.

10 Q Did you do that?

11 A Yes.

12 Q Did the taller, skinnier one say anything else  
13 pertaining to you?

14 A He was just saying that he could finish the job  
15 since the other boys couldn't have sex with me.

16 Q Did he volunteer that information?

17 A Yeah.

18 Q The stockier guy didn't ask him if he could or  
19 ask him if he wanted to?

20 A The stockier guy basically knew he wanted to  
21 leave by then.

22 Q So when the taller, skinnier one said he could  
23 finish the job, what if anything did the stockier guy say or  
24 do?

25 A "No." He said, "They've been cool, let's just

000148

4           1       get out of here."

2           Q       So what happened?

3           A       We laid back on the ground. They told us that  
4 we cooperated so they weren't going to hurt us. They  
5 basically told us we're in the wrong place at the wrong  
6 time, they weren't really looking for us.

7           Q       When you say they said all this, who is "they"?

8           A       The stockier guy said he wasn't looking for us,  
9 that this wasn't meant to happen to us and he told us that  
10 he'd put our cell phones -- Clint asked if we could have our  
11 cell phones back. He said yeah, but he put them outside.  
12 He said for us to count for two minutes out loud and he'd  
13 leave the door opened and if any of us moved, he'd come back  
14 in and shoot us.

15          Q       Now, earlier you said that your cell phone had  
16 been in the bedroom?

17          A       It rang. So that's when they went back in  
18 there and grabbed it.

19          Q       At what point did that happen; do you remember?

20          A       No.

21          Q       Were both of them in the house when your cell  
22 phone rang?

23          A       Yes.

24          Q       And who went and got it?

25          A       I have no idea. My head wasn't even up.

000149

ORIGINAL

HENDERSON  
JUSTICE COURT

2007 MAR 20 P 12:15

FILED

JUSTICE COURT, HENDERSON TOWNSHIP  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

DELARIAN WILSON,  
ID#01966773,

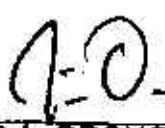
Defendant.

CASE NO: 07FH0317A  
DEPT NO: 1

**MOTION FOR OWN RECOGNIZANCE RELEASE**

Defendant, DELARIAN WILSON, by and through his counsel, JAMES A. ORONOZ, hereby moves this Honorable Court for an Own Recognizance Release. This motion is made and based upon NRS 178.484 et seq., NRS 178.4851, and the arguments of counsel at the time of the hearing of this matter.

DATED this 14<sup>th</sup> day of March, 2007.

  
\_\_\_\_\_  
JAMES A. ORONOZ, ESQ.  
Nevada Bar No. 6769  
Attorney for Defendant

000050

1 NOTICE OF MOTION

2 PLEASE TAKE NOTICE that the undersigned will bring the foregoing motion on for  
3 hearing before this Court on the 22 day of March, 2007, at 9:00 a.m., or as  
4 soon thereafter as counsel may be heard.

5 COURT CLERK

6  3/20/07  
7 Deputy Clerk Date

8 POINTS AND AUTHORITIES

9 NRS 178.4851 states, in pertinent part, as follows:

10 1. ***Upon a showing of good cause, a court may release without bail any***  
11 ***person entitled to bail*** if it appears to the court that it can impose conditions  
12 on the person that will adequately protect the health, safety and welfare of  
the community and ensure that he will appear at all times and places ordered  
by the court.

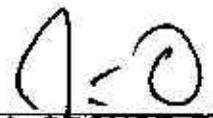
13 2. In releasing a person without bail the court may impose such conditions  
14 as it deems necessary to protect the health, safety and welfare of the  
community and to ensure that he will appear at all times and places ordered  
15 by the court, including, without limitation, any condition set forth in subsection  
7 of NRS 178.484.

16 Emphasis added.

17 The Court has available to it through the affidavit of arrest the nature and  
18 circumstances of the offense charged. The probability that the Defendant will appear at  
19 subsequent hearings, the Defendant's financial condition, character and reputation are  
20 addressed in the affidavit attached hereto.

21 DATED this 14<sup>th</sup> day of March, 2007.

22 DRASKOVICH & ORONoz, P.C.

23   
24 \_\_\_\_\_  
25 JAMES A. ORONoz, ESQ.  
26 Nevada Bar No. 6769  
27 Attorney for Defendant  
28

AFFIDAVIT OF JAMES A. ORONoz

STATE OF NEVADA }  
COUNTY OF CLARK } ss:

JAMES A. ORONoz, upon penalty of perjury, deposes and says:

1. That I am an attorney duly licensed to practice law in the state of Nevada and have been retained to represent Defendant in the instant action;

2. That I have knowledge of the facts contained in this affidavit, and am competent to testify as to those facts;

3. That I submit this affidavit in support of Defendant's Motion for Own Recognizance Release;

4. That the Defendant's family has related the following facts to your affiant:

a) That Defendant was arrested on the instant matter on February 28, 2007;

b) That once released, Defendant shall live with his family at 878 S. Kalispell Circle, Unit 106, Aurora, Colorado 80017;

c) That Defendant has the following family ties in Colorado: his mother, father, and siblings;

d) That Defendant is a resident of Aurora, Colorado, has been attending college in Colorado for approximately two years and would be graduating soon;

e) Defendant has no prior felony convictions;

f) Defendant is willing to comply with each and every, all and singular, of any conditions the Court may care to impose upon his release from incarceration. The Defendant will provide the Court with any further specific information the Court requires in order to consider a release of the Defendant from incarceration.

///

///

///

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///

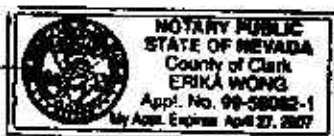
1 5. Affiant prays that Defendant be released on his own recognizance.

2 I hereby attest that the foregoing is true and correct upon penalty of perjury this 14<sup>th</sup>  
3 day of March, 2007.

4  
5 James A. Oronoz  
6 JAMES A. ORONCZ, ESQ.

7  
8  
9 Subscribed and Sworn before me  
10 this 14 day of March, 2007

11 Erika Wong  
12 Notary Public



13  
14  
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28 ///

1 JAMES A. ORONOZ, ESQ.  
2 Nevada Bar No. 6769  
3 815 South Casino Center Blvd.  
4 Las Vegas, Nevada 89101-6718  
5 702.474.4222  
6 Attorney for Defendant

7 JUSTICE COURT, HENDERSON TOWNSHIP  
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

CASE NO: 07FH0317A  
DEPT NO: 1

11 vs.

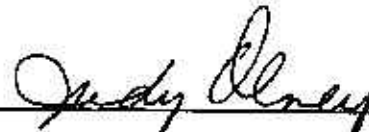
12 DELARIAN WILSON,  
13 ID#01966773,

14 Defendant.

15 RECEIPT OF COPY

16 RECEIPT OF COPY of the foregoing Motion for Own Recognizance Release is  
17 hereby acknowledged this 19 day of March, 2007.

18 DAVID ROGER, DISTRICT ATTORNEY

19 

20 Deputy District Attorney  
21 200 Lewis Avenue  
22 Las Vegas, Nevada 89155  
23 Attorney for Plaintiff

ORIGINAL

HENDERSON  
JUSTICE COURT

2007 MAR 20 P 2:14

FILED *g*

SUBT  
JAMES A. ORONOZ, ESQ.  
Nevada Bar No. 6769  
815 South Casino Center Blvd.  
Las Vegas, Nevada 89101-6718  
702.474.4222  
Attorney for Defendant

JUSTICE COURT, HENDERSON TOWNSHIP  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

DELARIAN KAMERON WILSON,

Defendant.

CASE NO: 07FH0317A  
DEPT NO: 1

SUBSTITUTION OF ATTORNEY

I, DELARIAN KAMERON WILSON, do hereby appoint and accept the appointment  
of JAMES A. ORONOZ, as attorney of record in the place and stead of Richard W.  
Tannery, Esq.

DATED this 14 day of March, 2007.

*Delarian Wilson*  
DELARIAN KAMERON WILSON

I, JAMES A. ORONOZ, do hereby accept the substitution of attorney regarding  
DELARIAN KAMERON WILSON.

DATED this 14 day of March, 2007.

DRASKOVICH & ORONOZ, P.C.

*James A. Ornoz*  
JAMES A. ORONOZ, ESQ.  
Nevada Bar No. 6769  
Attorney for Defendant

000055



1 I hereby consent to the foregoing substitution, and hereby release all pleadings and  
2 papers I have for DELARIAN KAMERON WILSON.

3 DATED this 19 day of March, 2007.

4   
5 Richard W. Tannery, Esq.  
6 801 S. Rancho Drive #D-4  
7 Las Vegas, Nevada 89106

8  
9 RECEIPT OF COPY

10 RECEIPT OF COPY of the foregoing Substitution of Attorney is hereby  
11 acknowledged this 20 day of March, 2007.

12 DAVID ROGER, DISTRICT ATTORNEY

13   
14 Deputy District Attorney  
15 200 Lewis Avenue  
16 Las Vegas, Nevada 89155  
17 Attorney for Plaintiff  
18  
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HENDERSON  
JUSTICE COURT

JUSTICE COURT, HENDERSON TOWNSHIP  
CLARK COUNTY, NEVADA

MAR 1 8 41 AM '07

FILED

STATE OF NEVADA,

Plaintiff,

-vs-

DELARIAN WILSON,

Defendant.

CASE NO. 07FH0317A

**MEDIA REQUEST AND ORDER  
ALLOWING CAMERAS IN THE  
COURTROOM**

Lizbeth Licon of KLAS hereby requests permission to Videotape proceedings in the above-captioned case, Judge Rodney T. Burr presiding, on the 1st day of March, 2007 at the hour of 9:00 a.m.. I certify that I am familiar with the Supreme Court Rules 229-247 (inclusive) on Cameras and Electronic Media Coverage in the Court. I also understand that this request must be submitted to the Court at least seventy-two (72) hours before the proceedings commence unless good cause can be shown.

It is further understood any pooling arrangements necessitated among the media shall be the sole responsibility of the media and must be arranged prior to coverage without calling upon the Court to mediate any disputes.

DATED this 1st day of March, 2007.


Signature on file  
Media Representative

address on file # 650-1989  
Media Address and telephone number

**ORDER**

IT IS HEREBY ORDERED by this Honorable Court that Lizbeth Licon be permitted to Videotape the proceedings in this case in accordance with Supreme Court Rules 229-247, and that this entry shall be made part of the record of the proceedings in this case.

DATED this 1st day of March, 2007.

  
JUSTICE OF THE PEACE

000057

**HENDERSON JUSTICE COURT  
CLARK COUNTY, NEVADA**

115

Clerk's Initials

DATE: 3-1-07 DEPT #: 1 JUDGE: RODNEY T. BURR

**CUSTODY STATUS**

NAME: Wilson, Delia

CASE #: 07FH0317A DEFENDANT'S ID#: 1966773

COUNT(S)	CHARGE	BAIL RESET	AMENDED TO
1	CRISP BURGL		
1	CRISP BURGL		
6	CRISP BURGL		
1	1st Dg. Kidnap		
1	CRISP BURGL		
5	SEX ABUSE WDW		

Other: 1 1st Dg. Kidnap

☐ Remand on all Counts ☐ Remand on Counts \_\_\_\_\_

☐ SENTENCE TO CCDC \_\_\_\_\_ MONTHS \_\_\_\_\_ DAYS ☐ Flat Time ☐ No House Arrest

☐ Contempt of Court  
 \_\_\_\_\_ Days with \_\_\_\_\_ Days CTS  
☐ Concurrent ☐ Consecutive  
 To Case # \_\_\_\_\_

☐ Concurrent ☐ Consecutive Case # \_\_\_\_\_  
☐ Specific CTS \_\_\_\_\_ Days  
☐ (1) CTS, this case, this lodging ☐ (2) Total CTS, this case, all lodgings  
☐ (3) Any CTS, all cases, this lodging  
☐ (4) Maximum CTS, this case - all lodgings; and all cases - this lodging

☐ If no complaint filed, defendant to be released on: \_\_\_\_\_  
☐ FUGITIVES - Court orders Defendant to be released 30 days from this date (IF THERE ARE NO LOCAL CHARGES) OR released 30 days after all local charges have been resolved.

☐ House Arrest (if qualifies) ☐ House Arrest \_\_\_\_\_ Days ☐ PreTrial to interview

NEXT COURT DATE: 4-13-07 TIME: 7:30 DEPT #: 1

**CHANGE OF CUSTODY STATUS**

☐ CTS ☐ Dismissed ☐ Found Not Guilty ☐ No Probable Cause Found ☐ Defendant Released  
☐ Released on Own Recognizance ☐ O/R Intensive Supervision ☐ Sentenced and/or Fine \$ \_\_\_\_\_  
☐ No Contact with Victim ☐ Defendant Released from ISU ☐ Defendant released from H/A

RETURN DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ DEPT #: \_\_\_\_\_

This form is not to be altered without consent of Clark County Justice Courts and Detention Center's Administrations

CITY OF HENDERSON  
JUSTICE COURT

1D8

NAME Delarian K Wilson

DOB 05-31-83

SSN 524-37-3444

CELL # 1D8

REQUEST FOR:

☐ CHANGE OF PLEA

☐ CREDIT FOR TIME SERVED

☐ COMMUNITY SERVICE

☐ From other facility

☐ From time of arrest

☐ WEEKEND SENTENCING

☒ OTHER  
OR on Bail Reduction

DETAILS (If additional space needed use back):

Dear Court, I'm writing today to ask for an (OR) or  
a bail reduction. I'm currently attending Adams St.  
College in Colorado where I'm scheduled to graduate  
in about 4 months with my Bachelor's degree in  
Accounting along with a minor in coaching. I'm not  
from Vegas so I have no family at all. My mother  
Lisa Wilson has been working for the government  
for over twenty years and will be present w/ me  
for whenever my next court date would be if I  
was released. I have no prior felonies nor  
a bad record in Colorado or Las Vegas. I ask  
for this favor in order to return to school and  
continue volunteering at the Bay's girls club like

Signature Delarian Wilson Date 2-27-07

\*\*\*\*\* FOR OFFICIAL USE ONLY \*\*\*\*\*

☐ APPROVED

☐ DISAPPROVED

Signature Please fill out application for Release Date \_\_\_\_\_

DETAILS (Continue):

I have been over the court case and a bail. I have been in jail since January 19th 2007 on twenty-three hour lock down. I did not get in trouble. I was sent there after my first court date. I have never been in jail before and I don't plan on it either. I just want to be able to finish school and start a career and working with troubled youth. There is no threat to anyone about anything as far as court because I am a very responsible individual and would never mother anyone running from the law. Myself nor my family has the type of money to bail me out so I'm asking the court to help if they could. I appreciate the time for you to read this and I accept any answer that comes back. My aside and yes is my brother as well as football which I have been playing since the age of 5. I just stand with a job want to see where is that not me to continue playing after I graduate in May. I'm scheduled to leave about two or three days next month and it has been a childhood dream to play ball as a career. This education is far more important to me and the idea of working with troubled children and being a positive influence to them is some really really important to me. So again I'm just asking the court to grant my request so that I can go back to school and finish my education. Thank you for taking the time to read this request of mine and like I said there would be no worries for my return. My mother would accompany me when ever I'm ordered to appear so of course I'll allow allow for my release or best to be released so that I can continue to be successful and not only be the best to go to college but the best to graduate and will be back.

DeLawn K. Wilson  
000060



**HENDERSON JUSTICE COURT  
CLARK COUNTY, NEVADA**

HC

Clerk's Initials

**DATE:** 2-27-07      **DEPT #:** 1      **JUDGE:** RODNEY T. BURR

**CUSTODY STATUS**

**NAME:** Wilson, Dorian Kevan

**CASE #:** 07FH0317A      **DEFENDANT'S ID#:** 1766773

COUNT(S)	CHARGE	BAIL RESET	AMENDED TO
1	POSSESSORY BURGLARY	\$1,000.00	1/1/07 DA
1	POSSESSORY BURGLARY	\$1,000.00	
6	POSSESSORY BURGLARY	\$7,000.00	1/1/07 DA
1	POSSESSORY BURGLARY	\$1,000.00	
1	POSSESSORY BURGLARY	\$1,000.00	1/1/07 DA
5	POSSESSORY BURGLARY	\$1,000.00	3/1/07 DA

**Other:** 1 POSSESSORY BURGLARY      \$1,000.00      1/1/07 DA

TOTAL \$16,000.00

☒ Remand on all Counts      ☐ Remand on Counts \_\_\_\_\_

☐ **SENTENCE TO CCDC** \_\_\_\_\_ MONTHS \_\_\_\_\_ DAYS      ☐ Flat Time      ☐ No House Arrest

<input type="checkbox"/> Contempt of Court _____ Days with _____ Days CTS <input type="checkbox"/> Concurrent <input type="checkbox"/> Consecutive To Case # _____	<input type="checkbox"/> Concurrent <input type="checkbox"/> Consecutive Case # _____ <input type="checkbox"/> Specific CTS _____ Days <input type="checkbox"/> (1) CTS, this case, this lodging <input type="checkbox"/> (2) Total CTS, this case, all lodgings <input type="checkbox"/> (3) Any CTS, all cases, this lodging <input type="checkbox"/> (4) Maximum CTS, this case - all lodgings; and all cases - this lodging
---	---

☐ If no complaint filed, defendant to be released on: \_\_\_\_\_

☐ **FUGITIVES** - Court orders Defendant to be released 30 days from this date (IF THERE ARE NO LOCAL CHARGES) OR released 30 days after all local charges have been resolved.

☐ House Arrest (if qualifies)      ☐ House Arrest \_\_\_\_\_ Days      ☐ PreTrial to Interview

**NEXT COURT DATE:** 3-1-07      **TIME:** 7:00      **DEPT #:** 1

**CHANGE OF CUSTODY STATUS**

☐ CTS    ☐ Dismissed    ☐ Found Not Guilty    ☐ No Probable Cause Found    ☐ Defendant Released

☐ Released on Own Recognizance    ☐ O/R Intensive Supervision    ☐ Sentenced and/or Fine \$ \_\_\_\_\_

☐ No Contact with Victim    ☐ Defendant Released from ISU    ☐ Defendant released from H/A

**RETURN DATE:** \_\_\_\_\_      **TIME:** \_\_\_\_\_      **DEPT #:** \_\_\_\_\_

This form is not to be altered without consent of Clark County Justice Courts and Detention Center's Administrations

1  
2 JUSTICE COURT, HENDERSON TOWNSHIP

3 CLARK COUNTY, NEVADA

HENDERSON  
JUSTICE COURT

FEB 27 7 58 AM '07

FILED

4 STATE OF NEVADA,

5 Plaintiff,

6 -vs-

7 DELARIAN WILSON,

8 Defendant.

CASE NO. 07FH0317A

MEDIA REQUEST AND ORDER  
ALLOWING CAMERAS IN THE  
COURTROOM

9  
10 Lizbeth Licon of KLAS hereby requests permission to Videotape proceedings in the above-captioned  
11 case, Judge Rodney T. Burr presiding, on the 27th day of February, 2007 at the hour of 9:00 a.m..  
12 I certify that I am familiar with the Supreme Court Rules 229-247 (inclusive) on Cameras and  
13 Electronic Media Coverage in the Court. I also understand that this request must be submitted to the  
14 Court at least seventy-two (72) hours before the proceedings commence unless good cause can be  
15 shown.

16 It is further understood any pooling arrangements necessitated among the media shall be the  
17 sole responsibility of the media and must be arranged prior to coverage without calling upon the Court  
18 to mediate any disputes.

19 DATED this 23rd day of February, 2007.

20 Signature on file  
Media Representative

address on file # 650-1989  
Media Address and telephone number

22 ORDER

23 IT IS HEREBY ORDERED by this Honorable Court that Lizbeth Licon be permitted to  
24 Videotape the proceedings in this case in accordance with Supreme Court Rules 229-247, and that this  
25 entry shall be made part of the record of the proceedings in this case.

26 DATED this \_\_\_\_ day of February, 2007.

27   
JUSTICE OF THE PEACE

28  
000062

HENDERSON  
JUSTICE COURT

FEB 26 2:35 PM '07

FILED

**JUSTICE COURT, HENDERSON TOWNSHIP**  
**CLARK COUNTY, NEVADA**

STATE OF NEVADA,

Plaintiff,

-vs-

DELARIAN WILSON,

Defendant.

CASE NO. 07FH0317A

**NOTIFICATION OF  
MEDIA REQUEST**

TO: COUNSEL OF RECORD IN THE ABOVE-CAPTIONED CASE:

You are hereby notified pursuant to Supreme Court Rule 230 that the attached Media Request has been filed in this case. Any objection should be filed within 24 hours of receipt of this notice.

DATED this 26 day of February, 2007.

HENDERSON JUSTICE COURT

By: J. Diaz  
Deputy Clerk

**CERTIFICATE OF FACSIMILE**

I hereby certify that service of the was made this day, by faxing a copy to the below number:

District Attorney  
200 Lewis Ave.  
Las Vegas, Nevada 89101  
Fax: 477-2900

DATED this 26 day of February, 2007.

J. Diaz  
Deputy Clerk, Henderson Justice Court



**COUNTY OF CLARK**  
OFFICE OF THE JUSTICE OF THE PEACE  
HENDERSON TOWNSHIP  
243 WATER STREET  
HENDERSON, NEVADA 89015

RODNEY T. BURR  
Justice of the Peace  
Department I

STEPHEN L. GEORGE  
Justice of the Peace  
Department II

**FAX MESSAGE COVER SHEET**

DATE: February 26, 2007

TO: District Attorney

FAX NUMBER: 455-2294

TO:

FAX NUMBER:

NUMBER OF PAGES SENT (Including Cover Sheet): 3

NAME OF SENDER: Jennifer

OUR FAX NUMBER: (702) 455-7935

\*\*\* IF YOU DO NOT RECEIVE THE CORRECT NUMBER OF PAGES OR THE  
INFORMATION IS DISTORTED, PLEASE CONTACT THIS OFFICE AT 455-7985

ADDITIONAL INFORMATION OR MESSAGE: NOTIFICATION OF MEDIA REQUEST  
CASE NO. 07FH0317A FOR February 27th, 2007

REPLY MESSAGE: \_\_\_\_\_

JUSTICE COURT, HENDERSON TOWNSHIP

CLARK COUNTY, NEVADA

A

CASE 07FH0317X

NAME DELARIAN K. WILSON

DATE FEBRUARY 20, 2007

LOCATION ☒ HJC ☐ OTHER

CHARGE ROBBERY WITH USE OF A DEADLY WEAPON - \$30,000

CONSPIRACY TO COMMIT A CRIME (ROBBERY WITH A DEADLY WEAPON) - \$30,000

1ST DEGREE KIDNAPPING - \$100,000

SEXUAL ASSAULT - 2 COUNTS - \$15,000 EACH

BAIL

DATE OF ARREST 02/19/07

TOTAL \$190,000

PC REVIEW

THE COURT INFORMS YOU:

1. You have the right to have an attorney present during any questioning and to represent you concerning these charges;
2. That if you cannot afford to hire an attorney, one will be appointed for you free of charge (unless you are being held as a fugitive from justice);
3. That you have the right to remain silent and that any statement you may make may be used against you;
4. That you have the right to a Preliminary Hearing and one will be ordered for you when you appear in Court on

02/27/07 at 9:00 a.m. The Court is located at 243 Water Street, Henderson, Nevada.

OR

If you are being held as a fugitive from justice a return date will be set for you when you appear in Court on

at 9:00 a.m. The Court is located at 243 Water Street, Henderson, Nevada.

*Rodney T. Sun*  
JUSTICE OF THE PEACE, HENDERSON TOWNSHIP

DEPUTY DISTRICT ATTORNEY

Initial: DA

Days Requested

5

000065

Receiving C/O

**HENDERSON POLICE DEPARTMENT  
DECLARATION OF ARREST**

Page 1 of 5

DR# 07-03748  
FHN 07FH0317B

Arrestees Name: Wesley, Marcus

Date of Arrest: 02/20/07

Time of Arrest: 2300

**CHARGES: Robbery w/Deadly Weapon 200.380/ Consp to Commit Robbery 199.480-1/ Kidnap 1<sup>st</sup> 200.310-1/  
3(cts) Sexual Assault w/Deadly Weapon 200.366**

THE UNDERSIGNED MAKE THE FOLLOWING DECLARATIONS SUBJECT TO THE PENALTY FOR PERJURY AND SAYS: That I am a peace officer with the Henderson Police Department, Clark County, Nevada, being so employed for a period of 7 years 8 (months). That I learned the following facts and circumstances which lead me to believe that the above named subject committed (or was committing) the above offense/offenses at the location of 690 Great Dane and that the offense occurred approximately 2200 hours on the 18th day of February, 2007.

**DETAILS OF PROBABLE CAUSE:**

That on 2-18-07 at approximately 0125 hours, officers responded to 2101 West Warm Springs apartment number 4322. Upon arrival officers contacted Justin Richardson, Aitor Eskandon, Justin Foucault, Ryan Tognotti, Clint Tognotti and Danielle Browning and were advised of the following:

That all of the above listed subjects were at the residence of 690 Great Dane where Aitor Eskandon, Justin Foucault, Ryan Tognotti and Clint Tognotti were watching a movie in the living room of the residence while Justin Richardson and Danielle Browning were sleeping in Richardson's bedroom. At approximately 2200 hours, on 02/18/2007 someone knocked on the front door of the residence.

Ryan answered the door and due to the large amount of people who frequent the residence, Ryan invited them in. The two suspects were described as a black male adult, approximately 20 to 25 years of age, approximately 5'8" to 5' 10" tall with a stout build. The first subject was wearing a black shirt with the letter "A" on it, a black baseball hat, dark jeans and dark colored athletic shoes. The second subject was a black male adult approximately 20-25 years of age, approximately 6 feet tall with a thin build. The second subject was wearing a white baseball hat, white doo-rag, black shirt, dark jeans and gray/black athletic shoes.

Both subjects entered the residence and the first subject asked Ryan where Grant was. Ryan advised the subject that he did not know a Grant. The subjects then became agitated and again asked Ryan where Grant was. Ryan again advised that he did not know a Grant at which point both subjects lifted up the front of their shirts exposing and subsequently pulling firearms from their waist bands. Both subject's firearms were described as black semi-automatic handguns possibly being Glock 9mm. They then pointed the handguns at the subjects in the front room and yelled at them to get on the ground in a circle, face down with their arms over their heads stacking their hands on top of each other in the middle of the circle.

Declarant must sign all pages with original signature.

Original: Court

  
Declarant's Signature

  
Print Declarant's Name P8

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**HENDERSON POLICE DEPARTMENT  
DECLARATION OF ARREST CONTINUATION PAGE**

Page 2 of 2

ID# \_\_\_\_\_

The suspects then asked if anyone else was in the residence and they responded that Danielle Browning and Justin Richardson were in the upstairs bedroom asleep. The first suspect then went upstairs and escorted them to the living room where they were also told to lay face down on the ground with their hands in the center of the circle.

That the first subject then asked the group for all their money. The group only had about \$20 in their possession which was taken by the suspects. The first suspect then asked who had money in their bank accounts and both Ryan Tognotti and Justin Foucault advised that they both had money in their accounts. Ryan was then told get the debit cards and told to drive him to the bank to withdraw money from the accounts. Ryan was then escorted to his vehicle (blue Honda Civic) by the first suspects and drove him to two Banks and withdrew a total of \$900. They then returned to the residence and the suspect told Ryan to get back on the ground face down.

Suspect one told the victims that they were 90% done but that there remained 10% more to finish. The suspects asked Justin Richardson and Danielle Browning how long they had been going out and if they were in love. The suspects subsequently ordered Danielle to perform oral sex on Justin. The suspects told the victims that they expected Justin to have sexual relations (penis to vagina) while they watched. Justin Richardson was unable to sustain an erection out of the stress of the situation and the suspects became irritated. They told both subjects to undress completely and then told Justin Richardson that if he didn't perform, they would begin killing everyone. The suspects forced Justin Richardson and Danielle Browning to engage in mutual oral sex in an attempt arouse Justin Richardson. When Richardson was still unable to perform, they then turned to the other males and asked who would be able to perform. The suspects then demanded that Ryan Tognotti manually try and stimulate himself in order to sustain an erection. Ryan Tognotti was told to lower his clothing exposing his penis and attempt to stimulate himself to erection. Tognotti tried to do as told without success due to the stress.

Danielle Brown was then approached by suspect number two and was digitally penetrated in her vagina. At some point, suspect number one asked who had condoms and after subsequent questioning, Justin Richardson advised that he had condoms in his room. Richardson was escorted to his room and two Trojan lubricated condoms were obtained. The packaging for the condoms was light blue in color. The condoms were taken but never accounted for and remain missing.

The suspects then told the victims that they were going to leave and no one better call the police or they know people that will come back and kill them. The suspects fled taking all of the victims cell phones, discarding all of them outside of the residence with the exception of one belonging to Danielle Browning. The phone belonging to Browning was described as a black camera flip phone with the carrier being Alltel and the phone number being (775-346-0225).

  
Declarant's Signature

Declarant must sign all pages with original signature.

Original: Court

  
Print Declarant's Name PH

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**HENDERSON POLICE DEPARTMENT  
DECLARATION OF ARREST CONTINUATION PAGE**

Page 3 of 3

ID# \_\_\_\_\_

The suspects fled in an unknown direction in an unknown manner.

While Detectives were interviewing the victims, I Detective Weske and Detective Hartsorn obtained the owner's information of the 690 Great Dane residence in attempt to learn if a Grant had lived at the residence prior to the current victims. The owner of the residence Victor Michalak said that he had rented the residence to a Brandon who worked at Country Insurance in Henderson. Victor stated Brandon had three roommates and he knew one of them to be a Grant.

Employment records showed Brandon's last name as Preston and a phone number was provided. Brandon was contacted and he stated that a Grant Hieb lived with him at 690 Great Dane and he stated Grant currently lives with him at 225 S. Stephanie #1023. Detectives contacted Grant who agreed to come to the Henderson Police Department and assist Detectives with the investigation.

Grant stated approximately a year ago he was robbed at the house by a friend named Delarian Wilson. (05/31/83) Grant said he knew Wilson from the gym he worked at in addition he would sell Wilson small amounts of Marijuana occasionally. Grant said when he pulled into his garage Wilson snuck into the house wearing a mask however he was immediately recognized by Brandon as Wilson when he pulled out a gun and went upstairs to Grant's room. Grant said Wilson took approximately 1000.00 cash and a small amount of Marijuana. Grant said he asked Wilson why he was doing this as Wilson left his residence with the mask off. Grant said Wilson would not look at him. Grant said he did not want to create a scene because he knew he would be in trouble for selling Marijuana. Grant said he did not call the Police. Grant said Wilson moved to Colorado and joined the Adam's State College Football team. Grant said Wilson does not know Grant moved. Grant said that is the only person he knows that would do something like this. Grant said he has not talked to Wilson, however a friend called him and left him a message stating Wilson was back in town.

Detectives located a Las Vegas Metropolitan Police booking photo of Wilson, which Grant identified as being the Wilson that he knew. A photo line-up was created with Wilson's 2005 booking photo and showed to the victims. The majority of the victims stated Wilson was similar the first suspect that was stout and wearing a black shirt with the letter "A" on it, a black baseball hat, dark jeans and dark colored athletic shoes. After viewing the photo line-up Eskandon stated he was approximately 60% sure that Wilson was one of the suspects that committed the above crimes on him and the other victims.

At approximately 1500 hours, a records check of a Las Vegas Hotel named Circus Circus located at 2880 S. Las Vegas Blvd showed Wilson was registered with four other subjects to room number 8744. While preparing a search warrant for Wilson's hotel room Sgt. Dunaway stated they had detained Wilson at a Blackjack table.

Declarant must sign all pages with original signature.

Original: Court

  
Declarant's Signature

  
Print Declarant's Name P#

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**HENDERSON POLICE DEPARTMENT  
DECLARATION OF ARREST CONTINUATION PAGE**

Page 4 of 7

ID# \_\_\_\_\_

Detective Hartsorn and I responded to the security office of Circus Circus and conducted a recorded interview of Wilson after he was read his Miranda Warning, which he said he understood.

Wilson admitted to going to 690 Great Dane with the intention of robbing Grant of his money and Marijuana. Wilson said he was with his friend whom he knows as Narkus. Wilson said they knocked on the door and Narkus pointed a gun at the occupants and put them on the floor. Wilson admitted he rode in the passenger seat of Ryan's vehicle while Ryan collected the money from the ATM. He said Narkus stayed at the house with the remaining victims. Wilson said when he got back Narkus got crazy and tried to make Richardson and Browning have sex and when they couldn't Narkus started to touch Browning. Wilson told Narkus to stop and then they left. Wilson said he intended to rob Grant because Wilson has a gambling problem. Wilson said even after he realized Grant did not live at Great Dane all he could think about was the fact that he arrived in Las Vegas on Friday and had lost 1200.00 and he needed more money.

Due to the Wilson's admission and other evidence linking him to the crime he was arrested and booked accordingly.

A records check of the UNLV football roster showed a player named Narcus Wesley. A further records check showed Narcus's date of birth was 10/03/1982 and a SSN of 530-04-8230. A subpoena of Nevada Power's records showed Narcus to have an account at the residence of 4232 Gaye Lane, Las Vegas, Nevada 89108. I observed the above vehicles including the white 2005 Chrysler registered to Narcus parked in the driveway of 4232 Gaye Lane. I showed a photograph of Narcus Wesley to Wilson, which he confirmed to be the Narcus that was with him during the Robbery, Kidnapping, and Sexual Assault.


Upon serving the search warrant I interviewed Narcus after he was advised of his Miranda Warning, which he said he understood. Detective Hartsorn witnessed the interview.

Narcus said Wilson asked him to go with him to get some Marijuana. Narcus said Wilson asked him if he knew of anyone he could get some money from and when he said no he asked him to meet him at a gas station in Henderson. Narcus said after he met Wilson they drove to a neighborhood he did not recognize. Narcus said Wilson told him to knock on the door and then get out of the way, which he did. Narcus said once they were in Wilson told everyone to lay down on the floor with their face down. Narcus said he did not have a gun but he simulated one by having his hand in his shirt. Narcus said Wilson asked people for money and then took one of the males to the bank. Narcus said when they came back Wilson told Browning to have sex with Richardson. Narcus said Wilson made Browning and Richardson perform oral sex on each other. Narcus said Browning's butt looked good so he asked her if he could touch it while she was kissing on Richardson and Browning told him "yes" so Narcus touched her bare butt.

Declarant must sign all pages with original signature.

Original: Court

  
Declarant's Signature

  
Print Declarant's Name PN

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**HENDERSON POLICE DEPARTMENT  
DECLARATION OF ARREST CONTINUATION PAGE**

Page 5 of 5

ID# \_\_\_\_\_

Narcus said when Richardson was not able to perform Wilson asked if anyone could get hard and Narcus said he did not want to seem like a punk so he said he could get hard. Narcus said he did rub the top of Browning's vagina after asking her if it was okay. He said she did not seem like she enjoyed it. Narcus said he rubbed her vagina for approximately 5 seconds. Narcus said her vagina was shaved. Narcus said shortly after that Wilson said "let's go." Narcus said the only person that would be able to identify him was the guy that answered the door because the other victims had their faces in the carpet. He said when he rubbed Browning's vagina her eyes were closed. Narcus said he received 260.00 from Wilson for his part in the robbery.

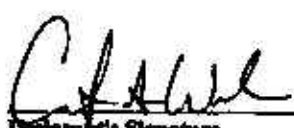
During the search of Narcus's room he pointed out the shoes, and the pants he was wearing. He said the hat and doo-rag he was wearing was in his car, which was later located.

Due to the fact that the that a Robbery, Kidnapping, and Sexual Assault occurred at 690 Great Dane, the fact that that Narcus was located and confessed to committing the above crimes with Wilson, that fact he admitted that a gun was used in these crimes, the fact the clothes Narcus was wearing during these crimes were located in Narcus's room, and the fact some of the stolen money was located in Narcus's room he was placed under arrest for the above charges and transported to the Henderson Jail where he was booked accordingly.

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial charges are a misdemeanor).

Declarant must sign all pages with original signature.

Original: Court

  
Declarant's Signature

C. Weske 924  
Print Declarant's Name P#

000070

# Henderson Police Department

223 Lead St. Henderson, NV 89015

## Arrest Report

0001

DR NUMBER 0703748	FH NUMBER 07 FH0317B	MINI NUMBER 106157	REPORT DATE 02/20/2007	REPORT TIME 2340
ASSISTING AGENCY		INTAKE OFC INITIAL/PM	ARREST DATE 02/20/2007	ARREST TIME 2300
LOCATION OF CRIME 890 Great Dane Circle Henderson Nevada 89074			INTERSECTION <input type="checkbox"/> AT LOCATION	
LOCATION OF ARREST 4232 Gays Lane Las Vegas Nevada 89108			INTERSECTION <input type="checkbox"/> AT LOCATION	
<input type="checkbox"/> INTERPRETOR NEEDED <input type="checkbox"/> IS SUBJECT COMBATIVE <input type="checkbox"/> IS SUBJECT SUICIDAL <input type="checkbox"/> ASK SUBJECT IF THEY ARE INJURED <input checked="" type="checkbox"/> MIRANDA GIVEN				
MIRANDA	DATE 02/20/2007	TIME 2320	GIVEN BY C. Weske 974	<input checked="" type="checkbox"/> MIRANDA WAIVED <input type="checkbox"/> MIRANDA INVOKED
P AND F	<input type="checkbox"/> DRINKING VIOLATION <input type="checkbox"/> CONTACT WITH VICTIM <input type="checkbox"/> IN GAMING ESTABLISHMENT <input type="checkbox"/> CONTACT WITH GANG MEMBER <input type="checkbox"/> CONTACT WITH CHILDREN <input type="checkbox"/> DRIVING VIOLATION <input type="checkbox"/> CONTACT WITH CO-OFFENDER			
PERSON 1	PERSON NAME (LAST, FIRST, MID., SUFFIX) Wesley, Marcus S		HEIGHT 600	WEIGHT 195
			GENDER Male	AGE 24
PERSON ADDRESS 2372 Valley Drive Las Vegas Nevada 89108		HAIR Black	EYES Brown	PLACE OF BIRTH
HOME PHONE	CELL PHONE	PAGER	BUSINESS PHONE	SSN 530048230
				RACE Black
				D.O.B. 10/03/1982
EMERGENCY CONTACT	NAME (LAST, FIRST, MID., SUFFIX)		ADDRESS	
ALIAS	ALIAS (LASTNAME/FIRST, MIDDLE)			
CHARACTER	DESCRIPTOR CATEGORY	DESCRIPTOR ITEM	DESCRIPTOR DESCRIPTION	
VIOLATION 1	STATUTE 200.366	CLASS Felony	NOC CODE 00114	COUNTS 1
DESCRIPTION Sexual Assault-F				
PCN NUMBER	WARRANT NUMBER		FROM DATE 02/18/2007	FROM TIME 2200
JUVENILE DISPOSITION				
VIOLATION 2	STATUTE 200.366	CLASS Felony	NOC CODE 00114	COUNTS 1
DESCRIPTION Sexual Assault-F				
PCN NUMBER	WARRANT NUMBER		FROM DATE 02/18/2007	FROM TIME 2200
JUVENILE DISPOSITION				
VIOLATION 3	STATUTE 200.366	CLASS Felony	NOC CODE 00114	COUNTS 1
DESCRIPTION Sexual Assault-F				
PCN NUMBER	WARRANT NUMBER		FROM DATE 02/18/2007	FROM TIME 2200
JUVENILE DISPOSITION				

REPORTING OFFICER Weske, Curtis	P NUMBER HP0974	TRANSPORTING OFFICER WESKE, CURTIS	P NUMBER HP0874
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# Henderson Police Department

223 Lead St. Henderson, NV 89015

## Arrest Report

*Wesley, Marcus*

DR NUMBER 0703748	FH NUMBER 07	MNI NUMBER	REPORT DATE 02/20/2007	REPORT TIME 2340
ASSISTING AGENCY		INTAKE OFC INITIAL/PR	ARREST DATE 02/20/2007	ARREST TIME 2300
LOCATION OF CRIME 890 Great Dane Circle Henderson Nevada 89074			INTERSECTION <input type="checkbox"/> AT LOCATION	
LOCATION OF ARREST 4232 Goya Lane Las Vegas Nevada 89108			INTERSECTION <input type="checkbox"/> AT LOCATION	
<input type="checkbox"/> INTERPRETOR NEEDED <input type="checkbox"/> IS SUBJECT COMBATITIVE <input type="checkbox"/> IS SUBJECT SUICIDAL <input type="checkbox"/> ASK SUBJECT IF THEY ARE INJURED <input checked="" type="checkbox"/> MIRANDA GIVEN				
VIOLETION 4	STATUTE 199.480-1	CLASS Felony	NOC CODE 02338	COUNTS 1
DESCRIPTION Conspiracy To Commit A Crime-F (Robbery WDW) (Per Hartschorn)				
PCN NUMBER	WARRANT NUMBER	FROM DATE 02/18/2007	FROM TIME 2200	JUVENILE DISPOSITION
VIOLETION 3	STATUTE 200.380	CLASS Felony	NOC CODE 00118	COUNTS 1
DESCRIPTION Robbery W/Dead Weap-F				
PCN NUMBER	WARRANT NUMBER	FROM DATE 02/18/2007	FROM TIME 2200	JUVENILE DISPOSITION
VIOLETION 8	STATUTE 200.310-1	CLASS Felony	NOC CODE 00107	COUNTS 1
DESCRIPTION Kidnap 1st Degree-F				
PCN NUMBER	WARRANT NUMBER	FROM DATE 02/18/2007	FROM TIME 2200	JUVENILE DISPOSITION

REPORTING OFFICER Weske, Curtis	P NUMBER HP0974	TRANSPORTING OFFICER WESKE, CURTIS	P NUMBER HP0974
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Page 000072

# Henderson Police Department

223 Lead St. Henderson, NV 89015

## Arrest Report

*Wesley, NANCUS*

DR NUMBER 0703748	FH NUMBER 07	MINI NUMBER	REPORT DATE 02/20/2007	REPORT TIME 2340
ASSISTING AGENCY		INTAKE OFC INITIALS	ARREST DATE 02/20/2007	ARREST TIME 2300
LOCATION OF CRIME 690 Great Dane Circle Henderson Nevada 89074			INTERSECTION <input type="checkbox"/> AT LOCATION	
LOCATION OF ARREST 4232 Gayle Lane Las Vegas Nevada 89108			INTERSECTION <input type="checkbox"/> AT LOCATION	
<input type="checkbox"/> INTERPRETOR NEEDED <input type="checkbox"/> IS SUBJECT COMBATIVE <input type="checkbox"/> IS SUBJECT SUICIDAL <input type="checkbox"/> ASK SUBJECT IF THEY ARE INAIRED <input checked="" type="checkbox"/> MIRANDA GIVEN				
PROBABLE CAUSE REVIEW				
The undersigned Magistrate has reviewed the Affidavit and Declaration of Probable Cause for the arrest of the above-named defendant without warrant for the charge(s) shown.				
Finding				
TIME STAMP AT BOOKING	<input checked="" type="checkbox"/> I find there is sufficient probable cause, for the purpose of continued incarceration, to believe that charged crime(s) have been committed and that said defendant has committed such crime(s). THEREFORE, IT IS ORDERED that the defendant may be held in custody until bail is posted.			
	BAIL: Standard <input checked="" type="checkbox"/> OTHER <input type="checkbox"/> \$ <u>205.000</u>			
	<input type="checkbox"/> I find there is NOT sufficient probable cause shown to allow the defendant to be held in custody. THEREFORE, IT IS ORDERED that the defendant be immediately release from custody as to the charge(s). This order is without prejudice to the City or State to proceed with the charge(s) based upon additional evidence sufficient to establish probable cause.			
	DPCH <input type="checkbox"/> OR RELEASE <input type="checkbox"/> COR RELEASE <input type="checkbox"/> IAD RELEASE <input type="checkbox"/>			
COMMENT:				
RETURN DATE: NORMAL SCHEDULE <input type="checkbox"/> FIRST AVAILABLE <input type="checkbox"/> OTHER DATE				
Signature of Magistrate <u>[Signature]</u> JUSTICE COURT <input type="checkbox"/> Date: <u>2/21</u> Time: <u>0730</u>				
MUNICIPAL COURT <input type="checkbox"/> <u>07</u>				

REPORTING OFFICER  
Weske, Curtis

P NUMBER  
HP0974

TRANSPORTING OFFICER  
WESKE, CURTIS

P NUMBER  
HP0974

**HENDERSON JUSTICE COURT  
CLARK COUNTY, NEVADA**

☐  
Clerk's Initials

DATE: 4-17-07 DEPT #: 1 JUDGE: **RODNEY T. BURR**

**CUSTODY STATUS**

NAME: Wesley, Noicks Samone

CASE #: 07FA 0317B DEFENDANT'S ID#: 1757866

COUNT(S)	CHARGE	BAIL RESET	AMENDED TO
1	CONSP BURG		
1	CONSP ROB		
6	ROB WDW		
1	1st Deg Kidnap WDW		
1	Burg WDW		
5	SEX ABUSE WDW		

Other: 1 Misdemeanor WDW 1st Deg Kidnap

☐ Remand on all Counts ☐ Remand on Counts \_\_\_\_\_

☐ SENTENCE TO CCDC \_\_\_\_\_ MONTHS \_\_\_\_\_ DAYS ☐ Flat Time ☐ No House Arrest

- ☐ Contempt of Court  
 \_\_\_\_\_ Days with \_\_\_\_\_ Days CTS  
☐ Concurrent ☐ Consecutive  
 To Case # \_\_\_\_\_
- ☐ Concurrent ☐ Consecutive Case # \_\_\_\_\_  
☐ Specific CTS \_\_\_\_\_ Days  
☐ (1) CTS, this case, this lodging ☐ (2) Total CTS, this case, all lodgings  
☐ (3) Any CTS, all cases, this lodging  
☐ (4) Maximum CTS, this case - all lodgings; and all cases - this lodging

☐ If no complaint filed, defendant to be released on: \_\_\_\_\_

☐ FUGITIVES - Court orders Defendant to be released 30 days from this date (IF THERE ARE NO LOCAL CHARGES) OR released 30 days after all local charges have been resolved.

☐ House Arrest (if qualifies) ☐ House Arrest \_\_\_\_\_ Days ☐ PreTrial to Interview

NEXT COURT DATE: 5-7-07 TIME: 7:00 DEPT #: DCA

**CHANGE OF CUSTODY STATUS**

- ☐ CTS ☐ Dismissed ☐ Found Not Guilty ☐ No Probable Cause Found ☐ Defendant Released  
☐ Released on Own Recognizance ☐ O/R Intensive Supervision ☐ Sentenced and/or Fine \$ \_\_\_\_\_  
☐ No Contact with Victim ☐ Defendant Released from ISU ☐ Defendant released from H/A

RETURN DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ DEPT #: \_\_\_\_\_

This form is not to be altered without consent of Clark County Justice Courts and Detention Center's Administrations

HENDERSON JUSTICE COURT  
CLARK COUNTY, NEVADA

HC

Clerk's Initials

DATE: 4-17-07 DEPT #: 1 JUDGE: RODNEY T. BURR

CUSTODY STATUS

NAME: WILLIAMS, MARCUS SOMMER

CASE #: 075 HCS1713 DEFENDANT'S ID#: 1757866

COUNT(S)	CHARGE	BAIL RESET	AMENDED TO
1	1st DEGREE BURGLARY		
1	1st DEGREE ROBBERY		
1	1st DEGREE BATTERY		
1	1st DEGREE KIDNAPING		
1	1st DEGREE VIOLENCE		
5	2nd DEGREE BATTERY		

Other: 1st DEGREE VIOLENCE

☐ Remand on all Counts ☐ Remand on Counts \_\_\_\_\_

☐ SENTENCE TO CCDC \_\_\_\_\_ MONTHS \_\_\_\_\_ DAYS ☐ Flat Time ☐ No House Arrest

☐ Contempt of Court  
\_\_\_\_\_ Days with \_\_\_\_\_ Days CTS  
☐ Concurrent ☐ Consecutive  
To Case # \_\_\_\_\_

☐ Concurrent ☐ Consecutive Case # \_\_\_\_\_  
☐ Specific CTS \_\_\_\_\_ Days  
☐ (1) CTS, this case, this lodging ☐ (2) Total CTS, this case, all lodgings  
☐ (3) Any CTS, all cases, this lodging  
☐ (4) Maximum CTS, this case - all lodgings; and all cases - this lodging

☐ If no complaint filed, defendant to be released on: \_\_\_\_\_

☐ FUGITIVES - Court orders Defendant to be released 30 days from this date (IF THERE ARE NO LOCAL CHARGES) OR released 30 days after all local charges have been resolved.

☐ House Arrest (if qualifies) ☐ House Arrest \_\_\_\_\_ Days ☐ Pre-Trial to Interview

NEXT COURT DATE: 4-17-07 TIME: 1:00 PM DEPT #: 1

CHANGE OF CUSTODY STATUS

☐ CTS ☐ Dismissed ☐ Found Not Guilty ☐ No Probable Cause Found ☐ Defendant Released  
☐ Released on Own Recognizance ☐ OVR Intensive Supervision ☐ Sentenced and/or Fine \$ \_\_\_\_\_  
☐ No Contact with Victim ☐ Defendant Released from ISU ☐ Defendant released from H/A

RETURN DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ DEPT #: \_\_\_\_\_

This form is not to be altered without consent of Clark County Justice Courts and Detention Center's Administrations

# Las Vegas Metropolitan Police Department TEMPORARY CUSTODY RECORD

Page 1 of 2  
 Date of Arrest: 02/18/07  
 Time of Arrest: 2217  
 I.D. # 1257866  
 Event # 1001

INTEAKE NAME (AKA, ALIAS, ETC.) Wesley Narcus Samone Wesley Narcus Samone

ADDRESS 5112 ALASKA AVE Wesley Narcus Samone Wesley Narcus Samone

DATE OF BIRTH 10-31-82 10-31-82 10-31-82 10-31-82 10-31-82 10-31-82 10-31-82

RACE B B B B B B B

SEX M M M M M M M

HEIGHT 5'10" 5'10" 5'10" 5'10" 5'10" 5'10" 5'10"

WEIGHT 175 175 175 175 175 175 175

HAIR BLK BLK BLK BLK BLK BLK BLK

EYES BLU BLU BLU BLU BLU BLU BLU

SOCIAL SECURITY # [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

LOCATION OF CRIME (i.e. Street, City, State, Zip) Las Vegas Las Vegas Las Vegas Las Vegas Las Vegas Las Vegas Las Vegas

CC LV LV LV LV LV LV LV

Citizen Arrest Y Y Y Y Y Y Y

LOCATION OF ARREST 0000 0000 0000 0000 0000 0000 0000

First Name Wesley Narcus Samone Wesley Narcus Samone Wesley

State NV NV NV NV NV NV NV

Zip 89107 89107 89107 89107 89107 89107 89107

BKG CODE	CHARGE ORO / NRS #	M	GM	F	ARR TYPE	EVENT NUMBER	WARR / NCIC NUMBER	LV	JC	DC	OTHER
500A	House Burg				PM		07FH0317B				
5013	House Burg				PM		07FH0317B				
5080	House Burg				PM		07FH0317B				
5008	1st Degree Kidnap				PM		07FH0317B				
5008	2nd Degree Kidnap				PM		07FH0317B				
5044	Sex Ass				PM		07FH0317B				

Arresting Officer's Signature [Signature] (Print Name) Wesley P # 1257866 Agency Las Vegas

Transporting Officer's Signature [Signature] (Print Name) Wesley P # 1257866 Agency Las Vegas

APPROVAL CONTROL # FOR ADDITIONAL CHARGES: 1001

Time Stamp at Booking

FOR PROBABLE CAUSE/NOIC HIT ARREST SEE PAGE TWO FOR DETAILS.

BENCH WARRANT SERVED ON Wesley

WARRANT SERVED ON Wesley

GRAND JURY INDICTMENT SERVED ON Wesley

TYPE OF I.D. FOR VERIFICATION ADULT

FIRST APPEARANCE DATE: 02/18/07 TIME: 2217

COURT STANDARD BAIL

JUSTICE OR RELEASE

JUVENILE PROBABLE CAUSE

JUDGE 1001

FB 0 SID 03098690

4-10





**HENDERSON JUSTICE COURT  
CLARK COUNTY, NEVADA**

HJ

Clerk's Initials

DATE: 2 DEPT #: 1 JUDGE: RODNEY T. BURR

**CUSTODY STATUS**

NAME: Wesley, Marcus Samone

CASE #: 67FH0317B DEFENDANT'S ID#: 1757866

COUNT(S)	CHARGE	BAIL RESET	AMENDED TO
1	Consp Burg	\$5,000 C/S	Added by DA
1	Consp Robb	\$30,000 C/S	
6	Robb WDW	\$30,000 C/S EACH	5 Cts Added by DA
1	1st Deg Kidnap	\$100,000 C/S	
1	Burg WDW	\$15,000 C/S	Added by DA
5	Sex Asset WDW	\$15,000 C/S EACH	2 Cts Added by DA
Other: 1	Calcion WDW	\$3,000 C/S	Added by DA

Total \$400,000 C/S

☒ Remand on all Counts ☐ Remand on Counts

☐ SENTENCE TO CCDC \_\_\_\_\_ MONTHS \_\_\_\_\_ DAYS ☐ Flat Time ☐ No House Arrest

☐ Contempt of Court  
 \_\_\_\_\_ Days with \_\_\_\_\_ Days CTS  
☐ Concurrent ☐ Consecutive  
 To Case # \_\_\_\_\_

☐ Concurrent ☐ Consecutive Case # \_\_\_\_\_  
☐ Specific CTS \_\_\_\_\_ Days  
☐ (1) CTS, this case, this lodging ☐ (2) Total CTS, this case, all lodgings  
☐ (3) Any CTS, all cases, this lodging  
☐ (4) Maximum CTS, this case - all lodgings; and all cases - this lodging

☐ If no complaint filed, defendant to be released on: \_\_\_\_\_  
☐ FUGITIVES - Court orders Defendant to be released 30 days from this date (IF THERE ARE NO LOCAL CHARGES) OR released 30 days after all local charges have been resolved.

☐ House Arrest (if qualifies) ☐ House Arrest \_\_\_\_\_ Days ☐ PreTrial to Interview

NEXT COURT DATE: 3-1-07 TIME: 9:00 DEPT #: 1

**CHANGE OF CUSTODY STATUS**

☐ CTS ☐ Dismissed ☐ Found Not Guilty ☐ No Probable Cause Found ☐ Defendant Released  
☐ Released on Own Recognizance ☐ O/R Intensive Supervision ☐ Sentenced and/or Fine \$ \_\_\_\_\_  
☐ No Contact with Victim ☐ Defendant Released from ISU ☐ Defendant released from H/A

RETURN DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ DEPT #: \_\_\_\_\_

This form is not to be altered without consent of Clark County Justice Courts and Detention Center's Administrations

1 FRANK P. KOCKA, ESQ.  
Nevada Bar No. 3095  
2 KOCKA & BOLTON, LLC.  
1900 E. Bonanza Rd.  
3 Las Vegas, Nevada 89101  
(702) 383-8700  
4 Attorney for Defendant

HENDERSON  
JUSTICE COURT

2007 MAR 13 A 11:56

FILED *L*

5 JUSTICE COURT, HENDERSON TOWNSHIP  
6 CLARK COUNTY, NEVADA  
7

8 THE STATE OF NEVADA,

9 Plaintiff,

Case No. 07FH0317B

10 vs.

Dept. No. 1

11 NARCUS S. WESLEY, aka, Narcus Samone  
Wesley # 1757866,

12 Defendant.

13  
14 MOTION FOR BAIL REDUCTION OR OWN RECOGNIZANCE RELEASE

15 COMES NOW, Defendant, NARCUS S. WESLEY, by and through his attorney, FRANK  
16 P. KOCKA, ESQ., of the law firm KOCKA & BOLTON, LLC and moves this Honorable Court  
17 to grant the above-entitled Motion.

18 This Motion is made and based upon all the records and files in this action, the Points and  
19 Authorities attached hereto and any oral argument that may adduced at the time of hearing.

20 DATED this 7 day of March, 2007

21 KOCKA & BOLTON, LLC.

22 *[Signature]*  
23 FRANK P. KOCKA, ESQ.  
1900 E Bonanza Rd  
24 Las Vegas, Nevada 89101  
(702)383-8700  
25 Attorney for Defendant  
26  
27  
28

000079




1 **NOTICE OF MOTION**

2 TO: DAVID ROGER, District Attorney.

3 PLEASE TAKE NOTICE that the undersigned will bring the foregoing Motion on for  
Henderson Justice Court.  
4 hearing before the ~~District Court~~, on the 15 day of March, 2007 at the hour of 9:00 a.m., in  
5 Department No.1, or as soon thereafter as counsel may be heard.

6 DATED this 7 day of March, 2007.

7 KOCKA & BOLTON, LLC.

8  
9   
10 FRANK P. KOCKA, ESQ.  
Nevada Bar No.: 3095  
11 1900 E. Bonanza Rd.  
Las Vegas, Nevada 89101  
12 (702)383-8700  
Attorney for Defendant

13 **STATEMENT OF FACTS**

14  
15 Mr. Wesley is alleged to have committed the crimes before the court on February 18, 2007. A search  
16 warrant was executed on February 20, 2007 and Mr. Wesley was arrested thereafter. Prior to these  
17 charges, Mr. Wesley has not sustained any convictions and has led a trouble free life. In fact Mr.  
18 Wesley was involved in Western High school football program and the University of Nevada  
19 Athletics department where he stood out as a role model for many younger players in Las Vegas.  
20 Mr Wesley has lived in Las Vegas all of his life and has close family ties and community support  
21 as evidenced by the letters attached hereto as exhibits for the court. Mr. Wesley has maintained  
22 employment up to the time of his arrest. There are numerous factors which need to be explored in  
23 preparing his defense to the charges of which he is accused. The preparation of his defense would  
24 benefit greatly by having Mr. Wesley available to counsel, out of custody. It is therefore requested  
25 that Mr. Wesley be granted and own recognizance release and if the court so desires to imposes the  
26 condition of intensive supervision on such release. In the alternative, it is requested that the court  
27 reduce his bail to \$10,000.00 again with the condition of intensive supervision if necessary.  
28

## POINTS AND AUTHORITIES

1 NRS 178.487 provides that:

2 Every release on bail without or without security is conditional upon  
3 the defendant's good behavior while so released.

4 NRS 178.498 provides:

5 i. If the defendant is admitted to bail, a bail must be set at an amount  
6 which in the judgement of the magistrate will reasonably insure the  
7 appearance of the defendant's and the safety of other persons of the  
8 community, having regard to:

- 9 1. The nature and circumstances of the offense charged;
- 10 2. The financial ability of the defendant to give bail;
- 11 3. The character of the defendant; and
- 12 4. The factors listed in NRS 178.4853.

13 Under NRS 178.4853 some factors include his/her prior criminal record; his or her possibility  
14 of conviction, the danger to the community during his or her release and his or her reputation and  
15 character. Also, the likelihood of continued criminal activity is taken into account.

16 Important things to note about Mr. Wiley's case are the following:

- 17 1. He has resided in Nevada all his life.
- 18 2. He will remain in Nevada living with his family.
- 19 3. He has employment available to him as soon as released
- 20 4. He has strong and numerous ties to the community including a small child.
- 21 5. Base upon the lack of prior involvement with the criminal justice system, the  
22 likelihood of continued criminal activity is minimal at best. This is also supported by  
23 the exhibits attached hereto that express the shock of many members of the  
24 community who know Mr Wesley .

25 Based on the above factors, Mr. Wesley respectfully requests that this court grant him an own  
26 recognizance release or in the alternative set bail in the amount of \$10,000.00. If, however, the  
27 Court still maintains some concerns about the case, the Defendant would acquiesce to being placed  
28 on house arrest as an additional condition of an OR release or bail.

N.R.S. 211.250 provides:

Unless the sentencing court otherwise orders in a particular case, the

1 sheriff or chief of police may supervise a convicted prisoner  
electronically instead of confining him physically in the county or city  
jail if:

2 1. The prisoner has a residential living situation which is  
capable of meeting the standards set in the general rules and  
individual conditions for electronic supervision; and

3 2. The sheriff or chief of police concludes that electronic  
supervision poses no unreasonable risk to public safety.

4 N.R.S. 211.300 provides:

5 With the approval of the court of jurisdiction for a particular case, the  
6 sheriff or chief of police may supervise an unconvicted person  
7 detained before his trial in the manner provided for convicted  
prisoners in NRS 211.250 to 211.290, inclusive. If such approval is  
8 given, the provisions of NRS 211.250 TO 211.290, inclusive, apply  
to the unconvicted person in the same manner as they apply to a  
convicted prisoner.


9 In this case, the Defendant can afford to pay the house arrest fee, and has a dwelling suitable  
10 for this purpose.

11  
12  
13 **CONCLUSION**

14 Based upon the foregoing, the Defendant respectfully requests this Honorable Court to set  
15 bail in the original amount of \$50,000.00 or in the alternative to add the condition of house arrest  
16 until his new trial date.

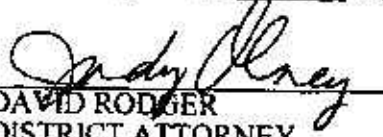
17 DATED this 7 day of March, 2007.

18 KOCKA & BOLTON, LLC.,

19  
20   
FRANK P. KOCKA, ESQ.  
1900 E. Bonanza Rd.  
Las Vegas, Nevada 89101  
(702)383-8700  
Attorney for Defendant

RECEIPT OF COPY

1 RECEIPT OF COPY of the above and foregoing MOTION FOR BAIL REDUCTION is hereby  
2 acknowledged this 12 day of March, 2007

3   
4 DAVID RODGER  
DISTRICT ATTORNEY  
5 200 Lewis  
Las Vegas, Nevada 89155  
6 (702)455-5101  
Attorney for Plaintiff  
7  
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## WESTERN HIGH SCHOOL

4601 WEST BONANZA RD. LAS VEGAS, NEVADA 89107 PHONE 799-4080

2/28/2007

To Whom It May Concern:

I am writing this letter on behalf of Narcus Wesley. I am Coach Washington, of Western High School. I have been teaching in the Clark County School District for 29 years, at Western for nine years. I have been acquainted with Narcus for nine years, as a student and athlete.

I am quite disturbed to here of the current circumstances, surrounding my former student. Mr. Wesley has always displayed mature, responsible qualities to me, an upstanding young man. A true team player, with excellent communication skills. I believe the situation currently surrounding Narcus will prove to be false.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Mel Washinton  
Health Teacher  
Coach for Basketball & Track  
Western High School

000084



# WESTERN HIGH SCHOOL

4601 WEST BONANZA RD. LAS VEGAS, NEVADA 89107 PHONE 799-4080

2/28/2007

To Whom It May Concern:

I am writing this letter on behalf of Narcus Wesley. I am a teacher, coach, and athletic director at Western High School. I have known Narcus for 8 years, and have only positive things to say about him. Narcus is a friendly, fun-loving person that was a good student and a great athlete while he was at Western. I enjoyed conversations with Narcus even after he graduated and attended UNLV, where he played football.

When I read the news of his current situation, something did not seem right. There was no way the Narcus that I know would do something like that. I have no doubt that he was in the wrong place at the wrong time - but I absolutely cannot imagine Narcus being the ring leader of such a horrible crime.

Please contact me if I can help further.

Thank you,

Brian Murray  
Athletic Director  
Head Football Coach  
Western High School  
702-277-8349

000085

# **KP Properties, LLC**

**1050 East Sahara Avenue  
Las Vegas, Nevada 89104**

March 3, 2007

To Whom It May Concern:

This is in the matter of Narcus Wesley, I would like to start by saying this is a young man of great values and morals. I have worked with Narcus for the last seven months. He is a young man that would be at work everyday, what ever the job entailed to be for the day was completed to my approval. I have known the Wesley family for the pass five years. When Narcus and I met for the first time, I found him to be a very respectable person. He is also respected by his co-workers. To me that means a great deal. He would supervise the job to my approval of what should be completed.

I don't think in anyway that if released he would be a danger to his community. I also don't fill that Narcus Wesley would be a flight risk, because of his strong family ties to the area. Narcus has lived in the Las Vegas Valley all of his life. With the exception of the time he was enrolled at Minot State University.

I fill that allegations are false.

Sincerely,



Randy Morgan  
8149 O'Bannon  
Las Vegas, NV  
(702) 303-3566

000086



March 2, 2007

The Honorable Rodney T. Burr  
243 South Water Street  
2<sup>nd</sup> Floor  
Henderson, NV 89015

RE: Wesley, Narcus

Dear Judge Burr,


Just last night I became aware of the charges which have been made against Mr. Wesley. I have a great deal of difficulty believing that Narcus was or could have been involved in the criminal activities that were reported to me.

Mr. Wesley has worked for me as a masonry crew supervisor on almost a daily basis for the past 1 1/4 years. As a young man managing a number of older trades people, I found him to be completely honest in his dealings with all those concerned, steady and reliable in his timeliness for work and willingness to stay as late as necessary to see that the work was completed to the best of his abilities. First and foremost, I believe his interests are focused on an education and pursuing a possible career in athletics and fitness training. He and his family (with whom I am also well acquainted) are extremely close and have been in the community since the late 1960s. I know they are devastated by these developments, as any close knit family would be.

Regardless of what the facts surrounding the events turn out to be, the purpose of this letter is to urge you to make it no more difficult than absolutely necessary for this young man to have the opportunity to defend himself and his reputation in a familiar environment surrounded by family. This is an honest, hardworking family without unlimited financial means. I hope you can see your way clear to give him and this family every benefit of doubt at this juncture.

Thank you for your consideration. Obviously this is not the type of letter that anyone wants or expects to write, but I believe his is a situation deserving your special consideration. I remain

Respectfully yours,



William S. "Steve" Arrington  
325 W. Lake Mead Pkwy.  
Henderson, NV 89015  
(702) 565-9743

000087





Prudential

Prudential American Group, REALTORS®

2-28-07

TO WHOM IT MAY CONCERN

REGARDING NARCUS WESLEY, I HAVE KNOWN NARCUS FOR OVER TWELVE YEARS. HE HAS ALWAYS BEEN A REALLY GOOD KID AND HAS GROWN INTO A NICE YOUNG MAN. HE GRADUATED HIGH SCHOOL AND WENT TO COLLEGE AND PLAYED COLLEGE FOOTBALL. HE CAME BACK TO LAS VEGAS AND WENT TO SCHOOL AT UNLV. NARCUS WAS JUST OVER MY HOUSE WITH MY SON A COUPLE OF NIGHTS BEFORE THE ALLEGED INCIDENT OCCURED. I LOVE THIS KID LIKE A SON, HE HAS STRONG FAMILY SUPPORT FROM HIS FATHER AND MOTHER AND SIBBLINGS. HE ALSO HAS A YOUNG CHILD THAT HE LOVES DEARLY. IF THERES ANY WAY YOU CAN HELP HIM OUT BEFORE HIS TRIAL IT WOULD BE GREATLY APPRECIATED THANK YOU VERY MUCH.

WENDELL WEST SR

*Wendell West Sr*

☐ 7475 W. Sahara Avenue, Suite #100  
Las Vegas, NV 89117

☐ 777 N. Rainbow Boulevard, Suite #250  
Las Vegas, NV 89107

☐ 965 White Dr., #200  
Las Vegas, NV 89119

☐ 6212 W. Desert Inn Road, #110  
Las Vegas, NV 89146

☐ 3240 E. Tropicana Avenue  
Las Vegas, NV 89121

☐ 9402 Del Webb Boulevard  
Las Vegas, NV 89134

☐ 985 White Dr., #100  
Las Vegas, NV 89119

☐ 1215 South Fort Apache Park Rd, #210  
Las Vegas, NV 89117

☐ 671 Coronado Center Drive, Suite #100  
Henderson, NV 89052

☐ 6337 W. Sunset Road, Suite 150  
Las Vegas, NV 89113

000088

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**702-870-6626**  
**Fax 702-877-6636**



**2372 Valley Dr.**  
**Las Vegas, NV**  
**89102**

March 3, 2007

To: Judge Rodney Burr  
Henderson Courts Dept.

In regards to Narcus Wesley

Dear Your Hounor:

I am writing this letter to you judgeship in the issue with the above named person. As a father in raising a child in this wayward world sometimes we try our best to make our children be the best, and not stray away from our teaching through life. As for Narcus I truly can not believe he would do such acts as accused or have any involvement in such a crime or any crime. Of course we can all be coerced by others that have made this a way of living for themselves.

I am not pleading total innocents for my son Narcus, but only a chance to let him continue to be with his family and toddler child which whom he cares for dearly, and takes care for like a young gentleman should. Simply to let him continue to work and have freedom until this is cleared up by the courts.

Narcus has been a foreman for my company since returning from college and has been a very good worker since about eight years of age. If in any way you see fit to help in any way by the law of course we, his family, and friends would truly appreciate it.

Thank you very kindly  
May god bless us all

Sincerely Yours,

Narviez Wesley

March 2, 2007

To Whom It May Concern:

I'm writing on behalf of Narcus Wesley. I'm his stepmother, Angela Wesley. I have known Narcus for the pass seven years. With coming in to his life as a young man I found him to be very respectable and intelligent. Narcus live at home with myself and his father. I know that the person I have lived with could not have done things that he is allegately charged. Narcus is always very respectable to myself an others. I have followed him doing his high school and college years as an outstanding athletic. This is a young man that has been training to hopefully one day go to the NFL. He has traveled to several camps in hope of that dream of a future at his own expense.

As a young father he takes care of his one year old daughter every weekend from birth until current. Each Saturday and Sunday he would pick her up and provide the care need until taking her home each night. I give him the up most respect. Because there are not very many young father today that would take that responsibility.

I don't feel that the community would be in danger if released. I know that he is not a flight risk because all of the family is here in the Las Vegas area.

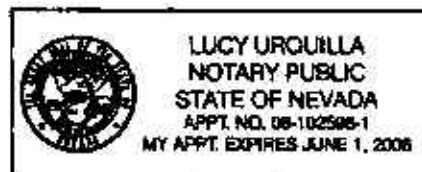
Thanks for allowing me the chance to share my feeling with you on this matter regarding Narcus. I hope that you can see in this young man the good I have over the years.

Respectfully yours,

*Angela Wesley*

Angela Wesley  
4232 Gaye Lane  
Las Vegas, NV 89108  
(702) 544-4874

State of Nevada County of Clark  
Subscribed and sworn to before me on 3/5/7  
(Date)  
*[Signature]*  
(Notary Signature)  
Lucy Urquilla



000090



**To whom it may concern:**

**My name is Kiaziah Washington, I'm Narcus Wesley's sister. I just wanted to say a few things on my brother's behalf. He is easy to talk to about most things, fun, loving, understanding. For my daughter he's been a great uncle, role model, and someone she looks up to. When babysitting his daughter he's always calling and checking on her to see what's she doing. That let's me know he's concerned about her. Narcus is not the kind of person to be involved in something like this. This whole thing has struck me by surprise. I believe he was in the wrong place at the wrong time.**

**Sign:** *Kiaziah Washington*

**Kiaziah Washington**  
Office Tech

**UNIVERSITY MEDICAL CENTER**

1800 W. Charleston Blvd. • Las Vegas, Nevada 89102 • (702) 383-2000

An Equal Opportunity Employer the handicapped • Affirmative Action Employer

000091

To whom it may concern:

In regards to Narcus Wesley my son, who means a great deal to me. This whole thing upsets me so much, because I know my son and I know there must be some mix up or something. My son and I talk on a daily basis, we are very close. Even when he was off to college we talked on the phone at least every other day. Narcus has been a good son, very much in to sports, including basketball and football, which kept him out of trouble and very occupied. Narcus is a loving, caring, understanding person.

Sign:

Mother

Linda Washington

*Linda Washington*

MARCH 5, 2007

TO WHOM IT MAY CONCERN:

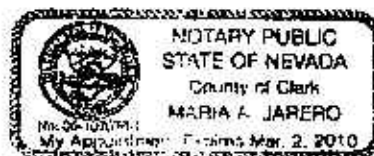
I, Carolyn Merrick, am writing this letter on behalf of Narcus "Packie" Wesley. For the time I have been acquainted with Narcus, which has been about 5 years, he has appeared to me to be quite a brilliant young man. He has always been employed and responsible on jobs. He is an idol for my 14 year old son as far as his football abilities. He was also a GREAT father to his little girl. I have found Narcus to be a very respectful young man. It's truly hard to believe he is capable of the things he's been accused of, but on other hand I believe he deserves another chance. Anything that can be done to give this young man another chance in society would be greatly appreciated by myself and any others that knew "Packie".

Sincere Thanks,

Carolyn D. Merrick

*Carolyn D. Merrick*

State of Nevada	
County of <u>Clark</u>	
Signed or attested before me on <u>03-05-07</u> by	
<u>Carolyn D. Merrick</u>	
(Notary Stamp)	<u><i>Maria A. Jareiro</i></u> (Signature of Notarial officer)



000093

Dear Sir

This letter is on behalf of Marcus Cresty.  
my name is Percy Washington, I am a Corrections  
officer with the LVPD. I have been employed  
for 22 years.

Marcus's mother Linda Washington is my first  
cousin. I have known Marcus all of his life.  
He attended College and played football while  
doing so. Marcus has always been a good kid,  
never involved with the law whatsoever.

Marcus has tremendous family support and  
he deserves a chance in this particular matter.

Thank You  
Percy Washington

000094



**HENDERSON JUSTICE COURT  
CLARK COUNTY, NEVADA**

**HA**

Clerk's Initials

**DATE:** 3-15-07      **DEPT #:** 1      **JUDGE:** RODNEY T. BURR

**CUSTODY STATUS**

**NAME:** UPSON, NAYUS

**CASE #:** 07FH03715      **DEFENDANT'S ID#:** 1757866

COUNT(S)	CHARGE	BAIL RESET	AMENDED TO
1	CRIM DWI		
6	CRIM DWI		
1	CRIM DWI		
1	CRIM DWI		
3	CRIM DWI		
1	CRIM DWI		

**Other:** 1 CRIM DWI

F.W. SIGN

☐ Remand on all Counts    ☐ Remand on Counts \_\_\_\_\_

☐ **SENTENCE TO CCDC** \_\_\_\_\_ MONTHS \_\_\_\_\_ DAYS    ☐ Flat Time    ☐ No House Arrest

☐ Contempt of Court  
 \_\_\_\_\_ Days with \_\_\_\_\_ Days CTS  
☐ Concurrent ☐ Consecutive  
 To Case # \_\_\_\_\_

☐ Concurrent ☐ Consecutive    Case # \_\_\_\_\_  
☐ Specific CTS \_\_\_\_\_ Days  
☐ (1) CTS, this case, this lodging    ☐ (2) Total CTS, this case, all lodgings  
☐ (3) Any CTS, all cases, this lodging  
☐ (4) Maximum CTS, this case -- all lodgings; and all cases -- this lodging

☐ If no complaint filed, defendant to be released on: \_\_\_\_\_

☐ **FUGITIVES** - Court orders Defendant to be released 30 days from this date (IF THERE ARE NO LOCAL CHARGES) OR released 30 days after all local charges have been resolved.

☐ House Arrest (if qualifies)    ☐ House Arrest \_\_\_\_\_ Days    ☐ PreTrial to Interview

**NEXT COURT DATE:** 4-17-07    **TIME:** 7:30    **DEPT #:** 1

**CHANGE OF CUSTODY STATUS**

☐ CTS    ☐ Dismissed    ☐ Found Not Guilty    ☐ No Probable Cause Found    ☐ Defendant Released  
☐ Released on Own Recognizance    ☐ O/R Intensive Supervision    ☐ Sentenced and/or Fine \$ \_\_\_\_\_  
☐ No Contact with Victim    ☐ Defendant Released from ISU    ☐ Defendant released from H/A

**RETURN DATE:** \_\_\_\_\_    **TIME:** \_\_\_\_\_    **DEPT #:** \_\_\_\_\_

This form is not to be altered without consent of Clark County Justice Courts and Detention Center's Administrations



1  
2 JUSTICE COURT, HENDERSON TOWNSHIP  
3 CLARK COUNTY, NEVADA

HENDERSON  
JUSTICE COURT  
4P  
MAR 1 8 41 AM '07

FILED

4 STATE OF NEVADA,

5 Plaintiff,

6 -vs-

7 NARCUS S. WESLEY,

8 Defendant.

CASE NO. 07FH0317B

MEDIA REQUEST AND ORDER  
ALLOWING CAMERAS IN THE  
COURTROOM

9  
10 Lizbeth Licon of KLAS hereby requests permission to Videotape proceedings in the above-captioned  
11 case, Judge Rodney T. Burr presiding, on the 1st day of March, 2007 at the hour of 9:00 a.m..  
12 I certify that I am familiar with the Supreme Court Rules 229-247 (inclusive) on Cameras and  
13 Electronic Media Coverage in the Court. I also understand that this request must be submitted to the  
14 Court at least seventy-two (72) hours before the proceedings commence unless good cause can be  
15 shown.

16 It is further understood any pooling arrangements necessitated among the media shall be the  
17 sole responsibility of the media and must be arranged prior to coverage without calling upon the Court  
18 to mediate any disputes.

19 DATED this 1st day of March, 2007.

20 Signature on file  
Media Representative

address on file # 650-1989  
Media Address and telephone number

22 ORDER

23 IT IS HEREBY ORDERED by this Honorable Court that Lizbeth Licon be permitted to  
24 Videotape the proceedings in this case in accordance with Supreme Court Rules 229-247, and that this  
25 entry shall be made part of the record of the proceedings in this case.

26 DATED this 1st day of March, 2007.

27   
JUSTICE OF THE PEACE  
28

000096

**HENDERSON JUSTICE COURT  
CLARK COUNTY, NEVADA**

HK

Clerk's Initials

DATE: 3-1-67 DEPT #: 1 JUDGE: RODNEY T. BURR

**CUSTODY STATUS**

NAME: WILLIAM, NICHOLAS

CASE #: 07FH0317B DEFENDANT'S ID#: 175786-6

COUNT(S)	CHARGE	BAIL RESET	AMENDED TO
	1st Degree Kidnap		
	2nd Degree Kidnap		
	3rd Degree Kidnap		
	1st Degree Kidnap		
	2nd Degree Kidnap		
	3rd Degree Kidnap		

Other: (1st Degree Kidnap)

☐ Remand on all Counts ☐ Remand on Counts \_\_\_\_\_

☐ SENTENCE TO CCDC \_\_\_\_\_ MONTHS \_\_\_\_\_ DAYS ☐ Flat Time ☐ No House Arrest

☐ Contempt of Court  
 \_\_\_\_\_ Days with \_\_\_\_\_ Days CTS  
☐ Concurrent ☐ Consecutive  
 To Case # \_\_\_\_\_

☐ Concurrent ☐ Consecutive Case # \_\_\_\_\_  
☐ Specific CTS \_\_\_\_\_ Days  
☐ (1) CTS, this case, this lodging ☐ (2) Total CTS, this case, all lodgings  
☐ (3) Any CTS, all cases, this lodging  
☐ (4) Maximum CTS, this case - all lodgings; and all cases - this lodging

☐ If no complaint filed, defendant to be released on: \_\_\_\_\_

☐ FUGITIVES - Court orders Defendant to be released 30 days from this date (IF THERE ARE NO LOCAL CHARGES) OR released 30 days after all local charges have been resolved.

☐ House Arrest (if qualifies) ☐ House Arrest \_\_\_\_\_ Days ☐ PreTrial to Interview  
 NEXT COURT DATE: 4-17-67 TIME: 7:30 DEPT #: 1

**CHANGE OF CUSTODY STATUS**

☐ CTS ☐ Dismissed ☐ Found Not Guilty ☐ No Probable Cause Found ☐ Defendant Released  
☐ Released on Own Recognizance ☐ O/R Intensive Supervision ☐ Sentenced and/or Fine \$ \_\_\_\_\_  
☐ No Contact with Victim ☐ Defendant Released from ISU ☐ Defendant released from H/A

RETURN DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ DEPT #: \_\_\_\_\_

This form is not to be altered without consent of Clark County Justice Courts and Detention Center's Administrations

# HENDERSON JUSTICE COURT CLARK COUNTY, NEVADA

116  
Clerk's Initials

DATE: 3-1-07 DEPT #: 1 JUDGE: RODNEY T. BURR

## CUSTODY STATUS

NAME: WILLIAM, NORMAN JAMES

CASE #: 61F110317B DEFENDANT'S ID#: 1757866

COUNT(S)	CHARGE	BAIL RESET	AMENDED TO
1	(1st) DP DWI	\$5,000 YS	Waived by DA
1	(1st) DP DWI	\$5,000 YS	
6	Robbery	\$25,000 Y, EACH	\$25,000 Y, EACH
1	1st Degree Murder	\$100,000 YS	
1	DUI	\$15,000 YS	Amended by DA
3	Sex with a Minor	\$15,000 Y, EACH	\$15,000 Y, EACH

Other: 1 (1st) DP DWI \$5,000 YS  
Total \$404,000 YS

☒ Remand on all Counts ☐ Remand on Counts \_\_\_\_\_

☐ SENTENCE TO CCDC \_\_\_\_\_ MONTHS \_\_\_\_\_ DAYS ☐ Flat Time ☐ No House Arrest

☐ Contempt of Court  
 \_\_\_\_\_ Days with \_\_\_\_\_ Days CTS  
☐ Concurrent ☐ Consecutive  
 To Case # \_\_\_\_\_

- ☐ Concurrent ☐ Consecutive Case # \_\_\_\_\_  
☐ Specific CTS \_\_\_\_\_ Days  
☐ (1) CTS, this case, this lodging ☐ (2) Total CTS, this case, all lodgings  
☐ (3) Any CTS, all cases, this lodging  
☐ (4) Maximum CTS, this case - all lodgings; and all cases - this lodging

☐ If no complaint filed, defendant to be released on: \_\_\_\_\_

☐ FUGITIVES - Court orders Defendant to be released 30 days from this date (IF THERE ARE NO LOCAL CHARGES) OR released 30 days after all local charges have been resolved.

☐ House Arrest (if qualifies) ☐ House Arrest \_\_\_\_\_ Days ☐ PreTrial to Interview

NEXT COURT DATE: 3-1-07 TIME: 2:00 DEPT #: 1

## CHANGE OF CUSTODY STATUS

- ☐ CTS ☐ Dismissed ☐ Found Not Guilty ☐ No Probable Cause Found ☐ Defendant Released  
☐ Released on Own Recognizance ☐ O/R Intensive Supervision ☐ Sentenced and/or Fine \$ \_\_\_\_\_  
☐ No Contact with Victim ☐ Defendant Released from ISU ☐ Defendant released from H/A

RETURN DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ DEPT #: \_\_\_\_\_

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1  
2 JUSTICE COURT, HENDERSON TOWNSHIP

3 CLARK COUNTY, NEVADA

HENDERSON  
JUSTICE COURT

FEB 27 7 58 AM '07

FILED

4 STATE OF NEVADA,

5 Plaintiff,

6 -vs-

7 NARCUS S. WESLEY,

8 Defendant.

CASE NO. 07FH0317B

9  
10 MEDIA REQUEST AND ORDER  
11 ALLOWING CAMERAS IN THE  
12 COURTROOM

13 Lizbeth Licon of KLAS hereby requests permission to Videotape proceedings in the above-captioned  
14 case, Judge Rodney T. Burr presiding, on the 27th day of February, 2007 at the hour of 9:00 a.m..  
15 I certify that I am familiar with the Supreme Court Rules 229-247 (inclusive) on Cameras and  
16 Electronic Media Coverage in the Court. I also understand that this request must be submitted to the  
17 Court at least seventy-two (72) hours before the proceedings commence unless good cause can be  
18 shown.

19 It is further understood any pooling arrangements necessitated among the media shall be the  
20 sole responsibility of the media and must be arranged prior to coverage without calling upon the Court  
21 to mediate any disputes.

22 DATED this 23rd day of February, 2007.

23 Signature on file  
24 Media Representative

address on file # 650-1989  
Media Address and telephone number

25 ORDER

26 IT IS HEREBY ORDERED by this Honorable Court that Lizbeth Licon be permitted to  
27 Videotape the proceedings in this case in accordance with Supreme Court Rules 229-247, and that this  
28 entry shall be made part of the record of the proceedings in this case.

DATED this \_\_\_\_ day of February, 2007.

  
JUSTICE OF THE PEACE

000009

1                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2  
3       DELARIAN K. WILSON,  
4                   Appellant,  
5       vs.  
6       THE STATE OF NEVADA  
7                   Respondent.

Supreme Court No.:  
District Court Case No.: C232494

Electronically Filed  
Nov 12 2015 10:09 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

8                   **APPELLANT'S APPENDIX - VOLUME 1 - PAGES 0001-0249**

9       MATTHEW D. CARLING  
10       51 East 400 North, Bldg. #1  
11       Cedar City, Utah 84720  
12       (702) 419-7330 (Office)  
13       Attorney for Appellant

STEVEN B. WOLFSON  
Clark County District Attorney  
200 Lewis Avenue, 3<sup>rd</sup> Floor  
Las Vegas, Nevada 89155  
Counsel for Respondent

CATHERINE CORTEZ MASTO  
Attorney General  
100 North Carson Street  
Carson City, Nevada 89701-4717  
Counsel for Respondent

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**Wilson, Delarian**

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CLERK OF THE COURT

**INFO**

DAVID ROGER  
Clark County District Attorney  
Nevada Bar #002781  
LISA LUZAICH  
Chief Deputy District Attorney  
Nevada Bar #005056  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

I.A. 05/09/07  
9:00 A.M.  
ORONÓZ/KOCKA

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DELARIAN K. WILSON, aka  
Delarian Kameron Wilson #1966773,  
NARCUS S. WESLEY, aka  
Narcus Samone Wesley #1757866,  
Defendant.

Case No: C232494  
Dept No: XXIV

**INFORMATION**

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

DAVID ROGER, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That DELARIAN K. WILSON, aka Delarian Kameron Wilson and NARCUS S. WESLEY, aka, Narcus Samone Wesley, the Defendants above named, having committed the crimes of **CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor - NRS 199.480, 205.060); CONSPIRACY TO COMMIT ROBBERY (Felony - NRS 199.480, 200.380); BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Felony - NRS 205.060); ROBBERY WITH USE OF A DEADLY WEAPON (Felony - NRS 200.380, 193.165); ASSAULT WITH USE OF A DEADLY WEAPON (Felony - NRS 200.471, 193.165); FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY**

1 WEAPON (Felony - NRS 200.310, 200.320, 193.165); SEXUAL ASSAULT WITH USE  
2 OF A DEADLY WEAPON (Felony - NRS 200.364, 200.366, 193.165); COERCION  
3 WITH USE OF A DEADLY WEAPON (Felony - NRS 207.190, 193.165) and OPEN  
4 OR GROSS LEWDNESS WITH USE OF A DEADLY WEAPON (Gross Misdemeanor  
5 - NRS 201.210, 193.165), on or about the 18th day of February, 2007, within the County of  
6 Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made  
7 and provided, and against the peace and dignity of the State of Nevada,

8 COUNT 1 - CONSPIRACY TO COMMIT BURGLARY

9 Defendants did then and there meet with each other and between themselves, and  
10 each of them with the other, wilfully and unlawfully conspire and agree to commit a crime,  
11 to-wit: Burglary, and in furtherance of said conspiracy, Defendants did commit the acts as  
12 set forth in Counts 3 & 11, said acts being incorporated by this reference as though fully set  
13 forth herein.

14 COUNT 2 - CONSPIRACY TO COMMIT ROBBERY

15 Defendants did then and there meet with each other and between themselves, and  
16 each of them with the other, wilfully, unlawfully, and feloniously conspire and agree to  
17 commit a crime, to-wit: Robbery, and in furtherance of said conspiracy, Defendants did  
18 commit the acts as set forth in Counts 3, 4, 6, 7, 8 & 9, said acts being incorporated by this  
19 reference as though fully set forth herein.

20 COUNT 3 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

21 Defendants did then and there wilfully, unlawfully, and feloniously enter, while in  
22 possession of a deadly weapon, to-wit: hand gun, with intent to commit larceny and/or a  
23 felony, to-wit: Robbery, the house at 690 Great Dane Court, Las Vegas, Clark County,  
24 Nevada, the Defendants being criminally liable under one or more of the following  
25 principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by  
26 Defendants aiding or abetting one another in the commission of this crime by assisting one  
27 another and by providing counsel and encouragement each carrying out specific acts with the  
28 intent that this crime be committed; and/or (3) pursuant to a conspiracy to commit this crime.

1 COUNT 4 - ROBBERY WITH USE OF A DEADLY WEAPON

2 Defendants did then and there wilfully, unlawfully, and feloniously take personal  
3 property, to-wit: condoms, from the person of JUSTIN RICHARDSON, or in his presence,  
4 by means of force or violence or fear of injury to, and without the consent and against the  
5 will of the said JUSTIN RICHARDSON, said Defendants using a deadly weapon, to-wit: a  
6 hand gun, during the commission of said crime, the Defendants being criminally liable under  
7 one or more of the following principles of criminal liability, to-wit: (1) by directly  
8 committing this crime; and/or (2) by Defendants aiding or abetting one another in the  
9 commission of this crime by assisting one another and by providing counsel and  
10 encouragement each carrying out specific acts with the intent that this crime be committed;  
11 and/or (3) pursuant to a conspiracy to commit this crime.

12 COUNT 5 - ASSAULT WITH USE OF A DEADLY WEAPON

13 Defendants did wilfully, unlawfully, and feloniously place another person in  
14 reasonable apprehension of immediate bodily harm, to-wit: AITOR ESKANDON, by  
15 pointing a hand gun at and forcing the said AITOR ESKANDON to lay on the ground while  
16 personal property was taken from others in his presence, said Defendants using a deadly  
17 weapon, to-wit: a hand gun, during the commission of said crime, the Defendants being  
18 criminally liable under one or more of the following principles of criminal liability, to-wit:  
19 (1) by directly committing this crime; and/or (2) by Defendants aiding or abetting one  
20 another in the commission of this crime by assisting one another and by providing counsel  
21 and encouragement each carrying out specific acts with the intent that this crime be  
22 committed; and/or (3) pursuant to a conspiracy to commit this crime.

23 COUNT 6 - ROBBERY WITH USE OF A DEADLY WEAPON

24 Defendants did then and there wilfully, unlawfully, and feloniously take personal  
25 property, to-wit: money, from the person of JUSTIN FOUCAULT, or in his presence, by  
26 means of force or violence or fear of injury to, and without the consent and against the will  
27 of the said JUSTIN FOUCAULT, said Defendants using a deadly weapon, to-wit: a hand  
28 gun, during the commission of said crime, the Defendants being criminally liable under one

1 or more of the following principles of criminal liability, to-wit: (1) by directly committing  
2 this crime; and/or (2) by Defendants aiding or abetting one another in the commission of this  
3 crime by assisting one another and by providing counsel and encouragement each carrying  
4 out specific acts with the intent that this crime be committed; and/or (3) pursuant to a  
5 conspiracy to commit this crime.

6 COUNT 7 - ROBBERY WITH USE OF A DEADLY WEAPON

7 Defendants did then and there wilfully, unlawfully, and feloniously take personal  
8 property, to-wit: money, from the person of RYAN TOGNOTTI, or in his presence, by  
9 means of force or violence or fear of injury to, and without the consent and against the will  
10 of the said RYAN TOGNOTTI, said Defendants using a deadly weapon, to-wit: a hand gun,  
11 during the commission of said crime, the Defendants being criminally liable under one or  
12 more of the following principles of criminal liability, to-wit: (1) by directly committing this  
13 crime; and/or (2) by Defendants aiding or abetting one another in the commission of this  
14 crime by assisting one another and by providing counsel and encouragement each carrying  
15 out specific acts with the intent that this crime be committed; and/or (3) pursuant to a  
16 conspiracy to commit this crime.

17 COUNT 8 - ASSAULT WITH USE OF A DEADLY WEAPON

18 Defendants did wilfully, unlawfully, and feloniously place another person in  
19 reasonable apprehension of immediate bodily harm, to-wit: CLINTON TOGNOTTI, by  
20 pointing a hand gun at and forcing the said CLINTON TOGNOTTI to lay on the ground  
21 while personal property was taken from others in his presence, said Defendants using a  
22 deadly weapon, to-wit: a hand gun, during the commission of said crime, the Defendants  
23 being criminally liable under one or more of the following principles of criminal liability, to-  
24 wit: (1) by directly committing this crime; and/or (2) by Defendants aiding or abetting one  
25 another in the commission of this crime by assisting one another and by providing counsel  
26 and encouragement each carrying out specific acts with the intent that this crime be  
27 committed; and/or (3) pursuant to a conspiracy to commit this crime.

28 //



1 COUNT 9 - ROBBERY WITH USE OF A DEADLY WEAPON

2 Defendants did then and there wilfully, unlawfully, and feloniously take personal  
3 property, to-wit: cell phone, from the person of DANIELLE BROWNING, or in her  
4 presence, by means of force or violence or fear of injury to, and without the consent and  
5 against the will of the said DANIELLE BROWNING, said Defendants using a deadly  
6 weapon, to-wit: a hand gun, during the commission of said crime, the Defendants being  
7 criminally liable under one or more of the following principles of criminal liability, to-wit:  
8 (1) by directly committing this crime; and/or (2) by Defendants aiding or abetting one  
9 another in the commission of this crime by assisting one another and by providing counsel  
10 and encouragement each carrying out specific acts with the intent that this crime be  
11 committed; and/or (3) pursuant to a conspiracy to commit this crime.

12 COUNT 10 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

13 Defendants did wilfully, unlawfully, feloniously, and without authority of law, seize,  
14 confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away RYAN TOGNOTTI,  
15 a human being, with the intent to hold or detain the said RYAN TOGNOTTI against his will,  
16 and without his consent, for the purpose of committing Robbery, said Defendants using a  
17 deadly weapon, to-wit: a hand gun, during the commission of said crime, the Defendants  
18 being criminally liable under one or more of the following principles of criminal liability, to-  
19 wit: (1) by directly committing this crime; and/or (2) by Defendants aiding or abetting one  
20 another in the commission of this crime by assisting one another and by providing counsel  
21 and encouragement each carrying out specific acts with the intent that this crime be  
22 committed; and/or (3) pursuant to a conspiracy to commit this crime.

23 COUNT 11 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

24 Defendants did then and there wilfully, unlawfully, and feloniously enter, while in  
25 possession of a deadly weapon, to-wit: hand gun, with intent to commit larceny and/or a  
26 felony, to-wit: Robbery, the Honda Civic belonging to RYAN TOGNOTTI, the Defendants  
27 being criminally liable under one or more of the following principles of criminal liability, to-  
28 wit: (1) by directly committing this crime; and/or (2) by Defendants aiding or abetting one

1 another in the commission of this crime by assisting one another and by providing counsel  
2 and encouragement each carrying out specific acts with the intent that this crime be  
3 committed; and/or (3) pursuant to a conspiracy to commit this crime.

4 COUNT 12 - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON

5 Defendants did then and there wilfully, unlawfully, and feloniously sexually assault  
6 with use of a deadly weapon to-wit: a hand gun, and subject DANIELLE BROWNING, a  
7 female person, to sexual penetration, to-wit: by forcing DANIELLE BROWNING to  
8 perform fellatio on JUSTIN RICHARDSON while threatening to kill her or others if she  
9 didn't perform said sexual act, against her will, the Defendants being criminally liable under  
10 one or more of the following principles of criminal liability, to-wit: (1) by directly  
11 committing this crime; and/or (2) by Defendants aiding or abetting one another in the  
12 commission of this crime by assisting one another and by providing counsel and  
13 encouragement each carrying out specific acts with the intent that this crime be committed;  
14 and/or (3) pursuant to a conspiracy to commit this crime.

15 COUNT 13 - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON

16 Defendants did then and there wilfully, unlawfully, and feloniously sexually assault  
17 with use of a deadly weapon to-wit: a hand gun, and subject DANIELLE BROWNING, a  
18 female person, to sexual penetration, to-wit: by forcing DANIELLE BROWNING to be  
19 subjected to cunnilingus performed by JUSTIN RICHARDSON while threatening to kill her  
20 or others if she didn't engage in said acts said sexual act, against her will, the Defendants  
21 being criminally liable under one or more of the following principles of criminal liability, to-  
22 wit: (1) by directly committing this crime; and/or (2) by Defendants aiding or abetting one  
23 another in the commission of this crime by assisting one another and by providing counsel  
24 and encouragement each carrying out specific acts with the intent that this crime be  
25 committed; and/or (3) pursuant to a conspiracy to commit this crime.

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1 COUNT 14 - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON

2 Defendants did then and there wilfully, unlawfully, and feloniously sexually assault  
3 with use of a deadly weapon to-wit: a hand gun, and subject JUSTIN RICHARDSON, a  
4 male person, to sexual penetration, to-wit: by forcing JUSTIN RICHARDSON to receive  
5 fellatio from DANIELLE BROWNING while threatening to kill him and/or other if he did  
6 not engage in said sexual conduct, against his will, the Defendants being criminally liable  
7 under one or more of the following principles of criminal liability, to-wit: (1) by directly  
8 committing this crime; and/or (2) by Defendants aiding or abetting one another in the  
9 commission of this crime by assisting one another and by providing counsel and  
10 encouragement each carrying out specific acts with the intent that this crime be committed;  
11 and/or (3) pursuant to a conspiracy to commit this crime.

12 COUNT 15 - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON

13 Defendants did then and there wilfully, unlawfully, and feloniously sexually assault  
14 with use of a deadly weapon to-wit: a hand gun, and subject JUSTIN RICHARDSON, a  
15 male person, to sexual penetration, to-wit: by forcing JUSTIN RICHARDSON to perform  
16 cunnilingus on DANIELLE BROWNING while threatening to kill him and/or others if he  
17 did not engage in said sexual conduct, against his will, the Defendants being criminally  
18 liable under one or more of the following principles of criminal liability, to-wit: (1) by  
19 directly committing this crime; and/or (2) by Defendants aiding or abetting one another in  
20 the commission of this crime by assisting one another and by providing counsel and  
21 encouragement each carrying out specific acts with the intent that this crime be committed;  
22 and/or (3) pursuant to a conspiracy to commit this crime.

23 COUNT 16 - COERCION WITH USE OF A DEADLY WEAPON

24 Defendants did then and there wilfully, unlawfully, and feloniously use physical  
25 force, or the immediate threat of such force, against RYAN TOGNOTTI, with intent to  
26 compel him to do, or abstain from doing, an act which he had a right to do, or abstain from  
27 doing, by using a deadly weapon, to-wit: a hand gun, and forcing RYAN TOGNOTTI to  
28 masturbate his penis, said acts being sexually motivated, the Defendants being criminally



1 liable under one or more of the following principles of criminal liability, to-wit: (1) by  
2 directly committing this crime; and/or (2) by Defendants aiding or abetting one another in  
3 the commission of this crime by assisting one another and by providing counsel and  
4 encouragement each carrying out specific acts with the intent that this crime be committed;  
5 and/or (3) pursuant to a conspiracy to commit this crime.

6 COUNT 17 - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON

7 Defendants did then and there wilfully, unlawfully, and feloniously sexually assault  
8 with use of a deadly weapon to-wit: a hand gun, and subject DANIELLE BROWNING, a  
9 female person, to sexual penetration, to-wit: digital penetration, Defendant NARCUS  
10 WESLEY penetrating DANIELLE BROWNING's vagina, however slight with his hand  
11 and/or one or more fingers, against her will, the Defendants being criminally liable under  
12 one or more of the following principles of criminal liability, to-wit: (1) by directly  
13 committing this crime; and/or (2) by Defendants aiding or abetting one another in the  
14 commission of this crime by assisting one another and by providing counsel and  
15 encouragement each carrying out specific acts with the intent that this crime be committed;  
16 and/or (3) pursuant to a conspiracy to commit this crime.

17 COUNT 18 - OPEN OR GROSS LEWDNESS WITH USE OF A DEADLY WEAPON

18 Defendants did then and there wilfully and unlawfully commit an act of open or gross  
19 lewdness by touching and/or rubbing the chest and/or buttocks of DANIELLE BROWNING  
20 with use of a deadly weapon to-wit: a hand gun, the Defendant being criminally liable under  
21 one or more of the following principles of criminal liability, to-wit: (1) by directly  
22 committing this crime; and/or (2) by Defendants aiding or abetting one another in the  
23 commission of this crime by assisting one another and by providing counsel and

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1 encouragement each carrying out specific acts with the intent that this crime be committed;  
2 and/or (3) pursuant to a conspiracy to commit this crime.

3 DAVID ROGER  
4 DISTRICT ATTORNEY  
5 Nevada Bar #002781

6 BY /s/ LISA LUZAICH  
7 LISA LUZAICH  
8 Chief Deputy District Attorney  
9 Nevada Bar #005056

10 Names of witnesses known to the District Attorney's Office at the time of filing this  
11 Information are as follows:

<u>NAME</u>	<u>ADDRESS</u>
BROWNING, DANIELLE - HC 60 BOX 53007, ROAD MTN., NV 89045	
CASTRO, JUNE - HPD P#825	
DUNAWAY, BRIAN - HPD P#659	
ESKANDON, AITOR - 2101 W. WARM SPRGS RD., #4322, HND, NV 89014	
FOUCAULT, JUSTIN - 690 GREAT DANE CT., HND, NV 89052	
HARTSHORN, BRYAN - HPD P#1146	
HENN, ITZHAK - HPD P#1202	
JOHNSTON, MICHAEL - HPD P#634	
NISWONGER, ANTHONY - HPD P#1003	
PENA, RODRIGO - HPD P#857	
RICHARDSON, JUSTIN - 690 GREAT DANE CT., HND, NV 89052	
SLATTERY, KYLE - HPD P#1306	
TOGNOTTI, RYAN - 690 GREAT DANE CT., HND, NV 89052	
TOGNOTTI, CLINTON - 2101 W. WARM SPRGS RD., #4322, HND, NV 89014	

26 DA#07FH0317A/B/mmw/SVU  
27 HPD EV#0703748

28 CONSP; RWDW; 1ST DEG KID WDW; BURG WDW; S/A WDW;  
AWDW; COERCION WDW; O/G LEW WUDW - F/GM  
(TK1)

ORIGINAL

JUSTICE COURT, HENDERSON TOWNSHIP

CLARK COUNTY, NEVADA 2007 APR 25 P 2 46

CASE NO. 07FH0317A-B

STATE OF NEVADA,

Plaintiff

-vs-

DELARIAN KAMERON WILSON #19966773

NARCUS SAMONE WESLEY #1757866,

Defendant(s)

CASE NO. 0232494

5-9-07  
9:00  
XXIV

I hereby certify the above and foregoing to be a full, true and correct copy of the proceedings as the same appear in the above entitled matter.

WITNESS MY HAND this 19 day of April, 2007.

  
JUSTICE OF THE PEACE  
HENDERSON TOWNSHIP

R. T. BURR, JP

RECEIVED  
APR 25 2007  
CLERK OF THE COURT

000010

**JUSTICE COURT, HENDERSON TOWNSHIP**  
**CLARK COUNTY, NEVADA**  
**DOCKET SHEET . . . CRIMINAL**

CASE #	07FH0317A-B
State	- vs- <b>DELARIAN KAMERON WILSON #1966773</b> <b>NARCUS SAMONE WESLEY #1757866</b>
Charge	<b>CONSPIRACY TO COMMIT BURGLARY</b> <b>CONSPIRACY TO COMMIT ROBBERY</b> <b>ROBBERY WITH USE OF A DEADLY WEAPON - 6 COUNTS</b> <b>FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON</b> <b>BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON</b> <b>SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON - 5 COUNTS</b> <b>COERCION WITH USE OF A DEADLY WEAPON</b>
<b>AMENDED CRIMINAL COMPLAINT</b>	<b>CONSPIRACY TO COMMIT BURGLARY</b> <b>CONSPIRACY TO COMMIT ROBBERY</b> <b>BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON - 2 COUNTS</b> <b>ROBBERY WITH USE OF A DEADLY WEAPON - 4 COUNTS</b> <b>ASSAULT WITH USE OF A DEADLY WEAPON - 2 COUNTS</b> <b>FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON</b> <b>SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON - 5 COUNTS</b> <b>COERCION WITH USE OF A DEADLY WEAPON</b> <b>OPEN OR GROSS LEWDNESS WITH USE OF A DEADLY WEAPON</b>

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	CONTINUED TO:
.....Continued from Previous Page	<p>7. BRYAN HARTSHORN. Sworn in by Clerk. Direct.  Witness ID'D Both Defendants. Cross by J. Oronoz, Esq.  Witness Excused.  Motion by State to Amend Amended Criminal Complaint by  Interlineation Page 1 Line 27 and Page 3 Line 1 -  Motion GRANTED  STATE RESTS  BOTH Defendants Waive Their Rights to Make a Statement.  DEFENSE RESTS  SUBMITTED Without Argument  DEFENDANT HELD TO ANSWER TO SAID CHARGES  BOUND OVER TO DISTRICT COURT  Motion by F. Kocka, Esq. To Reduce Bail - Objection by  State - Motion by State to Increase Bail - BAIL STANDS  Motion by J. Oronoz, Esq. To Reduce Bail - Objection by  State - Motion by State to Increase Bail - BAIL STANDS  RETURN TO METRO</p>	<p>MAY 9, 2007  9:00 A.M.  DEPT #24  LOWER LEVEL</p>

hlg

000011

**JUSTICE COURT, HENDERSON TOWNSHIP**  
**CLARK COUNTY, NEVADA**  
**DOCKET SHEET . . . CRIMINAL**

<b>CASE #</b>	<b>07FH0317A-B</b>
<b>State</b>	<b>- vs- DELARIAN KAMERON WILSON #1966773</b> <b>NARCUS SAMONE WESLEY #1757866</b>
<b>Charge</b>	<b>CONSPIRACY TO COMMIT BURGLARY</b> <b>CONSPIRACY TO COMMIT ROBBERY</b> <b>ROBBERY WITH USE OF A DEADLY WEAPON - 6 COUNTS</b> <b>FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON</b> <b>BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON</b> <b>SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON - 5 COUNTS</b> <b>COERCION WITH USE OF A DEADLY WEAPON</b>
<b>AMENDED CRIMINAL COMPLAINT</b>	<b>CONSPIRACY TO COMMIT BURGLARY</b> <b>CONSPIRACY TO COMMIT ROBBERY</b> <b>BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON - 2 COUNTS</b> <b>ROBBERY WITH USE OF A DEADLY WEAPON - 4 COUNTS</b> <b>ASSAULT WITH USE OF A DEADLY WEAPON - 2 COUNTS</b> <b>FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON</b> <b>SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON - 5 COUNTS</b> <b>COERCION WITH USE OF A DEADLY WEAPON</b> <b>OPEN OR GROSS LEWDNESS WITH USE OF A DEADLY WEAPON</b>

**DATE, JUDGE, OFFICERS  
OF COURT PRESENT**

**PROCEEDINGS  
APPEARANCES - HEARING**

**CONTINUED TO:**

APRIL 17, 2007 R. T. BURR, JP L. LUZIACH, DDA J. ORONoz, ESQ. (WILSON) F. KOCKA, ESQ. (WESLEY) H. GARCIA, CLK L. BRENSKE, CR	CONTINUED PRELIMINARY HEARING (BOTH) Defendant PRESENT IN CUSTODY State Files an Amended Criminal Complaint in Open Court STATE WITNESSES: 2. JUSTIN RICHARDSON. Sworn in by Clerk. Cross by F. Kocka, Esq. Cross by J. Oronoz. Re-direct. Re-Cross by F. Kocka, Esq. Witness excused. 3. RYAN TOGNOTTI. Sworn in by Clerk. Direct. Witness ID'D Both Defendants. Cross by J. Oronoz. Cross by F. Kocka, Esq. Re-Direct. Witness Excused. 4. CLINT TOGNOTTI. Sworn in by Clerk. Direct. Witness ID'D Defendant Wilson. Witness ID'D Defendant Wesley. Cross by F. Kocka, Esq. Cross J. Oronoz, Esq. Witness Excused. 5. JUSTIN FOUCAULT. Sworn in by Clerk. Direct. Cross by F. Kocka, Esq. Witness ID'D Both Defendants. Witness Excused. 6. AITOR ESKANDOR. Sworn in by Clerk. Direct. Cross by F. Kocka, Esq. Re-Direct. Witness ID'D Both Defendants. Witness Excused.	000012 Continued Next Page...
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**JUSTICE COURT, HENDERSON TOWNSHIP**  
**CLARK COUNTY, NEVADA**  
**DOCKET SHEET . . . CRIMINAL**

CASE #	07FH0317A-B
State	- vs- <b>DELARIAN KAMERON WILSON #1966773</b> <b>NARCUS SAMONE WESLEY #1757866</b>
Charge	<b>CONSPIRACY TO COMMIT BURGLARY</b>
	<b>CONSPIRACY TO COMMIT ROBBERY</b>
	<b>ROBBERY WITH USE OF A DEADLY WEAPON - 6 COUNTS</b>
	<b>FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON</b>
	<b>BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON</b>
	<b>SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON - 5 COUNTS</b>
	<b>COERCION WITH USE OF A DEADLY WEAPON</b>
<b>AMENDED CRIMINAL COMPLAINT</b>	<b>CONSPIRACY TO COMMIT BURGLARY</b>
	<b>CONSPIRACY TO COMMIT ROBBERY</b>
	<b>BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON - 2 COUNTS</b>
	<b>ROBBERY WITH USE OF A DEADLY WEAPON - 4 COUNTS</b>
	<b>ASSAULT WITH USE OF A DEADLY WEAPON - 2 COUNTS</b>
	<b>FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON</b>
	<b>SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON - 5 COUNTS</b>
	<b>COERCION WITH USE OF A DEADLY WEAPON</b>
	<b>OPEN OR GROSS LEWDNESS WITH USE OF A DEADLY WEAPON</b>

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	CONTINUED TO:
MARCH 27, 2007 M. TOBIASSON, Pro-Tem for R.T. BURR, JP L. LUZAICH, DDA J. ORONOZ, ESQ B. STEELE, CLK L. BRENSKE, CR	BAIL HEARING: (WILSON) Defendant PRESENT IN CUSTODY Motion By Defense To Reduce Bail. Objection by State. Motion DENIED. Preliminary Hearing Date STANDS RETURN TO METRO	APRIL 12, 2007 9:30 A.M. DEPT #1  jld
APRIL 12, 2007 R. T. BURR, JP L. LUZAICH, DDA & S. KOLLINS, DDA J. ORONOZ, ESQ. (WILSON) F. KOCKA, ESQ. (WILSON) H. GARCIA, CLK L. BRENSKE, CR	PRELIMINARY HEARING: (BOTH) Defendant PRESENT IN CUSTODY State Ready. Defense Ready. Motion by Defense to Exclude Witnesses - Motion GRANTED STATE WITNESSES: 1. DANIELLE BROWNING. Sworn in by Clerk. Direct by L. Luzaich, DDA. Witness ID'D Both Defendants. Cross by F. Kocka, Esq. Cross by J. Oronoz, Esq. Re-Direct by L. Luziach, DDA. Re-Cross by F. Kocka, Esq. Witness Excused. 2. JUSTIN RICHARDSON. Sworn in by Clerk. Direct by S. Kollins, DDA. Witness ID'D Both Defendants. Preliminary Hearing Date continued due to conflicting schedules. RETURN TO METRO	APRIL 17, 2007 1:00 P.M. DEPT #1  000013 hig

**JUSTICE COURT, HENDERSON TOWNSHIP**  
**CLARK COUNTY, NEVADA**  
**DOCKET SHEET . . . CRIMINAL**

CASE #	07FH0317A-B
State	- vs- <b>DELARIAN KAMERON WILSON #1966773</b> <b>NARCUS SAMONE WESLEY #1757866</b>
Charge	<b>CONSPIRACY TO COMMIT BURGLARY</b> <b>CONSPIRACY TO COMMIT ROBBERY</b> <b>ROBBERY WITH USE OF A DEADLY WEAPON - 6 COUNTS</b> <b>FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON</b> <b>BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON</b> <b>SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON - 5 COUNTS</b> <b>COERCION WITH USE OF A DEADLY WEAPON</b>
<b>AMENDED CRIMINAL COMPLAINT</b>	<b>CONSPIRACY TO COMMIT BURGLARY</b> <b>CONSPIRACY TO COMMIT ROBBERY</b> <b>BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON - 2 COUNTS</b> <b>ROBBERY WITH USE OF A DEADLY WEAPON - 4 COUNTS</b> <b>ASSAULT WITH USE OF A DEADLY WEAPON - 2 COUNTS</b> <b>FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON</b> <b>SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON - 5 COUNTS</b> <b>COERCION WITH USE OF A DEADLY WEAPON</b> <b>OPEN OR GROSS LEWDNESS WITH USE OF A DEADLY WEAPON</b>

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	CONTINUED TO:
MARCH 15, 2007 R. T. BURR, JP T. CARROLL, DDA F. KOCKA, ESQ B. STEELE, CLK L. BRENSKE, CR	MOTION: (WESLEY) Defendant PRESENT IN CUSTODY Motion by Defense for Bail Reduction. Objection by State. Motion Denied. Preliminary hearing date STANDS. RETURN TO METRO	APRIL 12, 2007 9:30 A.M. DEPT #1  MQ
MARCH 20, 2007	Substitution of Attorney FILED by J. Oronoz, Esq. Motion for Own Recognizance Release FILED Motion to Place on Calendar to Reset Preliminary Hearing Date FILED as to Wilson	MARCH 22, 2007 9:00 A.M. DEPT #1 MQ
MARCH 22, 2007 R. T. BURR, JP C. MARTINOVSKY, DDA J. TURCO, ESQ. FOR J. ORONOZ, ESQ. B. STEELE, CLK L. BRENSKE, CR	MOTION (WILSON) Defendant PRESENT IN CUSTODY Motion by Defense to Reduce Bail Continued for bail hearing Preliminary Hearing Date STANDS RETURN TO METRO	MARCH 27, 2007 9:00 A.M. DEPT #1  APRIL 12, 2007 9:30 A.M. DEPT #1 hlg

000014

**JUSTICE COURT, HENDERSON TOWNSHIP**  
**CLARK COUNTY, NEVADA**  
**DOCKET SHEET ... CRIMINAL**

CASE #	07FH0317A-B
State	- vs- DELARIAN KAMERON WILSON #1966773 NARCUS SAMONE WESLEY #1757866
Charge	CONSPIRACY TO COMMIT BURGLARY CONSPIRACY TO COMMIT ROBBERY ROBBERY WITH USE OF A DEADLY WEAPON - 6 COUNTS FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON - 5 COUNTS COERCION WITH USE OF A DEADLY WEAPON
AMENDED CRIMINAL COMPLAINT	CONSPIRACY TO COMMIT BURGLARY CONSPIRACY TO COMMIT ROBBERY BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON - 2 COUNTS ROBBERY WITH USE OF A DEADLY WEAPON - 4 COUNTS ASSAULT WITH USE OF A DEADLY WEAPON - 2 COUNTS FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON - 5 COUNTS COERCION WITH USE OF A DEADLY WEAPON OPEN OR GROSS LEWDNESS WITH USE OF A DEADLY WEAPON

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	CONTINUED TO:
<p>MARCH 1, 2007 R. T. BURR, JP C. MARTINOVSKY, DDA R. TANNERY, ESQ. (WILSON) F. KOCKA, ESQ. (WSELEY) B. STEELE, CLK L. BRENSKE, CR</p>	<p>STATUS CHECK: (WILSON) Defendant PRESENT IN CUSTODY Preliminary Hearing date set RETURN TO METRO</p> <p>CONTINUED ARRAIGNMENT: (WESLEY) Defendant PRESENT IN CUSTODY Defense Counsel ACKNOWLEDGES, WAIVED reading of the Complaint. By and through his attorney, defendant asked for date certain for hearing. WAIVED 15 day rule. Preliminary Hearing date set Motion by Defense to Reduce Bail - To do written motion Motion by Defense for additional discovery - Motion GRANTED RETURN TO METRO</p>	<p>APRIL 12, 2007 9:30 A.M. DEPT #1</p>
<p>MARCH 13, 2007</p>	<p>MOTION FOR BAIL REDUCTION OR OWN RECOGNIZANCE RELEASE FILED as to WESLEY</p>	<p>MARCH 15, 2007 9:00 A.M. DEPT #1</p>



**JUSTICE COURT, HENDERSON TOWNSHIP**  
**CLARK COUNTY, NEVADA**  
**DOCKET SHEET . . . CRIMINAL**

CASE #	07FH0317A-B
State	- vs- DELARIAN KAMERON WILSON #1966773 NARCUS SAMONE WESLEY #1757866
Charge	CONSPIRACY TO COMMIT BURGLARY CONSPIRACY TO COMMIT ROBBERY ROBBERY WITH USE OF A DEADLY WEAPON - 6 COUNTS FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON - 5 COUNTS COERCION WITH USE OF A DEADLY WEAPON
AMENDED CRIMINAL COMPLAINT	CONSPIRACY TO COMMIT BURGLARY CONSPIRACY TO COMMIT ROBBERY BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON - 2 COUNTS ROBBERY WITH USE OF A DEADLY WEAPON - 4 COUNTS ASSAULT WITH USE OF A DEADLY WEAPON - 2 COUNTS FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON - 5 COUNTS COERCION WITH USE OF A DEADLY WEAPON OPEN OR GROSS LEWDNESS WITH USE OF A DEADLY WEAPON

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	CONTINUED TO:
FEBRUARY 27, 2007 R. T. BURR, JP D. BARKER, DDA R. TANNERY, ESQ. (WILSON) B. STEELE, CLK L. BRENSKE, CR	<p>COMPLAINT FILED INITIAL ARRAIGNMENT: (WILSON) Defendant IN CUSTODY Defense Counsel ACKNOWLEDGES, WAIVED reading of the Complaint. Defendant WAIVES 15 Day Rule. Continued to set preliminary hearing date Bail Reset to Reflect Complaint: TOTAL: \$404,000 CASH OR SURETY BOND REMAND TO METRO</p> <p>INITIAL ARRAIGNMENT: (WESLEY) Defendant PRESENT IN CUSTODY Defendant ADVISED, WAIVED reading of the Complaint. Defendant ADVISED of his right to secure own counsel. INVOKED, requested own counsel Matter continued for confirmation of Counsel Bail Reset to Reflect Complaint: TOTAL: \$404,000 CASH OR SURETY BOND RETURN TO METRO</p>	<p>MARCH 1, 2007 9:00 A.M. DEPT #1</p> <p style="text-align: right;">hlg</p>
MARCH 1, 2007	MEDIA REQUEST AND ORDER ALLOWING CAMERAS IN THE COURTROOM AND ORDER FILED BY KLAS	<p style="text-align: right;">000016</p> <p style="text-align: right;">hlg</p>

**JUSTICE COURT, HENDERSON TOWNSHIP**  
**CLARK COUNTY, NEVADA**  
**DOCKET SHEET . . . CRIMINAL**

<b>CASE #</b>	<u>07FH0317A-B</u>
<b>State</b>	<b>- vs- DELARIAN KAMERON WILSON #1966773</b> <b>NARCUS SAMONE WESLEY #1757866</b>
<b>Charge</b>	<u>CONSPIRACY TO COMMIT BURGLARY</u> <u>CONSPIRACY TO COMMIT ROBBERY</u> <u>ROBBERY WITH USE OF A DEADLY WEAPON - 6 COUNTS</u> <u>FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON</u> <u>BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON</u> <u>SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON - 5 COUNTS</u> <u>COERCION WITH USE OF A DEADLY WEAPON</u>
<b>AMENDED CRIMINAL COMPLAINT</b>	<u>CONSPIRACY TO COMMIT BURGLARY</u> <u>CONSPIRACY TO COMMIT ROBBERY</u> <u>BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON - 2 COUNTS</u> <u>ROBBERY WITH USE OF A DEADLY WEAPON - 4 COUNTS</u> <u>ASSAULT WITH USE OF A DEADLY WEAPON - 2 COUNTS</u> <u>FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON</u> <u>SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON - 5 COUNTS</u> <u>COERCION WITH USE OF A DEADLY WEAPON</u> <u>OPEN OR GROSS LEWDNESS WITH USE OF A DEADLY WEAPON</u>

DATE, JUDGE, OFFICERS OF COURT PRESENT	PROCEEDINGS APPEARANCES - HEARING	CONTINUED TO:
FEBRUARY 20, 2007 R. T. BURR, JP	FIRST APPEARANCE BEFORE MAGISTRATE BAIL SET: \$190,000 CASH OR SURETY BOND (WILSON)	FEBRUARY 27, 2007 9:00 A.M. DEPT #1
FEBRUARY 21, 2007 S.L. GEORGE, JP	FIRST APPEARANCE BEFORE MAGISTRATE BAIL SET: \$205,000 CASH OR SURETY BOND (WESLEY)	MARCH 1, 2007 9:00 A.M. DEPT #1 hlg
FEBRUARY 27, 2007	MEDIA REQUEST AND ORDER ALLOWING CAMERAS IN THE COURTROOM FILED BY KLAS  NOTIFICATION OF MEDIA REQUEST FILED	

JUSTICE COURT, HENDERSON TOWNSHIP JUSTICE COURT

4-17-07 HE

FILED IN OPEN COURT

CASE NO: 07FH0317A-B

DEPT NO: 1

AMENDED

CRIMINAL COMPLAINT

The Defendants above named having committed the crimes of CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor - NRS 199.480, 205.060); CONSPIRACY TO COMMIT ROBBERY (Felony - NRS 199.480, 200.380); BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Felony - NRS 205.060); ROBBERY WITH USE OF A DEADLY WEAPON (Felony - NRS 200.380, 193.165); ASSAULT WITH USE OF A DEADLY WEAPON (Felony - NRS 200.471, 193.165); FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Felony - NRS 200.310, 200.320, 193.165); SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON (Felony - NRS 200.364, 200.366, 193.165); COERCION WITH USE OF A DEADLY WEAPON (Felony - NRS 207.190, 193.165) and OPEN OR GROSS LEWDNESS WITH USE OF A DEADLY WEAPON (Gross Misdemeanor - NRS 201.210, 193.165), in the manner following, to-wit: That the said Defendants, on or about the 18th day of February, 2007, at and within the County of Clark, State of Nevada,

COUNT 1 - CONSPIRACY TO COMMIT BURGLARY ✓

Defendants did then and there meet with each other and between themselves, and each of them with the other, wilfully and unlawfully conspire and agree to commit a crime, to-wit: Burglary, and in furtherance of said conspiracy, Defendants did commit the acts as set forth in Count <sup>3</sup> 10, said acts being incorporated by this reference as though fully set forth herein.

**FELONY  
GROSS MSD.**

District Court

1 COUNT 2 - CONSPIRACY TO COMMIT ROBBERY

2 Defendants did then and there meet with each other and between themselves, and  
3 each of them with the other, wilfully, unlawfully, and feloniously conspire and agree to  
4 commit a crime, to-wit: Robbery, and in furtherance of said conspiracy, Defendants did  
5 commit the acts as set forth in Counts 3 through 8, said acts being incorporated by this  
6 reference as though fully set forth herein.

7 COUNT 3 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

8 Defendants did then and there wilfully, unlawfully, and feloniously enter, while in  
9 possession of a deadly weapon, to-wit: hand gun, with intent to commit larceny and/or a  
10 felony, to-wit: Robbery, the house at 690 Great Dane Court, Las Vegas, Clark County,  
11 Nevada, the Defendants being criminally liable under one or more of the following  
12 principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by  
13 Defendants aiding or abetting one another in the commission of this crime by assisting one  
14 another and by providing counsel and encouragement each carrying out specific acts with the  
15 intent that this crime be committed; and/or (3) pursuant to a conspiracy to commit this crime.

16 COUNT 4 - ROBBERY WITH USE OF A DEADLY WEAPON

17 Defendants did then and there wilfully, unlawfully, and feloniously take personal  
18 property, to-wit: condoms, from the person of JUSTIN RICHARDSON, or in his presence,  
19 by means of force or violence or fear of injury to, and without the consent and against the  
20 will of the said JUSTIN RICHARDSON, said Defendants using a deadly weapon, to-wit: a  
21 hand gun, during the commission of said crime, the Defendants being criminally liable under  
22 one or more of the following principles of criminal liability, to-wit: (1) by directly  
23 committing this crime; and/or (2) by Defendants aiding or abetting one another in the  
24 commission of this crime by assisting one another and by providing counsel and  
25 encouragement each carrying out specific acts with the intent that this crime be committed;  
26 and/or (3) pursuant to a conspiracy to commit this crime.

27 //

28 //

*Assault*

1 COUNT 5 - ROBBERY WITH USE OF A DEADLY WEAPON

2 Defendants did then and there wilfully, unlawfully, and feloniously take personal  
3 property, to-wit: money, from the person of AITOR ESKANDON, or in his presence, by  
4 means of force or violence or fear of injury to, and without the consent and against the will  
5 of the said AITOR ESKANDON, said Defendants using a deadly weapon, to-wit: a hand  
6 gun, during the commission of said crime, the Defendants being criminally liable under one  
7 or more of the following principles of criminal liability, to-wit: (1) by directly committing  
8 this crime; and/or (2) by Defendants aiding or abetting one another in the commission of this  
9 crime by assisting one another and by providing counsel and encouragement each carrying  
10 out specific acts with the intent that this crime be committed; and/or (3) pursuant to a  
11 conspiracy to commit this crime.

12 COUNT 6 - ROBBERY WITH USE OF A DEADLY WEAPON

13 Defendants did then and there wilfully, unlawfully, and feloniously take personal  
14 property, to-wit: money, from the person of JUSTIN FOUCAULT, or in his presence, by  
15 means of force or violence or fear of injury to, and without the consent and against the will  
16 of the said JUSTIN FOUCAULT, said Defendants using a deadly weapon, to-wit: a hand  
17 gun, during the commission of said crime, the Defendants being criminally liable under one  
18 or more of the following principles of criminal liability, to-wit: (1) by directly committing  
19 this crime; and/or (2) by Defendants aiding or abetting one another in the commission of this  
20 crime by assisting one another and by providing counsel and encouragement each carrying  
21 out specific acts with the intent that this crime be committed; and/or (3) pursuant to a  
22 conspiracy to commit this crime.

23 COUNT 7 - ROBBERY WITH USE OF A DEADLY WEAPON

24 Defendants did then and there wilfully, unlawfully, and feloniously take personal  
25 property, to-wit: money, from the person of RYAN TOGNOTTI, or in his presence, by  
26 means of force or violence or fear of injury to, and without the consent and against the will  
27 of the said RYAN TOGNOTTI, said Defendants using a deadly weapon, to-wit: a hand gun,  
28 during the commission of said crime, the Defendants being criminally liable under one or



1 more of the following principles of criminal liability, to-wit: (1) by directly committing this  
2 crime; and/or (2) by Defendants aiding or abetting one another in the commission of this  
3 crime by assisting one another and by providing counsel and encouragement each carrying  
4 out specific acts with the intent that this crime be committed; and/or (3) pursuant to a  
5 conspiracy to commit this crime.

6 COUNT 8 - ASSAULT WITH USE OF A DEADLY WEAPON ✓

7 Defendants did wilfully, unlawfully, and feloniously place another person in  
8 reasonable apprehension of immediate bodily harm, to-wit: CLINTON TOGNOTTI, by  
9 pointing a hand gun at and forcing the said CLINTON TOGNOTTI to lay on the ground  
10 while personal property was taken from others in his presence, said Defendants using a  
11 deadly weapon, to-wit: a hand gun, during the commission of said crime, the Defendants  
12 being criminally liable under one or more of the following principles of criminal liability, to-  
13 wit: (1) by directly committing this crime; and/or (2) by Defendants aiding or abetting one  
14 another in the commission of this crime by assisting one another and by providing counsel  
15 and encouragement each carrying out specific acts with the intent that this crime be  
16 committed; and/or (3) pursuant to a conspiracy to commit this crime.

17 COUNT 9 - ROBBERY WITH USE OF A DEADLY WEAPON ✓

18 Defendants did then and there wilfully, unlawfully, and feloniously take personal  
19 property, to-wit: cell phone, from the person of DANIELLE BROWNING, or in her  
20 presence, by means of force or violence or fear of injury to, and without the consent and  
21 against the will of the said DANIELLE BROWNING, said Defendants using a deadly  
22 weapon, to-wit: a hand gun, during the commission of said crime, the Defendants being  
23 criminally liable under one or more of the following principles of criminal liability, to-wit:  
24 (1) by directly committing this crime; and/or (2) by Defendants aiding or abetting one  
25 another in the commission of this crime by assisting one another and by providing counsel  
26 and encouragement each carrying out specific acts with the intent that this crime be  
27 committed; and/or (3) pursuant to a conspiracy to commit this crime.

28 //

1 COUNT 10 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON ✓

2 Defendants did wilfully, unlawfully, feloniously, and without authority of law, seize,  
3 confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away RYAN TOGNOTTI,  
4 a human being, with the intent to hold or detain the said RYAN TOGNOTTI against his will,  
5 and without his consent, for the purpose of committing Robbery, said Defendants using a  
6 deadly weapon, to-wit: a hand gun, during the commission of said crime, the Defendants  
7 being criminally liable under one or more of the following principles of criminal liability, to-  
8 wit: (1) by directly committing this crime; and/or (2) by Defendants aiding or abetting one  
9 another in the commission of this crime by assisting one another and by providing counsel  
10 and encouragement each carrying out specific acts with the intent that this crime be  
11 committed; and/or (3) pursuant to a conspiracy to commit this crime.

12 COUNT 11 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON ✓

13 Defendants did then and there wilfully, unlawfully, and feloniously enter, while in  
14 possession of a deadly weapon, to-wit: hand gun, with intent to commit larceny and/or a  
15 felony, to-wit: Robbery, the Honda Civic belonging to RYAN TOGNOTTI, the Defendants  
16 being criminally liable under one or more of the following principles of criminal liability, to-  
17 wit: (1) by directly committing this crime; and/or (2) by Defendants aiding or abetting one  
18 another in the commission of this crime by assisting one another and by providing counsel  
19 and encouragement each carrying out specific acts with the intent that this crime be  
20 committed; and/or (3) pursuant to a conspiracy to commit this crime.

21 COUNT 12 - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON ✓

22 Defendants did then and there wilfully, unlawfully, and feloniously sexually assault  
23 with use of a deadly weapon to-wit: a hand gun, and subject DANIELLE BROWNING, a  
24 female person, to sexual penetration, to-wit: by forcing DANIELLE BROWNING to  
25 perform fellatio on JUSTIN RICHARDSON while threatening to kill her or others if she  
26 didn't perform said sexual act, against her will, the Defendants being criminally liable under  
27 one or more of the following principles of criminal liability, to-wit: (1) by directly  
28 committing this crime; and/or (2) by Defendants aiding or abetting one another in the

1 commission of this crime by assisting one another and by providing counsel and  
2 encouragement each carrying out specific acts with the intent that this crime be committed;  
3 and/or (3) pursuant to a conspiracy to commit this crime.

4 COUNT 13 - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON ✓

5 Defendants did then and there wilfully, unlawfully, and feloniously sexually assault  
6 with use of a deadly weapon to-wit: a hand gun, and subject DANIELLE BROWNING, a  
7 female person, to sexual penetration, to-wit: by forcing DANIELLE BROWNING to be  
8 subjected to cunnilingus performed by JUSTIN RICHARDSON while threatening to kill her  
9 or others if she didn't engage in said acts said sexual act, against her will, the Defendants  
10 being criminally liable under one or more of the following principles of criminal liability, to-  
11 wit: (1) by directly committing this crime; and/or (2) by Defendants aiding or abetting one  
12 another in the commission of this crime by assisting one another and by providing counsel  
13 and encouragement each carrying out specific acts with the intent that this crime be  
14 committed; and/or (3) pursuant to a conspiracy to commit this crime.

15 COUNT 14 - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON ✓

16 Defendants did then and there wilfully, unlawfully, and feloniously sexually assault  
17 with use of a deadly weapon to-wit: a hand gun, and subject JUSTIN RICHARDSON, a  
18 male person, to sexual penetration, to-wit: by forcing JUSTIN RICHARDSON to receive  
19 fellatio from DANIELLE BROWNING while threatening to kill him and/or other if he did  
20 not engage in said sexual conduct, against his will, the Defendants being criminally liable  
21 under one or more of the following principles of criminal liability, to-wit: (1) by directly  
22 committing this crime; and/or (2) by Defendants aiding or abetting one another in the  
23 commission of this crime by assisting one another and by providing counsel and  
24 encouragement each carrying out specific acts with the intent that this crime be committed;  
25 and/or (3) pursuant to a conspiracy to commit this crime.

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1 COUNT 15 - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON

2 Defendants did then and there wilfully, unlawfully, and feloniously sexually assault  
3 with use of a deadly weapon to-wit: a hand gun, and subject JUSTIN RICHARDSON, a  
4 male person, to sexual penetration, to-wit: by forcing JUSTIN RICHARDSON to perform  
5 cunnilingus on DANIELLE BROWNING while threatening to kill him and/or others if he  
6 did not engage in said sexual conduct, against his will, the Defendants being criminally  
7 liable under one or more of the following principles of criminal liability, to-wit: (1) by  
8 directly committing this crime; and/or (2) by Defendants aiding or abetting one another in  
9 the commission of this crime by assisting one another and by providing counsel and  
10 encouragement each carrying out specific acts with the intent that this crime be committed;  
11 and/or (3) pursuant to a conspiracy to commit this crime.

12 COUNT 16 - COERCION WITH USE OF A DEADLY WEAPON

13 Defendants did then and there wilfully, unlawfully, and feloniously use physical  
14 force, or the immediate threat of such force, against RYAN TOGNOTTI, with intent to  
15 compel him to do, or abstain from doing, an act which he had a right to do, or abstain from  
16 doing, by using a deadly weapon, to-wit: a hand gun, and forcing RYAN TOGNOTTI to  
17 masturbate his penis, said acts being sexually motivated, the Defendants being criminally  
18 liable under one or more of the following principles of criminal liability, to-wit: (1) by  
19 directly committing this crime; and/or (2) by Defendants aiding or abetting one another in  
20 the commission of this crime by assisting one another and by providing counsel and  
21 encouragement each carrying out specific acts with the intent that this crime be committed;  
22 and/or (3) pursuant to a conspiracy to commit this crime.

23 COUNT 17 - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON

24 Defendants did then and there wilfully, unlawfully, and feloniously sexually assault  
25 with use of a deadly weapon to-wit: a hand gun, and subject DANIELLE BROWNING, a  
26 female person, to sexual penetration, to-wit: digital penetration, Defendant NARCUS  
27 WESLEY penetrating DANIELLE BROWNING's vagina, however slight with his hand  
28 and/or one or more fingers, against her will, the Defendants being criminally liable under

1 one or more of the following principles of criminal liability, to-wit: (1) by directly  
2 committing this crime; and/or (2) by Defendants aiding or abetting one another in the  
3 commission of this crime by assisting one another and by providing counsel and  
4 encouragement each carrying out specific acts with the intent that this crime be committed;  
5 and/or (3) pursuant to a conspiracy to commit this crime.

6 COUNT 18 - OPEN OR GROSS LEWDNESS WITH USE OF A DEADLY WEAPON

7 Defendants did then and there wilfully and unlawfully commit an act of open or gross  
8 lewdness by touching and/or rubbing the chest and/or buttocks of DANIELLE BROWNING  
9 with use of a deadly weapon to-wit: a hand gun, the Defendant being criminally liable under  
10 one or more of the following principles of criminal liability, to-wit: (1) by directly  
11 committing this crime; and/or (2) by Defendants aiding or abetting one another in the  
12 commission of this crime by assisting one another and by providing counsel and  
13 encouragement each carrying out specific acts with the intent that this crime be committed;  
14 and/or (3) pursuant to a conspiracy to commit this crime.

15 All of which is contrary to the form, force and effect of Statutes in such cases made  
16 and provided and against the peace and dignity of the State of Nevada. Said Complainant  
17 makes this declaration subject to the penalty of perjury.

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20 4/17/2007  
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22  
23  
24

25 07FH0317A-B/jj  
26 HPD EV# 0703748  
27 CONSP; RWDW;  
28 1ST DEG KID WDW;  
BURG WDW; S/A WDW;  
COERCION WDW; O/G LEW WUDW - F/GM  
(TKI)

HENDERSON  
JUSTICE COURT, HENDERSON TOWNSHIP

CLARK COUNTY, NEVADA

FILED FEB 21 A 10:06

THE STATE OF NEVADA,

Plaintiff,

-vs-

DELARIAN K. WILSON, aka,  
Delarian Kameron Wilson #1966773,  
NARCUS S. WESLEY, aka,  
Narcus Samone Wesley #1757866,

Defendants.

FILED

CASE NO: 07FH0317A-B

DEPT NO: 1

CRIMINAL COMPLAINT

The Defendants above named having committed the crimes of CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor - NRS 199.480, 205.060); CONSPIRACY TO COMMIT ROBBERY (Felony - NRS 199.480, 200.380); ROBBERY WITH USE OF A DEADLY WEAPON (Felony - NRS 200.380, 193.165); FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Felony - NRS 200.310, 200.320, 193.165); BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Felony - NRS 205.060); SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON (Felony - NRS 200.364, 200.366, 193.165) and COERCION WITH USE OF A DEADLY WEAPON (Felony - NRS 207.190, 193.165), in the manner following, to-wit: That the said Defendants, on or about the 18th day of February, 2007, at and within the County of Clark, State of Nevada,

COUNT 1 - CONSPIRACY TO COMMIT BURGLARY

Defendants did then and there meet with each other and between themselves, and each of them with the other, wilfully and unlawfully conspire and agree to commit a crime, to-wit: Burglary, and in furtherance of said conspiracy, Defendants did commit the acts as set forth in Count 10, said acts being incorporated by this reference as though fully set forth herein.

COUNT 2 - CONSPIRACY TO COMMIT ROBBERY

Defendants did then and there meet with each other and between themselves, and

1 each of them with the other, wilfully, unlawfully, and feloniously conspire and agree to  
2 commit a crime, to-wit: Robbery, and in furtherance of said conspiracy, Defendants did  
3 commit the acts as set forth in Counts 3 through 8, said acts being incorporated by this  
4 reference as though fully set forth herein.

5 COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON

6 Defendants did then and there wilfully, unlawfully, and feloniously take personal  
7 property, to-wit: money, from the person of JUSTIN RICHARDSON, or in his presence, by  
8 means of force or violence or fear of injury to, and without the consent and against the will  
9 of the said JUSTIN RICHARDSON, said Defendants using a deadly weapon, to-wit: a hand  
10 gun, during the commission of said crime, the Defendants being criminally liable under one  
11 or more of the following principles of criminal liability, to-wit: (1) by directly committing  
12 this crime; and/or (2) by Defendants aiding or abetting one another in the commission of this  
13 crime by assisting one another and by providing counsel and encouragement each carrying  
14 out specific acts with the intent that this crime be committed; and/or (3) pursuant to a  
15 conspiracy to commit this crime.

16 COUNT 4 - ROBBERY WITH USE OF A DEADLY WEAPON

17 Defendants did then and there wilfully, unlawfully, and feloniously take personal  
18 property, to-wit: money, from the person of AITOR ESKANDON, or in his presence, by  
19 means of force or violence or fear of injury to, and without the consent and against the will  
20 of the said AITOR ESKANDON, said Defendants using a deadly weapon, to-wit: a hand  
21 gun, during the commission of said crime, the Defendants being criminally liable under one  
22 or more of the following principles of criminal liability, to-wit: (1) by directly committing  
23 this crime; and/or (2) by Defendants aiding or abetting one another in the commission of this  
24 crime by assisting one another and by providing counsel and encouragement each carrying  
25 out specific acts with the intent that this crime be committed; and/or (3) pursuant to a  
26 conspiracy to commit this crime.

27 COUNT 5 - ROBBERY WITH USE OF A DEADLY WEAPON

28 Defendants did then and there wilfully, unlawfully, and feloniously take personal

1 property, to-wit: money, from the person of JUSTIN FOUCAULT, or in his presence, by  
2 means of force or violence or fear of injury to, and without the consent and against the will  
3 of the said JUSTIN FOUCAULT, said Defendants using a deadly weapon, to-wit: a hand  
4 gun, during the commission of said crime, the Defendants being criminally liable under one  
5 or more of the following principles of criminal liability, to-wit: (1) by directly committing  
6 this crime; and/or (2) by Defendants aiding or abetting one another in the commission of this  
7 crime by assisting one another and by providing counsel and encouragement each carrying  
8 out specific acts with the intent that this crime be committed; and/or (3) pursuant to a  
9 conspiracy to commit this crime.

10 COUNT 6 - ROBBERY WITH USE OF A DEADLY WEAPON

11 Defendants did then and there wilfully, unlawfully, and feloniously take personal  
12 property, to-wit: money, from the person of RYAN TOGNOTTI, or in his presence, by  
13 means of force or violence or fear of injury to, and without the consent and against the will  
14 of the said RYAN TOGNOTTI, said Defendants using a deadly weapon, to-wit: a hand gun,  
15 during the commission of said crime, the Defendants being criminally liable under one or  
16 more of the following principles of criminal liability, to-wit: (1) by directly committing this  
17 crime; and/or (2) by Defendants aiding or abetting one another in the commission of this  
18 crime by assisting one another and by providing counsel and encouragement each carrying  
19 out specific acts with the intent that this crime be committed; and/or (3) pursuant to a  
20 conspiracy to commit this crime.

21 COUNT 7 - ROBBERY WITH USE OF A DEADLY WEAPON

22 Defendants did then and there wilfully, unlawfully, and feloniously take personal  
23 property, to-wit: money, from the person of CLINT TOGNOTTI, or in his presence, by  
24 means of force or violence or fear of injury to, and without the consent and against the will  
25 of the said CLINT TOGNOTTI, said Defendants using a deadly weapon, to-wit: a hand gun,  
26 during the commission of said crime, the Defendants being criminally liable under one or  
27 more of the following principles of criminal liability, to-wit: (1) by directly committing this  
28 crime; and/or (2) by Defendants aiding or abetting one another in the commission of this



1 crime by assisting one another and by providing counsel and encouragement each carrying  
2 out specific acts with the intent that this crime be committed; and/or (3) pursuant to a  
3 conspiracy to commit this crime.

4 COUNT 8 - ROBBERY WITH USE OF A DEADLY WEAPON ✓

5 Defendants did then and there wilfully, unlawfully, and feloniously take personal  
6 property, to-wit: money, from the person of DANIELLE BROWN, or in her presence, by  
7 means of force or violence or fear of injury to, and without the consent and against the will  
8 of the said DANIELLE BROWN, said Defendants using a deadly weapon, to-wit: a hand  
9 gun, during the commission of said crime, the Defendants being criminally liable under one  
10 or more of the following principles of criminal liability, to-wit: (1) by directly committing  
11 this crime; and/or (2) by Defendants aiding or abetting one another in the commission of this  
12 crime by assisting one another and by providing counsel and encouragement each carrying  
13 out specific acts with the intent that this crime be committed; and/or (3) pursuant to a  
14 conspiracy to commit this crime.

15 COUNT 9 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON ✓

16 Defendants did wilfully, unlawfully, feloniously, and without authority of law, seize,  
17 confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away JUSTIN  
18 RICHARDSON, a human being, with the intent to hold or detain the said JUSTIN  
19 RICHARDSON against his will, and without his consent, for the purpose of committing  
20 Robbery, said Defendants using a deadly weapon, to-wit: a hand gun, during the  
21 commission of said crime, the Defendants being criminally liable under one or more of the  
22 following principles of criminal liability, to-wit: (1) by directly committing this crime;  
23 and/or (2) by Defendants aiding or abetting one another in the commission of this crime by  
24 assisting one another and by providing counsel and encouragement each carrying out  
25 specific acts with the intent that this crime be committed; and/or (3) pursuant to a conspiracy  
26 to commit this crime.

27 COUNT 10 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON ✓

28 Defendants did then and there wilfully, unlawfully, and feloniously enter, while in

1 possession of a deadly weapon, to-wit: hand gun, with intent to commit larceny and/or a  
2 felony, to-wit: Robbery, the Honda Civic belonging to JUSTIN RICHARDSON, the  
3 Defendants being criminally liable under one or more of the following principles of criminal  
4 liability, to-wit: (1) by directly committing this crime; and/or (2) by Defendants aiding or  
5 abetting one another in the commission of this crime by assisting one another and by  
6 providing counsel and encouragement each carrying out specific acts with the intent that this  
7 crime be committed; and/or (3) pursuant to a conspiracy to commit this crime.

8 COUNT 11 - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON

9 Defendants did then and there wilfully, unlawfully, and feloniously sexually assault  
10 with use of a deadly weapon to-wit: a hand gun, and subject DANIELLE BROWNING, a  
11 female person, to sexual penetration, to-wit: by forcing DANIELLE BROWNING to  
12 perform fellatio on JUSTIN RICHARDSON while threatening to kill her or others if she  
13 didn't perform said sexual act, against her will, the Defendants being criminally liable under  
14 one or more of the following principles of criminal liability, to-wit: (1) by directly  
15 committing this crime; and/or (2) by Defendants aiding or abetting one another in the  
16 commission of this crime by assisting one another and by providing counsel and  
17 encouragement each carrying out specific acts with the intent that this crime be committed;  
18 and/or (3) pursuant to a conspiracy to commit this crime.

19 COUNT 12 - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON

20 Defendants did then and there wilfully, unlawfully, and feloniously sexually assault  
21 with use of a deadly weapon to-wit: a hand gun, and subject DANIELLE BROWNING, a  
22 female person, to sexual penetration, to-wit: by forcing DANIELLE BROWNING to be  
23 subjected to cunnilingus performed by JUSTIN RICHARDSON while threatening to kill her  
24 or others if she didn't engage in said acts said sexual act, against her will, the Defendants  
25 being criminally liable under one or more of the following principles of criminal liability, to-  
26 wit: (1) by directly committing this crime; and/or (2) by Defendants aiding or abetting one  
27 another in the commission of this crime by assisting one another and by providing counsel  
28 and encouragement each carrying out specific acts with the intent that this crime be





1 masturbate his penis, said acts being sexually motivated, the Defendants being criminally  
2 liable under one or more of the following principles of criminal liability, to-wit: (1) by  
3 directly committing this crime; and/or (2) by Defendants aiding or abetting one another in  
4 the commission of this crime by assisting one another and by providing counsel and  
5 encouragement each carrying out specific acts with the intent that this crime be committed;  
6 and/or (3) pursuant to a conspiracy to commit this crime.

7 COUNT 16 - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON

8 Defendants did then and there wilfully, unlawfully, and feloniously sexually assault  
9 with use of a deadly weapon to-wit: a hand gun, and subject DANIELLE BROWNING, a  
10 female person, to sexual penetration, to-wit: digital penetration, Defendant WESLEY  
11 NARCUS penetrating DANIELLE BROWNING's vagina, however slight with his hand  
12 and/or one or more fingers, against her will, the Defendants being criminally liable under  
13 one or more of the following principles of criminal liability, to-wit: (1) by directly  
14 committing this crime; and/or (2) by Defendants aiding or abetting one another in the  
15 commission of this crime by assisting one another and by providing counsel and  
16 encouragement each carrying out specific acts with the intent that this crime be committed;  
17 and/or (3) pursuant to a conspiracy to commit this crime.

18 All of which is contrary to the form, force and effect of Statutes in such cases made  
19 and provided and against the peace and dignity of the State of Nevada. Said Complainant  
20 makes this declaration subject to the penalty of perjury.

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22   
23 2/23/2007

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25 07FH0317A-B/jj  
26 HPD EV# 0703748  
27 CONSP; RWDW;  
28 1ST DEG KID WDW;  
BURG WDW; S/A WDW;  
COERCION WDW - F/GM  
(TK1)

Receiving C/O

**HENDERSON POLICE DEPARTMENT  
DECLARATION OF ARREST**

Page 1 of

DR# 07-03748  
FH# 07FH0317

Arrestees Name: Wilson, Delarian

Date of Arrest: 02/19/07

Time of Arrest: 2111

**CHARGES: Robbery w/Deadly Weapon 200.380/ Consp to Commit Robbery 199.480-1/ Kidnap 1<sup>st</sup> 200.310-1/  
2(cts) Sexual Assault w/Deadly Weapon 200.366**

THE UNDERSIGNED MAKE THE FOLLOWING DECLARATIONS SUBJECT TO THE PENALTY FOR PERJURY AND SAYS: That I am a peace officer with the Henderson Police Department, Clark County, Nevada, being so employed for a period of 7 years 8 (months). That I learned the following facts and circumstances which lead me to believe that the above named subject committed (or was committing) the above offense/offenses at the location of 690 Great Dane and that the offense occurred approximately 2200 hours on the 18th day of February, 2007.

**DETAILS OF PROBABLE CAUSE:**

That on 2-18-07 at approximately 0125 hours, officers responded to 2101 West Warm Springs apartment number 4322. Upon arrival officers contacted Justin Richardson, Aitor Eskandon, Justin Foucault, Ryan Tognotti, Clint Tognotti and Danielle Browning and were advised of the following:

That all of the above listed subjects were at the residence of 690 Great Dane where Aitor Eskandon, Justin Foucault, Ryan Tognotti and Clint Tognotti were watching a movie in the living room of the residence while Justin Richardson and Danielle Browning were sleeping in Richardson's bedroom. At approximately 2200 hours, on 02/18/2007 someone knocked on the front door of the residence.


Ryan answered the door and due to the large amount of people who frequent the residence, Ryan invited them in. The two suspects were described as a black male adult, approximately 20 to 25 years of age, approximately 5'8" to 5' 10" tall with a stout build. The first subject was wearing a black shirt with the letter "A" on it, a black baseball hat, dark jeans and dark colored athletic shoes. The second subject was a black male adult approximately 20-25 years of age, approximately 6 feet tall with a thin build. The second subject was wearing a white baseball hat, white doo-rag, black shirt, dark jeans and gray/black athletic shoes.

Both subjects entered the residence and the first subject asked Ryan where Grant was. Ryan advised the subject that he did not know a Grant. The subjects then became agitated and again asked Ryan where Grant was. Ryan again advised that he did not know a Grant at which point both subjects lifted up the front of their shirts exposing and subsequently pulling firearms from their waist bands. Both subject's firearms were described as black semi-automatic handguns possibly being Glock 9mm. They then pointed the handguns at the subjects in the front room and yelled at them to get on the ground in a circle, face down with their arms over their heads stacking their hands on top of each other in the middle of the circle. The suspects then asked if anyone else was in the residence and they responded that

Declarant must sign all pages with original signature.

Original: Court

  
Declarant's Signature

  
Print Declarant's Name P#

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**HENDERSON POLICE DEPARTMENT  
DECLARATION OF ARREST CONTINUATION PAGE**

Page 2 of \_\_\_\_\_

ID# \_\_\_\_\_

Danielle Browning and Justin Richardson were in the upstairs bedroom asleep.

The first suspect then went upstairs and escorted them to the living room where they were also told to lay face down on the ground with their hands in the center of the circle.

That the first subject then asked the group for all their money. The group only had about \$20 in their possession which was taken by the suspects. The first suspect then asked who had money in their bank accounts and both Ryan Tognotti and Justin Poucault advised that they both had money in their accounts. Ryan was then told get the debit cards and told to drive him to the bank to withdraw money from the accounts. Ryan was then escorted to his vehicle (blue Honda Civic) by the first suspects and drove him to two Banks and withdrew a total of \$900. They then returned to the residence and the suspect told Ryan to get back on the ground face down.

Suspect one told the victims that they were 90% done but that there remained 10% more to finish. The suspects asked Justin Richardson and Danielle Browning how long they had been going out and if they were in love. The suspects subsequently ordered Danielle to perform oral sex on Justin. The suspects told the victims that they expected Justin to have sexual relations (penis to vagina) while they watched. Justin Richardson was unable to sustain an erection out of the stress of the situation and the suspects became irritated. They told both subjects to undress completely and then told Justin Richardson that if he didn't perform, they would begin killing everyone. The suspects forced Justin Richardson and Danielle Browning to engage in mutual oral sex in an attempt arouse Justin Richardson. When Richardson was still unable to perform, they then turned to the other males and asked who would be able to perform. The suspects then demanded that Ryan Tognotti manually try and stimulate himself in order to sustain an erection. Ryan Tognotti was told to lower his clothing exposing his penis and attempt to stimulate himself to erection. Tognotti tried to do as told without success due to the stress.

Danielle Brown was then approached by suspect number two and was digitally penetrated in her vagina. At some point, suspect number one asked who had condoms and after subsequent questioning, Justin Richardson advised that he had condoms in his room. Richardson was escorted to his room and two Trojan lubricated condoms were obtained. The packaging for the condoms was light blue in color. The condoms were taken but never accounted for and remain missing.

The suspects then told the victims that they were going to leave and no one better call the police or they know people that will come back and kill them. The suspects fled taking all of the victims cell phones, discarding all of them outside of the residence with the exception of one belonging to Danielle Browning. The phone belonging to Browning was described as a black camera flip phone with the carrier being Alltel and the phone number being (775-346-0225). The suspects fled in an unknown direction in an unknown

  
Declarant's Signature

Declarant must sign all pages with original signature.

Original: Court

  
Print Declarant's Name #

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**HENDERSON POLICE DEPARTMENT  
DECLARATION OF ARREST CONTINUATION PAGE**

Page 3 of 4

ID# \_\_\_\_\_

manner.

While Detectives were interviewing the victims, I Detective Weske and Detective Hartsorn obtained the owner's information of the 690 Great Dane residence in attempt to learn if a Grant had lived at the residence prior to the current victims. The owner of the residence Victor Michalak said that he had rented the residence to a Brandon who worked at Country Insurance in Henderson. Victor stated Brandon had three roommates and he knew one of them to be a Grant.

Employment records showed Brandon's last name as Preston and a phone number was provided. Brandon was contacted and he stated that a Grant Hieb lived with him at 690 Great Dane and he stated Grant currently lives with him at 225 S. Stephanie #1023. Detectives contacted Grant who agreed to come to the Henderson Police Department and assist Detectives with the investigation.

Grant stated approximately a year ago he was robbed at the house by a friend named Delarian Wilson. (05/31/83) Grant said he knew Wilson from the gym he worked at in addition he would sell Wilson small amounts of Marijuana occasionally. Grant said when he pulled into his garage Wilson snuck into the house wearing a mask however he was immediately recognized by Brandon as Wilson when he pulled out a gun and went upstairs to Grant's room. Grant said Wilson took approximately 1000.00 cash and a small amount of Marijuana. Grant said he asked Wilson why he was doing this as Wilson left his residence with the mask off. Grant said Wilson would not look at him. Grant said he did not want to create a scene because he knew he would be in trouble for selling Marijuana. Grant said he did not call the Police. Grant said Wilson moved to Colorado and joined the Adam's State College Football team. Grant said Wilson does not know Grant moved. Grant said that is the only person he knows that would do something like this. Grant said he has not talked to Wilson, however a friend called him and left him a message stating Wilson was back in town.

Detectives located a Las Vegas Metropolitan Police booking photo of Wilson, which Grant identified as being the Wilson that he knew. A photo line-up was created with Wilson's 2005 booking photo and showed to the victims. The majority of the victims stated Wilson was similar the first suspect that was stout and wearing a black shirt with the letter "A" on it, a black baseball hat, dark jeans and dark colored athletic shoes. After viewing the photo line-up Eskandon stated he was approximately 60% sure that Wilson was one of the suspects that committed the above crimes on him and the other victims.

At approximately 1500 hours, a records check of a Las Vegas Hotel named Circus Circus located at 2880 S. Las Vegas Blvd showed Wilson was registered with four other subjects to room number 8744. While preparing a search warrant for Wilson's hotel room Sgt. Dunaway stated they had detained Wilson at a Blackjack table.

Detective Hartsorn and I responded to the security office of Circus Circus

  
Declarant's Signature

Declarant must sign all pages with original signature.

Original: Court

  
Prior Declarant's Name PS

000035

**HENDERSON POLICE DEPARTMENT  
DECLARATION OF ARREST CONTINUATION PAGE**

Page 4 of     

ID#           

and conducted a recorded interview of Wilson after he was read his Miranda Warning, which he said he understood. Wilson admitted to going to 690 Great Dane with the intention of robbing Grant of his money and Marijuana. Wilson said he was with his friend whom he knows as Narkus. Wilson said they knocked on the door and Narkus pointed a gun at the occupants and put them on the floor. Wilson admitted he rode in the passenger seat of Ryan's vehicle while Ryan collected the money from the ATM. He said Narkus stayed at the house with the remaining victims. Wilson said when he got back Narkus got crazy and tried to make Richardson and Browning have sex and when they couldn't Narkus started to touch Browning. Wilson told Narkus to stop and then they left. Wilson said he intended to rob Grant because Wilson has a gambling problem. Wilson said even after he realized Grant did not live at Great Dane all he could think about was the fact that he arrived in Las Vegas on Friday and had lost 1200.00 and he needed more money.

Due to the fact that the that Wilson admitted he and Narkus conspired to commit a Robbery, the fact they used a deadly weapon while taking the property of another, the fact Ryan was forced to drive to the ATM with Wilson, the fact Browning was forced to perform oral sex on Richardson, and the fact Richardson was forced to perform oral sex on Browning with the use of a deadly weapon, Wilson was charged with the above charges and transported to the Henderson Jail where he was booked accordingly.

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial charges are a misdemeanor).

Declarant must sign all pages with original signature.

Original: Court

  
Declarant's Signature

  
Print Declarant's Name P#

000036

# Henderson Police Department

223 Lead St. Henderson, NV 89015

## Arrest Report

2207

DR NUMBER 0783748	PH NUMBER 078317	MMI NUMBER	REPORT DATE 02/18/2007	REPORT TIME 2230
ASSISTING AGENCY		INTAKE OFC INITIALS	ARREST DATE 02/18/2007	ARREST TIME 1911
LOCATION OF CRIME 880 Great Dane Court Henderson Nevada 89074			INTERSECTION <input type="checkbox"/> AT LOCATION	
LOCATION OF ARREST 2880 South Las Vegas Boulevard Las Vegas Nevada 89101			INTERSECTION <input type="checkbox"/> AT LOCATION	
<input type="checkbox"/> INTERPRETOR NEEDED <input type="checkbox"/> IS SUBJECT COMBATTIVE <input type="checkbox"/> IS SUBJECT SUICIDAL <input type="checkbox"/> ASK SUBJECT IF THEY ARE INJURED <input checked="" type="checkbox"/> MIRANDA GIVEN				
MIRANDA	DATE 02/18/2007	TIME 1940	GIVEN BY C. Weeks 874	<input checked="" type="checkbox"/> MIRANDA WAIVED <input type="checkbox"/> MIRANDA INVOKED
P AND P	<input type="checkbox"/> DRINKING VIOLATION <input type="checkbox"/> CONTACT WITH VICTIM <input type="checkbox"/> IN GAMING ESTABLISHMENT <input type="checkbox"/> CONTACT WITH GANG MEMBER <input type="checkbox"/> CONTACT WITH CHILDREN <input type="checkbox"/> DRIVING VIOLATION <input type="checkbox"/> CONTACT WITH CO-OFFENDER			
PERSON 1	PERSON NAME (LAST, FIRST, MID., SUFFIX) Wilson, Delante K		HEIGHT 5'0"	WEIGHT 220
	PERSON ADDRESS 678 South Killebrew Circle Aurora Colorado 80017		HAIR Black	EYES Brown
	HOME PHONE (303)337-1771	CELL PHONE	PAGER	BUSINESS PHONE
			SSN 524-37-3444	RACE Black
				D.O.B. 03/31/1983
EMERGENCY CONTACT	NAME (LAST, FIRST, MID., SUFFIX)		ADDRESS	
ALIAS	ALIAS (LASTNAME, FIRST, MIDDLE)			
CHARACTER	DESCRIPTION CATEGORY	DESCRIPTION ITEM	DESCRIPTOR DESCRIPTION	
VIOLATION 1	STATUTE 200.308	CLASS Felony	NOC CODE 00118	COUNTS 1
DESCRIPTION Robbery Withd Weap-F				
PCN NUMBER	WARRANT NUMBER		FROM DATE 02/18/2007	FROM TIME 2200
JUVENILE DISPOSITION				
VIOLATION 2	STATUTE 192.480-1	CLASS Felony	NOC CODE 02308	COUNTS 1
DESCRIPTION Conspiracy To Commit A Crime-F (Robbery wdu) Per Wiske				
PCN NUMBER	WARRANT NUMBER		FROM DATE 02/18/2007	FROM TIME 2200
JUVENILE DISPOSITION				
VIOLATION 3	STATUTE 200.310-1	CLASS Felony	NOC CODE 00107	COUNTS 1
DESCRIPTION Kidnap 1st Degree-F				
PCN NUMBER	WARRANT NUMBER		FROM DATE 02/18/2007	FROM TIME 2200
JUVENILE DISPOSITION				

REPORTING OFFICER NISWONGER, ANTHONY	P NUMBER HP1003	TRANSPORTING OFFICER KARTSHORN, BRYAN	P NUMBER HP1146
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# Henderson Police Department

223 Lead St. Henderson, NV 89015

## Arrest Report

*Wilson, Relaxian*

DR NUMBER 0703748	FH NUMBER 070317	M# NUMBER <i>106076</i>	REPORT DATE 02/18/2007	REPORT TIME 2238
ASSISTING AGENCY		INTAKE OFC INITIALS	ARREST DATE 02/18/2007	ARREST TIME 2211
LOCATION OF CRIME 890 Great Dane Court Henderson Nevada 89074			INTERSECTION <input type="checkbox"/> AT LOCATION	
LOCATION OF ARREST 2180 South Las Vegas Boulevard Las Vegas Nevada 89101			INTERSECTION <input type="checkbox"/> AT LOCATION	
<input type="checkbox"/> INTERPRETOR NEEDED <input type="checkbox"/> IS SUBJECT COMBATTIVE <input type="checkbox"/> IS SUBJECT SUICIDAL <input type="checkbox"/> ASK SUBJECT IF THEY ARE INJURED <input checked="" type="checkbox"/> MIRANDA GIVEN				
VIOLETION #	STATUTE 200.366	CLASS Felony	NOC CODE 80114	COUNTS 1
DESCRIPTION Sexual Assault-F				
PCN NUMBER	WARRANT NUMBER	FROM DATE 02/18/2007	FROM TIME 2200	JUVENILE DISPOSITION
VIOLETION #	STATUTE 200.366	CLASS Felony	NOC CODE 80114	COUNTS 1
DESCRIPTION Sexual Assault-F				
PCN NUMBER	WARRANT NUMBER	FROM DATE 02/18/2007	FROM TIME 2200	JUVENILE DISPOSITION

REPORTING OFFICER KISWONGER, ANTHONY	P NUMBER HP1003	TRANSPORTING OFFICER HARTSHORN, BRYAN	P NUMBER HP1148
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# Henderson Police Department

223 Lead St. Henderson, NV 89015

## Arrest Report

Wilson, Delarian

OR NUMBER 0703740	FH NUMBER 070317	MNI NUMBER	REPORT DATE 02/19/2007	REPORT TIME 2230
ASSISTING AGENCY		INTAKE OFFICIAL/PI	ARREST DATE 02/19/2007	ARREST TIME 1911
LOCATION OF CRIME 896 Great Dome Court Henderson Nevada 89074			INTERSECTION <input type="checkbox"/> AT LOCATION	
LOCATION OF ARREST 2880 South Las Vegas Boulevard Las Vegas Nevada 89101			INTERSECTION <input type="checkbox"/> AT LOCATION	
<input type="checkbox"/> INTERPRETOR NEEDED <input type="checkbox"/> IS SUBJECT COMBATTIVE <input type="checkbox"/> IS SUBJECT SUICIDAL <input type="checkbox"/> ASK SUBJECT IF THEY ARE INJURED <input checked="" type="checkbox"/> MIRANDA GIVEN				
PROBABLE CAUSE REVIEW				
The undersigned Magistrate has reviewed the Affidavit and Declaration of Probable Cause for the arrest of the above-named defendant without warrant for the charge(s) shown.				
TIME STAMP AT BOOKING	Finding: <input checked="" type="checkbox"/> I find there is sufficient probable cause, for the purpose of continued incarceration, to believe that charged crime(s) have been committed and that said defendant has committed such crime(s). THEREFORE, IT IS ORDERED that the defendant may be held in custody until bail is posted.			
	BAIL: Standard <input type="checkbox"/> OTHER <input type="checkbox"/> \$ 190,000			
	<input type="checkbox"/> I find there is NOT sufficient probable cause shown to allow the defendant to be held in custody. THEREFORE, IT IS ORDERED that the defendant be immediately released from custody as to the charge(s). This order is without prejudice to the City or State to proceed with the charge(s) based upon additional evidence sufficient to establish probable cause.			
	DPCM <input type="checkbox"/> OR RELEASE <input type="checkbox"/> COR RELEASE <input type="checkbox"/> IAD RELEASE <input type="checkbox"/>			
COMMENT:				
RETURN DATE: NORMAL SCHEDULE <input type="checkbox"/> FIRST AVAILABLE <input type="checkbox"/> OTHER DATE				
Signature of Magistrate: <i>[Signature]</i> JUSTICE COURT <input type="checkbox"/> Date: 2/20 Time: 0835 MUNICIPAL COURT <input type="checkbox"/> 07				

REPORTING OFFICER NBSWONGER, ANTHONY	P NUMBER HP1003	TRANSPORTING OFFICER HARTSHORN, BRYAN	P NUMBER HP1146
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**HENDERSON JUSTICE COURT  
CLARK COUNTY, NEVADA**

H6

Clerk's Initials

**DATE:** 4-17-07 **DEPT #:** 1 **JUDGE:** RODNEY T. BURR

**CUSTODY STATUS**

**NAME:** Wilson, Delia Kameron

**CASE #:** 07FH0317A **DEFENDANT'S ID#:** 1906773

COUNT(S)	CHARGE	BAIL RESET	AMENDED TO
1	Consp Burg		
1	Consp Robb		
6	Robb (WDW)		
1	1st Deg Kidnap (WDW)		
1	Burg (WDW)		
5	Sex Assault (WDW)		
1	Persec (WDW)		

**Other:** 1 Persec (WDW)  
LDC 1st Deg Kidnap (WDW)

☐ Remand on all Counts ☐ Remand on Counts \_\_\_\_\_

☐ **SENTENCE TO CCDC** \_\_\_\_\_ MONTHS \_\_\_\_\_ DAYS ☐ Flat Time ☐ No House Arrest

☐ **Contempt of Court**  
 \_\_\_\_\_ Days with \_\_\_\_\_ Days CTS  
☐ Concurrent ☐ Consecutive  
 To Case # \_\_\_\_\_

- ☐ Concurrent ☐ Consecutive Case # \_\_\_\_\_
- ☐ **Specific CTS** \_\_\_\_\_ Days
- ☐ (1) CTS, this case, this lodging ☐ (2) Total CTS, this case, all lodgings
- ☐ (3) Any CTS, all cases, this lodging
- ☐ (4) Maximum CTS, this case - all lodgings; and all cases - this lodging

☐ If no complaint filed, defendant to be released on: \_\_\_\_\_

☐ **FUGITIVES** - Court orders Defendant to be released 30 days from this date (IF THERE ARE NO LOCAL CHARGES) OR released 30 days after all local charges have been resolved.

☐ House Arrest (if qualifies) ☐ House Arrest \_\_\_\_\_ Days ☐ PreTrial to Interview

**NEXT COURT DATE:** 5-7-07 **TIME:** 1:00 **DEPT #:** 10A

**CHANGE OF CUSTODY STATUS**

- ☐ CTS ☐ Dismissed ☐ Found Not Guilty ☐ No Probable Cause Found ☐ Defendant Released
- ☐ Released on Own Recognizance ☐ O/R Intensive Supervision ☐ Sentenced and/or Fine \$ \_\_\_\_\_
- ☐ No Contact with Victim ☐ Defendant Released from ISU ☐ Defendant released from H/A

**RETURN DATE:** \_\_\_\_\_ **TIME:** \_\_\_\_\_ **DEPT #:** \_\_\_\_\_

This form is not to be altered without consent of Clark County Justice Courts and Detention Center's Administrations

**HENDERSON JUSTICE COURT  
CLARK COUNTY, NEVADA**

[H]

Clerk's Initials

DATE: 4-17-07 DEPT #: 1 JUDGE: RODNEY T. BURR

**CUSTODY STATUS**

NAME: Wilson, Leticia K. RIVERA

CASE #: 07F10317A DEFENDANT'S ID#: 1966773

COUNT(S)	CHARGE	BAIL RESET	AMENDED TO
1	1st D.P. Injury		
1	1st D.P. Molest		
60	60 D.D.W.		
1	1st D.P. Kidnap		
1	1st D.P. Unlawful		
5	5 1st D.P. Unlawful		

Other: 1 1st D.P. Unlawful

☐ Remand on all Counts ☐ Remand on Counts \_\_\_\_\_

☐ SENTENCE TO CCDC \_\_\_\_\_ MONTHS \_\_\_\_\_ DAYS ☐ Flat Time ☐ No House Arrest

☐ Contempt of Court  
 \_\_\_\_\_ Days with \_\_\_\_\_ Days CTS  
☐ Concurrent ☐ Consecutive  
 To Case # \_\_\_\_\_

- ☐ Concurrent ☐ Consecutive Case # \_\_\_\_\_
- ☐ Specific CTS \_\_\_\_\_ Days
- ☐ (1) CTS, this case, this lodging ☐ (2) Total CTS, this case, all lodgings
- ☐ (3) Any CTS, all cases, this lodging
- ☐ (4) Maximum CTS, this case - all lodgings; and all cases - this lodging

☐ If no complaint filed, defendant to be released on: \_\_\_\_\_

☐ FUGITIVES - Court orders Defendant to be released 30 days from this date (IF THERE ARE NO LOCAL CHARGES) OR released 30 days after all local charges have been resolved.

☐ House Arrest (if qualifies) ☐ House Arrest \_\_\_\_\_ Days ☐ PreTrial to Interview

NEXT COURT DATE: 4-17-07 TIME: 1:00 PM DEPT #: 1

**CHANGE OF CUSTODY STATUS**

- ☐ CTS ☐ Dismissed ☐ Found Not Guilty ☐ No Probable Cause Found ☐ Defendant Released
- ☐ Released on Own Recognizance ☐ O/R Intensive Supervision ☐ Sentenced and/or Fine \$ \_\_\_\_\_
- ☐ No Contact with Victim ☐ Defendant Released from ISU ☐ Defendant released from H/A

RETURN DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ DEPT #: \_\_\_\_\_

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**HENDERSON JUSTICE COURT  
CLARK COUNTY, NEVADA**

**HS**

Clerk's Initials

**DATE:** 3-27-07 **DEPT #:** 1 **JUDGE:** RODNEY T. BURR

**CUSTODY STATUS**

**NAME:** WILSON, Delia K

**CASE #:** NIF H 037A **DEFENDANT'S ID#:** 1906773

COUNT(S)	CHARGE	BAIL RESET	AMENDED TO
1	Prob. Cause		
1	Prob. Cause		
6	KIDNAP WDW		
1	KIDNAP 1st Deg		
1	Prob. Cause		
5	SEX ABUSE WDW		

**Other:** 1 Prob. Cause WDW

☐ Remand on all Counts ☐ Remand on Counts \_\_\_\_\_

☐ **SENTENCE TO CCDC** \_\_\_\_\_ MONTHS \_\_\_\_\_ DAYS ☐ Flat Time ☐ No House Arrest

☐ **Contempt of Court**  
 \_\_\_\_\_ Days with \_\_\_\_\_ Days CTS  
☐ Concurrent ☐ Consecutive  
 To Case # \_\_\_\_\_

- ☐ Concurrent ☐ Consecutive Case # \_\_\_\_\_  
☐ Specific CTS \_\_\_\_\_ Days  
☐ (1) CTS, this case, this lodging ☐ (2) Total CTS, this case, all lodgings  
☐ (3) Any CTS, all cases, this lodging  
☐ (4) Maximum CTS, this case - all lodgings; and all cases - this lodging

☐ If no complaint filed, defendant to be released on: \_\_\_\_\_

☐ **FUGITIVES** - Court orders Defendant to be released 30 days from this date (IF THERE ARE NO LOCAL CHARGES) OR released 30 days after all local charges have been resolved.

☐ House Arrest (if qualifies) ☐ House Arrest \_\_\_\_\_ Days ☐ PreTrial to interview

**NEXT COURT DATE:** 4-13-07 **TIME:** 7:30 **DEPT #:** 1

**CHANGE OF CUSTODY STATUS**

- ☐ CTS ☐ Dismissed ☐ Found Not Guilty ☐ No Probable Cause Found ☐ Defendant Released  
☐ Released on Own Recognizance ☐ O/R Intensive Supervision ☐ Sentenced and/or Fine \$ \_\_\_\_\_  
☐ No Contact with Victim ☐ Defendant Released from ISU ☐ Defendant released from H/A

**RETURN DATE:** \_\_\_\_\_ **TIME:** \_\_\_\_\_ **DEPT #:** \_\_\_\_\_

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**HENDERSON JUSTICE COURT  
CLARK COUNTY, NEVADA**

**HE**  
Clerk's Initials

**DATE:** 3 22 07 **DEPT #:** 1 **JUDGE:** RODNEY T. BURR

**CUSTODY STATUS**

**NAME:** Wilson, Delon

**CASE #:** 07FHC317A **DEFENDANT'S ID#:** 1966773

COUNT(S)	CHARGE	BAIL RESET	AMENDED TO
1	1st D.P.U.		
1	1st D.P.U.		
6 CTS	1st D.P.U.		
1	1st D.P.U.		
1	1st D.P.U.		
5 CTS	5th D.P.U.		

**Other:** 1st D.P.U.

☐ Remand on all Counts ☐ Remand on Counts \_\_\_\_\_

☐ **SENTENCE TO CCDC** \_\_\_\_\_ MONTHS \_\_\_\_\_ DAYS ☐ Flat Time ☐ No House Arrest

☐ Contempt of Court  
\_\_\_\_\_ Days with \_\_\_\_\_ Days CTS  
☐ Concurrent ☐ Consecutive  
To Case # \_\_\_\_\_

☐ Concurrent ☐ Consecutive Case # \_\_\_\_\_  
☐ Specific CTS \_\_\_\_\_ Days  
☐ (1) CTS, this case, this lodging ☐ (2) Total CTS, this case, all lodgings  
☐ (3) Any CTS, all cases, this lodging  
☐ (4) Maximum CTS, this case - all lodgings, and all cases - this lodging

☐ If no complaint filed, defendant to be released on: \_\_\_\_\_  
☐ **FUGITIVES** - Court orders Defendant to be released 30 days from this date (IF THERE ARE NO LOCAL CHARGES) OR released 30 days after all local charges have been resolved.

☐ House Arrest (if qualifies) ☐ House Arrest \_\_\_\_\_ Days ☐ PreTrial to interview

**NEXT COURT DATE:** 3-27-07 **TIME:** 9:00 **DEPT #:** \_\_\_\_\_

**CHANGE OF CUSTODY STATUS**

☐ CTS ☐ Dismissed ☐ Found Not Guilty ☐ No Probable Cause Found ☐ Defendant Released  
☐ Released on Own Recognizance ☐ O/R Intensive Supervision ☐ Sentenced and/or Fine \$ \_\_\_\_\_  
☐ No Contact with Victim ☐ Defendant Released from ISU ☐ Defendant released from H/A

**RETURN DATE:** \_\_\_\_\_ **TIME:** \_\_\_\_\_ **DEPT #:** \_\_\_\_\_

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100

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
TEMPORARY CUSTODY RECORD

I.D. # 1906773

Event #

DATE OF ARREST: 2-28-02 TIME OF ARREST: 2217

INTAKE NAME (ANY ALIAS, ETC.)

LAST FIRST MIDDLE

KAMERON

TRUE NAME

LAST

Wilson Delavien

STATE

NV

ZIP

39123

ADDRESS NUMBER & STREET

906 W. DUNCAN ST

BLDG. NO.

CITY

HELVETSON

DATE OF BIRTH

5-31-83

RACE

8

SEX

M

HEIGHT

6-0

WEIGHT

200

HAIR

BLK

EYES

BRN

SOCIAL SECURITY #

[REDACTED]

DATE OF ARREST

2-28-02

TIME OF ARREST

2217

LOCATION OF CRIME (S - Street, C - City, B - Bus, T - Train)

WHERAITS IN AN ID

CC

CC

CC

CC

CC

CC

CC

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CC

CC

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CHARGE

TOPP 3-1-07

ORD / MRS

99.00 DPH #1

9975 COERCION WDU

207.190

3,000

PM

OTF HD 317A

BING CODE

TOPP 3-1-07

ORD / MRS

99.00 DPH #1

9975 COERCION WDU

207.190

3,000

PM

OTF HD 317A

OTF HD 317A

CHARGE

TOPP 3-1-07

ORD / MRS

99.00 DPH #1

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**HENDERSON JUSTICE COURT  
CLARK COUNTY, NEVADA**

**Hg**

Clerk's Initials

**DATE:** 2-27-07      **DEPT #:** 1      **JUDGE:** RODNEY T. BURR

**CUSTODY STATUS**

**NAME:** Wilson, Dalarian Kameron

**CASE #:** 07FH0317A      **DEFENDANT'S ID#:** 1966723

COUNT(S)	CHARGE	BAIL RESET	AMENDED TO
1	Consp Burg	\$5,000 C/S	Added by DA
1	Consp Robb	\$30,000 C/S	
6	Robb WDW	\$30,000 C/S EACH	5 Cts Added by DA
1	1st Deg Kidnap	100,000 C/S	
1	Burg WDW	\$15,000 C/S	Added by DA
5	Sex Asset WDW	\$15,000 C/S EACH	3 Cts Added by DA
Other: 1	Coercion WDW	\$3,000 C/S	Added by DA
<b>Total \$407,000 C/S</b>			

☒ Remand on all Counts    ☐ Remand on Counts \_\_\_\_\_

☐ **SENTENCE TO CCDC** \_\_\_\_\_ MONTHS \_\_\_\_\_ DAYS    ☐ Flat Time    ☐ No House Arrest

☐ Contempt of Court  
      Days with \_\_\_\_\_ Days CTS  
☐ Concurrent ☐ Consecutive  
      To Case # \_\_\_\_\_

- ☐ Concurrent    ☐ Consecutive    Case # \_\_\_\_\_  
☐ Specific CTS \_\_\_\_\_ Days  
☐ (1) CTS, this case, this lodging    ☐ (2) Total CTS, this case, all lodgings  
☐ (3) Any CTS, all cases, this lodging  
☐ (4) Maximum CTS, this case - all lodgings; and all cases - this lodging

☐ If no complaint filed, defendant to be released on: \_\_\_\_\_

☐ **FUGITIVES** - Court orders Defendant to be released 30 days from this date (IF THERE ARE NO LOCAL CHARGES) OR released 30 days after all local charges have been resolved.

☐ House Arrest (if qualifies)    ☐ House Arrest \_\_\_\_\_ Days    ☐ PreTrial to Interview

**NEXT COURT DATE:** 3-1-07      **TIME:** 9:00      **DEPT #:** 1

**CHANGE OF CUSTODY STATUS**

- ☐ CTS    ☐ Dismissed    ☐ Found Not Guilty    ☐ No Probable Cause Found    ☐ Defendant Released  
☐ Released on Own Recognizance    ☐ O/R Intensive Supervision    ☐ Sentenced and/or Fine \$ \_\_\_\_\_  
☐ No Contact with Victim    ☐ Defendant Released from ISU    ☐ Defendant released from H/A

**RETURN DATE:** \_\_\_\_\_      **TIME:** \_\_\_\_\_      **DEPT #:** \_\_\_\_\_

This form is not to be altered without consent of Clark County Justice Courts and Detention Center's Administrations

ORIGINAL

HENDERSON  
JUSTICE COURT

2007 MAR 20 P 2:15

FILED

MOT  
JAMES A. ORONOZ, ESQ.  
Nevada Bar No. 6769  
DRASKOVICH & ORONOZ, P.C.  
815 S. Casino Center Blvd.  
Las Vegas, Nevada 89101-6718  
702-474-4222  
Attorney for Defendant

JUSTICE COURT, HENDERSON TOWNSHIP

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

DELARIAN WILSON,

Defendant.

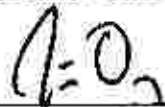
CASE NO: 07FH0317A  
DEPT. NO: 1

MOTION TO PLACE ON CALENDAR TO RESET PRELIMINARY HEARING DATE

COMES NOW, the Defendant, DELARIAN WILSON, by and through his attorney,  
JAMES A. ORONOZ, ESQ., and respectfully moves that this Honorable Court place this matter  
on calendar to reset preliminary hearing date.

DATED this 14<sup>th</sup> day of March, 2007.

DRASKOVICH & ORONOZ, P.C.

  
JAMES A. ORONOZ, ESQ.  
Nevada Bar No. 6769  
815 S. Casino Center Blvd.  
Las Vegas, Nevada 89101-6718

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TO: DISTRICT ATTORNEY

YOU WILL PLEASE TAKE NOTICE that JAMES A. ORONOZ, ESQ., counsel for defendant DELARIAN WILSON has set the foregoing MOTION TO PLACE ON CALENDAR for hearing on 22 of March, 2007, at 9:00<sup>am</sup> in Department 1 of the Justice Court, Henderson Township.

DATED this 14<sup>th</sup> day of March, 2007.

DRASKOVICH &amp; ORONOV, P.C.

By:

JAMES A. ORONÓZ, ESQ.

Nevada Bar No. 6769  
815 S. Casino Center Blvd.  
Las Vegas, Nevada 89101-6718  
Attorney for Defendant

1 ROC  
2 JAMES A. ORONNOZ, ESQ.  
3 Nevada Bar No. 6769  
4 DRASKOVICH & ORONNOZ, P.C.  
5 815 S. Casino Center Blvd.  
6 Las Vegas, Nevada 89101-6718  
7 702-474-4222  
8 Attorney for Defendant

9 JUSTICE COURT, HENDERSON TOWNSHIP

10 CLARK COUNTY, NEVADA

11 THE STATE OF NEVADA,

12 Plaintiff,

13 vs.

14 DELARIAN WILSON,

15 Defendant.

16 CASE NO: 07FH0317A  
17 DEPT. NO: 1

18 RECEIPT OF COPY

19 I, the undersigned, hereby certify that I received a true copy of DEFENDANT'S  
20 MOTION TO PLACE ON CALENDAR TO RESET PRELIMINARY HEARING DATE.

21 DATED this 19 day of March, 2007.

22   
23 DAVID ROGER, D.A.  
24  
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