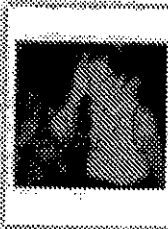


Tuesday, August 14, 2012



Echo---So sorry its been a few days since I have written to you. Mike thought it would be a good idea to take me to the mountains to get my mind off things....NOT....Cried all the way up there and the whole day there...you know what

a baby I am. I know what you would say to me right now "MOM STOP ITS OKAY" but Echo I cannot help it. I pray all day for strength, I do I swear I do. Last night your friends had a HUGE fundraiser for the kiddos and ohhhh my gossesh....it was amazing. There was so much of everything from so many wonderful people. You always had a way of bringing out the best in everyone you meet. You have some wonderful friends and you are so right about Misty and Sheena. They are AWESOME. The boys and CupCake are doing wonderful.....your Dad is great with them. I miss you soboooo Much. But I know u are in the book of LIFE and Im gunna be there too....I can imagine that by now you have turned everything pink up there and fighting over that Princess crown....I love you, and I will write you this evening. love Mom


CLERK OF THE COURT

MEMO
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
SCOTT L. COFFEE
Deputy Public Defender
Nevada Bar No. 5607
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C-12-286357-1
)	
v.)	DEPT. NO. XI
)	
TROY RICHARD WHITE,)	DATE: July 20, 2015
)	TIME: 9:00 a.m.
Defendant.)	

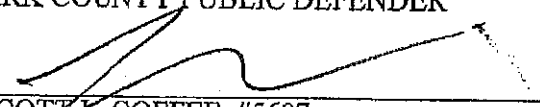
SENTENCING MEMORANDUM

COMES NOW, the Defendant, TROY RICHARD WHITE, by and through SCOTT L. COFFEE, Deputy Public Defender and hereby files this Sentencing Memorandum.

This Memorandum consist of: Points and Authorities including arguments; Letters of support from people familiar with Troy White and his family (Attached hereto as Exhibit 1 A-E) and a Risk Assessment by Dr. Greg Harder (Attached hereto as Exhibit 2).

DATED this ____ day of July, 2015.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: 
SCOTT L. COFFEE, #5607
Deputy Public Defender

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 Troy White stands convicted by a jury of his peers of Count 1-Second Degree Murder with
3 Use of a Deadly Weapon; Count 2-Attempt Murder with use of a Deadly Weapon; Count 3-
4 Carrying a Concealed Weapon; and Counts 4 through 8 - Child Abuse, Neglect, or Endangerment.
5 All of the counts arise from a single incident of violence. The jury rejected the state's claim that
6 Troy White's killing of his wife Echo was willful, deliberate and premeditated and reduced the
7 charge to Second Degree Murder. He awaits sentencing by this court.

8 This court, having heard the trial, is familiar with the facts of the case. In quick summary,
9 Troy and Echo White were going through marital problem including a separation. During the
10 separation Troy White continued to support his family. Echo White ultimately started a romantic
11 relationship with a family friend, Joe Averman, who was living in the White home at the time of
12 the shooting. There were talks of reconciliation, but ultimately a dispute erupted which tragically
13 ended in the death of Echo White. Troy White appeared at the home earlier than expected on the
14 day of the shooting and asked to speak with his wife. According to Averman there was no cause
15 for concern initially, but eventually he heard an argument through the closed door of a
16 bedroom/sewing room. Troy White had entered the home with a loaded firearm and when the
17 confrontation escalated he fired several shots, leaving Echo White dead and Averman wounded.

18 Troy White called 911, but then fled the scene as sirens approached. In the process of
19 fleeing he left his children unattended at the family home. A few hours later Troy White turned
20 himself into authorities in Prescott, Arizona.

21 Pre-Sentence Investigation

22 A Pre-Sentence Investigation (PSI) report was prepared in the instant matter
23 recommending, among other things, that all counts run consecutive to each other. No particular
24 basis for the recommendation is made although one might speculate that it is because each of the
25 children are separately named in the Complaint. For the reasons set forth below, the defense
26 respectfully submits that the facts of the instant case and the defendant's lack of criminal record
27 call for a deviation from recommendation in the PSI, particularly as it relates to consecutive time
28 between the primary offenses set forth in Counts 1 and 2 the remaining Counts 3 through 8, the

1 latter counts all being ancillary to of the criminal episode which culminated in Echo White's death
2 and the shooting of Joe Averno.

3 There is no doubt that lives were changed as the result of Troy White's crimes and that
4 White injured the very people he wanted so desperately to keep in this life. That said, this has
5 never been a case where the primary and/or independent purpose of the acts committed was the
6 "carrying of a concealed firearm" or Child Abuse, Neglect or Endangerment."

7 **I. Law concerning concurrent and consecutive sentences**

8 This court may appropriately take into account the aggregation of charges in sentencing
9 decisions. See Jackson v. State, 128 Nev. Adv. Op. 55, 291 P.3d 1274, 1279-80 (2012). As
10 pointed out by Justice Scalia's dissent in Oregon v. Ice, 555 U.S. 160 (2009), it is not a decision to
11 be made lightly:

12 "The decision to impose consecutive sentences alters the single consequence most
13 important to convicted noncapital defendants: their date of release from prison. For
14 many defendants, the difference between consecutive and concurrent sentences is
15 more important than a jury verdict of innocence on any single count: Two
consecutive 10-year sentences are in most circumstances a more severe punishment
than any number of concurrent 10-year sentences."

16 a) Nevada law generally

17 In Nevada, judges are given extra-ordinary discretion at sentencing---there are few
18 guidelines other than that the ultimate sentence be within the bounds of set by the legislature. See,
19 for example, Culverson v. State, 95 Nev. 433 (1979). That said, there are actual legal
20 considerations which should be made by the court in determining whether sentences should be run
21 concurrently or consecutively---considerations oft times left unraised during sentencing
22 proceedings.

23 First off, Nevada recognizes a general presumption for concurrent sentences which is set
24 forth in NRS 176.03---: "...if the court makes no order with reference thereto, all such subsequent
25 sentences run concurrently." See also Bradley v. State, 109 Nev. 1090, 864 P.2d 1272 (1993)
26 (noting that concurrent sentence presumed when the sentencing court fails to designate the
27 sentence as consecutive).

1 In addition to the general presumption of concurrent sentences there is a specific
2 consideration which the court should take into account under the facts of the instant case---namely
3 the legislative guidance provide by the text of NRS 200.508.

4 **b) Statutory considerations calling for concurrent time between Count 1 and Counts 4-8.**

5 The presumption of concurrent sentencing is not generally mandatory and the court has the
6 ultimate discretion to determine whether or not sentences should be served concurrently absent
7 legislative directive to the contrary.¹ Here there is a specific legislative mandate against
8 consecutive time between Count 1- Second Degree Murder and Counts 4 through 8 - Child Abuse,
9 Neglect or Endangerment.

10 In the instant case the State, in Counts 4 through 8, charged White with "Child Abuse,
11 Neglect or Endangerment" pursuant to NRS 200.508(1). Under the terms of NRS 200.508(1)
12 punishments set forth) shall be imposed "...unless a more severe penalty is prescribed by law for
13 an act or omission that brings about the abuse or neglect."

14 With the exception of the victim's names and ages, Counts 4 through 8 are identically pled,
15 charging White with Child Abuse, Neglect or Endangerment by: "...discharging a firearm inside
16 the child's home within close proximity to the child and/or shooting the child's mother, Echo
17 White, failing to seek assistance for Echo White, and allowing her to die while the said
18 JODEY[JESSE/JAYCE/JAZZY/JETT] WHITE was coming in and out of the room and/or was in
19 the near vicinity."

20 That the children suffered harm as the result of Troy White killing Echo White is beyond
21 dispute.² The fact that the killing happened in their presence surely added to the harm suffered
22 and is a legitimate consideration in determining the underlying sentence for White's conviction of
23 Second Degree Murder. That said, the acts committed by White were never done for the purpose
24 of harming the children and the charges of "Child Abuse, Neglect or Endangerment" have always
25 been inextricably intertwined with the shooting of Echo White.

26
27 ¹ "Rather than the facts or evidence in a specific case, the proper focus is on legislative authorization, beginning with
28 an analysis of the statutory text. If the Legislature has authorized—or interdicted—cumulative punishment, that
legislative directive controls. Absent express legislative direction, the Blockburger test is employed" Jackson v. State,
291 P.3d 1274, 1282 (2012)

² Although no specific harm was alleged in the complaint beyond "unjustifiable physical pain or mental suffer."

1 The defense respectfully submits that in truth, in fact and as pled that the act or omission
2 bringing about the charges of Child Abuse, Neglect or Endangerment as set forth in Counts 4
3 thorough 8 was the murder of Echo White. As such a more severe penalty has been proscribed for
4 by law for the murder of Echo White than for the charges of Child Abuse, Neglect or
5 Endangerment set forth in Counts 4 thorough 8 said counts do not call for separate sentences and
6 hence Counts 4 through 8 should run concurrently to Count 1.

7 Simply put, in adopting NRS 200.508 the legislature recognized that there are situation in
8 which child abuse, neglect or endangerment will be ancillary to a more serious crime and that in
9 such instances a separate and additional punishment in not warranted.

10 **c. More considerations regarding concurrent vs. consecutive time**

11 As set forth above, NRS 200.508 seems to provide a limitation on the imposition of
12 consecutive sentences for charges of Child Abuse, Neglect or Endangerment which arise ancillary
13 to a more serious offense. Why would this be the case? If this court decides that NRS 200.508
14 prohibition against consecutive time in certain instances does not apply to the case at bar, what
15 considerations should be made in making a decision concerning concurrent imposition of
16 sentences? Nevada law remains largely silent on the issues, but other courts and states that have
17 weighed the issue and can provide some general guidance.

18 i. Considerations by State

19 **Arkansas:** In the absence of an order to the contrary, sentences are to be served
20 concurrently---even sentences imposed subsequent to the original sentence. See Hadley v. State,
21 322 Ark. 472, 910 S.W.2d 675 (1995).

22 **Colorado:** A defendant may be convicted of multiple offenses arising out of a single
23 transaction, but sentences imposed must run concurrently. Armintrout v. People, 864 P.2d 576
24 (Colo.1993). See People v. Torrez, 2013 COA 37, 316 P.3d 25 (2013) noting that as a general rule
25 section 18-1-408(3), C.R.S. 2012 (subsection 408(3)) requires concurrent sentences when a
26 defendant is convicted of multiple crimes based on identical evidence."

27 ///

28 ///

1 **Hawaii:** Court shall consider:

2 1) The nature and circumstances of the offense and the history and characteristics of the
3 defendant;

4 2) The need for the sentence imposed:

5 a) To reflect the seriousness of the offense, to promote respect for law, and to
6 provide just punishment for the offense;

7 b) To afford adequate deterrence to criminal conduct;

8 c) To protect the public from further crimes of the defendant; and

9 d) To provide the defendant with needed educational or vocational training, medical
10 care, or other correctional treatment in the most effective manner;

11 3) The kinds of sentences available; and

12 4) *The need to avoid unwarranted sentence disparities among defendants with similar*
13 *records who have been found guilty of similar conduct.*

14 Haw.Rev.Stat. Ann. §§ 706-606 9 (emphasis added). Multiple terms of imprisonment run
15 concurrently unless the court orders or the statute mandates that the terms run consecutively. §§
16 706-668.5.

17 **Illinois:** Recognizes that consecutive sentences should be imposed sparingly. People v.
18 Coleman, 166 Ill.2d 247, 209 Ill.Dec. 782, 652 N.E.2d 322 (1995).

19 **Indiana:** Courts are directed to consider various mitigation and aggravation, but there are
20 specific limits to the imposition of consecutive time such that the total aggregate sentence for non-
21 violent offenses must not be more than a single sentencing grade higher than the single highest
22 individual sentence. West's Ann.Ind.Code §§ 35-50-1-2(c), 35-38-1-7.1(a) and (b) (listing 22
23 different factors); See also Ellis v. State, 736 N.E.2d 731 (Ind. 2000).

24 **Maine:** Judge must make certain predicate fact findings before imposing consecutive time.
25 Me.Rev.Stat. Ann., Tit. 17-A, § 1256 (2006); State v. Keene, 927 A.2d 398 (2007).

26 **Michigan:** Consecutive sentence may be imposed only if specifically authorized by statute.
27 People v. Nantelle, 215 Mich.App. 77, 544 N.W.2d 667 (1996).

1 **Minnesota:** Factors to be considered in determining whether multiple offenses constitute a
2 single behavioral act are time, place, and whether the offenses were motivated by a desire to obtain
3 a single criminal objective. State v. Gould, 562 N.W.2d 518 (Minn. 1997). Multiple sentences are
4 to run concurrently and not consecutively unless the court specifies otherwise. State v. Rasinsky,
5 527 N.W.2d 593 (Minn.App. 1995).

6 **Missouri:** While there are no specific mandatory standards concerning the imposition of
7 consecutive sentences, court is directed not to impose a consecutive sentence unless, having regard
8 to the nature and circumstances of the offense and the history and character of the defendant, it is
9 of the opinion that such a term is required because of the exceptional features of the case.
10 Mo.Stat.Ann. § 558.026 cmt.

11 **New Jersey:** State v. Yarbough, 100 N.J. 627, 498 A.2d 1239 (1985) sets out guidelines
12 for imposing concurrent or consecutive sentences with the following principles:

- 13 1) No free crimes (all crimes must be punished);
- 14 2) Reasons for consecutive or concurrent sentence must be separately stated. Reasons
15 should include facts such as:
 - 16 a) Were objectives of different crimes independent of each other;
 - 17 b) Crimes involved separate acts of violence;
 - 18 c) Crimes committed at different times or separate places;
 - 19 d) Did any crimes involve multiple victims;
 - 20 e) Convictions are numerous.
- 21 3) No double counting aggravating factors;
- 22 4) Successive terms for same offense shouldn't equal punishment for first offense;
- 23 5) Consecutive sentences shouldn't exceed sum of the longest terms that could be
24 imposed for two most serious sentences.

25 **New York:** Sentences imposed for two or more offenses may *not* run consecutively when
26 a single act constitutes the two offenses, or when a single act constitutes one of the offenses and a
27 material element of the other. People v. Laureano, 87 N.Y.2d 640, 642 N.Y.S.2d 150, 664 N.E.2d
28 1212 (1996) (emphasis added). Also, the courts may order a sentence to run concurrently in a
situation where consecutive sentences would otherwise be required if it finds mitigating

1 circumstances that bear directly upon the manner in which the crime was committed or determines
2 the defendant's participation was relatively minor. N.Y. Penal Law § 70.25.

3 **North Dakota:** Sentences run concurrently unless the judgment specifies otherwise or
4 unless consecutive sentences are required by statute. State v. Wall, 348 N.D. 671, 502 S.E.2d 585
5 (1998).

6 **Ohio:** Sentences for multiple offenses deemed to be concurrent unless the sentencing court
7 specifically states the sentences are consecutive. In re Samkas, 80 Ohio App.3d 240, 608 N.E.2d
8 1172 (1992).

9 **Oregon:** Sets forth in some detail the situations in which a court may impose a consecutive
10 sentence and requires certain predicate finding before imposing consecutive sentences.
11 Or.Rev.Stat. § 137.123; Oregon v. Ice, 555 U.S. 160, 164, 129 S. Ct. 711, 715, 172 L. Ed. 2d 517
12 (2009). Sentences presumed to be concurrent unless the court expressly orders otherwise. State v.
13 Hemlin, 151 Or.App. 481, 950 P.2d 336 (1997).

14 **Tennessee:** Sets forth in some detail the situations in which a court may impose a
15 consecutive sentence and requires certain predicate findings. Tenn.Code Ann. § 40-35-115; State
16 v. Allen, 259 S.W.3d 671 (Tenn. 2008).

17 **Texas:** Takes matters even a bit further as consecutive sentencing not permitted absent
18 statutory authority. Cook v. State, 824 S.W.2d 634 (Tex.Cr.App. 1991).

19 **Utah:** When imposing consecutive sentences, a court must consider the gravity and
20 circumstances of the offenses and the history, character, and rehabilitative needs of the defendant.
21 Utah Code Ann. § 76-3-401.

22 **Washington:** Pursuant to RCW 9.94A.589. Consecutive or concurrent sentences:

23 1) a) Except as provided in b) or c) of this subsection, whenever a person is
24 to be sentenced for two or more current offenses, the sentence range for each
25 current offense shall be determined by using all other current and prior convictions
26 as if they were prior convictions for the purpose of the offender score: PROVIDED,
27 That if the court enters a finding that some or all of the current offenses encompass
28 the same criminal conduct then those current offenses shall be counted as one
crime. Sentences imposed under this subsection shall be served concurrently.
Consecutive sentences may only be imposed under the exceptional sentence
provisions of RCW 9.94A.535. "Same criminal conduct," as used in this subsection,
means two or more crimes that require the same criminal intent, are committed at

1 the same time and place, and involve the same victim. This definition applies in
2 cases involving vehicular assault or vehicular homicide even if the victims occupied
the same vehicle.

3 The exceptions noted above allow for the certain violent felonies to run consecutive to each
4 other, but even those offenses must run concurrent to the non-violent offenses. RCW 9.94A.586 b)
5 - c). The foregoing means concurrent sentences are generally required for all offense which are
6 sentenced during the same proceeding, this is true even if defendant has enter two separate and
7 distinct plea agreements. State v. Smith, 74 Wash.App. 844, 875 P.2d 1249 (1994).

8
9 But see

10 Virginia: Multiple sentences to confinement do not run concurrently unless expressly
11 ordered by the court. Robertson v. Superintendent of Wise Correctional Unit, 248 Va. 232, 445
12 S.E.2d 116 (1994).

13 Wyoming: If the trial court is silent with respect to concurrent service of the sentences, the
14 presumption is that the sentences are to be served consecutively. Apodaca v. State, 891 P.2d 83
15 (Wyo.1995).

16
17 ii. Summary of other states:

18 The rationale for concurrent time is perhaps addressed best by Hawaii's recognition of
19 "The need to avoid unwarranted sentence disparities among defendants with similar records who
20 have been found guilty of similar conduct." Reviewing the other state's approaches leads to the
21 finding of several common considerations:

- 22 1) Whether the crimes are based upon a single act, event or transaction in both time and
23 place.
- 24 2) Whether the crimes involve a singular intent or objective.
- 25 3) Whether there are exceptional factors in the defendant's history which would compel
26 consecutive sentences.
- 27 4) Rehabilitative potential for the defendant.
- 28 5) Mitigating and aggravating circumstances of the crime itself.

1
2 d) Common Sense and fairness regarding concurrent vs. consecutive time in the instant case

3 In Nevada, prosecutors, like judges, have great latitude. The manner the state chooses to
4 charge a defendant varies greatly from case to case---in some instances this will result in a single
5 count or two embracing the essence of the defendant's criminal behavior. In other instances it will
6 result in a "multitude" approach to charging in which the prosecutor brainstorms virtually every
7 possible criminal act and includes it in the charging document. Sometimes it seems as if the
8 prosecution is treating the charging process as if it were a law school exam and that the sheer
9 number and variations of charges are what will generate the highest grade. While an "A" for effort
10 might be in order, the number of allegations should not overwhelm the fundamental facts of the
11 case. There is no guarantee of absolute parity in sentencing but fundamental fairness dictates that
12 the ultimate sentence should not depend on how creative the prosecution was in the charging
13 process.

14 In the instant case, the "multitude" charging approach has left this court with huge amounts
15 of discretion but whatever this court decides, Troy White will be in custody for a significant
16 amount of time--perhaps most of the remainder of his life. The forgoing in no way minimizes the
17 tragedy which befell the entire family on the day of the shooting. There is no doubt that the lives
18 of all the family members involved were tragically shattered by Troy White's actions. That said,
19 in virtually every murder case there is great loss, particularly where the victim has young children.
20 The court can, and should, consider the family dynamics involved when setting a sentence for the
21 underlying charge Count 1-Second Degree Murder. In fact, NRS 193.330 calls for such
22 consideration in setting the appropriate time to be imposed for said charge. None of this changes
23 that the injury to the children was never an intended consequence of Troy White's action nor that
24 the crime all occurred as part of a single event at a single location with a single purpose.

25 Based upon the foregoing, considering the factors considered by many other courts, the
26 defense asks this court to run counts 4 to 8 concurrently with count 1. As to Count 2, the defense
27 submits to the court's discretion recognizing that it involves a separate shot and a distinct victim
28 who is more than ancillary to the initial crime. That said, the defense would point out that the

1 shooting of Joe Averamn occurs within moments of shooting of Echo White and at a time while
2 White was under than same emotional distress. White had no criminal record. Prior to the shooting
3 he worked hard to provide for the family he so desperately wanted back. Following the shooting
4 he turned himself in without incidence, albeit to authorities in Arizona. White still has the support
5 of numerous friends and companions as evidenced by the letters provided. (See Exhibits 1-6)
6 White is considered a low risk to re-offend.

7 As the jury failed to convict Troy White of First degree murder, the evidence of either
8 deliberation or premeditation was lacking--in short the jury recognized the emotional aspect of the
9 crime and that Troy White is not the worst of the worst. Truth be told this case is not so different
10 from other cases of Second Degree Murder that it requires a sentence grossly disproportionate to
11 the fundamental underlying offense, but that would be the result were the court to follow the
12 recommendation of PSI that all counts run consecutively. The court should deviate from Parole
13 and Probation's blanket recommendation of consecutive time.

14 Looking at the case from the perspective of what is fair and what is called for under the
15 facts of the instant case a long a sentence is certainly in order but there will be a long sentence
16 even if this court runs every count in the information concurrent to each other. Perhaps a
17 consecutive sentence for the shooting of Joe Averman in order given that it appears to be
18 somewhat separate and distinct from the killing of Echo White, although it could also be argued
19 that both the charges a part of a single criminal event., The defense respectfully submits that the
20 remaining counts should run concurrent and that the total aggregate sentence for the remaining
21 counts should not be substantially more than the maximum allowed for Second Degree Murder
22 with use of a Deadly Weapon which carries a range on the bottom end of between 11 and 18 years.

23
24 **The appropriate time for the use of a deadly weapon enhancements**

25 Under NRS 193.165(1): In determining the length of the additional penalty imposed
26 pursuant to this section, the court shall consider the following information:

- 27 a) The facts and circumstances of the crime;
28 b) The criminal history of the person;
c) The impact of the crime on any victim;

- 1 d) Any mitigating factors presented by the person; and
2 e) Any other relevant information.

3 In the instant matter, the underlying crimes themselves call for substantial time irrespective of the
4 use of the deadly weapon.

5 As to the weapons enhancement, there is no presumption of maximum time for the use of a
6 deadly weapon. Factor c) weighs in favor of increased penalty for a deadly weapon on count 1---
7 the children's proximity of the shooting is something above and beyond what normally be
8 expected in case involving Second Degree Murder with use of a Deadly Weapon.

9 The remaining factors militate against the maximum sentence for use of a deadly weapon.
10 In specifics, White has no criminal history, it is clear the crime occurred while he was under
11 extreme emotional distress and he still has support of many members of the community as
12 evidenced by numerous letters submitted to the court. Other relevant factors include the fact that
13 White turned himself in without incident and directed police to the weapon which was secured in
14 wheel well of his vehicle. The weapon itself was registered to White's father and appears to have
15 been in the family for a significant amount of time.

16 All things considered, as to count 1 the deadly weapon enhancement should be toward the
17 high end, although perhaps something less than the maximum---the recommendation of Parole and
18 Probation of a term of 76 to 192 months appears to be well taken.

19 As to Count 2 there are considerations which call for perhaps less time on the weapons
20 enhancement, such as the fact that the trauma to the children is in some part accounted for in the
21 sentencing as to Count 1; that the aggregate sentence in the instant matter is going to be lengthy
22 and will probably include a life term on the long end. The defense respectfully submits that a term
23 in the lower to mid-range of the weapons enhancement would be appropriate for Count 2.

24 DATED this _____ day of July, 2015.

25 PHILIP J. KOHN
26 CLARK COUNTY PUBLIC DEFENDER

27 By: 
28 SCOTT L. COFFEE, #5607
Deputy Public Defender

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CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that service of SENTENCING MEMORANDUM, was made this
16th day of July, 2015, by Electronic Filing to:

CLARK COUNTY DISTRICT ATTORNEY'S OFFICE
Motions@clarkcountydade.com

ELIZABETH MERCER, Chief Deputy District Attorney
E-Mail: elizabeth.mercer@clarkcountydade.com

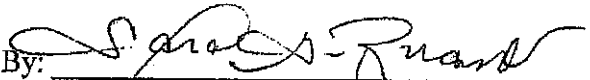
By: 
Sara Ruano
Secretary for the Public Defender's Office

EXHIBIT "1-A"

Rockville First Assembly
541 W US Highway 36
Rockville, IN 47872

April 20, 2015

The Honorable Elizabeth Gonzalez
Eighth Judicial District Court, Department XI
200 Lewis Avenue
Las Vegas, NV 89101

Subject: State of Nevada v. Troy Richard White, Case No. C-12-286357-1

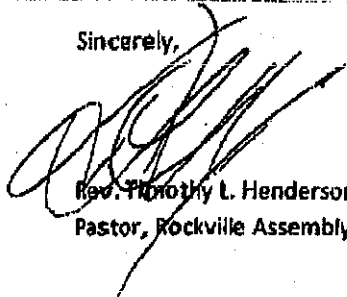
Dear Judge Gonzalez:

I have known Troy for at least ten years, we met in church and became very close friends. My wife and I spent a great amount of time with him, his wife, and his children. In that time we have never once witnessed Troy in anger or outrage, not towards his family, his job, or any other situation. Both he and his wife always had a smile, a joke, or something positive to say.

The events that took place are, no doubt, tragic and no one is suggesting that Troy should not be punished for his crime. However, those of us who know and love him would ask for mercy on his behalf. Those of us who have known him for a long time know that this was not the act of an abusive, anger filled, outburst of rage. Emotionally, I believe that Troy had been breaking down for months with no means of escape. Watching another man being intimate with his wife and children, seeing this man living in his home drove him to an emotional breakdown.

Unfortunately, the breakdown climaxed before anyone realized that it was truly heading in that direction. If any of us had even remotely suspected that Troy was capable of this, we would have intervened, but this was not who he was, this is not who he is. He was a happy man who would give you the shirt off his back if you asked him for it. He loved his wife, he loved his children. He was a faithful hard working man. Again I would ask for mercy on his behalf.

Sincerely,



Rev. Timothy L. Henderson
Pastor, Rockville Assembly of God

EXHIBIT "1-B"

May 9, 2015

The Honorable Elizabeth Gonzalez
Eighth Judicial District Court, Dept. XI
200 Lewis Avenue
Las Vegas, Nevada 89101

RE: State of Nevada v. Troy Richard White, Case No. C-12-286357-1

Dear Honorable Judge Gonzalez:

By writing this letter I hope to communicate to you my relationship with Troy Richard White from the past, the present, and the future.

My name is John Harold Dumas. I first met Troy in Kindergarten (Fletcher Elementary School in San Diego, CA) where both of us were students at the age of five. We found out that we lived in the same neighborhood only a couple streets from each other and that we had the same likes. I saw Troy on a daily basis as we had the same classes together through the next seven years, and we often played together. My choice in what junior high I was going to attend came because Troy's parents were putting him in a private Christian school. (Clairemont Christian). After I completed 7th grade, my father retired from the Navy in San Diego and we moved to Florida for almost five years. Through that time Troy and I stayed close friends, calling, writing, and visiting every summer. After high school graduation I moved back to San Diego and Troy and I continued as friends. Troy was a very likeable person, able to make friends easily as I was too. He had a calm, peaceable nature and enjoyed life. I always had the impression of Troy as a hard worker that kept the same job for years at a time. We were the same in many ways and that's what kept us together. In 1990 we both were 22 years old. I had been a cook for four years at Red Lobster when I answered a need to go to Eastern Europe to help the needy people there in both physical and spiritual ways. I remember standing on Troy's parents' porch the night before my departure, Troy handing me fifty dollars in support of my trip to Romania and hugging me, confirming to me we would remain the best of friends. That was Troy's heart, he was generous. While I was in Romania, Troy and I stayed close. He told me when he was moving to Las Vegas, and he wrote me of his first job. Troy got involved in the same church there in Vegas that I was involved in (a fellowship of churches). He wrote me when he met Echo in the church, his wife to one day be. He wrote me that she already had two children and that by marrying her, he had "beat me" to the children thing, i.e., he had kids before me. He and Echo continued on to have three children of their own, as well as his two stepchildren. He appeared to be a wonderful father to all of his children, and brought them to San Diego to visit and go to Sea World.

Every time I would come back to San Diego through the years, Troy would take off work two days and fly to San Diego to see me so we could surf and eat Mexican food together. Troy has taught me a lot through the years and he still teaches me; he has a lot to offer society. I've known Troy for almost 42 years, that's a long time. I was a full time pastor and missionary for almost 23 years. I was a missionary

with my wife and son in the country of Moldova when Troy called me and told me what had happened and that he was on his way to turn himself in to the police. I do not know any details of what went down, but I can tell you that in my eyes when I think of Troy, I think of the same kind-hearted man who respected people, and was a loyal, hard worker and a close friend no matter what the different sides of the earth we were on. I would trust Troy with my own child whom I love dearly. Troy has, as I stated before, a lot to contribute to our society; I just hope you will see that in spite of everything that has taken place. Today, May 9th I received a letter from Troy. We write to each other regularly, Troy more often because of spare time. The whole direction of the letter was just to encourage me to love my family, and stay very close to God.

At present I am a special needs school bus driver for a district here in the San Diego area. There were people that influenced me to go for this line of work, one being my brother-in-law who drove 28 years for the District of San Diego. The other one is Troy who drove for San Diego City School District, years before he ever went to Vegas. That's influence years down the road. It wasn't easy for me looking for a job after 23 years of overseas missionary work. I like driving and I love kids, it's that simple. People can be like a reference point for some difficult choices in life, and that was true of Troy for me. Even where Troy is now, he's making the best of it, staying positive and believing for better days. I'm praying for leniency in Troy's case. He's repentant for what took place, and he is trusting that he will have a chance to prove he still has a lot to offer our society and the people he loves. Troy and I remain close friends and will be so for the remainder of his time there. When he will be released, I've expressed my support for him to continue to be a caring father and a contributing member of society. Wherever he is able to live, I will continue to be a friend and offer whatever support I can for him.

If need be, I can request a day off work and come to testify on Troy's behalf.

Thank you for taking to heart this letter,

John Harold Dumas

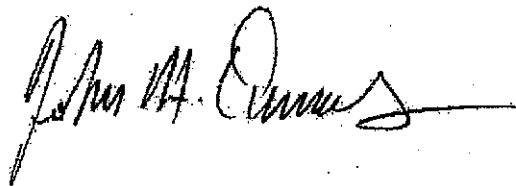
A handwritten signature in black ink, appearing to read "John M. Dumas". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

EXHIBIT "1-C"

Corey A. Robinson
1005 Carpenter Dr
Las Vegas, NV 89107

05/21/15

The Honorable Elizabeth Gonzalez
Eighth Judicial District Court
Dept. XI
200 Lewis Avenue
Las Vegas, Nevada 89101

Re: State of Nevada v. Troy Richard White (Case NO. C-12-286357-1)

Dear Elizabeth Gonzalez,

I have known Troy White for over 12 years (before he was married). He and I attended The West Las Vegas Potter's House Christian Church, and played in several bands in our church together for 3-4 years (before and after he was married). We were really good friends. I understand that what he did was wrong and inexcusable and requires a punishment, but I do not believe that Troy is a 'typical' danger to society. I believe that Troy made a huge error in judgment at a difficult moment in his life, but I still believe by what I know about him that he can be a productive member of society once his time is served. He and I believe in the same God, and I believe him when he tells me about how he talks to other inmates about Jesus, because that is what he did when he was going to our church. We often would go to other cities together to assist in church events, or play music in church events together. Troy was always very considerate of others, and very respectful and kind. While Troy and Echo were both going to our church, Troy was always the one handling the kids. I do not want to spend paper space trampling on someone's grave, but of the two Troy had always showed he was a good parent. I know he has to serve a sentence for what he did, but I would respectfully request that his sentence reflect a level of leniency, because I sincerely believe that prison should keep good people safe from bad people, as well as serve as punishment for those who commit crimes, and I do not believe that Troy meets both of these descriptions. I believe personally that Troy was desperate to keep his family together and only pulled the gun out to scare Echo's boyfriend out of his house. When Echo tried to knock the gun out of Troy's hand and she was shot, everything changed and unfortunately no one can change that, but I believe that one event should not totally negate years of being a good father, faithful husband and dedicated Christian. I am sure the legal process in this case was handled in a fair manner, and I believe that his sentencing will be handled in the same manner, given the situation. Thank you for your time.

Sincerely,



Corey A. Robinson

EXHIBIT "1-D"

Yvonne Robinson
1005 Carpenter Dr.
Las Vegas, NV 89107

05-23-15

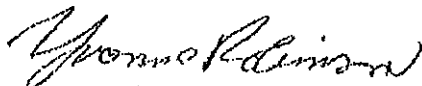
The Honorable Elizabeth Gonzalez
Eighth Judicial District Court
Dept- XI
200 Lewis Avenue
Las Vegas, Nevada 89101

Ref: State of Nevada v. Troy Richard White (Case NO. C-12-286357-1)

Dear Elizabeth Gonzalez,

I am writing this as a character reference for Troy White. My oldest child is 17 years old, so if I am not mistaking she was at least 2-3 years old when I met Troy, which puts the length of time that I've known him right about 14 years, and during that time I have never known Troy to show himself anything less than a servant to ANYBODY in need of ANYTHING he could offer, and I have never known him to be confrontational. Because I've only known Troy through our church, the only "community service" I can say I've seen him participate in would be any and all outreaches and church events. I am willing to show up in court to testify on behalf of Troy. For whatever crime he's committed, I feel he should face the judgment due him. Any leniency from the court should be based on his own humility concerning his situation. Thank you for your time and consideration.

Sincerely,



Yvonne Robinson

EXHIBIT "1-E"

May 30, 2015

The Honorable Elizabeth Gonzalez
Eighth District Court
Department XI
200 Lewis Ave
Las Vegas, Nevada 89101

RE: State of Nevada VS. Troy Richard White
Case No. C-12-286357-1

To The Honorable Elizabeth Gonzalez:

I hope this letter finds you well as I truly struggle to sum this man up in a short note. This situation hit close to home for me as, in one way or another, Troy and I fought much of this battle together. Please have grace and compassion on my dear friend as you reach what you feel is a just judgement.

I met Troy White in early 2005 at church events with my then husband Joseph Averman. Troy, Echo, Joe and I quickly became friends. Over the years our friendship developed. In 2010, I began spending time with Echo on a daily basis. She and I began to scrapbook, which is an incredibly expensive hobby. Echo would regularly go on spending sprees for supplies. When we would return to her home she would smile at Troy and tell him she loved him. He would also promptly kiss her and tell her that he loved her too and ask how much overtime he would need to do to cover her fun. Echo's typical reply was, "A lot!" as he walked out the door to retrieve the bags. This is just a small glimpse into "typical Troy". Troy was commonly referred to as the communal husband. He would do handyman work around all the women's homes because we were all friends.


Troy also served in our church, The Potter's House. He was part of a band for many years, played drums for our song service and also led Bible Study Groups. Troy was an example to many men in our congregation as to how a man should conduct himself. He loved his family, was attentive to his wife and raised his children. He wasn't a distant father that let the mother carry the burden of child rearing.

He was the leader of his home and we all knew it, including his children. Echo never had to carry out the discipline in the home. When the boys got out of line, Echo would tell them, "Wait til' Daddy gets home!" Immediately the boys would straighten up and act appropriately. I witness Troy discipline his children on a regular basis. It was calm and stern. Troy didn't raise his voice often and when he did it was to defend his family.

Troy is a giving person. He gave his wife whatever she wanted, whenever she wanted. He had regular get togethers at his home feeding neighbors, friends and perfect strangers. He wasn't in the habit of lending money, but if he could spare it he would give it to those in need. Troy would drive across town to give someone a ride to church. If you needed a place to stay, he would allow you to sleep on his couch with the understanding that his family will always come first.

This kind, caring and compassionate person is the Troy I know. Thank you for your time and consideration.

Sincerely,



Dena L. Cabral

EXHIBIT "2"

Troy White

Greg Harder, Psy.D.
Licensed Psychologist #PY0338
4955 South Durango Dr. Suite 221
Las Vegas, NV 89113

Phone: (702) 685-5297

Fax: (702) 685-5314

June 22, 2015

Scott Coffee
Deputy Public Defender

RE: Troy White
Case #: C12-286357-1

Reason for Referral:

I evaluated Mr. White at the Clark County Detention Center on June 22, 2015. The purpose of the evaluation was to determine if he represents a high risk for re-offending based upon a currently accepted standard of assessment. The results of this evaluation are described below.

Review of Records:

According to the Criminal Complaint, the Defendant is charged with Murder with a Deadly Weapon, Burglary while in Possession of a Firearm, Attempt Murder with use of a Deadly Weapon, Carrying a Concealed Firearm, and Child Abuse, Neglect, or Endangerment.

Informed Consent:

Before interviewing the Defendant, I explained to him that he was being evaluated to determine if he was a high risk for re-offending. I explained to him that the results of the evaluation would be released to his public defender, and most likely the court, including the attorneys that were opposing him and the judge in his case. He understood that there was nothing confidential about the evaluation, and that everything he told me could potentially be disclosed to the court. He completed the evaluation voluntarily, and orally consented to participate in the evaluation.

Interview of Defendant:

Mr. White informed me that he was convicted of Murder with a Deadly Weapon, Attempt Murder, Carrying a Concealed Weapon, and five counts of Child Abuse, Neglect, or Endangerment.

Mr. White stated that he was convicted of killing his wife and attempting to kill a friend of his, the man she was having an affair with. He told me that he endangered his children by firing a weapon while the children were in the home. He also stated that after the incident, he left the scene, allowing his young children to be home alone without supervision, endangering them more.

At the time of the offense, Mr. White stated his children were ages 8, 7, 5, 2, and six months old. He stated the crime occurred three years ago. He stated what led up to the offense was his wife cheated on him with his friend, and he caught them, but she denied doing it. He then caught her cheating on him again, and she denied it again. After three months, he stated she finally acknowledged cheating on him, and this led to his losing control of his emotions and committing the above crimes. Mr. White was remorseful and tearful and stated that his wife was a good person and he was deeply in love with her, and it destroyed him when she cheated on him.

He informed me that three of his children are living with their grandmother and two of the children are living with their grandfather. He stated that two of the children were from his wife's first marriage, and they are not his biological children. He stated that his parental rights have been terminated.

Mr. White denied ever being arrested prior to this case. He denied ever being in legal trouble as an adult or juvenile. He denied ever being on probation before.

He denied ever being accused of any kind of violent crime before. He denied any history of domestic violence in this relationship or his prior relationships. He denied ever being accused of child abuse or neglect before. He denied ever being investigated by Child Protective Services before.

He denied any history of mental illness. He denied any history of psychiatric hospitalization. He denied any history of psychiatric medications. He denied ever being in counseling before.

He denied any prior history of suicidal thoughts, homicidal thoughts, or psychotic experiences, such as hearing voices.

Mr. White denied using drugs in 27 years. He is currently 47 years old. He informed me that his last use of drugs was at the age of 20. He admitted to a past history of using marijuana,

methamphetamines, LSD, ecstasy, and cocaine. He stated he probably used drugs once per week. He admitted to occasional use of alcohol.

He and his wife were married for seven years. He reported it was a good marriage, and stated they met in Church. He told me that they had stopped going to Church just prior to her having the affair. He stated that he "idealized my wife." He told me that he spoiled her and it was a "shot in my heart" when she cheated on me. He stated it was "very emotionally damaging, but there was no excuse." He stated that he did not premeditate the murder. He had a gun in the home because he was fearful of the man she was having an affair with. He stated that he was trained in the military, and he was sixteen years younger than her.

Mr. White denied being a victim of abuse while growing up. He denied being in foster care.

He stated this is his second marriage. He informed me that he was married to his first wife for one and a half years. He denied any violence in that marriage. He stated that marriage ended because he was selfish and spent all his time working with his band, and did not pay enough attention to his wife. That marriage ended in 2002.

He is a high school graduate. He stated that he attended regular education classes. He denied having any behavior problems in school. He denied ever being expelled or suspended. He stated his teachers told him he needed to apply himself more. He denied having been diagnosed with ADHD.

He was last employed as a journeyman electrician. He worked for the same company for the last ten years prior to his arrest.

Conclusion:

Mr. White's crime is a horrific crime, however, he has few risk factors that would increase his risk for re-offending. The severity of the crime itself is the most obvious risk factor. He has used drugs in the past, although not in 27 years.

His risk is reduced by the fact that he admitted to the charges and seemed remorseful for his actions. He has never been arrested before as an adult or juvenile. He has never been on probation before or failed any type of community supervision. He has no history of mental illness or mental health treatment. He has no prior history of suicidal ideation, homicidal ideation, or psychotic experiences. He denied ever being abused as a child. He denied ever being in foster care. He is a high school graduate. He denied having behavior problems in school. He was employed at a stable job for ten years prior his arrest. Although he has used drugs in the past, he has not used any in 27 years by his self-report. His parental rights have been terminated, so his chances of being around his children are minute. His wife is deceased, so obviously he would not re-offend with her as the victim.

Troy White

Recommendations:

Although Mr. White was convicted of an extremely serious crime, he has no risk factors other than the actual offense that would increase his risk for re-offending. He should be considered a low risk for re-offending.

Sincerely,

Greg Harder, Psy.D.
Licensed Psychologist

Thank you for your referral. Please contact me if you have any questions or feedback regarding this report.


CLERK OF THE COURT

1 **MEMO**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **LIZ MERCER**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #10681**
8 **JEFFREY S. ROGAN**
9 **Chief Deputy District Attorney**
10 **Nevada Bar #10734**
11 **200 Lewis Avenue**
12 **Las Vegas, Nevada 89155-2212**
13 **(702) 671-2500**
14 **Attorney for Plaintiff**

DISTRICT COURT
CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13 TROY RICHARD WHITE,
14 #1383512

15 Defendant.

CASE NO: C-12-286357-1

DEPT NO: XI

16 **EXHIBIT 5 TO STATE'S SENTENCING MEMORANDUM**

17 DATE OF HEARING: JUNE 24, 2015
18 TIME OF HEARING: 9:00 A.M.

19 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County
20 District Attorney, through LIZ MERCER, Chief Deputy District Attorney, and JEFFREY S.
21 ROGAN, Chief Deputy District Attorney, and files Exhibit 5 to State's Sentencing
22 Memorandum.

23 DATED this 19th day of July, 2015.

24 STEVEN B. WOLFSON
25 Clark County District Attorney
26 Nevada Bar #001565

27 BY /s/ LIZ MERCER
28 LIZ MERCER
Chief Deputy District Attorney
Nevada Bar #10681

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SCOTT COFFEE, Deputy Public Defender
E-mail Address: coffeesl@ClarkCountyNV.gov

/s/Shellie Warner
Secretary for the District Attorney's Office

12F12500X/EM/mmww/GCU

Your Honor,

In the interest of the court, I want to state briefly the effects that the criminal actions of Troy White have had on me.

Since the crime, that took Echo White's life. A young, beautiful and amazing women had been cruelly taking from this earth. I had the pleasure of watching Echo growing up since she was 15yrs old. When I first met Echo,

was a typical teenager. Had a little rebel inside. But over the years, I watched her grow into a Incredible Women. Once she became a mother she grew into what she was supposed to be! And as her family grew, she was born into the role of her life. A Mother! I had never seen such a devoted person to her children.

Since the murder of Echo by Troy White, I've seen the impact it's had on her children. Especially her oldest. Troy White had not one ounce of concern for the children. To let them witness their mother be killed in front of their innocent eyes. I've watched the oldest boy, struggle with his life. I've watched the 3 oldest boys deal with the adjustment of not having their mother in their lives. I had never seen children so close to their mother. And not did only Troy White take their mother, he took the only father that they knew. I'm sorry that was pure selfishness upon Troy White's part. He didn't for one moment think of his children nor Echo. He was only concerned with his own instant gratification, if he couldn't have Echo then no one would! These children especially the 3 oldest will never be the same. I have conversations with the 3 oldest boys about the loss of their mother. Myself, losing both my parents at a young age(mine of health reasons). We had discussions of what life would be like without their mom. My heart just broke talking to these boys. It was like talking to young men. They were so in tune with their feelings. At their ages, that shouldn't even be a thought. I tried to explain how life would be. The 3rd youngest boy, expressed his hatred for his own father. And Troy White did this to family. Instead of accepting the truth about his marriage. He robbed Echo's life, the children's and his own.

I've watched my once vibrant and vivacious best friend, who enjoyed life. And she came so alive when her & Echo were together. They were 2 pea's in a pod. I loved taking pictures of the 2 of them. They came real life characters. Echo had such a zest for life. Loved taking pictures with her mother and especially her children. My best friend, had become so somber in life. Her Personal enjoyment for life is gone. She saves all her energy to show Echo's children the best love & life that they can have without their mother. She has dedicated her whole life to the children and has put her own life on hold. She's so focused on being the mother that her daughter was.

I feel for everything that Troy White has taken from Echo's life. Leaving the children without their mother and now by his pure cruelty without a father. I don't think that Troy White should be spared a light sentence. He should spend the rest of his life behind bars until his own passing. He took the life a 29yr old Echo White. He attempted to take the life of another as well. He jeopardize the safety of the children by firing a firearm in the house in such a confined area, knowing bullets ricochet. Those children could have been easily hit. And then to leave them seeing their mother pass away in front of their own little eyes. And they will have to live with

those images for the rest of their lives. They will be haunted by those memories forever. He should have to live behind bars and face what he's done for every single day of his life. He should never be in society again. As from personal experience, an abuser will never change. If ever see's a day outside prison, he will abuse again.

Honor, I please ask you to keep Troy White incarcerated in prison until the day he passes away. For the safety of the children and any future women. Thank You.

Sincerely,
Nichole Robertson

To whom it may concern,

My name is Nicole Romandia and I'm writing this letter on behalf of my sweet friend Echo Lucas whose life was taken from her far too soon and the beautiful babies and family she left behind. Echo was one of a kind, she had an energy about her that just lit up every room she ever walked into. Echo was contagious in the best possible way, from her laughter which you couldn't help but join in on if you were around her, to her positive attitude about everything. I've never heard her complain and I've never seen her in a bad mood; in fact, I don't think I've ever seen her not smiling. She was just one of those rare people that everybody genuinely loved to be around. Echo loved crafting, her friends and family, laughing, adventure, she loved God and most of all she loved her children and they absolutely adored her, it was hard not to.

My own mother was killed in a car accident when I was twelve years old and it was by far the worst day of my life which would only lead to many more heart breaking days. I know the pain and hurt I went through as a child knowing my mom was never coming home. Well into my twenties I had nightmares that I was chasing her and she was running from me. It was the same dream over and over. The way her death affected me was nothing compared to what Echo's kids will face for the rest of their lives. I couldn't imagine being a small child and watching the man who was supposed to protect you, protect your mother and your home, shoot and kill her right in front of you, in the home you grew up in and had so many amazing memories in. Echo didn't allow her kids to watch scary or violent movies and they ended up having to live the most horrific and hateful crime you could ever dream up, as babies. They have nightmares and flashbacks, they have lost all sense of security and trust in humanity and it is all the fault of their very own father. Troy took their mother away, he took their father away and he took their innocence away. Every birthday, mother's day, father's day, every holiday, every school event, every single time a friend mentions their own mother these children will have to relive that day. The pain they have already gone through won't get better in time and they won't miss her less. They will never get used to it. They will live every single day missing her gorgeous face, trying to remember what she smells like, what her laugh sounded like. The happiest days of your life when you've faced a loss like this become days you try to avoid. A big wedding isn't something you long for because the most important person in your life won't be there by your side and having your own children is a bitter sweet moment because their grandma isn't there.

The only person mighty enough to give and take life is God above. Troy took fate, destiny and God's work into his own hands and out of rage, hate and anger he took a beautiful mother away from her children. He didn't just take one life, he took his own life and he took the life his children could have had and for that he should have to give the rest of his. He should spend the rest of his days locked away until the day he stands before God and serves a true justice. The kids ask their grandfather on a regular basis if Troy will get out, if he can escape, will he come after them. They deserve the peace of mind knowing he has truly been punished to the max and will never see the light of day again. Life was taken from Echo, it should be taken from him.

Echo's memory and smile will live on, her family is taking care of her children and loving them but she can never be replaced, she will never get to kiss her babies goodnight, they will never feel her touch again, she will never get to hug her mother or tell her dad she loves him or she's proud of him. She was taken and her family and friends ask that the justice system punishes this criminal as much as it possibly can. This family deserves peace, they deserve to finally lay her to rest and get some closure so

they can begin to heal and remember Echo the way she deserves to be remembered, with love and happy memories.

Sincerely,

Nicole Romandia

On July 27, 2012, Echo Lucas was shot and killed by her estranged husband. On that morning, Echo and the kids were supposed to come over and swim with my sister and I at our mom's house. She never made it over. I will never forget that day. While we were swimming, I saw police helicopters flying over. My mom lives right around the corner from Echo. I said to my sister, "What if something happened to Echo?" because they were flying right around her house. I saw on my phone that the news posted a shooting at a place near where we were. I told my sister, "oh my God, it's Echo!" and I drove over to her house and saw the cops and yellow tape. I ran over to them, when a cop stopped me. I just kept saying, "Where are the kids? Is everyone ok?" He told me to go speak with the detective. When I was certain it was Echo. I had a friend try to get a hold of her mom and dad. Shortly after her dad got there, the detective came up to Don and I and said, "She didn't make it." I will never forget those words. I will never forget seeing Don, Echo's father fall into the detective's arms. I remember someone holding me saying "I'm so sorry" and all I kept saying was "Oh my God, her poor children." That night when we went back to her house to light candles, I looked through her windows and just started to cry again seeing the crib with blood all over it. It just made it real. These kids will never have their mom back!!

Echo was such an amazing mother to her boys. We were all stay at home moms who were dedicated and devoted to our families. We would always find fun things to do with all our kids. Then she got pregnant with Jazzy. Wow! A baby girl. We were all ecstatic with this news since we all had boys. We knew this little girl was going to be spoiled by everyone. We would go to scrapbooking parties which were all day and all of the other women would be thrilled to have a break away from their kids - not Echo. She was always the first to leave since she wanted to get home to her babies. Her children were her world. She said to me once that God put her on this earth to be a mom and that she would have more if she could. We would spend birthday parties and holidays together. She was always entertaining the kids. She was such a wonderful HANDS ON mother. For the defendant to take her life and to take her away from her children has devastated not only her children and family, but also her friends. July 27th will be a day that I will never get out of my head. I will never forget the vision of the blood all over her room. All over her clothes and all over that house that used to be filled with love and happiness!

As I stand here today, I'm asking that the defendant gets the maximum sentence you can give him. The defendant does not deserve to have a life with his children. He took Echo's away from them. His children will never have their mom to help them with homework, take them to football, and just their everyday hugs and kisses. They will never hear their mom say 100 times a day that she loves them. They will never be able to share their first crushes or first loves. Jazzy won't have her mom to help her get through her teen years, never get to help her pick out her wedding dress. This is why the defendant should get the maximum sentencing you can give. Thank you.

Sincerely,
Sara Spencer
(friend of Echo Lucas)


CLERK OF THE COURT

1 **ADDM**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **JEFFREY S. ROGAN**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #10734**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

9 **THE STATE OF NEVADA,**

10 **Plaintiff,**

11 **-vs-**

12 **TROY RICHARD WHITE,**
13 **#1383512**

14 **Defendant.**

CASE NO: C-12-286357-1

DEPT NO: XI

15 **ADDENDUM TO EXHIBIT 5 OF THE STATE'S SENTENCING MEMORANDUM**

16 **DATE OF HEARING: JULY 20, 2015**
17 **TIME OF HEARING: 9:00 A.M.**

18 **COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County**
19 **District Attorney, through JEFFREY S. ROGAN, Chief Deputy District Attorney, and hereby**
20 **submits the attached impact letter as an addendum to Exhibit 5 of the State's Sentencing**
21 **Memorandum.**

22 **DATED this 17th day of July, 2015.**

23 **Respectfully submitted,**

24 **STEVEN B. WOLFSON**
25 **Clark County District Attorney**
26 **Nevada Bar #001565**

27 **BY /s/ Jeffrey S. Rogan**
28 **JEFFREY S. ROGAN**
Chief Deputy District Attorney
Nevada Bar #10734

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SCOTT COFFEE, Deputy Public Defender
coffeesl@ClarkCountyNV.gov

12F12500X/JR/jsr/GANG

From: nikired72 <[REDACTED]>
Date: 06/23/2015 9:35 PM (GMT-08:00)
To: Amber Blake Gaines <[REDACTED]>
Subject:

Your Honor,

In the interest of the court, I want to state briefly the effects that the criminal actions of Troy White have had on me.

Since the crime, that took Echo White's life. A young, beautiful and amazing women had been cruelly taking from this earth. I had the pleasure of watching Echo growing up since she was 15yrs old. When I first met Echo, she was a typical teenager. Had a little rebel inside. But over the years, I watched her grow into a Incredible Women. Once she became a mother she grew into what she was suppose to be! And as her family grew, she was born into the roll of her life. A Mother! I had never seen such a devoted person to her children.

Since the murder of Echo by Troy White, I've seen the impact it's had on her children. Especially her oldest. Troy White had not one ounce of concern for the children. To let them witness their mother be killed in front of their innocent eyes. I've watched the oldest boy, struggle with his life. I've watched the 3 oldest boys deal with the adjustment of not having their mother in their lives. I had never seen children so close to their mother. And not did only Troy White take their mother, he took the only father that they knew. I'm sorry that was pure selfishness upon Troy White's part. He didn't for one moment think of his children nor Echo. He was only concerned with his own instant gratification, if he couldn't have Echo then no one would! These children especially the 3 oldest will never be the same. I have conversations with the 3 oldest boys about the loss of their mother. Myself, losing both my parents at a young age(mine of health reasons). We had discussions of what life would be like without their mom. My heart just broke talking to these boys. It was like talking to young men. They were so in tune with their feelings. At their ages, that shouldn't even be a thought. I tried to explain how life would be. The 3rd youngest boy, expressed his hatred for his own father. And Troy White did this to family. Instead of accepting the truth about his marriage. He robbed Echo's life, the children's and his own.

I've watched my once vibrant and vivacious best friend, who enjoyed life. And she came so alive when her & Echo were together. They were 2 pea's in a pod. I loved taking pictures of the 2 of them. They came real life characters. Echo had such a zest for life. Loved taking pictures with her mother and especially her children. My best friend, had become so somber in life. Her Personal enjoyment for life is gone. She saves all her energy to show Echo's children the best love & life that they can have without their mother. She has dedicated her whole life to the children and has put her own life on hold. She's so focused on being the mother that her daughter was.

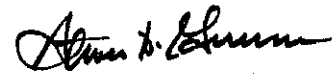
I feel for everything that Troy White has taken from Echo's life. Leaving the children without their mother and now by his pure cruelty without a father. I don't think that Troy White should be spared a light sentence. He should spend the rest of his life behind bars until his own passing. He took the life a 29yr old Echo White. He attempted to take the life of another as well. He

jeopardize the safety of the children by firing a firearm in the house in such a confined area, knowing bullets ricochet. Those children could have been easily hit. And then to leave them seeing their mother pass away in front of their own little eyes. And they will have to live with those images for the rest of their lives. They will be haunted by those memories forever. He should have to live behind bars and face what he's done for every single day of his life. He should never be in society again. As from personal experience, an abuser will never change. If ever see's a day outside prison, he will abuse again.

Honor, I please ask you to keep Troy White incarcerated in prison until the day he passes away. For the safety of the children and any future women. Thank You.

Sincerely,
Nichole Robertson

1 ORDR
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 309 South Third Street, Suite #226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant


CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

6 THE STATE OF NEVADA,

7 Plaintiff,

CASE NO. C-12-286357-1

DEPT. NO. XI

9 TROY RICHARD WHITE,

10 Defendant.

12 ORDER

13 THIS MATTER having come before the Court on July 20, 2015, and good cause
14 appearing and there being no objection from the state,

15 IT IS HEREBY ORDERED that Nevada Department of Public Safety Division of
16 Parole and Probation, prepare an amended and corrected Supplemental Presentence Investigation
17 Report (PSI) on Case No. C-12-286357-1, State of Nevada v. Troy Richard White.

18 FURTHER, said amended and corrected supplemental PSI shall amend "Section IV.
19 Criminal Record" by;

- 20 1. Striking the words "2nd Offense" from the offense listed at 4, leaving it to read "WA:
21 Carrying a Concealed Weapon (F)".

22 And

- 23 2. Striking the words "Criminal Gang" from the offense listed at 5, leaving it to read "WA:
24 Child Abuse (F)".

25 ///

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28 ///


1
2 FURTHER, the Office of Parole and Probation shall provide a corrected Supplemental PSI
3 copy to the Clark County Public Defender's Office, 309 S. Third Street, Las Vegas, Nevada 89155.
4

5 DATED 22 day of July, 2015.
6

7 
8 DISTRICT COURT JUDGE

9 Submitted by:

10 PHILIP J. KOHN
11 CLARK COUNTY PUBLIC DEFENDER

12
13 By 
14 SCOTT L. COFFEE, #5607
Deputy Public Defender
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26 Case Name: Troy Richard White

27 Case No.: C-12-286357-1

28 Dept. No.: XI

JOC


CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C286357-1

-vs-

TROY RICHARD WHITE
#1383512

DEPT. NO. XI

Defendant.

JUDGMENT OF CONVICTION
(JURY TRIAL)

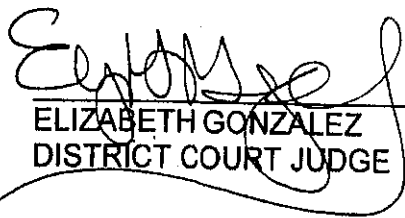
The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 – MURDER WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.010, 200.030, 193.165; COUNT 2 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.010, 200.030, 193.330, 193.165; COUNT 3 – CARRYING A CONCEALED FIREARM OR OTHER DEADLY WEAPON (Category C Felony) in violation of NRS 202.350(1)(d)(3); and COUNTS 4, 5, 6, 7 and 8 – CHILD ABUSE, NEGLECT OR ENDANGERMENT (Category B Felony) in violation of NRS 200.508(1); and the matter having been tried

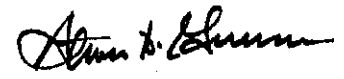
1 before a jury and the Defendant having been found guilty of the crimes of COUNT 1 –
2 SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON (Category A
3 Felony) in violation of NRS 200.010, 200.030, 193.165; COUNT 2 – ATTEMPT
4 MURDER WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of
5 NRS 200.010, 200.030, 193.330, 193.165; COUNT 3 – CARRYING A CONCEALED
6 FIREARM OR OTHER DEADLY WEAPON (Category C Felony) in violation of NRS
7 202.350(1)(d)(3); and COUNTS 4, 5, 6, 7 and 8 – CHILD ABUSE, NEGLECT OR
8 ENDANGERMENT (Category B Felony) in violation of NRS 200.508(1); thereafter, on
9 the 20th day of July, 2015, the Defendant was present in court for sentencing with
10 counsel SCOTT COFFEE, Deputy Public Defender, and good cause appearing,
11

12 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
13 addition to the \$25.00 Administrative Assessment Fee, \$250.00 Indigent Defense Civil
14 Assessment Fee, \$335.50 Extradition Costs and \$150.00 DNA Analysis Fee including
15 testing to determine genetic markers plus \$3.00 DNA Collection Fee, the Defendant is
16 SENTENCED to the Nevada Department of Corrections (NDC) as follows: **COUNT 1 –**
17 LIFE with the eligibility for parole after serving a MINIMUM of TEN (10) YEARS, plus a
18 CONSECUTIVE term of ONE HUNDRED NINETY-TWO (192) MONTHS with a
19 MINIMUM parole eligibility of SEVENTY-SIX (76) MONTHS for the Use of a Deadly
20 Weapon; **COUNT 2 -** a MAXIMUM of ONE HUNDRED NINETY-TWO (192) MONTHS
21 with a MINIMUM parole eligibility of SEVENTY-SIX (76) MONTHS, plus a
22 CONSECUTIVE term of ONE HUNDRED NINETY-TWO (192) MONTHS with a
23 MINIMUM parole eligibility of SEVENTY-SIX (76) MONTHS for the Use of a Deadly
24 Weapon; CONSECUTIVE to COUNT 1; **COUNT 3 –** a MAXIMUM of FORTY-EIGHT
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1 (48) MONTHS with a MINIMUM Parole Eligibility of NINETEEN (19) MONTHS,
2 CONCURRENT WITH COUNTS 1 & 2; **COUNT 4** – a MAXIMUM of SIXTY (60)
3 MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS,
4 CONSECUTIVE TO COUNTS 1 & 2; **COUNT 5** – a MAXIMUM of SIXTY (60) MONTHS
5 with a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS, CONCURRENT
6 with ALL OTHER COUNTS; **COUNT 6** – a MAXIMUM of SIXTY (60) MONTHS with a
7 MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS, CONCURRENT with
8 ALL OTHER COUNTS; **COUNT 7** – a MAXIMUM of SIXTY (60) MONTHS with a
9 MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS, CONCURRENT with
10 ALL OTHER COUNTS; **COUNT 8** – a MAXIMUM of SIXTY (60) MONTHS with a
11 MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS, CONCURRENT with
12 ALL OTHER COUNTS; with ONE THOUSAND EIGHTY-EIGHT DAYS (1,088) DAYS
13 credit for time served. The AGGREGATE TOTAL sentence is LIFE with a MINIMUM
14 OF THIRTY-FOUR (34) YEARS.
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18 DATED this 23rd day of July, 2015
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22 
23 ELIZABETH GONZALEZ
24 DISTRICT COURT JUDGE
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CLERK OF THE COURT

1 NOAS
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR No. 0556
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,)	
)	
8 Plaintiff,)	CASE NO. C-12-286357-1
)	
9 v.)	DEPT. NO. XI
)	
10 TROY RICHARD WHITE,)	
)	
11 Defendant.)	
)	

NOTICE OF APPEAL

13 TO: THE STATE OF NEVADA

14 STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY,
15 NEVADA and DEPARTMENT NO. XI OF THE EIGHTH JUDICIAL
16 DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE
17 COUNTY OF CLARK.

18 NOTICE is hereby given that Defendant, Troy Richard
19 White, presently incarcerated in the Nevada State Prison, appeals
20 to the Supreme Court of the State of Nevada from the judgment
21 entered against said Defendant on the 24th day of July, 2015,
22 whereby he was convicted of Ct. 1 - Second Degree Murder With Use
23 of a Deadly Weapon; Ct. 2 - Attempt Murder With Use of a Deadly
24 Weapon; Ct. 3 - Carrying a Concealed Firearm or Other Deadly
25 Weapon; Cts. 4, 5, 6, 7 and 8 - Child Abuse, Neglect or
26 Endangerment and sentenced to \$25 Admin. fee; \$250 Indigent
27 Defense Civil Assessment Fee; \$335.50 Extradition Costs; \$150 DNA
28 analysis fee; genetic testing; \$3 DNA Collection Fee; Ct. 1 - 10
years to Life in prison plus a consecutive term of 76-192 months
in prison; Ct. 2 - 76-192 months in prison plus a consecutive term

1 of 76-192 months for the Use of a Deadly Weapon consecutive to Ct.
2 1; Ct. 3 - 19-48 months in prison; concurrent with Cts. 1 & 2; Ct.
3 4 - 24-60 months in prison consecutive to Cts. 1 & 2; Ct. 5 - 24-
4 60 months in prison, concurrent with all other counts; Ct. 6 - 24-
5 60 months concurrent with all other counts; Ct. 7 - 24-60 months
6 concurrent with all other counts; Ct. 8 - 24-60 months in prison
7 concurrent with all other counts; 1,088 days CTS. The aggregate
8 total sentence is Life with a minimum of thirty-four (34) years.

9 DATED this 12th day of August, 2015.

10 PHILIP J. KOHN
11 CLARK COUNTY PUBLIC DEFENDER

12
13 By: /s/ Scott L. Coffee
14 SCOTT L. COFFEE, #5607
15 Deputy Public Defender
16 309 S. Third Street, Ste. 226
17 Las Vegas, Nevada 89155
18 (702) 455-4685
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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing
was made this 12th day of August, 2015, by Electronic Filing to:

District Attorneys Office
E-Mail Address:

PDMotions@clarkcountyda.com

Jennifer.Garcia@clarkcountyda.com

Eileen.Davis@clarkcountyda.com

/s/ Carrie M. Connolly
Secretary for the
Public Defender's Office

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 02, 2013

C-12-286357-1 State of Nevada
 vs
 Troy White

January 02, 2013 1:30 PM Initial Arraignment

HEARD BY: Martin, Eugene

COURTROOM: RJC Lower Level
Arraignment

COURT CLERK: Ying Pan (YP); Andrea Davis

RECORDER: Kiara Schmidt

PARTIES Mercer, Elizabeth A.
PRESENT: Waters, William
 White, Troy Richard

Deputy District Attorney
Public Defender for Deft
Defendant

JOURNAL ENTRIES

- Mr. Waters advised this is Mr. Coffee's case and requested a continuance for counsel to be present.
No objection from the State. COURT ORDERED matter CONTINUED.

CUSTODY

CONTINUED TO: 1/9/13 1:30 PM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

January 09, 2013

C-12-286357-1 State of Nevada
vs
Troy White

January 09, 2013 1:30 PM Arraignment Continued

HEARD BY: De La Garza, Melisa

COURTROOM: RJC Lower Level
Arraignment

COURT CLERK: Monique Alberto

RECORDER: Kiara Schmidt

PARTIES

PRESENT: Coffee, Scott L.
Mercer, Elizabeth A.
White, Troy Richard

Attorney for Defendant
Attorney for State of Nevada
Defendant

JOURNAL ENTRIES

- DEFT. WHITE ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. Upon request of counsel, COURT ORDERED, matter set for status check/trial setting.

CUSTODY

1/16/13 9:00 A.M. STATUS CHECK: TRIAL SETTING (DEPT 9)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

January 16, 2013

C-12-286357-1 State of Nevada
 vs
 Troy White

January 16, 2013 9:00 AM Status Check: Trial Setting

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10D

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison-Britt

REPORTER:

PARTIES Brett Keeler, Deputy District Attorney, present for the State of Nevada.

PRESENT: Defendant White, present in custody, without custody.

JOURNAL ENTRIES

State advised this is Mr. Coffee's case and requested a continuance. COURT ORDERED, matter CONTINUED. State advised it will notify Mr. Coffee of the continuance date.

CUSTODY

CONTINUED TO: 01/28/13 9:00 AM

PRINT DATE: 01/22/2013

Page 1 of 1

Minutes Date: January 16, 2013

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 28, 2013**

C-12-286357-1 State of Nevada
 vs
 Troy White

January 28, 2013 9:00 AM Status Check: Trial Setting

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

PARTIES

PRESENT:	Coffee, Scott L.	Deputy Public Defender
	Mercer, Elizabeth A.	Deputy District Attorney
	State of Nevada	Plaintiff
	White, Troy Richard	Defendant

JOURNAL ENTRIES

- Parties announced ready to set trial date. COURT ORDERED, matter SET for Jury Trial on November 4, 2013. At Mr. Coffee's request and there being no opposition from the State, COURT ORDERED, pursuant to Statute, counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript.

CUSTODY

10-30-13 9:00 AM CALENDAR CALL

11-4-13 1:00 PM JURY TRIAL

PRINTDATE: 01/28/2013

Page 1 of 1

Minutes Date: January 28, 2013

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 27, 2013

C-12-286357-1 State of Nevada
vs
Troy White

March 27, 2013 9:00 AM Petition for Writ of Habeas Corpus

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Billie Jo Craig

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Coffee, Scott L.	Attorney
	Mercer, Elizabeth A.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff
	White, Troy Richard	Defendant
	Wolfson, Steven B	Attorney

JOURNAL ENTRIES

- Arguments by counsel. Court stated its findings, and ORDERED, Writ is GRANTED as to CT. 1 ONLY. Colloquy regarding further proceedings.

CUSTODY

PRINT DATE: 03/28/2013

Page 1 of 1

Minutes Date: March 27, 2013

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 31, 2013

C-12-286357-1 State of Nevada
 vs
 Troy White

July 31, 2013 9:00 AM Status Check

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea; Ying Pan

RECORDER: Jill Hawkins

PARTIES

PRESENT:	Harris, Belinda T.	Deputy Public Defender
	Mercer, Elizabeth A.	Deputy District Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft not present. Ms. Harris advised the Supreme Court ordered full briefing, and requested the trial date be vacated and a status check set in December; State's brief is due in two weeks and the Defense will file their response thereafter; hopefully the Supreme Court can issue their opinion within a 90-day window. Ms. Mercer concurred with these representations. COURT ORDERED, matter SET for status check on December 2, 2013; trial VACATED; case STAYED given the briefing.

CUSTODY

12-2-13 9:00 AM STATUS CHECK: SUPREME COURT OPINION

PRINT DATE: 08/07/2013

Page 1 of 1

Minutes Date: July 31, 2013

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 02, 2013

C-12-286357-1 State of Nevada
 vs
 Troy White

December 02, 2013 9:00 AM Status Check: Supreme Court Opinion

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Dulce Romea; Melissa Murphy (mm)

RECORDER: Jill Hawkins

PARTIES

PRESENT:	Coffee, Scott L.	Deputy Public Defender
	Mercer, Elizabeth A.	Deputy District Attorney
	White, Troy Richard	Defendant

JOURNAL ENTRIES

- Deft's presence WAIVED. Ms. Mercer advised briefing has completed and requested a 90-day continuance, noting both sides are diligently checking the Supreme Court website for an update. Statement by Mr. Coffee. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 03/03/14 9:00 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 03, 2014

C-12-286357-1 State of Nevada
 vs
 Troy White

March 03, 2014 9:00 AM Status Check: Supreme Court Opinion

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Andrea Natali

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Coffee, Scott L.	Attorney for Deft.
	Duncan, Wesley K.	Attorney for State
	State of Nevada	Plaintiff
	White, Troy Richard	Defendant

JOURNAL ENTRIES

- Due to technical difficulties with the JAVS audio/video recording system, COURT ORDERED, matter CONTINUED.

CUSTODY

3/31/14 9:00 AM - STATUS CHECK: SUPREME COURT OPINION

PRINT DATE: 03/03/2014

Page 1 of 1

Minutes Date: March 03, 2014

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

March 31, 2014

C-12-286357-1 State of Nevada
 vs
 Troy White

March 31, 2014 9:00 AM Status Check: Supreme Court Opinion

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

PARTIES

PRESENT:	Coffee, Scott L.	Deputy Public Defender
	Lopez-Negrete, David E.	Deputy Public Defender
	Schwartzner, Michael J.	Deputy District Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft's presence waived. Mr. Coffee advised they have heard nothing. COURT ORDERED, status check in 60 days.

CUSTODY

6-2-14 9:00 AM STATUS CHECK: SUPREME COURT OPINION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 02, 2014

C-12-286357-1 State of Nevada
 vs
 Troy White

June 02, 2014

9:00 AM

Status Check: Supreme Court Opinion

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

PARTIES

PRESENT:

Giordani, John
Lopez-Negrete, David E.
State of Nevada

Deputy District Attorney
Deputy Public Defender
Plaintiff

JOURNAL ENTRIES

- Deft not present. Mr. Lopez-Negrete advised he is second chair and this is Deputy P.D. Scott Coffee's case; he checked the website this morning and matter is still pending decision. COURT ORDERED, matter CONTINUED for six months and DIRECTED counsel to place the matter back on calendar if he hears anything else.

CUSTODY

12-1-14

9:00 AM

STATUS CHECK: SUPREME COURT OPINION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 15, 2014

C-12-286357-1 State of Nevada
 vs
 Troy White

July 15, 2014 1:00 PM Minute Order Setting Status Check

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

PARTIES None. Minute order only - no hearing held.

PRESENT:

JOURNAL ENTRIES

- COURT ORDERED, matter SET for Status Check on July 28, 2014 at 9:00 AM.

CLERK'S NOTE: Parties notified via electronic mail: Deputy District Attorney Liz Mercer Deputy Public Defenders Scott Coffee and David Lopez-Negrete. / 7-15-14

CLERK'S NOTE: Per State's setting slip to place this matter back on calendar, status check RESET on July 23, 2014 at 9:00 AM. All parties in agreement. / dr 7-16-14

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 23, 2014**

C-12-286357-1 State of Nevada
 vs
 Troy White

July 23, 2014 9:00 AM State's Request Re: Set a Trial Date

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

PARTIES**PRESENT:**

Coffee, Scott L.
Giordani, John
State of Nevada
White, Troy Richard

Deputy Public Defender
Deputy District Attorney
Plaintiff
Defendant

JOURNAL ENTRIES

- Mr. Giordani advised he has both DDA Turner's and DDA Mercer's schedules. Mr. Coffee advised he is tied up until the first of next year. COURT ORDERED, matter SET for trial on March 30, 2015 per counsel's agreement. December 1, 2014 status check on the Supreme Court opinion VACATED.

CUSTODY

2-23-15 9:00 AM STATUS CHECK: TRIAL READINESS

3-25-14 9:00 AM CALENDAR CALL

3-30-14 1:00 PM JURY TRIAL

PRINT DATE: 07/23/2014

Page 1 of 1

Minutes Date:

July 23, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 23, 2015

C-12-286357-1 State of Nevada
 vs
 Troy White

February 23, 2015 9:00 AM Status Check: Trial Readiness

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea
 Shelley Boyle (sb)

RECORDER: Jill Hawkins

PARTIES

PRESENT:

Coffee, Scott L.
Turner, Robert B.
White, Troy Richard

Attorney for Deft.
Deputy District Attorney
Defendant

JOURNAL ENTRIES

- Counsel announced ready. Mr. Coffee stated he expects the trial to last 2 weeks. Mr. Turner advised the State has issued all its subpoenas. Court advised due to a scheduling conflict, this case may be referred to Judge Herndon to be reassigned to another Department for trial. Mr. Coffee stated for the record that he does not want to be accused of forum shopping and he would prefer to remain in this court room. Mr. Turner submitted to the Court's decision and announced the State will be ready. Colloquy regarding filing a bad acts motion. Court advised any motions must be filed sooner rather than later; even though it is currently in a long civil bench trial it has reserved Mondays for evidentiary hearings. COURT ORDERED, Trial Date STANDS

CUSTODY

03/25/15 9:00 A.M. CALENDAR CALL

03/30/15 1:00 P.M. JURY TRIAL

PRINTDATE: 02/25/2015

Page 1 of 1

Minutes Date: February 23, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 25, 2015**

C-12-286357-1 State of Nevada
 vs
 Troy White

March 25, 2015 9:00 AM Calendar Call

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**PARTIES**

PRESENT:	Coffee, Scott L.	Deputy Public Defender
	Lopez-Negrete, David E.	Deputy Public Defender
	Mercer, Elizabeth A.	Deputy District Attorney
	State of Nevada	Plaintiff
	White, Troy Richard	Defendant

JOURNAL ENTRIES

- CONFERENCE AT BENCH. Court advised scheduling was discussed; there were problems of this case being tried in this Department next week, but that it can be tried here the following week. COURT ORDERED, matter SET for conference call on Friday, March 27, 2015. Def't's presence will be WAIVED for the call.

CUSTODY

3-27-15 9:00 AM TELEPHONIC CONFERENCE: TRIAL SCHEDULING

3-30-15 1:00 PM JURY TRIAL

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 27, 2015**

C-12-286357-1 State of Nevada
 vs
 Troy White

March 27, 2015 9:00 AM Telephonic Conference

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**PARTIES****PRESENT:**

Coffee, Scott L.
Mercer, Elizabeth A.
State of Nevada
White, Troy Richard

Deputy Public Defender
Deputy District Attorney
Plaintiff
Defendant

JOURNAL ENTRIES

- Court inquired about trial commencing on April 6, 2015. Ms. Mercer advised there have been no problems with witnesses so far; however, she will be out of town on Friday, April 10. Mr. Coffee stated he has no objection to taking it off, as he thinks they can finish within 2 weeks even with one Friday off. Court advised parties of the start times for trial each day, lunch breaks, and ending each day at 5 PM. COURT ORDERED, State to SUBMIT to the Department via electronic mail their Proposed Jury Instructions on the morning of trial in Microsoft Word format; Public Defender's Proposed Jury Instructions will be submitted as trial progresses. Upon Court's inquiry, parties concurred they do not think they will need jury questionnaires. COURT ORDERED, trial to COMMENCE on April 6, 2015 at 10:00 AM.

CUSTODY

4-6-15 10:00 AM JURY TRIAL

PRINT DATE: 03/31/2015**Page 1 of 1****Minutes Date:** March 27, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

C-12-286357-1 State of Nevada
 vs
 Troy White

April 06, 2015 10:00 AM Jury Trial

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**PARTIES**

PRESENT:	Coffee, Scott L.	Deputy Public Defender
	Lopez-Negrete, David E.	Deputy Public Defender
	Mercer, Elizabeth A.	Deputy District Attorney
	Rogan, Jeffrey	Deputy District Attorney
	State of Nevada	Plaintiff
	White, Troy Richard	Defendant

JOURNAL ENTRIES**- DAY 1**

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL AND DEFENDANT: Colloquy regarding jury selection. Due to counsel's and the Court's schedules, COURT ORDERED, trial will not be in session on April 10 and April 15, 2015. Court RECESSED while waiting for Deft to be transported.

Proceedings resumed. Pursuant to Public Defender's request, Court NOTED it will add to its general voir dire inquiries related to media or news coverage about this case and if anyone is a member, attends, or has attended Potter's House Church. Deft ARRIVES. Seat numbers of alternate jurors selected, to remain blind prior to jury deliberations. COURT ORDERED, State's Exhibits 1 through 82, 84, and 85 ADMITTED into evidence pursuant to parties' stipulation. (See worksheet.) Colloquy regarding chain of custody of the decedent's body, all DNA swabs, and the bullet removed from the decedent. State further advised an offer to plead guilty to count 1, first degree murder with use of a deadly weapon, and count 2, attempt murder with use of a deadly weapon, with the State stipulating

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to 28 years to life including enhancement and both parties retaining the right to argue with regards to the penalty, has been rejected by the Deft. Upon Court's inquiry, Deft confirmed he has discussed the offer with his attorney and made the decision to go to trial.

Per Mr. Coffee's representation, Court NOTED, Deft STIPULATES to the authenticity of the exhibits related to the cellphone and Facebook (State's Exhibits 84 through 91), and will wait until they get to relevance.

Mr. Rogan requested to file a Second Amended Information based upon a recent decision and to include a theory of child abuse; the counts will not change, only content of the child abuse charges. Mr. Coffee advised he has reviewed the change which could have been done beforehand but will submit to the Court as he thinks the request is in good faith. Court ALLOWED the amendment. Second Amended Information FILED IN OPEN COURT.

PROSPECTIVE JURY PANEL PRESENT. Court and party introductions. Roll call. Venire sworn. Voir dire commenced. LUNCH RECESS.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Mr. Rogan placed on the record his contact with a juror during the break.

PROSPECTIVE JURY PANEL PRESENT: Voir dire continued. Court released the venire for the evening with the exception of six individuals for individual voir dire (Badge Nos. 75, 67, 82, 87, 116, and 122).

COURT ORDERED, trial CONTINUED. EVENING RECESS.

4-7-15 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 07, 2015**

C-12-286357-1 State of Nevada
 vs
 Troy White

April 07, 2015 9:30 AM Jury Trial

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**PARTIES**

PRESENT:	Coffee, Scott L.	Deputy Public Defender
	Lopez-Negrete, David E.	Deputy Public Defender
	Mercer, Elizabeth A.	Deputy District Attorney
	Rogan, Jeffrey	Deputy District Attorney
	State of Nevada	Plaintiff
	White, Troy Richard	Defendant

JOURNAL ENTRIES

- DAY 2

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: COURT ORDERED, Prospective Juror with Badge No. 172 EXCUSED and TO BE RESCHEDULED due to being ill. State's opening powerpoint presentation MARKED as Court's Exhibit 1. Pursuant to parties' stipulation, COURT FURTHER ORDERED, State's Exhibits 83, and 86 through 91 ADMITTED into evidence. (See worksheet.)

PROSPECTIVE JURY PANEL PRESENT. Voir dire continued. LUNCH RECESS.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Proceedings resumed with individual voir dire of Prospective Juror Badge No. 150.

PROSPECTIVE JURY PANEL PRESENT: State passed the entire panel for cause. CONFERENCE AT BENCH. Voir dire continued. Deft passed for cause. Peremptory challenges exercised. Jury seated

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and sworn. Jury List FILED IN OPEN COURT. RECESS.

OUTSIDE THE PRESENCE OF THE JURY: Deft's opening powerpoint MARKED as Court's Exhibit 2.

JURY PRESENT: Introductory comments by the Court. Clerk read the Second Amended Information to the Jury. Pre-instructions by the Court. Opening statements on behalf of the State by Ms. Mercer and on behalf of Deft by Mr. Lopez-Negrete.

Testimony and exhibits presented. (See worksheet.) Court admonished the jury and directed them to return tomorrow at 10:15 AM.

OUTSIDE THE PRESENCE OF THE JURY: Upon Court's inquiry, Mr. Rogan advised he would like the opportunity to redact page 11 of the witness' voluntary statement used today to refresh his recollection and to have the answer admitted just as a State's exhibit. Court so noted. Colloquy regarding scheduling.

Trial CONTINUED. EVENING RECESS.

4-8-15 10:15 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 08, 2015**

C-12-286357-1 State of Nevada
vs
Troy White

April 08, 2015 10:15 AM Jury Trial

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**PARTIES**

PRESENT:	Coffee, Scott L.	Deputy Public Defender
	Lopez-Negrete, David E.	Deputy Public Defender
	Mercer, Elizabeth A.	Deputy District Attorney
	Rogan, Jeffrey	Deputy District Attorney
	State of Nevada	Plaintiff
	White, Troy Richard	Defendant

JOURNAL ENTRIES**- DAY 3**

OUTSIDE THE PRESENCE OF THE JURY: State's Bench Brief Regarding the Admissibility of Evidence of Traits of Character of the Victims FILED IN OPEN COURT. RECESS.

Proceedings resumed. Colloquy regarding taking video footage of a child witness. Pursuant to stipulation, COURT ORDERED, Deft's Exhibits F through V as well as State's Exhibits 94 and 95 ADMITTED into evidence. Further, State's Exhibits 92 and 93 ADMITTED with a limiting instruction to the jury.

JURY PRESENT: Clerk called roll. Court gave a limiting instruction with respect to State's Exhibits 92 and 93, stating, the jury will CONSIDER only the portions that are not blocked out as those portions are not admissible evidence.

Testimony and exhibits presented. (See worksheet.) RECESS.

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Testimony and exhibits continued. LUNCH RECESS.

OUTSIDE THE PRESENCE OF THE JURY: Court advised a juror had stopped to ask about Potter's House and was advised counsel will tell them about it during the trial. COURT ORDERED, Deft's Exhibit W ADMITTED by stipulation.

JURY PRESENT: Testimony and exhibits presented. (See worksheet.) RECESS.

Testimony and exhibits continued. Jury admonished and directed to return tomorrow at 9:45 AM.

OUTSIDE THE PRESENCE OF THE JURY: Court inquired of the parties if anyone wished to mark for any purpose the statement of Jodey Gaines / White, the report of Tracey Kruse, and the statement of Fernando Diaz. Ms. Mercer declined on behalf of the State. Mr. Coffee advised he would have to review Jodey's statement. Court DIRECTED counsel to bring a redacted version tomorrow morning if he wished to have it marked so the Court can do an accompanying limiting instruction.

Trial CONTINUED. EVENING RECESS.

4-9-15 9:45 AM JURY TRIAL

CLERK'S NOTE: State's Exhibit 92 was subsequently STRICKEN pursuant to parties' stipulation following a bench conference.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 09, 2015**

C-12-286357-1 State of Nevada
vs
Troy White

April 09, 2015 9:45 AM Jury Trial

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**PARTIES**

PRESENT:	Coffee, Scott L.	Deputy Public Defender
	Lopez-Negrete, David E.	Deputy Public Defender
	Mercer, Elizabeth A.	Deputy District Attorney
	Rogan, Jeffrey	Deputy District Attorney
	State of Nevada	Plaintiff
	White, Troy Richard	Defendant

JOURNAL ENTRIES**- DAY 4**

OUTSIDE THE PRESENCE OF THE JURY: Court NOTED both sides did not wish to mark for any purpose the documents or portion(s) thereof that were used yesterday to refresh witnesses' recollection. Mr. Rogan advised, with regards to State's bench brief filed in open court yesterday, they simply wanted to put everyone on notice that today character traits of either the Deft or the witnesses themselves will be discussed with one or more of the State's witnesses today, and that if they open the door they are willing to rebut those with other evidence under NRS 48.045, but of course approach the bench first and ask for permission. Comments by Mr. Coffee on the relationship of the 3 individuals - the 2 victims and Deft himself - with respect to character evidence. Court recognized the issue and directed counsel to ask for a bench conference if there is an objection. **COURT ORDERED,** trial will start at 10:30 AM on Monday, April 13, 2015.

JURY PRESENT: Clerk called roll. Testimony and exhibits presented. (See worksheet.)

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Minutes Date: April 09, 2015

OUTSIDE THE PRESENCE OF THE JURY: Upon Court's inquiry, Mr. Rogan stated he needs to review the documents that were used to refresh witnesses' recollection before determining whether he would like them marked. Objections related to relevance and foundation, which the Court overruled, regarding issues related to tattoos and accuracy of witness L. Gavin's report placed on the record. RECESS.

JURY PRESENT: Testimony and exhibits continued. (See worksheet.) LUNCH RECESS.

Proceedings resumed. Testimony and exhibits presented. (See worksheet.)

OUTSIDE THE PRESENCE OF THE JURY: Mr. Coffee laid his proffer for Deft's Proposed Exhibits Y, Z, AA, and BB. Mr. Rogan objected stating these photos are prejudicial and irrelevant as the relationship can be established through testimony. Court notes it is not yet to admission but to asking the officer and testing the relationship issue. RECESS.

JURY PRESENT: Testimony and exhibits continued. (See worksheet.) Court admonished the jury and directed them to return on Monday, April 13, 2015 at 10:30 AM. Court further reminded the jury that they will not be in session next Wednesday, April 15, 2015 in case they have any work plans.

OUTSIDE THE PRESENCE OF THE JURY: Discussion commenced regarding documents used to refresh witnesses' recollection, a series of photographs that Mr. Coffee chose to admit, and a separate discussion as to Deft's Exhibit CC. Mr. Rogan noted for the record State had objected based upon foundation and hearsay with regards to CC. Court pointed out, it had inquired during the bench conference as to how CC would be different from the post-it that was admitted.

Mr. Coffee further noted he wanted to make sure a piece of physical evidence, the holster, would be offered at some point as the detective had been taken out of order; additionally, with regards to the photo with the baby, he will consider it with foundation. Court so noted. Court directed counsel to contact the Department if they should need anything tomorrow, April 10th, while trial is not in session.

Trial CONTINUED. WEEKEND RECESS.

4-13-15 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 13, 2015

C-12-286357-1 State of Nevada
 vs
 Troy White

April 13, 2015 10:30 AM Jury Trial

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Tia Everett

RECORDER: Jill Hawkins

PARTIES

PRESENT:	Coffee, Scott L.	Deputy Public Defender
	Lopez-Negrete, David E.	Deputy Public Defender
	Mercer, Elizabeth A.	Deputy District Attorney
	Rogan, Jeffrey	Deputy District Attorney
	White, Troy Richard	Defendant

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY:

Mr. Coffee advised that this morning while in line for the elevator a person said good morning who was recognized as one of the jurors. Mr. Rogan advised the State has no issue. COURT SO NOTED. Colloquy regarding scheduling and jury instructions.

JURY PRESENT:

Testimony and exhibits presented. (See worksheets)

Court recessed for the evening.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 14, 2015**

C-12-286357-1 State of Nevada
 vs
 Troy White

April 14, 2015 9:30 AM Jury Trial

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Tia Everett**RECORDER:** Jill Hawkins**PARTIES****PRESENT:**

Coffee, Scott L.
Lopez-Negrete, David E.
Mercer, Elizabeth A.
Rogan, Jeffrey
State of Nevada
White, Troy Richard

Deputy Public Defender
Deputy Public Defender
Deputy District Attorney
Deputy District Attorney
Plaintiff
Defendant

JOURNAL ENTRIES

- DAY 6

OUTSIDE THE PRESENCE OF THE JURY: COURT ORDERED the following exhibits ADMITTED pursuant to parties' stipulation: State's Proposed Exhibits 102, 102 A, 102B, 103, and 104 through 111; Defendant's Proposed Exhibits EE through NN.

JURY PRESENT: Testimony and exhibits presented. (See worksheet.) RECESS.

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

Mr. Coffee noted, in addition to text messages recovered from the cellphone of Echo Lucas there were 2 voice messages on the day of the shooting left by the Deft and later recovered by forensics; Deft will be offering those 2 messages to provide context during direct rebuttal for the 130 text messages on threats to Ms. Lucas, indications of stalking, etc; the first message lasts a minute and a half and the second message lasts 2 minutes. Ms. Mercer objected to their admission based upon hearsay, noting

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the State does not have the right to cross-examine the Deft. Mr. Coffee further argued they go to Deft's state of mind leading up to the shooting, and added, prior to the trial there was no objection as to their authenticity. Ms. Mercer stated, in fairness to the Deft the State introduced the entire string of text messages which has plenty of Deft indicating that he loved and wanted to get back with Ms. Lucas. COURT ORDERED, OBJECTION SUSTAINED; statements by Deft are hearsay; there is significant additional evidence of Deft's state of mind in the text messages. Voice messages played for the Court and MARKED as Deft's Proposed Exhibits OO and PP. Following further arguments by counsel, Court noted it will reconsider its ruling if Deft testifies.

JURY PRESENT: Testimony and exhibits continued. (See worksheet.) LUNCH RECESS.

Proceedings resumed. Testimony and exhibits presented. (See worksheet.)

OUTSIDE THE PRESENCE OF THE JURY: Further argument by Defense regarding Defendant's Proposed Exhibits OO and PP. No additional record by the State. COURT ORDERED, decision related to hearsay exclusion still operates. RECESS.

JURY PRESENT: At the hour of 2:48 PM, the State RESTED. Deft's case-in-chief commenced. Testimony and exhibits presented. (See worksheet.) At the hour of 3:08 PM, Deft RESTED.

Mr. Rogan advised State has no rebuttal.

CONFERENCE AT BENCH. Court admonished the Jury and DIRECTED them to return on Thursday, April 16, at 9:30 AM, for closing arguments.

OUTSIDE THE PRESENCE OF THE JURY: Court DIRECTED parties to return on Thursday, April 16, at 9:00 AM for settling of jury instructions; State to bring a clean laptop for the jury's use during deliberations. Upon being advised by the bailiff, Court further noted some of the jurors have indicated one of the other jurors has been texting during trial; the Court will make inquiry of said juror on Thursday to confirm this.

EVENING RECESS. Trial CONTINUED.

4-16-15 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 16, 2015**

C-12-286357-1 State of Nevada
 vs
 Troy White

April 16, 2015 9:00 AM Jury Trial

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea**RECORDER:** Debbie Winn**PARTIES**

PRESENT:	Coffee, Scott L.	Deputy Public Defender
	Lopez-Negrete, David E.	Deputy Public Defender
	Mercer, Elizabeth A.	Deputy District Attorney
	Rogan, Jeffrey	Deputy District Attorney
	State of Nevada	Plaintiff
	White, Troy Richard	Defendant

JOURNAL ENTRIES

- DAY 7

OUTSIDE THE PRESENCE OF THE JURY and of the DEFT: Email communications regarding proposed jury instructions and comments thereof MARKED as Court's Exhibits 17 through 27.

Deft's presence WAIVED for the Court's inquiry of Juror No. 6 and for formal setting of jury instructions. Upon inquiry of the Court regarding cellphone use, Juror No. 6 stated most of the time he is simply turning off alerts and setting his phone to airplane mode, and that he is not doing anything on this case. Juror leaves. Court directed the marshal to send the jurors on break. Verdict form MARKED as Court's Exhibit 28 and jury instructions (not numbered) MARKED as Court's Exhibit 29. Jury instructions and verdict form settled on the record. Court noted it had overruled counsel's objection regarding the verdict form. RECESS.

JURY and DEFT PRESENT: Court apologized for the delay, and instructed the jury on the law as it applies to this case. LUNCH RECESS.

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OUTSIDE THE PRESENCE OF THE JURY: Mr. Coffee advised the Court of a missing instruction from the final packet. COURT ORDERED, it will be added as a supplemental instruction, numbered as "15A" and "15B" and read to the jury upon their return. LUNCH RECESS.

Proceedings resumed. State's rebuttal PowerPoint MARKED as Court's Exhibit 31 and Defendant's closing PowerPoint MARKED as Court's Exhibit 32. (See worksheets.)

JURY PRESENT: Court instructed the Jury at to 15A and 15B. Closing arguments on behalf of the State by Mr. Rogan, and on behalf of Deft by Mr. Coffee. Jury admonished.

OUTSIDE THE PRESENCE OF THE JURY: State placed their objection to Mr. Coffee's closing argument with regards to negative inference as to voice mails as completely improper under Glover. RECESS.

JURY PRESENT: Argument in rebuttal by Ms. Mercer. Alternates revealed. Officers sworn. At the hour of 3:33 PM, the jury retired to deliberate. Alternates sequestered.

OUTSIDE THE PRESENCE OF THE JURY: Court DIRECTED counsel to submit any proposed jury instructions for a penalty phase as well as any additional exhibits. Colloquy regarding scheduling. Court advised parties will be contacted as to whether the jury has reached a verdict or, if they have not, what time they decide to return tomorrow. RECESS.

CLERK'S NOTE: Jury did not reach a verdict this date and requested to return tomorrow, April 17, 2015 at 9:30 AM to continue deliberations. Parties notified.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 17, 2015

C-12-286357-1 State of Nevada
 vs
 Troy White

April 17, 2015 9:30 AM Jury Trial

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Debbie Winn

PARTIES

PRESENT:	Coffee, Scott L.	Deputy Public Defender
	Lopez-Negrete, David E.	Deputy Public Defender
	Mercer, Elizabeth A.	Deputy District Attorney
	Rogan, Jeffrey	Deputy District Attorney
	State of Nevada	Plaintiff
	White, Troy Richard	Defendant

JOURNAL ENTRIES

- DAY 8

Jury resumed deliberations.

OUTSIDE THE PRESENCE OF THE JURY: Court advised the jury has sent out a note requesting playback. Note MARKED as Court's Exhibit 33, and the Court's answer MARKED as Court's Exhibit 34. (See worksheet.)

JURY PRESENT: Video of witness Michael Montalto's testimony played for the jury. Further notes from the jury MARKED as Court's Exhibits next in order. Court directed the jury to provide more definition for playback of Joe Averman's testimony as it is long. LUNCH RECESS.

At the hour of 1:33 PM, the jury returned with a verdict, as follows:

COUNT 1 - GUILTY OF SECOND DEGREE MURDER WITH USE OF A DEADLY WEAPON;

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COUNT 2 - GUILTY OF ATTEMPT MURDER WITH USE OF A DEADLY WEAPON;
COUNT 3 - GUILTY OF CARRYING A CONCEALED FIREARM;
COUNT 4 - GUILTY OF CHILD ABUSE, NEGLECT OR ENDANGERMENT (as to Jodey White);
COUNT 5 - GUILTY OF CHILD ABUSE, NEGLECT OR ENDANGERMENT (as to Jesse White);
COUNT 6 - GUILTY OF CHILD ABUSE, NEGLECT OR ENDANGERMENT (as to Jayce White);
COUNT 7 - GUILTY OF CHILD ABUSE, NEGLECT OR ENDANGERMENT (as to Jazzy White);
COUNT 8 - GUILTY OF CHILD ABUSE, NEGLECT OR ENDANGERMENT (as to Jett White).

Verdict and Jury Instructions FILED IN OPEN COURT. Counsel requested Deft remain in custody without bail pending sentencing. COURT ORDERED, matter referred to the Division of Parole and Probation (P & P) for a Pre-Sentence Investigation (PSI) report and SET for sentencing. Counsel may file a sentencing memorandum.

CUSTODY

6-1-15 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 23, 2015**

C-12-286357-1 State of Nevada
 vs
 Troy White

June 23, 2015 11:45 AM Telephonic Conference

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**PARTIES**

PRESENT:	Coffee, Scott L.	Deputy Public Defender
	Mercer, Elizabeth A.	Deputy District Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court advised Ms. Mercer has requested to trail sentencing to the end of tomorrow's calendar. Mr. Coffee stated this is okay. COURT ORDERED, case will be called at 9:45 AM, although it will remain on the 9:00 AM session so Deft will not be transported separately. Secondly, Court advised it understands from the Law Clerk that Ms. Mercer has submitted documents for in camera review, and NOTED, the Court does NOT EXAMINE documents for in camera review unless it has previously issued an order. Ms. Mercer advised she thought they would be relevant; additionally, Mr. Coffee has already reviewed the complete packet of CPS records. Colloquy between counsel regarding the documents. Upon Court's inquiry, Ms. Mercer advised the submitted documents are unredacted. Court noting its procedure for in camera submissions advised that based upon the presentation it needs to determine whether the documents can be produced to the other side and then issue a limiting order; if a record needs to be made about the records, there needs to be an ability to do so. Mr. Coffee his side also intends to submit to the Court an assessment from a doctor. Upon further inquiry by the Court, Ms. Mercer stated the submitted documents are not Bates numbered; she does not believe there was a prior order to submit those records, but another deputy was able to obtain them from DCFS. Court further explained its procedure regarding documents for in camera review and PAUSED the call for parties to talk. Call RESUMED. Ms. Mercer apologized for not knowing the procedure for CPS records and advised that parties are in agreement to continue sentencing for a

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month for her to get the records Bates stamped. Mr. Coffee concurred this is fine, as something also came up in the State's sentencing memorandum that he needs to investigate. COURT ORDERED, sentencing RESET to July 20, 2015. Status Check on CPS records SET on July 2, 2015 in Chambers; no appearances are required for this date.

CUSTODY

7-2-15 CHAMBERS STATUS CHECK: RECORDS

7-20-15 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 30, 2015**

C-12-286357-1 State of Nevada
 vs
 Troy White

June 30, 2015**1:30 PM****Minute Order: In Camera Review****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea**PARTIES** None. Minute order only - no hearing held.**PRESENT:**

JOURNAL ENTRIES

- Court MARKED unredacted unnumbered documents subject to prior conference call as Court's Exhibit 1 and SEALED it. (See worksheet.) Court reviewed in camera unredacted 0001-0329 (MARKED as Court's Exhibit 2 and SEALED). These records are to be released to the District Attorney and Mr. Coffee contingent upon both maintaining the confidentiality of these records and execution of the Court's receipt. If any additional disclosure of the records is to be made, counsel may seek an additional order of the Court.

CLERK'S NOTE: A copy of the above minute order was distributed to Deputy District Attorneys Liz Mercer and Jeffrey Rogan, and Deputy Public Defenders Scott Coffee and David Lopez-Negrete. / dr

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 20, 2015**

C-12-286357-1 State of Nevada
 vs
 Troy White

July 20, 2015 9:00 AM Sentencing

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Tena Jolley**RECORDER:** Jill Hawkins**PARTIES**

PRESENT:	Coffee, Scott L.	PD/ Attorney for Defendant
	Mercer, Elizabeth A.	DA/ Attorney for State of Nevada
	Rogan, Jeffrey	DA/ Attorney for State of Nevada
	White, Troy Richard	Defendant

JOURNAL ENTRIES

- Mr. Coffee advised there were errors in the Pre-Sentence Investigation (PSI) report; P&P have been contacted and are in the process of preparing a Supplemental PSI; and asked that the Court accept the Supplement PSI before a Judgment of Conviction is signed as it could affect Deft's. housing. State had no objection. Based on the representations, COURT ORDERED, PSI be amended to modify the offenses shown on page 4, to correctly reflect the charges and on page 5, to modify the mention of the gang issue. Court directed Mr. Coffee to prepare an order so that Parole and Probation will be directed to modify the PSI prior to the Court's rendition of sentencing.

DEFT. WHITE ADJUDGED GUILTY as to COUNT 1 - MURDER WITH USE OF A DEADLY WEAPON (F); COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F); COUNT 3 - CARRYING A CONCEALED FIREARM OR OTHER DEADLY WEAPON (F); and COUNTS 4, 5, 6, 7 and 8 - CHILD ABUSE, NEGLECT OR ENDANGERMENT (F). Matter argued and submitted. Statement by Defendant. Victim Witnesses sworn and testified. COURT ORDERED, in addition to the \$25.00 Administrative Assessment Fee, \$250.00 Indigent Defense Civil Assessment Fee, \$335.50 Extradition Costs, \$3.00 DNA Collection fee, and \$150.00 DNA Analysis Fee including testing to determine genetic markers, the Defendant is SENTENCED to the Nevada Department of Corrections (NDC) on COUNT 1 to a MINIMUM of TEN (10) YEARS and a MAXIMUM of LIFE, plus a

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Page 1 of 2

Minutes Date: July 20, 2015

CONSECUTIVE term of a MINIMUM OF SEVENTY-SIX (76) MONTHS and a MAXIMUM ONE HUNDRED NINETY-TWO (192) MONTHS for the Use of a Deadly Weapon; on COUNT 2 to a MINIMUM of SEVENTY-SIX (76) MONTHS and a MAXIMUM of ONE HUNDRED NINETY-TWO (192) MONTHS, plus a CONSECUTIVE term of ONE HUNDRED NINETY-TWO (192) MONTHS for the Use of a Deadly Weapon; CONSECUTIVE to COUNT 1; on COUNT 3 to a MINIMUM of NINETEEN (19) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS, CONCURRENT WITH COUNTS 1 & 2; on COUNT 4 to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS, CONSECUTIVE TO COUNTS 1 & 2; on COUNT 5 to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS, CONCURRENT with ALL OTHER COUNTS; on COUNT 6 to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS, CONCURRENT with ALL OTHER COUNTS; on COUNT 7 to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS, CONCURRENT with ALL OTHER COUNTS; and on COUNT 8 to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS, CONCURRENT with ALL OTHER COUNTS; with ONE THOUSAND EIGHTY-EIGHT DAYS (1,088) DAYS CREDIT FOR TIME SERVED; for an AGGREGATE TOTAL SENTENCE of a MINIMUM OF THIRTY-FOUR (34) YEARS to a MAXIMUM of LIFE.

BOND, if any, EXONERATED.

NDC


CLERK OF THE COURT

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
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8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 TROY RICHARD WHITE,

12 Defendant.
13

) CASE NO. C-12-286357-1

) DEPT. XI

) (ARRAIGNMENT HELD IN DEPT. LLA)

14
15 BEFORE THE HONORABLE MELISA DE LA GARZA, HEARING MASTER
16 WEDNESDAY, JANUARY 09, 2013

17 **RECORDER'S TRANSCRIPT OF HEARING RE:**
18 **ARRAIGNMENT CONTINUED**

19 APPEARANCES:

20 For the State:

ELIZABETH A. MERCER, ESQ.,
Chief Deputy District Attorney

21 For the Defendant:

22 SCOTT L. COFFEE, ESQ.,
Deputy Public Defender
23
24

25 RECORDED BY: KIARA SCHMIDT, COURT RECORDER

1 WEDNESDAY, JANUARY 09, 2013

2 * * * * *

3 P R O C E E D I N G S
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5 THE COURT: State of Nevada versus Troy White, C286357. He is present in
6 custody. Counsels, if you'd state your appearances.

7 MR. COFFEE: Scott Coffee with the Clark County Public Defender's office on
8 behalf of Mr. White.

9 MS. MERCER: And Liz Mercer for the State, your Honor.

10 THE COURT: Okay, and where are we?

11 MR. COFFEE: He's going to enter a not-guilty plea. We need to set it to
12 District Court for a trial setting.

13 THE COURT: Four? All right. Sir, you received a copy of the Information --
14 is it an Information?

15 MR. COFFEE: Yes.

16 MS. MERCER: Yes.

17 THE COURT: -- stating the charges against you?

18 THE DEFENDANT: Yes, I have.

19 THE COURT: Did you read through it and understand it?

20 THE DEFENDANT: Not -- yes. Yes.

21 THE COURT: All right. I'm not asking whether you agree with it. Just
22 whether you understand the charges against you.

23 THE DEFENDANT: Correct. Yes, I do.

24 THE COURT: Do you want to waive a formal reading of the charges?

25 THE DEFENDANT: Yes, I do.

1 THE COURT: How do you plead?

2 THE DEFENDANT: Not guilty.

3 THE COURT: You do have a right to a trial within 60 days. Do you want to
4 waive or invoke that right?

5 THE DEFENDANT: I'll waive that right.

6 THE COURT: All right. Then we're going to set it in front of District Court 4
7 for the actual trial setting noting that he has been arraigned and waived his right to a
8 speedy trial.

9 THE CLERK: January 16th at nine a.m., Department 9.

10 MR. COFFEE: Very good. Thank you, Judge.

11 THE DEFENDANT: Thank you.

12 THE COURT: Thank you. Have a great afternoon.

13 MS. MERCER: Thank you.

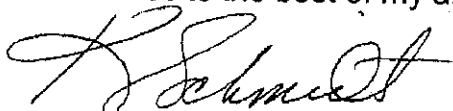
14 (Whereupon, the proceedings concluded.)

15 * * * * *

16 ATTEST: I do hereby certify that I have truly and correctly transcribed the
17 audio/video proceedings in the above-entitled case to the best of my ability.

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Kiara Schmidt, Court Recorder/Transcriber

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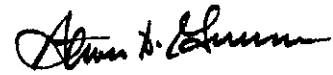
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CLERK OF THE COURT

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 TROY RICHARD WHITE,

12 Defendant.

CASE#: C286357-1

DEPT. XI

13
14
15 BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

16 MONDAY, JANUARY 28, 2013

17 **RECORDER'S TRANSCRIPT OF PROCEEDINGS**
STATUS CHECK: TRIAL SETTING

18 **APPEARANCES:**

19 For the State:

ELIZABETH A. MERCER, ESQ.
Deputy District Attorney

20 For the Defendant:

21 SCOTT L. COFFEE, ESQ.
Deputy Public Defender

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25 RECORDED BY: JILL HAWKINS, COURT RECORDER

1 MONDAY, JANUARY 28, 2013 AT 9:37 A.M.

2
3 THE COURT: Which page?

4 MR. COFFEE: Page 8. I'm sorry.

5 THE COURT: Troy White. Good morning again, sir. You want to set a trial?

6 MS. MERCER: Yes, Your Honor.

7 MR. COFFEE: Yes, please, Judge.

8 THE COURT: When would you like to set trial?

9 MS. MERCER: Do you have a criminal stack in November?

10 THE COURT: The criminal stack has a week in November which is the week
11 of November 4th and last week of the criminal stack.

12 MS MERCER: I'm sorry. It's the week of --

13 THE COURT: November 4th, the last week of the stack.

14 MS. MERCER: Okay. Could we set it then, Your Honor?

15 THE COURT: November 4.

16 MR. COFFEE: That would be fine, Judge.

17 THE COURT: Calendar call will be October 30th.

18 MS. MERCER: Thank you, Your Honor.

19 MR. COFFEE: And, Judge, this is the District Court arraignment. With the
20 setting of the trial date, I'm just beginning to review the preliminary hearing
21 transcript. I'd ask for 21 days from today to file a writ. It was filed on the 14th. I'd at
22 least ask for 21 days from the filing of the transcript which would be a week from
23 today.

24 THE COURT: Any objection?

25 MS. MERCER: Not from the filing of the transcript, Your Honor.

1 THE COURT: Okay, Mr. Coffee, 21 days from the filing of the transcript.

2 MR. COFFEE: Thank you, Judge.

3 MS. MERCER: Thank you, Your Honor.

4 THE COURT: Anything else?

5 MR. COFFEE: No.

6 THE COURT: Do you want me to set a status check on any issues related to
7 your trial? Are you guys going to keep it all under control?

8 MR. COFFEE: We'll keep it under control.

9 THE COURT: All right. Thank you.

10 MR. COFFEE: Thank you.

11 MS. MERCER: Thank you.

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[Proceedings concluded at 9:39 a.m.]

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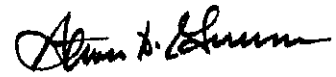
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PATRICIA SLATTERY
Court Transcriber


CLERK OF THE COURT

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 TROY RICHARD WHITE,

12 Defendant.

CASE#: C286357-1

DEPT. XI

13
14
15 BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

16 WEDNESDAY, JULY 31, 2013

17 **RECORDER'S TRANSCRIPT OF PROCEEDINGS
STATUS CHECK**

18 **APPEARANCES:**

19 For the State:

ELIZABETH A. MERCER, ESQ.
Deputy District Attorney

20 For the Defendant:

BELINDA T. HARRIS, ESQ.
Deputy Public Defender

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25 RECORDED BY: JILL HAWKINS, COURT RECORDER

1 WEDNESDAY, JULY 31, 2013 AT 9:10 A.M.

2
3 THE COURT: Okay. What's going on with the Supreme Court?

4 MS. HARRIS: The Supreme Court has ordered full briefing on this matter,
5 Judge, at this point. So, based upon that we would just be asking that the trial date
6 be vacated and we get a status check date in December. I believe the State has to
7 have their brief in about two weeks and then we have ours and then they have their
8 return, and hopefully they'll issue the opinion within the 90 day window that they say
9 they have allotted to answer that.

10 I've spoken to Mr. White. I'm here on behalf of Mr. Scott Coffee for Mr.
11 White. We would just ask for a status check in December.

12 MS. MERCER: That's correct, Your Honor.

13 THE COURT: Okay. First week of December.

14 THE COURT CLERK: December 2 at 9 a.m.

15 THE COURT: Trial date vacated pending the briefing from the Supreme
16 Court. Case is ordered stayed.

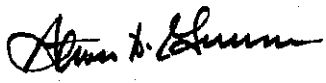
17 MS. HARRIS: Thank you.

18 THE COURT: Thank you.

19 [Proceedings concluded at 9:11 a.m.]

20
21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio/video proceedings in the above-entitled case to the best of my ability.

23 
24 PATRICIA SLATTERY
25 Court Transcriber


CLERK OF THE COURT

1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 TROY RICHARD WHITE,

12 Defendant.

CASE#: C286357-1

DEPT. XI

13
14
15 BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE
16 MONDAY, DECEMBER 2, 2013

17 **RECORDER'S TRANSCRIPT OF PROCEEDINGS**
18 **STATUS CHECK: SUPREME COURT OPINION**

19 APPEARANCES:

For the State:

ELIZABETH A. MERCER, ESQ.
Deputy District Attorney

20 For the Defendant:

SCOTT L. COFFEE, ESQ.
Deputy Public Defender

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25 RECORDED BY: JILL HAWKINS, COURT RECORDER

1 MONDAY, DECEMBER 2, 2013 AT 9:13 A.M.

2
3 THE COURT: What's going on with the Nevada Supreme Court?

4 MS. MERCER: The briefing has been completed, Your Honor, but we don't
5 have the decision yet.

6 THE COURT: Did they set argument?

7 MS. MERCER: They've not requested argument yet but it could still happen.

8 MR. COFFEE: I think there's a reasonable chance. I'd say normally there's a
9 about a fifteen percent chance. It says 40 or 50 if they'll set argument on that.

10 THE COURT: How long do you want me to continue while we wait?

11 MS. MERCER: We were just going to ask for 90 days and then -- we're both
12 pretty diligent about checking the status with the Supreme Court website. So, we
13 can just notify the Court if the decision gets handed down before that date.

14 MR. COFFEE: That would be fine.

15 THE COURT: Sounds like a plan to me. Ninety days.

16 MR. COFFEE: Perfect. Thank you, Judge.

17 THE COURT: Have a nice day.

18 THE COURT CLERK: March 3rd at 9 a.m.

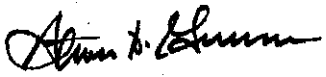
19 MS. MERCER: Thank you, Your Honor.

20 THE COURT: Have a nice day. The Defendant's presence was waived.

21 [Proceedings concluded at 9:15 a.m.]

22 ATTEST: I do hereby certify that I have truly and correctly transcribed the
23 audio/video proceedings in the above-entitled case to the best of my ability.

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25 PATRICIA SLATTERY
Court Transcriber


CLERK OF THE COURT

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 TROY RICHARD WHITE,

12 Defendant.

CASE#: C286357-1

DEPT. XI

13
14
15 BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

16 MONDAY, MARCH 31, 2014

17 **RECORDER'S TRANSCRIPT OF PROCEEDINGS**
STATUS CHECK: SUPREME COURT OPINION

18 APPEARANCES:

19 For the State:

MICHAEL J. SCHWARTZER, ESQ.
Deputy District Attorney

20 For the Defendant:

21 SCOTT L. COFFEE, ESQ.
DAVID LOPEZ-NEGRETE, ESQ.
22 Deputy Public Defenders

23
24
25 RECORDED BY: JILL HAWKINS, COURT RECORDER

1 MONDAY, MARCH 31, 2014 AT 9:10 A.M.

2
3 THE COURT: Mr. Coffee.

4 MR. COFFEE: Good morning, Judge. I didn't mean to cut anybody off. It's
5 going to be very quick. I have Mr. Negrete up here also. It's Troy White's status
6 check on the Supreme Court, page 7.

7 THE COURT: Page 7. Have you heard anything?

8 MR. COFFEE: We haven't heard anything. I checked the minutes on Friday
9 actually in preparation of this. There's nothing new posted. It did drop me to see
10 that the appeal was filed just a little over a year ago and it's on an expedited
11 schedule. It gives us some idea of the speed that we're probably moving at.
12 So, I don't know if the Court wants to set a status check in 30 days or 60 days,
13 whatever the Court's pleasure.

14 THE COURT: We're trying to do 60 to 90 given how slow they are.

15 MR. SCHWARTZER: The dates are fine, Your Honor.

16 MR. COFFEE: That's fine.

17 THE COURT: Sixty days.

18 MR. COFFEE: Thank you, Judge. And, Judge, he's not here this morning.
19 He's in custody at the detention center. I would ask that his presence be waived.
20 I've been in good contact with him.

21 THE COURT: Absolutely.

22 MR. COFFEE: Thank you.

23 THE COURT CLERK: June 2 at 9 a.m.

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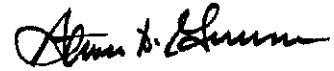
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MR. COFFEE: Thanks then.

[Proceedings concluded at 9:11 a.m.]

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.


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Court Transcriber



CLERK OF THE COURT

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
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8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 TROY RICHARD WHITE,

12 Defendant.
13

CASE#: C286357-1

DEPT. XI

14
15 BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE
16 MONDAY, FEBRUARY 23, 2015

17 **RECORDER'S TRANSCRIPT OF PROCEEDINGS**
STATUS CHECK: TRIAL READINESS

18 APPEARANCES:

19 For the State:

ROBERT BRAD TURNER, ESQ.
Chief Deputy District Attorney

20 For the Defendant:

21 SCOTT L. COFFEE, ESQ.
Deputy Public Defender
22
23
24

25 RECORDED BY: JILL HAWKINS, COURT RECORDER

1 MONDAY, FEBRUARY 23, 2015 AT 9:28 A.M.

2
3 THE COURT: Mr. Coffee.

4 MR. COFFEE: Good morning, Judge.

5 MR. COFFEE: Troy White is on page one.

6 THE COURT: Good morning, Mr. White. How are you today?

7 THE DEFENDANT: Good morning.

8 THE COURT: Gentlemen.

9 MR. TURNER: Good morning, Your Honor. Brad Turner on behalf of the
10 State.

11 MR. COFFEE: The defense anticipated being ready for the trial date, Judge.

12 THE COURT: All right. So, are you going to be ready?

13 MR. COFFEE: I anticipate being ready.

14 MR. TURNER: At this point, Judge, the State's ready. We've already issued
15 our subpoenas. As of right now in reviewing all of our subpoena returns, we don't
16 see an issue.

17 THE COURT: How long is trial going to take?

18 MR. COFFEE: Two weeks.

19 THE COURT: Here's the problem. You know how everybody thinks that City
20 Center settled? Well it's not. Because I'm in the bench trial for City Center and I will
21 probably be in the bench trial for some extended period of time. I may be done for
22 this trial. So, if it looks like I'm not going to be done, I may have Judge Herndon try
23 and place it with another department outside overflow since it's not technically
24 overflow eligible.

25 MR. TURNER: Okay.

1 MR. COFFEE: Okay.

2 THE COURT: I'm just giving you the warning that that may happen.

3 MR. COFFEE: Understood.

4 THE COURT: We're on our third witness. We're not done yet.

5 MR. COFFEE: And I don't know -- I don't want to be accused of forum
6 shopping. The defense would obviously prefer to stay in here considering the
7 Court's heard the pre-trial litigation on the matter and that may come up at some
8 point during the trial.

9 THE COURT: And at the Legislature.

10 MR. COFFEE: I know it's going to come up there. I expect to be testifying.

11 MR. TURNER: Whatever the Court's pleasure is, Judge, we'll be ready.

12 MR. COFFEE: Very good. Thank you, Judge.

13 THE COURT: Well it looks like we're on course. So, we'll stay on track and
14 as we get closer, play it by ear.

15 MR. COFFEE: Very good.

16 MR. TURNER: Thank you, Judge.

17 THE COURT: All right.

18 MR. COFFEE: There might be a bad acts motion coming. The State
19 informed me this morning, just so the Court's aware of that. I haven't received it yet.
20 If they do file it, as long as it's filed a few days beforehand, we anticipate --

21 MR. TURNER: We'll make sure it's timely filed, Judge. I just put Mr. Coffee
22 on notice.

23 THE COURT: Well here's the deal. Since I'm in this trial for a long time, I've
24 got Mondays alone for evidentiary hearings on other things. If we're going to do an
25 evidentiary hearing that's part of that, I've got to do it on a Monday. So, don't wait

1 until the last minute and you need to do it at least three weeks ahead of time.

2 MR. TURNER: Yes, Your Honor.

3 THE COURT: Okay.

4 MR. TURNER: Thank you.

5 THE COURT: Anything else?

6 MR. TURNER: That's it, Judge. Thanks.

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[Proceedings concluded at 9:32 a.m.]

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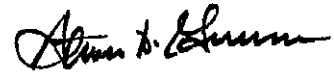
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PATRICIA SLATTERY
Court Transcriber



CLERK OF THE COURT

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
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8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 TROY RICHARD WHITE,

12 Defendant.
13

CASE#: C286357-1

DEPT. XI

14
15 BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE
16 WEDNESDAY, MARCH 25, 2015

17 **RECORDER'S TRANSCRIPT OF PROCEEDINGS**
CALENDAR CALL

18 APPEARANCES:

19 For the State:

ELIZABETH A. MERCER, ESQ.
Deputy District Attorney

20 For the Defendant:

21 SCOTT L. COFFEE, ESQ.
Deputy Public Defender
22
23
24

25 RECORDED BY: JILL HAWKINS, COURT RECORDER

1 WEDNESDAY, MARCH 25, 2015 AT 9:17 A.M.

2
3 THE COURT: Can you approach the bench, please? Put on my white noise.
4 Good morning, Mr. White.

5 THE DEFENDANT: Good morning.

6 [Bench conference -- not transcribed]

7 THE COURT: Mr. White, I was trying to talk with counsel about scheduling.
8 You may remember the last time you were I said that I had some problems and we
9 weren't going to be able to try it in this department if we started next Monday. I can
10 try it if we start the following week. So, I've talked to counsel about that. They're
11 going to check with the witnesses and then we're going to have a conference call on
12 Friday to make sure that everything is set to start on April 6th. But if it doesn't work
13 out, then we'll have another hearing and we'll pick a new date. Okay.

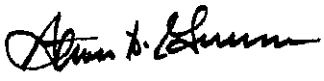
14 THE DEFENDANT: Okay.

15 MS. MERCER: Thank you, Your Honor.

16
17 [Proceedings concluded at 9:19 a.m.]
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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio/video proceedings in the above-entitled case to the best of my ability.

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24 PATRICIA SLATTERY
25 Court Transcriber


CLERK OF THE COURT

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 TROY RICHARD WHITE,

12 Defendant.

CASE#: C286357-1

DEPT. XI

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14
15 BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE
16 FRIDAY, MARCH 27, 2015

17 **RECORDER'S TRANSCRIPT OF PROCEEDINGS**
18 **TELEPHONIC CONFERENCE: TRIAL SETTING**

19 APPEARANCES:

20 For the State:

ELIZABETH A. MERCER, ESQ.
Deputy District Attorney

21 For the Defendant:

SCOTT L. COFFEE, ESQ.
Deputy Public Defender

22
23
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25 RECORDED BY: JILL HAWKINS, COURT RECORDER

1 FRIDAY, MARCH 27, 2015 AT 9:00 A.M.

2
3 [All counsel appearing telephonically]

4 THE COURT: Good morning.

5 MS. MERCER: Good morning.

6 THE COURT: Do you have Mr. Coffee on the phone?

7 MS. MERCER: He was the one doing the conference call so I think so.

8 Scott? He might have gotten disconnected.

9 THE COURT: That's not good.

10 MS. MERCER: No.

11 THE COURT: Mr. Coffee, are you back on the phone call?

12 MS. MERCER: Let me see if I can conference him then real quick.

13 THE COURT: All right. Because I got no idea how to do that.

14 [Pause in proceedings]

15 MS. MERCER: Okay. I think -- do we have everybody now?

16 THE COURT: Yes, I think so. Good morning. Mr. White is here with me.

17 MR. COFFEE: Oh, okay. I didn't know they were going to transport him but,
18 great.

19 THE COURT: They did. So, when -- are we able to go on the 6th?

20 MS. MERCER: Yes, we are. I think we don't -- we don't have any problems
21 with our witnesses so far.

22 THE COURT: Great.

23 MS. MERCER: The only problem I have is that I realized when I got back to
24 my office and checked my schedule that I'm actually supposed to be out of town on
25 the Friday of that week.

1 THE COURT: The 10th?

2 MS. MERCER: Yes.

3 THE COURT: Okay.

4 MS. MERCER: I don't -- I mean, I don't want to inconvenience the Court or --

5 MR. COFFEE: We don't have any objection to taking the Friday off. I'm
6 pretty sure we can get it done in two weeks even taking the Friday off.

7 THE COURT: And I have to go up to Carson City on the 15th. But I think we'll
8 be able to get it done in the two weeks. As you know, I'm a harsh taskmaster.

9 All right. Then we'll plan to start on the 6th. Is there anything else we
10 need to do in preparation?

11 MS. MERCER: No. But do you have any idea of the Court's schedule for
12 those two weeks just so that we can try to line up witnesses?

13 THE COURT: Monday and Wednesday we'll start at 10; Tuesday, Thursday
14 we'll start at nine; Friday I try and start at nine too.

15 MS. MERCER: Okay. Perfect.

16 MR. COFFEE: Yeah.

17 THE COURT: We break from 12 to 1:15.

18 MS. MERCER: Twelve to 1:15 is lunch?

19 THE COURT: Yep. And then we break at five.

20 MR. COFFEE: Okay. Yeah, I think we can get it knocked out in the eight
21 days pretty easy.

22 THE COURT: Yeah, I didn't have any doubt at all. I know that my trial day is
23 more than other people's trial day.

24 MS. MERCER: Yeah.

25 MR. COFFEE: Yeah.

1 THE COURT: I need the State's jury instructions on the morning of trial. If
2 you can email them to us in Word format then I can start working on them and Mr.
3 Coffee we'll get yours as the case goes on.

4 MS. MERCER: Okay.

5 MR. COFFEE: Okay. Very good.

6 THE COURT: Anything else?

7 MR. COFFEE: No; and I'll talk to Liz here in a minute about jury instructions
8 and stuff because a lot of them will just be -- she'll have some specials but a lot of
9 them will just be things that they need to include in their pack.

10 THE COURT: Yes. It's not going to be that complicated.

11 MR. COFFEE: Yeah.

12 MS. MERCER: Great.

13 THE COURT: All right. For any reason, are you guys going to need a jury
14 questionnaire from the commissioner?

15 MR. COFFEE: No, I don't think so.

16 MS. MERCER: I don't think so either.

17 THE COURT: All right. Well then I will see you at 10 o'clock on the 6th.

18 MR. COFFEE: Thank you.

19 MS. MERCER: Thank you very much.

20 THE COURT: Have a nice day.

21 [Proceedings concluded at 9:03 a.m.]

22 ATTEST: I do hereby certify that I have truly and correctly transcribed the
23 audio/video proceedings in the above-entitled case to the best of my ability.

24 
25 PATRICIA SLATTERY
Court Transcriber

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APPELLANT'S APPENDIX VOLUME II PAGES 210-423

ADAM LAXALT
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

Counsel for Respondent

CERTIFICATE OF SERVICE

HOWARD S. BROOKS
SCOTT COFFEE

TROY WHITE
NDOC # 1143868
c/o HIGH DESERT STATE PRISON
PO Box 650
Indian Springs, NV 89070

BY [Signature]
Employee, Clark County Public Defender's Office

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Clerk of Supreme Court

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APPELLANT'S APPENDIX VOLUME II PAGES 210-423

Counsel for Respondent

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27		
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ORIGINAL

BREF

STEVEN B. WOLFSON
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Nevada Bar #001565
JEFFREY S. ROGAN
Chief Deputy District Attorney
Nevada Bar #10734
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Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

APR 08 2015

BY 
DULCE MARIE ROMEA, DEPUTY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

-vs-

TORY RICHARD WHITE,
#1383512

Defendant.

CASE NO: C-12-286357-1

DEPT NO: XI

**STATE'S BENCH BRIEF REGARDING THE ADMISSIBILITY OF EVIDENCE OF
TRAITS OF CHARACTER OF THE VICTIMS**

During the defendant's opening statement, it became apparent to the State that the defendant may inadvertently be commenting upon victim Echo White's character, and unintentionally introducing evidence that would tend to paint her as a drunken, chain-smoking, tattoo-loving harlot. Likewise, during opening, the defendant's attorney made comments regarding victim Joseph Averman's first marriage that unfairly characterize him as a "cheater" during that relationship.

In particular, with regards to Echo White, the defendant's attorney mentioned in his opening that, after Echo separated from the defendant and began her relationship with Joseph Averman, she began to drink, smoke and acquire tattoos. Additionally, the defendant's opening Powerpoint presentation included three photographs from the Echo's phone declaring "I love shoes, booze, and boys with tattoos," "some girls are just born with glitter in their

1 veins," and "free-spirited." (See Exhibits 1, 2 and 3, Slides from Defendant's Opening
2 PowerPoint presentation, attached hereto).

3 Such use of circumstantial and irrelevant character evidence regarding Echo and Joseph
4 is simply impermissible. NRS 48.045(1); 48.055.

5 NRS 48.045 specifically delineates the use of character evidence. The general rule
6 under that statute is that "evidence of a person's character or a trait of his or her character is
7 not admissible for the purpose of proving that the person acted in conformity therewith on a
8 particular occasion..." NRS 48.045(1). While some exceptions exist, including "[e]vidence of
9 the character or a trait of character of the victim of the crime offered by an accused... and
10 similar evidence offered by the prosecution to rebut such evidence[.]" the fact remains that the
11 traits of character at issue must be relevant to a charge or defense. As the Nevada Supreme
12 Court has previously stated,

13 *Before any evidence is admissible, it must be relevant. Character evidence is no*
14 *exception.*

15 Coombs v. State, 91 Nev. 489, 490, 538 P.2d 162, 162, (1975); see Daly v. State, 99 Nev. 564,
16 571, 665 P.2d 798, 803 (1983) ("proof [of good character] must be confined to the particular
17 traits of character that are relevant to the conduct with which the accused has been charged").

18 Here, Echo White's alleged affinity for tattoos, her choice to drink alcohol or smoke,
19 or whether she held herself out to be a "free-spirited" person, are simply not traits of character
20 or behaviors relevant to the determination of any charge or defense at issue. See NRS 48.015
21 ("relevant evidence" means evidence having any tendency to make the existence of any fact
22 that is of consequence to the determination of the action more or less probable than it would
23 be without the evidence"); NRS 48.025(2) ("Evidence which is not relevant is not
24 admissible"). Whether Echo drank or smoked or purchased tattoos, for example, does not
25 excuse her killing, nor reduce the crime of murder to manslaughter.¹

26
27 ¹ The use of these photographs are also problematic on hearsay grounds. The defendant offered these statements in his
28 opening as adoptive admissions, urging the jury to use this photographs to believe that Echo White was in fact "free-
spirited" and loved "shoes, booze, and boys with tattoos." See 51.045 (defining "statement"). Regardless of the relevancy
of the statements, no hearsay exception or exclusion allows for their admission.

1 Similarly, whether Joseph Averman is a "cheated" on his first wife is irrelevant to the
2 defendant's killing of Echo White, as this trait of character is not evidence of the defendant's
3 criminality, does not negate any element of the offenses charged, and does not excuse any of
4 the offenses.

5 Additionally, even if the defendant were to proffer some relevant purpose for the
6 admissibility of these traits of character, the probative value of the character evidence would
7 be substantially outweighed by the danger of unfair prejudice or confusion of the issues, and
8 therefore should be excluded. NRS 48.035(1). As the Court is aware, in addition to touching
9 upon Echo White's character, the defendant portrayed his own character positively by, for
10 example, calling himself a "family man," "happily married for years," who did "everything he
11 could to keep his family together" after he was "betrayed" by Joe Averman. (See Exhibits 4
12 and 5, attached hereto). The obvious danger of this competing character evidence is that the
13 jury will render a verdict based upon the alleged (positive) traits of character of the defendant
14 in contrast to the alleged (poor) traits of character of the victim, rather than actual evidence of
15 the defendant's innocent or guilt. —

16 Finally, even if relevant, "evidence of character or a trait of character of a person...
17 may be made by testimony as to reputation or in the form of an opinion." NRS 48.055
18 (emphasis added). Thus, photographs on the victim's phone declaring "I love shoes, booze,
19 and boys with tattoos," or "some girls are just born with glitter in their veins," or "free-
20 spirited," constitute inadmissible physical evidence tending to show a trait of character, rather
21 than opinion or reputation testimony. Similarly, evidence that Joseph had cheated on first wife
22 is a specific instance of conduct not permitted by NRS 48.055, as it also is not opinion or
23 character evidence.

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1 **CONCLUSION**

2 For these reasons, the State requests that the Court prohibit the introduction of any
3 irrelevant character evidence, testimonial or otherwise.
4

5 STEVEN B. WOLFSON
6 Clark County District Attorney
7 Nevada Bar #001565

8 BY 

9 JERREY S. ROGAN
10 Chief Deputy District Attorney
11 Nevada Bar #10734

12 **RECEIPT OF COPY**

13 RECEIPT OF COPY of the above and foregoing Memorandum is hereby
14 acknowledged this 8th day of April, 2015.

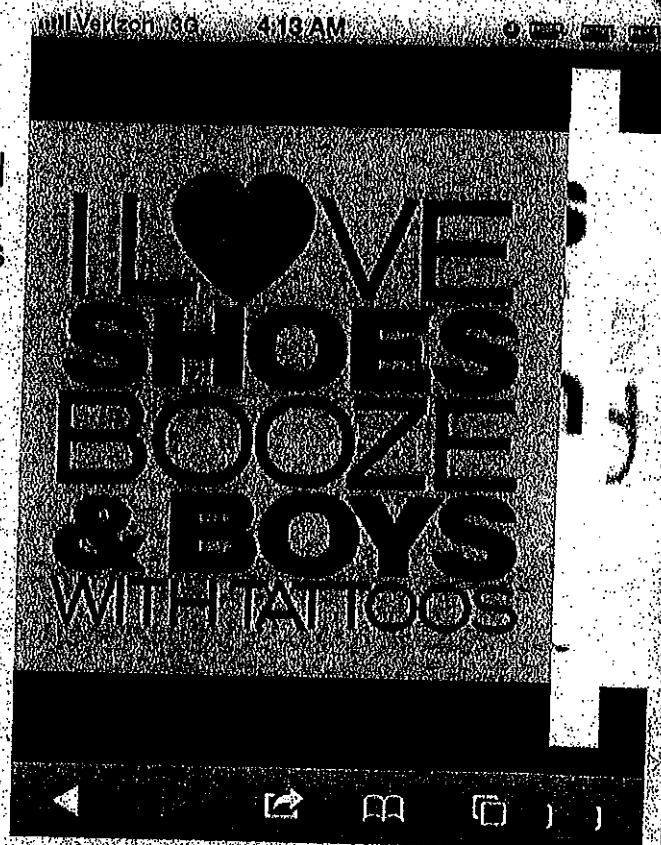
15 SCOTT COFFEE, ESQ.
16 PUBLIC DEFENDER'S OFFICE
17 ATTORNEY FOR DEFENDANT

18 BY

19 309 S. Third Street, #226
20 Las Vegas, Nevada 89101
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Family of Troy & Echo White

- o Met at church
- o Echo 22 years old
- o Married 6 months
after meeting Troy



Family of Troy & Echo White

- o Met at church
- o Echo 22 years old
- o Married 6 months
after meeting Troy

Verizon 3G 4:15 AM



some girls
were just
BORN with
glitter
in their
veins



Family of Troy & Echo White

- o Met at church
- o Echo 22 years old
- o Married 6 months
after meeting Troy

Verizon 3G 4:10 AM

FREE  
spirited



Troy White

- o Family Man
- o Happily Married for Years
- o Betrayed by Joe Averman
- o Troy intensely wanted to save his family
- o Heat of Passion - Rash impulse

There's No Place Like Home

- Troy doing everything he could to keep his family together
- Still trying to reconcile with Echo
 - Messages reveal Troy thought it was on horizon


CLERK OF THE COURT

1 **SLOW**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 LIZ MERCER
6 Chief Deputy District Attorney
7 Nevada Bar #010681
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10
11 Plaintiff,

11 -vs-

12 TROY RICHARD WHITE,
13 #1383512
14 Defendant.

CASE NO: C-12-286357-1

DEPT NO: IX

15 **SECOND SUPPLEMENTAL NOTICE OF WITNESSES AND/OR EXPERT**
16 **WITNESSES**
17 **[NRS 174.234]**

17 TO: TROY RICHARD WHITE, Defendant; and

18 TO: SCOTT COFFEE, DEPUTY PUBLIC DEFENDER, Counsel of Record:

19 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
20 NEVADA intends to call the following witnesses and/or expert witnesses in its case in chief.

21 These witnesses are in addition to those witnesses endorsed on the Information or
22 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert
23 Witnesses has been filed.

24 The substance of each expert witness' testimony and copy of all reports made by or at
25 the direction of the expert witness has been provided in discovery.

26 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

27 ***Indicates an additional witness**

28 //

	<u>NAME</u>	<u>ADDRESS</u>
1		
2	ADAY, CHARLES - LVFD 500 N. Casino Center Boulevard, Las Vegas, NV 89101 - He is	
3	a clinician, trained to respond quickly to emergency situations regarding medical issues and	
4	traumatic injuries and will testify regarding the treatment of Echo Lucas and/or Joseph	
5	Averman.	
6	AIKENS, EDIN - CLARK COUNTY CORONER'S OFFICE	
7	ALDRIDGE, JED - LVMPD P#7951	
8	ALLEN, HERMAN - 6255 W. TROPICANA AVE., LVN 89103	
9	AVERMAN, JOSEPH - 8777 TOM NOON AVE., LVN 89178	
10	AYALA, JORGE - LVMPD P#7906	
11	BENTLEY, C. - P#4834, YAVAPAI COUNTY SHERIFF'S OFFICE, PRESCOTT, AZ	
12	BERGHUIS, BRAD - LVMPD P#4154 (or designee) - Will testify as an expert in the area of	
13	cellular phones, including but not limited to, cellular system technology including cell tower	
14	generation of calls and ability to determine the location where generated, collection and	
15	handling of cellular phones for evidentiary purposes, and preservation and retrieval of cellular	
16	call and text records/data, photos and/or video. Further, this expert will testify to the results	
17	of any and all examinations performed on the cellular phones in this case.	
18	BOELTS, LT. - YAVAPAI COUNTY SHERIFF'S OFFICE, PRESCOTT, AZ	
19	BOKOWSKI, ANDREA - AMR, 7201 West Post Rd., Las Vegas, NV - He is a clinician,	
20	trained to respond quickly to emergency situations regarding medical issues and traumatic	
21	injuries and will testify regarding the treatment of Echo Lucas and/or Joseph Averman.	
22	BRADLEY, ROBERT - LVMPD P#13123	
23	BRAY, SHAINA - YAVAPAI COUNTY DETENTION CENTER, PRESCOTT, AZ	
24	BROWNLEE, TRACY - LVMPD P#9975 (or designee): CRIME SCENE ANALYST:	
25	Expert in the identification, documentation, collection and preservation of evidence and is	
26	expected to testify as an expert to the identification, documentation, collection and	
27	preservation of the evidence in this case.	
28	BURNS, ZACK - LVMPD P#7577	

1 BYRD, TRENT - LVMPD P#13958
2 CALATA, ESTHER - LVMPD P#9486
3 CARRAL, MICHAEL - LVMPD P#13246
4 CARREON, ALBERT - LVMPD P#9025
5 CARTER, MARNIE - LVMPD P#8179 (or designee): LATENT PRINT EXAMINER II -
6 Expert in the science and techniques of fingerprint comparison, and comparisons done in this
7 case and any reports prepared therefrom.
8 CARVOUNIARIS, DANIELLE - LVMPD P#12712 (or designee): SENIOR CRIME SCENE
9 ANALYST: Expert in the identification, documentation, collection and preservation of
10 evidence and is expected to testify as an expert to the identification, documentation, collection
11 and preservation of the evidence in this case.
12 CASPER, MICHELE - LVMPD P#6549
13 COATES, LAURA - LVMPD P#8717
14 CUSTODIAN OF RECORDS - CLARK COUNTY DETENTION CENTER
15 CUSTODIAN OF RECORDS - Facebook: He or she is expected to give testimony as to how
16 Facebook operate and maintains records. Specifically, he or she will testify as to records
17 provided by them associated with the account of Defendant Troy White, and as to mechanisms
18 by which access to account information is limited by password, how accounts are created, the
19 information that subscribers are required to provide at the time accounts are created, and
20 throughout the time the account is open, and other related matters.
21 CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS
22 CUSTODIAN OF RECORDS - LVMPD RECORDS
23 DIAZ, FERNANDO - 409 ALTAMIRA RD., LVN 89145
24 EDENS, JOSEPH - LVMPD P#9874
25 FALKNER, BILL - DISTRICT ATTORNEY INVESTIGATOR
26 FILDES, DR. - UNIVERSITY MEDICAL CENTER: 1800 W. Charleston Blvd., Las Vegas,
27 NV - He is a medical doctor and works in emergency medicine, and will testify regarding
28 treatment of Echo Lucas, DOB 1/20/84 on or about 7/27/12.

1 FRADY, JULIET - ADDRESS UNKNOWN
2 FUTRELL, AARON - LVFD 500 N. Casino Center Boulevard, Las Vegas, NV 89101 - He is
3 a clinician, trained to respond quickly to emergency situations regarding medical issues and
4 traumatic injuries and will testify regarding the treatment of Echo Lucas and/or Joseph
5 Averman.
6 GAINES, AMBER - 4801 E. TROPICANA AVE., LVN 89178
7 GAINES, MIKE - 4801 E. TROPICANA AVE., LVN 89121
8 GILLIS, MATTHEW - LVMPD P#6225
9 GOHR, CHASTITY - LVMPD P#7470
10 GRANT, JULIA - LVMPD P#7784
11 HADFIELD, LAWRENCE - LVMPD P#7171
12 HELM, MORGAN - LVFD 500 N. Casino Center Boulevard, Las Vegas, NV 89101 - He is a
13 clinician, trained to respond quickly to emergency situations regarding medical issues and
14 traumatic injuries and will testify regarding the treatment of Echo Lucas and/or Joseph
15 Averman.
16 HENDERSON, ROBERTO - LVMPD P#4556
17 HERNANDEZ, JOSE - LVMPD P#5850
18 HIBBETTS, BRIAN - LVMPD P#4799
19 HOLLAND, ROBERT - LVMPD P#3410
20 HONAKER, JAMIE - DISTRICT ATTORNEY INVESTIGATOR
21 HORLSEY, RORY - LVMPD P#4652
22 HURWITZ, DAVID - LVMPD P#5430
23 IVIE, TRAVIS - LVMPD P#6405
24 JAEGAR, JAMES - P#8268, YAVAPAI COUNTY DETENTION CNTER, PRESCOTT, AZ
25 JARAMILLO, NOVA - CLARK COUNTY CORONER INVESTIGATOR
26 JENSEN, BARRY - LVMPD P#3662
27 JONES, JEANIE - ADDRESS UNKNOWN
28 KARTCHNER, KOLBY - LVMPD P#6632

1 KISNER, JOEL - LVMPD P#4656
2 KWON, M.D., ED – UNIVERSITY MEDICAL CENTER: 1800 W. Charleston Blvd., Las
3 Vegas, NV – He is a medical doctor and works in emergency medicine, and will testify
4 regarding treatment of Echo Lucas, DOB 1/20/84 on or about 7/27/12.
5 LAYTHORPE, MICHAEL - LVMPD P#5448
6 LESTER, ANYA “SANKO” – LVMPD P#13771 (or designee): FIREARMS/TOOLMARK
7 EXAMINER with the Las Vegas Metropolitan Police Department. She is an expert in the field
8 of firearm and toolmark comparisons and is expected to testify thereto.
9 * LUCAS, DONALD – C/O DISTRICT ATTORNEY’S OFFICE
10 LUNDQUIST, ROBERT - LVMPD P#4095
11 MARQUEZ, ALEX - LVMPD P#6250
12 MARSCHNER, JULIE – LVMPD P#8806 (or designee): Expert in the field of DNA
13 extractions, comparisons, analysis, and the identification of bodily fluids and is expected to
14 testify thereto.
15 MARSHALL, BRADLEY – 7429 FOREST IVY ST., LVN 89131
16 MARTIN, TERRY – LVMPD P#5946 (or designee): CRIME SCENE ANALYST: Expert in
17 the identification, documentation, collection and preservation of evidence and is expected to
18 testify as an expert to the identification, documentation, collection and preservation of the
19 evidence in this case.
20 MARTINE, DARREN - LVMPD P#4751
21 MATTHEWS, KACEY - LVMPD P#4372
22 MCCLEERY, HEATHER - LVMPD P#4951
23 MCGRATH, JOHN - LVMPD P#4347
24 MCINTYRE, MORETTA – LVMPD P#13207 (or designee): CRIME SCENE ANALYST:
25 Expert in the identification, documentation, collection and preservation of evidence and is
26 expected to testify as an expert to the identification, documentation, collection and
27 preservation of the evidence in this case.
28 MILLER, PHILLIP - LVMPD P#1791

1 MITCHELL, MICHAEL - LVMPD P#6273
2 MONTALTO, MICHAEL - 8917 LOGGERS MILL AVE., LVN 89143
3 MORGAN, BARBARA - LVMPD P#4216
4 O'BRIEN, CHRIS - LVMPD P#6801
5 O'BRIEN, MATTHEW - LVMPD P#3506
6 ORTIZ, WILLIAM - ADDRESS UNKNOWN
7 PAGNOTTA, MICHAEL - LVMPD P#5300
8 PIERCE, KORY - LVMPD P#9009
9 PRALL, JEFFREY - LVMPD P#8714
10 RASCHKE, SANDY - LVMPD P#4899
11 REINER, JENNIFER - LVMPD P#8167 (or designee): SENIOR CRIME SCENE
12 ANALYST: Expert in the identification, documentation, collection and preservation of
13 evidence and is expected to testify as an expert to the identification, documentation, collection
14 and preservation of the evidence in this case.
15 RENHARD, LOUISE - LVMPD P#5223 (or designee): CRIME SCENE ANALYST: Expert
16 in the identification, documentation, collection and preservation of evidence and is expected
17 to testify as an expert to the identification, documentation, collection and preservation of the
18 evidence in this case.
19 REVELS, JEROME - DISTRICT ATTORNEY INVESTIGATOR
20 RINETTI, LAWRENCE - LVMPD P#9036
21 RUMERY, FRANK - LVMPD P#5817
22 SCHMIDT, ROBERT - LVMPD P#3389
23 SCHMITT, JOSE - LVMPD P#3411
24 SCHREIBER, DOUGLAS - ADDRESS UNKNOWN
25 SCHREIBER, PAUL - C/O CCDA, 200 LEWIS AVE., LVN 89101
26 //
27 //
28 //

1 SCOTT, JEFFREY – LVMPD P#9618 (or designee): CRIME SCENE ANALYST: Expert in
2 the identification, documentation, collection and preservation of evidence and is expected to
3 testify as an expert to the identification, documentation, collection and preservation of the
4 evidence in this case.

5 SCOTT, JON - LVMPD P#4532

6 SHANNON, GILBERT - LVMPD P#4111

7 SMITH, JEFFREY - LVMPD P#8177 (or designee): CRIME SCENE ANALYST: Expert in
8 the identification, documentation, collection and preservation of evidence and is expected to
9 testify as an expert to the identification, documentation, collection and preservation of the
10 evidence in this case.

11 STOUT, ERIC - LVMPD P#4550

12 TOMAINO, DANIEL - LVMPD P#8278

13 TORSIELLO, MICHAEL - LVMPD P#13149

14 UMANA, WILLIAM - LVMPD P#7441

15 WEST, KENNETH - LVMPD P#5759

16 WHITE, JAYCE – C/O AMBER GAINES, 4801 E. TROPICANA RD., LVN 89121

17 WHITE, JODEY – C/O AMBER GAINES, 4801 E. TROPICANA RD., LVN 89121

18 WILSON, ROBERT – 316 ALTAMIRA RD., LVN 89106

19 WILSON, WANDA – 316 ALTAMIRA RD., LVN 89106

20 STEVEN B. WOLFSON
21 Clark County District Attorney
22 Nevada Bar #001565

23 BY /s//LIZ MERCER
24 LIZ MERCER
25 Chief Deputy District Attorney
26 Nevada Bar #010681
27
28

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of State's Opposition was made this 9th day of April, 2015,
by Electronic Filing to:

SCOTT COFFEE, Deputy Public Defender
E-mail Address: coffeesl@ClarkCountyNV.gov

/s/ Laura Mullinax
Secretary for the District Attorney's Office

12F12500X/llm/GCU

APR 17 2015 1:33 PM

BY 
DULCE MARIE ROMEA, DEPUTY

1 INST

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 -VS-

10 TROY WHITE,

11 Defendant.

CASE NO: C-12-286357-1

DEPT NO: XI

12
13 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. I)

14 MEMBERS OF THE JURY:

15 It is now my duty as judge to instruct you in the law that applies to this case. It is
16 your duty as jurors to follow these instructions and to apply the rules of law to the facts as
17 you find them from the evidence.

18 You must not be concerned with the wisdom of any rule of law stated in these
19 instructions. Regardless of any opinion you may have as to what the law ought to be, it
20 would be a violation of your oath to base a verdict upon any other view of the law than that
21 given in the instructions of the Court.
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If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

An Information is but a formal method of accusing a person of a crime and is not of itself any evidence of his guilt.

In this case, it is charged in an Amended Information that on or about the 27th day of July, 2012, the Defendant committed the offenses of MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165); ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165), CARRYING A CONCEALED FIREARM OR OTHER DEADLY WEAPON (Category C Felony - NRS 202.350(1)(d)(3)), and CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508(1)) in the following manner, to-wit: That the Defendant, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided and against the peace and dignity of the State of Nevada,

COUNT 1 - MURDER WITH USE OF A DEADLY WEAPON

did then and there willfully, feloniously, without authority of law, and with malice aforethought, kill ECHO LUCAS WHITE, a human being, by shooting at and into the body of the said ECHO LUCAS WHITE, with a deadly weapon, to-wit: a firearm, said killing having been willful, premeditated and deliberate.

COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did then and there, without authority of law, and malice aforethought, willfully and feloniously attempt to kill JOSEPH AVERMAN, a human being, by shooting at and into the body of the said JOSEPH AVERMAN, with a deadly weapon, to-wit: a firearm.

COUNT 3 - CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON

did then and there, willfully, intentionally, unlawfully and feloniously carry concealed upon his person, a firearm or other deadly weapon, to-wit: a Black Taurus PT 92C 9mm semi-automatic handgun bearing Serial No. TOA33791.

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1 COUNT 4 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

2 did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-
3 wit: JODEY WHITE, being approximately nine (9) years of age, to suffer unjustifiable
4 physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment
5 or maltreatment, and/or cause the said JODEY WHITE to be placed in a situation where he
6 might have suffered unjustifiable physical pain or mental suffering as a result of abuse or
7 neglect, to wit: negligent treatment or maltreatment, by discharging a firearm inside the
8 child's home within close proximity to the child and/or shooting the child's mother, Echo
9 White, failing to seek assistance for Echo White, and allowing her to die while the said
10 JODEY WHITE was coming in and out of the room and/or was in the near vicinity.

11 COUNT 5 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

12 did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-
13 wit: JESSE WHITE, being approximately five (5) years of age, to suffer unjustifiable
14 physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment
15 or maltreatment, and/or cause the said JESSE WHITE to be placed in a situation where he
16 might have suffered unjustifiable physical pain or mental suffering as a result of abuse or
17 neglect, to wit: negligent treatment or maltreatment, by discharging a firearm inside the
18 child's home within close proximity to the child and/or shooting the child's mother, Echo
19 White, failing to seek assistance for Echo White, and allowing her to die while the said
20 JESSE WHITE was coming in and out of the room and/or was in the near vicinity.

21 COUNT 6 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

22 did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-
23 wit: JAYCE WHITE, being approximately eight (8) years of age, to suffer unjustifiable
24 physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment
25 or maltreatment, and/or cause the said JAYCE WHITE to be placed in a situation where he
26 might have suffered unjustifiable physical pain or mental suffering as a result of abuse or
27 neglect, to wit: negligent treatment or maltreatment, by discharging a firearm inside the
28 child's home within close proximity to the child and/or shooting the child's mother, Echo

1 White, failing to seek assistance for Echo White, and allowing her to die while the said
2 JAYCE WHITE was coming in and out of the room and/or was in the near vicinity.

3 COUNT 7 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

4 did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-
5 wit: JAZZY WHITE, being approximately six (6) months of age, to suffer unjustifiable
6 physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment
7 or maltreatment, and/or cause the said JAZZY WHITE to be placed in a situation where he
8 might have suffered unjustifiable physical pain or mental suffering as a result of abuse or
9 neglect, to wit: negligent treatment or maltreatment, by discharging a firearm inside the
10 child's home within close proximity to the child and/or shooting the child's mother, Echo
11 White, failing to seek assistance for Echo White, and allowing her to die while the said
12 JAZZY WHITE was coming in and out of the room and/or was in the near vicinity.

13 COUNT 8 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

14 did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-
15 wit: JETT WHITE, being approximately two (2) years of age, to suffer unjustifiable
16 physical pain or mental suffering as a result of abuse or neglect, to wit: negligent treatment
17 or maltreatment, and/or cause the said JETT WHITE to be placed in a situation where he
18 might have suffered unjustifiable physical pain or mental suffering as a result of abuse or
19 neglect, to wit: negligent treatment or treatment, by discharging a firearm inside the child's
20 home within close proximity to the child and/or shooting the child's mother, Echo White,
21 failing to seek assistance for Echo White, and allowing her to die while the said JETT
22 WHITE was coming in and out of the room and/or was in the near vicinity.

23 It is the duty of the jury to apply the rules of law contained in these instructions to the
24 facts of the case and determine whether or not the Defendant is guilty one or more of the
25 offenses charged.

26 Each charge and the evidence pertaining to it should be considered separately. The
27 fact that you may find the defendant guilty or not guilty as to one of the offenses charged
28 should not control your verdict as to any other offense charged.

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2 In this case the defendant is accused in an Information alleging an open charge of
3 murder. This charge may include First Degree Murder and Second Degree Murder.

4 The jury must decide if the defendant is guilty of any offense and, if so, of which
5 offense.

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Murder is the unlawful killing of a human being with malice aforethought, either express or implied. The unlawful killing may be effected by any of the various means by which death may be occasioned.

Malice aforethought means the intentional doing of a wrongful act without legal cause or excuse or what the law considers adequate provocation. The condition of mind described as malice aforethought may arise from anger, hatred, revenge, or from particular ill will, spite or grudge toward the person killed. It may also arise from any unjustifiable or unlawful motive or purpose to injure another, proceeding from a heart fatally bent on mischief or with reckless disregard of consequences and social duty. Malice aforethought does not imply deliberation or the lapse of any considerable time between the malicious intention to injure another and the actual execution of the intent but denotes an unlawful purpose and design as opposed to accident and mischance.

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There are two types of malice; they are:

1. Express malice: Express malice is that deliberate intention unlawfully to take away the life of a human being, which is manifested by external circumstances capable of proof.
2. Implied malice: Malice may be implied when no considerable provocation appears, or when all the circumstances of the killing show an abandoned and malignant heart.

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2 First Degree Murder is murder which is perpetrated by means of any kind of willful,
3 deliberate, and premeditated killing. All three elements -- willfulness, deliberation, and
4 premeditation -- must be proven beyond a reasonable doubt before an accused can be
5 convicted of first-degree murder.

6 Willfulness is the intent to kill. There need be no appreciable space of time between
7 formation of the intent to kill and the act of killing.

8 Deliberation is the process of determining upon a course of action to kill as a result of
9 thought, including weighing the reasons for and against the action and considering the
10 consequences of the actions.

11 A deliberate determination may be arrived at in a short period of time. But in all
12 cases the determination must not be formed in passion, or if formed in passion, it must be
13 carried out after there has been time for the passion to subside and deliberation to occur. A
14 mere unconsidered and rash impulse is not deliberate, even though it includes the intent to
15 kill.

16 Premeditation is a design, a determination to kill, distinctly formed in the mind by the
17 time of the killing.

18 Premeditation need not be for a day, an hour, or even a minute. It may be as
19 instantaneous as successive thoughts of the mind. For if the jury believes from the evidence
20 that the act constituting the killing has been preceded by and has been the result of
21 premeditation, no matter how rapidly the act follows the premeditation, it is premeditated.

22 Murder of the second degree is all other kinds of murder.
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2 The law does not undertake to measure in units of time the length of the period during
3 which the thought must be pondered before it can ripen into an intent to kill which is truly
4 deliberate and premeditated. The time will vary with different individuals and under varying
5 circumstances.

6 The true test is not the duration of time, but rather the extent of the reflection. A cold,
7 calculated judgment and decision may be arrived at in a short period of time, but a mere
8 unconsidered and rash impulse, even though it includes an intent to kill, is not deliberation
9 and premeditation as will fix an unlawful killing as First Degree Murder.
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INSTRUCTION NO. 10

The intention to kill may be ascertained or deduced from the facts and circumstances of the killing, such as the use of a weapon calculated to produce death, the manner of its use, and the attendant circumstances characterizing the act.

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INSTRUCTION NO. 11

A defendant's state of mind does not require the presentation of direct evidence as it existed during the commission of a crime. The jury may infer the existence of a particular state of mind of a party from the circumstances disclosed by the evidence.

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INSTRUCTION NO. 12

All Murder which is not First Degree Murder is Second Degree Murder. Second Degree Murder is Murder with malice aforethought, but without the added mixture of premeditation and deliberation.

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2 Manslaughter is the unlawful killing of a human being, without malice express or
3 implied, and without any mixture of deliberation. Manslaughter must be voluntary, upon a
4 sudden heat of passion, caused by a provocation apparently sufficient to make the passion
5 irresistible.

6 In cases of voluntary manslaughter, there must be a serious and highly provoking
7 injury inflicted upon the person killing, sufficient to excite an irresistible passion in a
8 reasonable person, or an attempt by the person killed to commit a serious personal injury on
9 the person killing.

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2 A killing committed in the heat of passion, caused by a provocation sufficient to make
3 the passion irresistible, is Voluntary Manslaughter even if there is an intent to kill, so long as
4 the circumstances in which the killer was placed and the facts that confronted him were such
5 as also would have aroused the irresistible passion of the ordinarily reasonable man if
6 likewise situated.

1 The heat of passion which will reduce a Murder to Voluntary Manslaughter must be
2 such a passion as naturally would be aroused in the mind of an ordinarily reasonable person
3 in the same circumstances. A defendant is not permitted to set up his own standard of
4 conduct and to justify or excuse himself because his passions were aroused unless the
5 circumstances in which he was placed and the facts that confronted him were such as also
6 would have aroused the irresistible passion of the ordinarily reasonable man, if likewise
7 situated. The basic inquiry is whether or not, at the time of the killing, the reason of the
8 accused was obscured or disturbed by passion to such an extent as would cause the
9 ordinarily reasonable person of average disposition to act rashly and without deliberation and
10 reflection and from such passion rather than from judgment.
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INSTRUCTION NO. 15a

If there is some evidence of heat of passion caused by legally adequate provocation, the State has the burden of proving beyond a reasonable doubt that either:

1. The defendant was not acting in the heat of passion when he killed; or
2. That the passion was not caused by legally adequate provocation.

If they have failed to meet this burden, but you find that the State has proven an unlawful killing then you must return a verdict of Voluntary Manslaughter.

INSTRUCTION NO. 15b

The serious and highly provoking injury which causes the sudden heat of passion can occur without direct physical contact and need not be the result of a physical assault on the defendant.

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2 You are instructed that if you find that the State has established that the defendant has
3 committed First Degree Murder, you shall select First Degree Murder as your verdict.

4 The crime of First Degree Murder includes the crime of Second Degree Murder. You
5 may find the defendant guilty of Second Degree Murder if:

6 1. You have not found, beyond a reasonable doubt, that the defendant is guilty of First
7 Degree Murder, and

8 2. All twelve of you are convinced beyond a reasonable doubt that the defendant is
9 guilty of the crime of Second Degree Murder.

10 If you are convinced beyond a reasonable doubt that the crime of Murder has been
11 committed by the defendant, but you have a reasonable doubt whether such Murder was of
12 the First or of the Second Degree, you must give the defendant the benefit of that doubt and
13 return a verdict of Second Degree Murder.

You are instructed that if you find the State has established that the defendant has committed Second Degree Murder, you shall select Second Degree Murder as your verdict.

The crime of Second Degree Murder may include the crime of Voluntary Manslaughter. You may find the defendant guilty of Voluntary Manslaughter if:

1. You have not found, beyond a reasonable doubt, that the defendant is guilty of Murder of either the First or Second Degree, and

2. All twelve of you are convinced beyond a reasonable doubt that the defendant is guilty of the crime of Voluntary Manslaughter.

If you are satisfied beyond a reasonable doubt that the killing was unlawful, but you have a reasonable doubt whether the crime is Second Degree Murder or Voluntary Manslaughter, you must give the defendant the benefit of that doubt and return a verdict Voluntary Manslaughter.

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2 Attempt Murder is the performance of an act or acts which tend, but fail, to kill a
3 human being, when such an act or acts are done with express malice, namely, with the
4 deliberate intention unlawfully to kill. Implied malice is not an element of attempt murder
5 and is not to be considered by you in regards to this charge.

6 Attempt murder does not require premeditation and deliberation.
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2 Once a defendant forms the deliberate intention to kill and performs an act or acts
3 which tend, but fail, to kill, he is guilty of attempt murder, regardless of whether he
4 abandoned that attempt because of the approach of other persons, because of a change in his
5 intentions due to a stricken conscience, or for any other reason.
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2 If you are satisfied beyond a reasonable doubt that there was an unlawful attempt to
3 kill but you have a reasonable doubt whether the crime of Attempt Murder was done in the
4 sudden heat of passion, caused by a provocation apparently sufficient to make the
5 provocation irresistible, you must give the defendant the benefit of that doubt and return a
6 verdict of not guilty of Attempt Murder.

7 For you to find the defendant acted in the heat of passion there must be a serious and
8 highly provoking injury inflicted upon the defendant sufficient to excite an irresistible
9 passion in a reasonable person. Heat of passion and lawful provocation may be considered
10 in determining whether state has proven deliberate intent in regards to the charge of Attempt
11 Murder.

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You are instructed that if you find the defendant guilty of First Degree Murder, Second Degree Murder, Voluntary Manslaughter or Attempted Murder, you must also determine whether or not a deadly weapon was used in the commission of this crime.

If you find beyond a reasonable doubt that a deadly weapon was used in the commission of such an offense, then you shall return the appropriate guilty verdict reflecting "With Use of a Deadly Weapon".

If, however, you find that a deadly weapon was not used in the commission of such an offense, but you find that it was committed, then you shall return the appropriate guilty verdict reflecting that a deadly weapon was not used.

Any person who carries a firearm concealed upon his person is guilty of Carrying a Concealed Weapon. "Concealed weapon" means a weapon that is carried upon a person in such a manner as not to be discernable by ordinary observation.

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2 A "deadly weapon" is any instrument which, if used in the ordinary manner
3 contemplated by its design and construction, will or is likely to cause substantial bodily harm
4 or death; or any weapon, device, instrument, material or substance which, under the
5 circumstances in which it is used, attempted to be used or threatened to be used, is readily
6 capable of causing substantial bodily harm or death.

7 You are instructed that a firearm is a deadly weapon.
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The defendant is guilty of the offense of Child Abuse if the person willfully causes a child who is less than 18 years of age:

(a) to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, or,

(b) to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect.

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As used in these instructions:

"Abuse or neglect" means negligent treatment or maltreatment of a child under the age of 18 years, under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.

"Negligent treatment" or "maltreatment of a child" occurs if a child has been abandoned, is without proper care, control and supervision or lacks subsistence, education, shelter, medical care or other care necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.

To constitute the crime charged, there must exist a union or joint operation of an act forbidden by law and an intent to do the act.

The intent with which an act is done is shown by the facts and circumstances surrounding the case.

Do not confuse intent with motive. Motive is what prompts a person to act. Intent refers only to the state of mind with which the act is done.

Motive is not an element of the crime charged and the State is not required to prove a motive on the part of the Defendant in order to convict. However, you may consider evidence of motive or lack of motive as a circumstance in the case.

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2 The Defendant is presumed innocent until the contrary is proved. This presumption
3 places upon the State the burden of proving beyond a reasonable doubt every material
4 element of the crime charged and that the Defendant is the person who committed the
5 offense.

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

12 If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a
13 verdict of not guilty.
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The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence; direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge of the commission of the crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof of a chain of facts and circumstances which tend to show whether the Defendant is guilty or not guilty. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court.

Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

The credibility or believability of a witness should be determined by his manner upon the stand, his relationship to the parties, his fears, motives, interests or feelings, his opportunity to have observed the matter to which he testified, the reasonableness of his statements and the strength or weakness of his recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his testimony which is not proved by other evidence.

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2 It is a constitutional right of a defendant in a criminal trial that he may not be
3 compelled to testify. Thus, the decision as to whether he should testify is left to the
4 defendant on the advice and counsel of his attorney. You must not draw any inference of
5 guilt from the fact that he does not testify, nor should this fact be discussed by you or enter
6 into your deliberations in any way.
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2 A witness who has special knowledge, skill, experience, training or education in a
3 particular science, profession or occupation is an expert witness. An expert witness may
4 give his opinion as to any matter in which he is skilled.

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

INSTRUCTION NO. 32

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

A verdict may never be influenced by sympathy, prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

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2 The flight of a person immediately after the commission of a crime, or after he is
3 accused of a crime, is not sufficient in itself to establish his guilt, but is a fact which, if
4 proved, may be considered by you in light of all other proved facts in deciding the question
5 of his guilt. Whether or not evidence of flight shows a consciousness of guilt and the
6 significance to be attached to such a circumstance are matters for your deliberation
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In your deliberation as to whether or not the defendant is guilty or not guilty, you may not discuss or consider the subject of punishment. Only if your verdict is First Degree Murder, will you, at a later hearing, decide the issue of penalty or punishment in relation to that charge.

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2 When you retire to consider your verdict, you must select one of your number to act
3 as foreperson who will preside over your deliberation and will be your spokesperson here in
4 court.

5 During your deliberation, you will have all the exhibits which were admitted into
6 evidence, these written instructions and forms of verdict which have been prepared for your
7 convenience.

8 Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it
9 signed and dated by your foreperson and then return with it to this room.

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2 If, during your deliberation, you should desire to be further informed on any point of
3 law or hear again portions of the testimony, you must reduce your request to writing signed
4 by the foreperson. The officer will then return you to court where the information sought
5 will be given you in the presence of, and after notice to, the district attorney and the
6 defendant and his counsel.

7 Playbacks of testimony are time-consuming and are not encouraged unless you deem
8 it a necessity. Should you require a playback, you must carefully describe the testimony to
9 be played back so that the court recorder can arrange her notes. Remember, the court is not
10 at liberty to supplement the evidence.
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2 If it becomes necessary during your deliberations to communicate with me, you may
3 send a note through the marshal, signed by the foreperson you have selected or by one or
4 more members of the jury. No member of the jury should ever attempt to communicate with
5 me except by a signed writing, and I will communicate with any member of the jury on
6 anything concerning the case only in writing, or here in open court.

7 If you send out a question, I will consult with the parties before answering, which
8 may take some time. You may continue your deliberation while waiting for the answer to
9 my question. Remember that you are not to tell anyone, including me, how the jury stands,
10 numerically or otherwise, until after you have reached a verdict or have been discharged. Do
11 not disclose any vote count in any note to the Court.

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Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN: 

DISTRICT JUDGE

APR 17 2015 1:33 PM

BY 
DULCE MARIE ROMEA, DEPUTY

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4

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,)

8 Plaintiff,)

9 -vs-)

10 TROY WHITE,)

11 Defendant.)
12

CASE NO: C-12-286357-1

DEPT NO: XI

13 VERDICT

14 We, the jury in the above entitled case, find the Defendant TROY WHITE, as
15 follows:
16

17 **COUNT 1** – MURDER WITH USE OF A DEADLY WEAPON

18 *(please check the appropriate box, select only one)*

- 19 ☐ Guilty of First Degree Murder with Use of a Deadly Weapon
20 ☐ Guilty of First Degree Murder
21 ☒ Guilty of Second Degree Murder with Use of a Deadly Weapon
22 ☐ Guilty of Second Degree Murder
23 ☐ Guilty of Voluntary Manslaughter of a Deadly Weapon
24 ☐ Guilty of Voluntary Manslaughter
25 ☐ Not Guilty
26

27 ///

28 ///

1 **COUNT 2** – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

2 *(please check the appropriate box, select only one)*

- 3 ☒ Guilty of Attempt Murder with Use of a Deadly Weapon
- 4 ☐ Guilty of Attempt Murder
- 5 ☐ Not Guilty

6 **COUNT 3** – CARRYING A CONCEALED FIREARM OR OTHER DEADLY WEAPON

7 *(please check the appropriate box, select only one)*

- 8 ☒ Guilty of Carrying a Concealed Firearm
- 9 ☐ Not Guilty

10 **COUNT 4** - CHILD ABUSE, NEGLECT, OR ENDANGERMENT
11 (JODEY WHITE)

12 *(please check the appropriate box, select only one)*

- 13 ☒ Guilty of Child Abuse, Neglect, or Endangerment
- 14 ☐ Not Guilty

15 **COUNT 5** - CHILD ABUSE, NEGLECT, OR ENDANGERMENT
16 (JESSE WHITE)

- 17 ☒ Guilty of Child Abuse, Neglect, or Endangerment
- 18 ☐ Not Guilty

19 **COUNT 6** - CHILD ABUSE, NEGLECT, OR ENDANGERMENT
20 (JAYCE WHITE)

- 21 ☒ Guilty of Child Abuse, Neglect, or Endangerment
- 22 ☐ Not Guilty

23 **COUNT 7** - CHILD ABUSE, NEGLECT, OR ENDANGERMENT
24 (JAZZY WHITE)

- 25 ☒ Guilty of Child Abuse, Neglect, or Endangerment
- 26 ☐ Not Guilty
- 27
- 28

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COUNT 8 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT
(JETT WHITE)

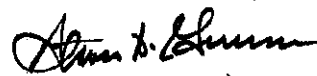
☒ Guilty of Child Abuse, Neglect, or Endangerment

☐ Not Guilty

DATED this 17 day of April, 2015



FOREPERSON



CLERK OF THE COURT

MEMO
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
LIZ MERCER
Chief Deputy District Attorney
Nevada Bar #10681
JEFFREY S. ROGAN
Chief Deputy District Attorney
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200 Lewis Avenue
Las Vegas, Nevada 89155-2212
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Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

TROY RICHARD WHITE,
#1383512

Defendant.

CASE NO: C-12-286357-1

DEPT NO: XI

STATE'S SENTENCING MEMORANDUM

DATE OF HEARING: JUNE 24, 2015
TIME OF HEARING: 9:00 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through LIZ MERCER, Chief Deputy District Attorney, and JEFFREY S. ROGAN, Chief Deputy District Attorney, and files this Sentencing Memorandum.

This Memorandum is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

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1 POINTS AND AUTHORITIES

2 STATEMENT OF FACTS

3 Several months before June, 2012, Echo Lucas White and Defendant separated, but
4 continued to reside in the same residence for several months. Then, in June of 2012, Defendant
5 moved out of the home. Sunday evening until late Friday afternoon or early evening, he resided
6 with his friend, Herman Allen. On the weekends, he returned to the home and cared for the
7 children and Echo would leave the home.

8 In June, Echo developed a relationship with Joseph Averman, with whom she had an
9 eight (8) year long friendship. Joseph moved into the home toward the end of June with Echo
10 and the five children (Jodey, Jayce, Jesse, Jett, and Jazzy) who belonged to Echo and
11 Defendant. Jesse, Jett, and Jazzy were Defendant's biological children, but the oldest two
12 boys Echo's from a prior marriage.

13 Defendant was upset about his separation from Echo. In fact, he was so upset that he
14 constantly harassed Echo with telephone calls and text messages. Once Defendant learned of
15 the relationship between Echo and Joseph, he began threatening Joseph. More specifically,
16 Defendant would say things like, "If you don't stay away, I'm going to fucking kill you."

17 A couple of days prior to July 27, 2012 it appeared that Echo and Defendant had some
18 sort of discussion about their relationship. According to texts sent to Echo's phone, Defendant
19 was left with the impression that Echo was at least considering getting back together, but
20 indicated she still needed some time. Following that discussion, Defendant continued to text
21 Echo and expressed frustration at the fact that she wouldn't just go back to him right then. On
22 July 26, 2012 at 12:39 p.m., he texted, "This is like torture to have you [*sic*] wife who walked
23 out on you so close to coming back and she just wont [*sic*] come back yet so I will leave
24 you alone." Other similar texts were sent over the course of the next several hours.
25 However, it when it became clear to him that Echo wasn't going to come back right
26 then and there, those texts grew more manipulative.

27 Then, when Echo texted him at 9:41 a.m. on July 27, 2012 and told him that she
28 regretted saying anything to him, the Defendant turned hateful. At 9:59 a.m. shortly

1 before he purchased a bus ticket and rode to the family home, he sent her a text that
2 said, "you're so f***** selfish that you can't get him out of the f***** house to talk
3 to me..." Then, at 10:06 a.m., less than a half hour before he got onto the bus, he sent
4 her a message that said, "Get ready for hell."

5 At about seven (7) or eight (8) o'clock the morning of the July 27, 2012, Joseph and
6 Echo awoke with the children. That morning, they had breakfast and watched TV. Echo
7 washed and folded laundry. Later in the morning, at about 10:30, Echo laid down on the couch
8 and fell asleep. Echo woke up from her nap at about 11:45 a.m. that morning. When, she
9 awoke, she saw several missed texts and phone calls from Defendant.

10 Joseph told Echo to go lay down in the master bedroom and take a nap. When Echo
11 got up from the couch, to go to the bedroom, Joseph followed with the baby, Jazz. Joseph was
12 going to put Jazzy in her crib for a nap. As he walked to the master bedroom, he heard the
13 two (2) older boys, Jodey and Jayce, saying, "Mommy, Mommy, Daddy's here." Once inside,
14 Defendant asked to speak to Echo. Echo responded by telling him that they could just talk
15 when he came back later to visit the children. At that point, Defendant looked at Joseph and
16 said something along the lines of, "Joe, please, just give me five minutes. I just need to talk
17 to her." At that point, agreed to speak with Defendant for a minute.

18 Echo and Defendant went into the spare bedroom. The spare bedroom was directly
19 across from the master bedroom, where the baby's crib was placed. Joseph stayed in the
20 master bedroom with Jazzy. Joseph, Jodey, and Jayce never saw a weapon in Defendant's
21 hands. Joseph left the master bedroom door partially opened.

22 While Joseph was in the bedroom with the baby, he heard Echo cry out, "Troy, no,
23 please don't" and "Stop!" Joseph was alarmed by this and opened the door. When he opened
24 the master bedroom door, Joseph saw Echo trying to come out of the door to the spare
25 bedroom. Next, Joseph saw Defendant pull Echo back into the room, push her into the wall,
26 and then shoot her. The wall that Defendant shoved Echo into separated the room from the
27 hallway and was directly across from the baby's crib. Defendant had the gun in his hand and
28 was holding it at waist level. After being shot, Echo buckled over and fell to the floor.

1 At that point, Defendant turned and shot Joseph in the arm and the abdomen. When
2 Joseph was shot, he was standing in the doorway of the master bedroom and Defendant was
3 standing in the doorway to the spare bedroom. Joseph fell to the floor in the master bedroom
4 after being shot.

5 When Echo was shot, Jodey and Jayce were standing in the hallway close to the two
6 rooms where Joe and Echo were located. Just prior to his mother being shot, Jodey heard her
7 cry out, "No Troy! I won't see Joe anymore!" Jazzy was in her crib, and the two other boys
8 were running around. When Joseph was shot, he was standing immediately next to Jazzy's
9 crib in which she was situated. A bullet barely missed Jazzy's crib by a matter of inches and
10 struck the mirror behind the crib. That bullet went through the mirror and through the wall
11 behind the mirror. It exited the house and landed in the driveway.

12 Once Joseph was shot, Defendant came into the master bedroom. He told Joseph, "I
13 told you this would happen." Jodey and Jayce then came to where Joseph and Echo were
14 laying to check on them. The two became hysterical. The children shouted at Defendant,
15 "Why did you kill mommy?" They also begged Defendant to call for help. Defendant
16 responded by telling them that he tried to call but his phone wasn't working. Then, Defendant
17 began trying to corral the kids into the same room.

18 Jayce got out of the room and went to check on Joseph. Joseph asked Jayce to go get
19 his cell phone. Jayce got the phone and told Defendant that he was giving it to Joseph to call
20 for help. Troy then went to the master bedroom and stood over Joseph with the gun to his
21 head, took the phone, and told him, "You ain't calling nobody." Defendant also told him that
22 if he was going to prison, he was going to make it worth it.

23 While Defendant was in the room with Joe taking the phone from him, Jodey was able
24 to escape from the house, wearing nothing but his boxers. Jodey ran across the street and
25 down two houses to the home of Robert and Wanda Wilson. Wanda and Robert both were
26 just arriving home with their grandson and great nephew. Jodey told Wanda he needed help
27 because his dad just shot his mom because she was cheating on him. Robert first spoke with
28 the dispatcher and while he spoke to her, Jodey was crying hysterically in the background. In

1 fact, Robert had to walk outside so that he could hear the dispatcher. Eventually Jodey was
2 placed on the phone with the dispatcher and repeated what he told Wanda.

3 Shortly thereafter, police and paramedics arrived on scene. Joe and Echo were both
4 transported to the hospital. Police recovered a backpack with an empty gun holster in the
5 driveway of the Altamira house, and three spent casings. One of Defendant's co-workers
6 identified the backpack as the one he was carrying earlier that morning at work.

7 Defendant fled the residence in the couple's Silver Dodge Durango, leaving the
8 children inside of the residence with their dying/deceased mother. Defendant drove to
9 Prescott, Arizona.

10 Eventually, the police and paramedics arrived and took Joseph to the hospital. When
11 Joseph was being loaded into the ambulance, he noticed that Echo's car (a Silver Dodge
12 Durango) was missing.

13 Later that day, Det. Ivie and Det. Sanborn traveled to the Yavapai County Sheriff's
14 Office in Prescott, Arizona and contacted Defendant who turned himself in at about 5:30 p.m.
15 on July 27, 2012. While at that office, a search warrant was executed on the Silver Dodge
16 Durango which Defendant took from the residence after shooting Echo and Joseph. During
17 the search of the vehicle, they located a 9 mm firearm bearing Serial No. TOA33791. The
18 firearm was unloaded but next to the firearm were two magazines. One magazine contained
19 12 rounds and the other contained 9. The head stamp on the cartridge cases matched those
20 found at the scene. Defendant had no concealed carry permit on the date of the offense.

21 An autopsy conducted by Dr. Lisa Gavin of the Coroner's office determined that the
22 cause of Echo's death was the gunshot wound to her abdomen and the manner of death was
23 homicide.

24 The subsequent investigation revealed the barrage of hateful, derogatory text messages
25 that Defendant sent to Echo over the weeks, hours, and minutes leading up to her murder. In
26 addition, detectives obtained his Facebook records which revealed statements Defendant made
27 about wanting to harm Joe and Echo. More specifically, on July 09, 2012 – just 16 days before
28 the murder – Defendant posted to his Facebook wall, "Have ya heard the quote, 'If you love

1 someone set them free. If they come back they're yours if not they never were?' I like this
2 version instead... 'If you love someone set them free. If they don't come back, hunt them
3 down and kill them!' Ha ha ha ha ha ha." Defendant repeated that quote to his friend, Herman
4 Allen, about a week before the murder. And, on July 16, 2012, Defendant sent his friend Tim
5 Henderson a Facebook message that stated, "God is really helping me as a testimony...the
6 whore and the whoremonger are still alive and I'm not in prison...no joke intended!"
7 Through interviews, detectives also learned that at about 7:45 a.m. or 8:00 a.m. that morning,
8 Defendant made a statement to his co-worker, Mike Montalto, along the lines of "Sometimes
9 I just want to kill them."

10 Ultimately, the case proceeded to trial and Defendant was convicted of Second Degree
11 Murder with Use of a Deadly Weapon, five (5) counts of Child Abuse, a count of Attempt
12 Murder with Use of a Deadly Weapon, and one count of Carrying a Concealed Firearm.
13 Throughout that trial, much time and energy was spent by the defense focusing on Echo Lucas'
14 flaws while the State had to sit quietly and watch the defense portray Defendant as a doting,
15 loving father and husband, knowing that was false. The State submits this Sentencing
16 Memorandum in an effort to aid the Court in reaching its decision in this case, to furnish the
17 Court with the information in the State's possession regarding the true character of Defendant,
18 and to attempt to describe the profound loss felt by the family and loved ones of Echo Brooke
19 Lucas.

20 PRIOR ACTS OF VIOLENCE BY DEFENDANT

21 Records and reports obtained during the pendency of the trial, as well as pretrial
22 conferences conducted with several witnesses (including witnesses noticed by the defense),
23 revealed several instances of violence on the part of Defendant prior to the murder in this case.

24 Joanna Rens, one of the witnesses noticed by Defendant, was interviewed by the State's
25 investigator, Jerome Revels. During that interview, Joanna advised that she knew Defendant
26 for about 14 years and met him through the Potter's House. Joanna indicated that she heard
27 testimony from Defendant in church that he abused his prior wife and held a knife to her.

28 //

1 Similarly, Rachel Brooks, whose nickname is "Rocky," was noticed by the defense.
2 When interviewed by the State's investigator, Rocky relayed that she was friends with Echo
3 for about ten (10) years prior to her murder. They also met through the Potter's House Church.
4 The two were very close friends and Echo discussed her relationship with Defendant quite a
5 bit. Rocky conveyed that Defendant was very controlling, and at times he wouldn't let Echo
6 leave his sight. According to Rocky, when Defendant and Echo were at her house once,
7 Defendant and Echo got into an argument and Defendant slammed Echo's head into the wall.

8 Misty Todd, who was also noticed by the defense, relayed that Echo told her about an
9 incident in California wherein Defendant battered Echo in their hotel room. Echo's mother,
10 Amber Lucas, also advised the State of this incident. According to Amber, it happened when
11 Troy and Echo went to San Diego in May of 2012. During the incident, Echo sustained a
12 black eye. In the photos Echo during that trip, she always had sunglasses on, with the
13 exception of one photo in which she appeared to try and capture that black eye. Upon returning
14 home, Amber Gaines saw that black eye and inquired how she sustained it. That's when Echo
15 reported the incident to Amber.

16 In addition, on June 24, 2012, just a month prior to the murder, Echo Lucas reported a
17 battery domestic violence incident to the Las Vegas Metropolitan Police Department. More
18 specifically, she completed a voluntary statement in which she relayed that she was laying in
19 bed and got on her phone, which angered Defendant. He became jealous so she went to the
20 kids room. Defendant followed her into the room and hit her with an object and with his
21 hands. Echo ran outside and Defendant "pulled off in the car and **started yelling that he was**
22 **going to kill [her]** and [she] said [she] was calling the cops and he left." See, Voluntary
23 Statement, attached hereto as, "Exhibit 1."

24 During Jodey's interview with Det. Chris O'Brien on July 27, 2012, he also relayed
25 "dad has abused my mom a lot, shoved her head into, in the walls and hitting her with things
26 and cussing at her." When Det. O'Brien asked him, "You've seen that?" Jodey replied, "Oh
27 yeah." Additionally, Jodey confirmed that he witnessed the incident at Rocky's wherein
28 Defendant shoved her head into the wall during the State's pretrial conference with him.

1 **EFFECTS OF THE LOSS OF ECHO BROOKE LUCAS ON HER FAMILY AND**
2 **FRIENDS**

3 This Court heard the testimony of Jayce, Jodey, and Amber Gaines during the trial in
4 this matter. During that testimony it was clear that the boys, Echo's parents, and Echo's
5 stepparents have suffered tremendously and continue to suffer as a result of the selfish, jealous,
6 possessive, murderous actions of Defendant. When Defendant murdered Echo Brooke Lucas,
7 he stole away from five (5) separate children the mother whom they loved dearly. In addition,
8 he stole away from Amber Gaines and Donald Gaines, their only daughter – the daughter that
9 they watched grow from infancy into adulthood, the daughter that gave them wonderful
10 memories for her 29 years on earth, who made them smile, who they talked to every day, and
11 who gave them hugs and kisses and unconditional love. Mike Gaines and Trish Lucas, her
12 stepparents, also suffered the loss of a stepchild whom they loved as their own. And, he stole
13 from Sidney and Kaylob Lucas (Echo's biological children who were adopted by Donald
14 Lucas and Trish Lucas in 2003) the chance at developing a closer relationship with their
15 mother. When Echo Lucas White was stolen from the earth as a direct result of Defendant's
16 hatred and anger, the light in many people's lives was substantially dimmed. Photos of Echo
17 Brooke Lucas with her friends and family exhibit the love that Echo had for her children, her
18 family and her friends, and the love that was reciprocated by them toward her. See,
19 photographs, attached hereto, as "Exhibit 2." They illustrate the losses felt by so many.

20 **The Children's Letters to Mom (Echo Brooke Lucas)**

21 The children not only suffer as a result of witnessing the horrifying murder of their
22 mother and shooting of Joseph Averman, but as a result of the permanent loss of their mother
23 in their lives. That loss is further exhibited in the messages that the older children wrote to
24 her on her Legacy page. See, Guestbook, last accessed on June 10, 2015 at
25 [http://www.legacy.com/guestbook/DignityMemorial/guestbook.aspx?n=echo-](http://www.legacy.com/guestbook/DignityMemorial/guestbook.aspx?n=echo-lucas&pid=158865562)
26 [lucas&pid=158865562](http://www.legacy.com/guestbook/DignityMemorial/guestbook.aspx?n=echo-lucas&pid=158865562). Excerpts are attached hereto as, "Exhibit 3."

27 Jayce first wrote to her on November 3, 2012. In his letter to her he said to her, "Hi
28 Mommy. I didn't know I could write in the book. I miss you so much. I can't wait to see you

1 again. I went to Child Haven and it was not fun. I am at (unintelligible) GG's house now and
2 I kiss your ashes every day. I miss your pretty eyes and big smiles. GG said I will see you
3 again soon. I can't wait to see you and it will be so much fun. I love you and I will write a
4 lot. I got a mountain bike and a girlfriend. Blaaaaa. Don't be mad. You are still the princess
5 of the world, and I remember your mission is to destroy the world and rebuild it with Jenga
6 pieces. And I remember your name is mega mom. From Jayce, your beautiful eyes lookin'
7 kid."

8 On November 16, 2012, Jesse wrote to his mother twice. In one message, he wrote,
9 "Dear Mommy, I hope you are having a good life in heaven. I love you soooooooooo much. I
10 wish you would just come home. By Jesse to Mommy. I love you Mommy." In another
11 message, he wrote, "I miss you so much. You are the best mom in the whole entire world. I
12 miss you every day. I cry at nighttime because I can't go to sleep at night. I always have
13 dreams like I used to have and the dream was about that I was the king and mommy is the
14 queen. I'm at GG's and I am writing you a letter but I write you a letter in my mind and I do
15 it in real life sometimes. I love you mommy. Bye. Jesse to Mommy. Jayce loves you too."

16 Jayce wrote to Echo on December 1, 2012 and told her, "Hi Mommy. This is Jayce. I
17 am having a good time. I hope you are having a good time. Jodey can play the piano really
18 good. Love you. Bye."

19 A month and a half later, he wrote to her again on January 18, 2013. That letter said,
20 "Hi Mommy. This is Jayce. I miss you. I had a dream about you. It was when I saved you
21 because a tiger tried to get you and then I shot it with a 12 gauge shotgun. I saved you and we
22 were walking down the aisle on a red carpet. I have more things to tell you. When GG had
23 your service, I was told I was too young to get up and talk about you. Nana said so. So, I will
24 say it right now. My mom is the beautifulest woman in the world. She used to give hugs and
25 kisses to me every single night. She loved me around the galaxy and back. She would take
26 me to the store almost every day. We went out to buy stuff every day. Me and Mommy are
27 both divas. I will always miss her so much. I don't know where to end now, because I have
28 so many things I want to say and I don't have enough time because other people had things to

1 say at your service about how wonderful you are. That's what I wanted to say at the funeral.
2 Love you Mommy. Jayce."

3 Jesse wrote to her after Jayce on the 18th, and said, "Dear Echo, I hope you have a very
4 good night. I love you. You come to me in my dreams. So I love you. The end. I love you
5 Mommy. Love Jesse."

6 The legacy closed to posting shortly after that January 18, 2013 message, but the page
7 is still available to view.

8 **CPS Records**

9 In addition to the testimony presented at trial and the letters that they wrote to their
10 mother, the CPS records reveal the extent of the trauma suffered by the five (5) children in
11 this case as well as the challenges that Donald Lucas (Echo's biological father) and Amber
12 and Mike Gaines (Echo's mother and stepfather) have faced in trying to care for five (5) young
13 children who have required extensive therapy and counseling.¹ One of those obstacles
14 consisted of Defendant being unwilling to agree to the termination of his parental rights so
15 that the grandparents could formally adopt the children, unless the adoption was done on HIS
16 terms.

17 According to one report dated July 27, 2012 (the day of the murder) at about 1:00 p.m.,
18 "Jett appeared to be traumatized and cried frequently until Supervisor Simmons this supervisor
19 picked him up and held him until he eventually fell asleep." Jett was the second youngest of
20 the children at the time of the murder, and approximately 2 years of age.

21 When Jayce was advised of his mother's passing, "he was very upset and tearful and
22 expressed concern that she might not go to heaven" because she smoked cigarettes. While the
23 kids were being transported to Child Haven, the CPS worker spoke with the children about
24 their mother. Jodey asked the specialist "if there was some way that the doctors could bring
25 [his mother] back to life." When he was informed that there was no way to bring her back,

26 //

27 ¹ The State will provide the relevant CPS records for this Court's review at the time of the filing of this Brief and will ask
28 that they be made a Court Exhibit and sealed as they are unredacted and contain confidential information. Defense counsel
has previously been provided a complete copy of the records.

1 Jodey asked "if he could go to the hospital to see his mother. He also asked if there was any
2 way that he could call her."

3 On August 17, 2012, a report indicates that Jodey locked himself in his room and was
4 threatening to kill himself with an extension cord. He said that he did not want to live. That
5 was consistent with the testimony of Amber Gaines at trial. Following that incident, Jodey
6 was committed to Montevista for a period of six (6) days. He was ultimately diagnosed with
7 Depression and PTSD.

8 Jayce and Jodey both developed behavioral problems shortly after the murder. Jayce
9 began swearing at his brothers and calling everyone names. In addition, he would not respond
10 to any type of discipline or cooperate at all. Jayce punched two holes in the walls of Don
11 Lucas' home. On October 23, 2012, Don Lucas had to request that he be removed from his
12 home for a period of 24 hours. As a result, Jayce was taken to Child Haven. Jayce was
13 ultimately placed with Amber Gaines, and once there, he improved tremendously.

14 On November 6, 2012, Don Lucas telephoned the CPS worker and advised that Jodey
15 kept running away from home. Mr. Lucas found him one time and attempted to bring him
16 home at which point Jodey cursed at him and told him he didn't have to do what he said. A
17 while later, Jodey called and told him he would be home in three to four hours. As a result,
18 Jodey was taken back to Child Haven. While at Child Haven, Jodey acknowledged that he
19 suffered from anger management issues and stated those issues were a result of his missing
20 his mother. Jodey was ultimately placed in foster care on November 14, 2012 where he
21 remained until March of 2013.

22 Jayce began having behavioral problems in school, and in December of 2012, a meeting
23 was held to address those concerns. A report dated December 19, 2012 indicates that Jayce's
24 behavior that was interfering with his schooling included: "swearing, flipping people off and
25 basic refusal to sit down in class." He continued to have problems in school for quite some
26 time.

27 In February of 2013, Echo's father could no longer handle Jayce and Jess because of
28 their acting out. As a result, the two were almost returned to Child Haven. Fortunately, the

1 children were allowed to stay with their grandmother, Amber Gaines. Eventually, Amber was
2 approved for permanent placement, and she and her husband, Mike, have now formally
3 adopted Jayce and Jess. Jazzy and Jett continue to reside with Echo's father, Donald Lucas.
4 Both children were so young at the time of the murder of their mother, that they likely will
5 have no significant memories of her, nor will they ever be able to have a relationship with her.

6 Jodey continued to have behavioral problems and was returned to Child Haven. Those
7 behavioral problems manifested themselves at home and in school. Ultimately, he bounced
8 around between foster homes and Child Haven until January of 2015 when he was placed with
9 Amber Gaines. Once reunited with Jayce and Jesse at the home, he appeared to be doing
10 better. Unfortunately, after the trial in this case, Jodey was returned to Montevista Hospital
11 for a brief period of time and then to Child Haven where he currently remains. While in foster
12 care, he ran away from home several times, had problems in school, and problems with other
13 children inside of the foster homes. The once happy Honor Roll student's life has been turned
14 upside down.

15 The devastating effect that the crimes in this case have had on the children is obvious.
16 However, Echo's children will likely speak at sentencing in this case and more eloquently
17 express to this Court the full extent of the impact that the crimes in this case have had on them.

18 **The Effects on Her Parents, Stepparents and Stepsister**

19 In addition to learning to cope with the loss of their only child, Echo Brooke Lucas,
20 whom they raised and loved unconditionally for 29 years, Amber Gaines and Donald Lucas
21 became parents once again. They became parents to their five (5) very young grandchildren
22 who were left with no mother and no father. In order to formally adopt the children, they
23 endured years' worth of counseling appointments, doctor's appointments, home visits,
24 meetings with school officials, court appearances, multiple meetings with those involved in
25 the placement and adoption process, etc. Somehow, they managed to navigate through all of
26 that while still dealing with their own grief. The State is incapable of putting into words the
27 loss that Echo's parents and stepparents feel. In an effort to illustrate some of those feelings,
28 the State has attached, as "Exhibit 4," some of Amber Gaines' writings to her daughter's

1 Legacy page. In addition, the State has attached some family photos of Echo growing up, as
2 part of "Exhibit 2." Amber Gaines will address the Court at sentencing and try to put into
3 words the impact on her of losing her only daughter. Mike Gaines has provided a statement
4 to the Department of Probation and Parole, which is attached to the Presentence Investigation
5 Report. Donald Lucas will likely prepare a statement for the Court. Trish Lucas, Echo's
6 stepmother, will also speak at sentencing.

7 ARGUMENT

8 I.

9 **THE SENTENCING RECOMMENDATION OF THE DEPARTMENT OF 10 PROBATION AND PAROLE IS APPROPRIATE.**

11 The Department of Probation and Parole has recommended a sentence of life with the
12 possibility of parole after ten (10) years as to the charge of Second Degree Murder. As to the
13 deadly weapon enhancement, they recommend a sentence of 76-192 months (6 1/3 years to 16
14 years). With regard to the charge of Attempt Murder with Use of a Deadly Weapon, the
15 Department recommends 6 1/3 years to 16 years plus an equal and consecutive 6 1/3 years to
16 16 years as to the deadly weapon enhancement. The Department further recommends that the
17 Court impose a sentence of 24-60 months as to each child abuse count, and 19-48 months as
18 to the charge of carrying a concealed weapon. Last, the Department (recognizing that there
19 are in fact seven (7) separate and distinct victims each deserving of justice) has recommended
20 that the sentences run consecutively. In total, the Department has recommended a minimum
21 sentence of 39 years and a maximum sentence of LIFE in prison plus 77 years. The State
22 respectfully submits that the recommendation of the Department is fair and just under the facts
23 and circumstances of this case. Consequently, the State respectfully requests that this
24 Honorable Court follow that recommendation.

25 The Defendant murdered 29 year old Echo Lucas White in front of her 5 children and
26 left her to die. He also fled the residence and the State after doing so, leaving her 5 children
27 to watch their mother die. In addition, he shot Joseph Averman multiple times and left him
28 for dead. The Defendant negatively and directly altered the lives of six (6) people (Jodey,

1 Jayce, Jesse, Jett, Jazzy, and Joseph Averman) on July 27, 2012, and took the life of one –
2 Echo Brooke Lucas. Many other lives were adversely and significantly affected as a
3 consequence of the taking of Echo Brooke Lucas' life as illustrated by the attached exhibits,
4 letters (Exhibit 5), and statement to the Department. Simply stated, those actions deserve the
5 harsh punishment which the State and the Department are recommending. Furthermore,
6 Defendant's escalating violent behavior toward his loved ones over the years indicates that he
7 will continue to be a danger to those whom he allegedly loves. As such, imprisonment for that
8 lengthy period of time is warranted in order to protect others from harm.

9 DATED this 19th day of June, 2015.

10 STEVEN B. WOLFSON
11 Clark County District Attorney
12 Nevada Bar #001565

13 BY /s/ LIZ MERCER
14 LIZ MERCER
15 Chief Deputy District Attorney
16 Nevada Bar #10681

17 CERTIFICATE OF ELECTRONIC FILING

18 I hereby certify that service of State's Sentencing Memorandum, was made this 19th
19 day of June, 2015, by Electronic Filing to:

20 SCOTT COFFEE, Deputy Public Defender
21 E-mail Address: coffeesl@ClarkCountyNV.gov

22 /s/ Laura Mullinax
23 Secretary for the District Attorney's Office
24
25
26
27

28 12F12500X/EM/llm/GCU

EXHIBIT 1

* MFR *

Page 1 of 1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

Event # 120624-4541

THIS PORTION TO BE COMPLETED BY OFFICER			
Specific Crime <u>BAT/DV</u>	Date Occurred <u>6-24-12</u>	Time Occurred <u>2327</u>	
Location of Occurrence <u>325 ALTAMIRA</u>	<u>LV NV</u>	<u>89145</u>	Section/Beat <u>V4</u>
			<input checked="" type="checkbox"/> City <input type="checkbox"/> County

CCMO White

Your Name (Last / First / Middle)							Date of Birth	
							<u>1-20-83</u>	
Race <u>W</u>	Sex <u>F</u>	Height <u>5'5"</u>	Weight <u>160</u>	Hair <u>Brown</u>	Eyes <u>Green</u>	Work Sched. (Hours)	Days Off	
Residence Address: (Number & Street) <u>325 Altamira</u>		Bldg./Apt. # <u>W</u>	City <u>NV</u>	State <u>89145</u>	Zip Code	Business / School		
Bus. (Local) Address: (Number & Street)		Bldg./Apt. #	City	State	Zip Code	Res. Phone: Bus. Phone:		
Best place to contact you during the day		Best time to contact you during the day				Can You Identify <input checked="" type="checkbox"/> Yes the Suspect? <input type="checkbox"/> No		

DETAILS

Laying in bed, left on my phone heard
very loud and started threatening me
so I went to the kids room he came in
and hit me with some object and when
his hands, I ran outside and he pulled
off in the car and started yelling
that he was going to kill me and I
said I was calling the cops and
he left

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS
COMPLETED AT (LOCATION) 325 Altamira
ON THE 24 DAY OF June AT 12:00 (AM/PM), 2012.

Witness/Officer:

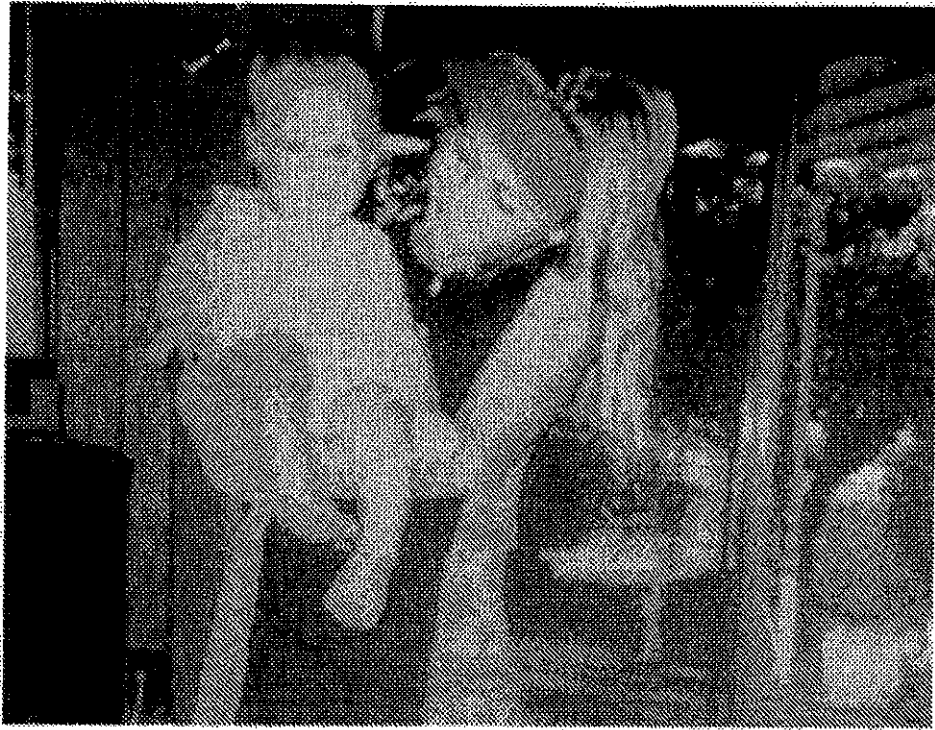
[Signature]
(SIGNATURE)
T. CARTER
(PRINTED)

Witness/Officer:
LVMPD 85 (REV. 6-03)

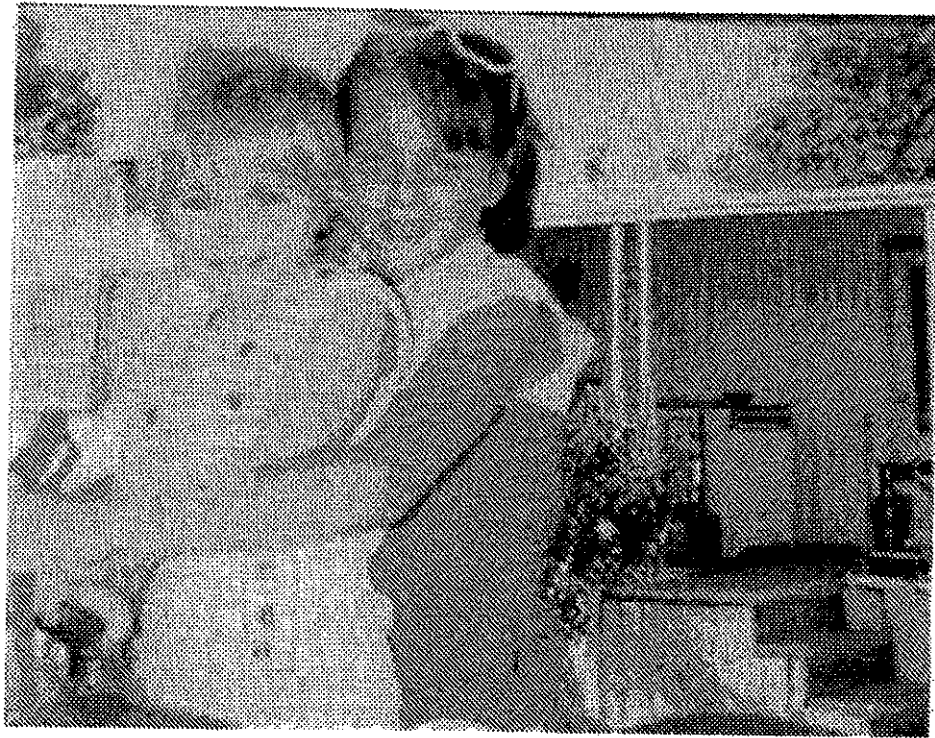
P# 14362

[Signature]
SIGNATURE OF PERSON GIVING STATEMENT

EXHIBIT 2

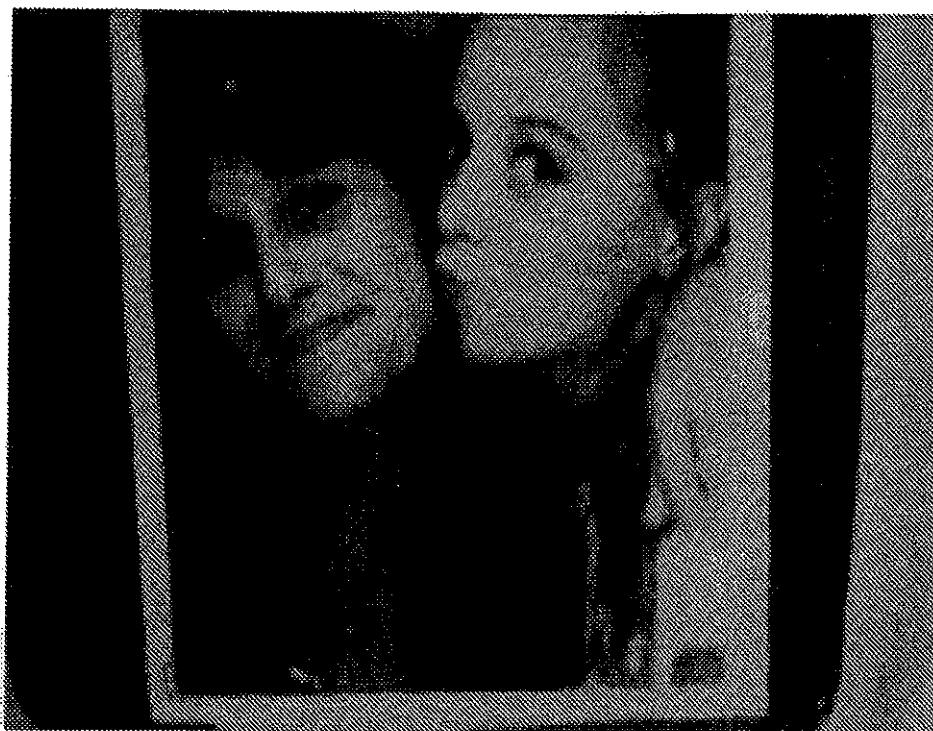


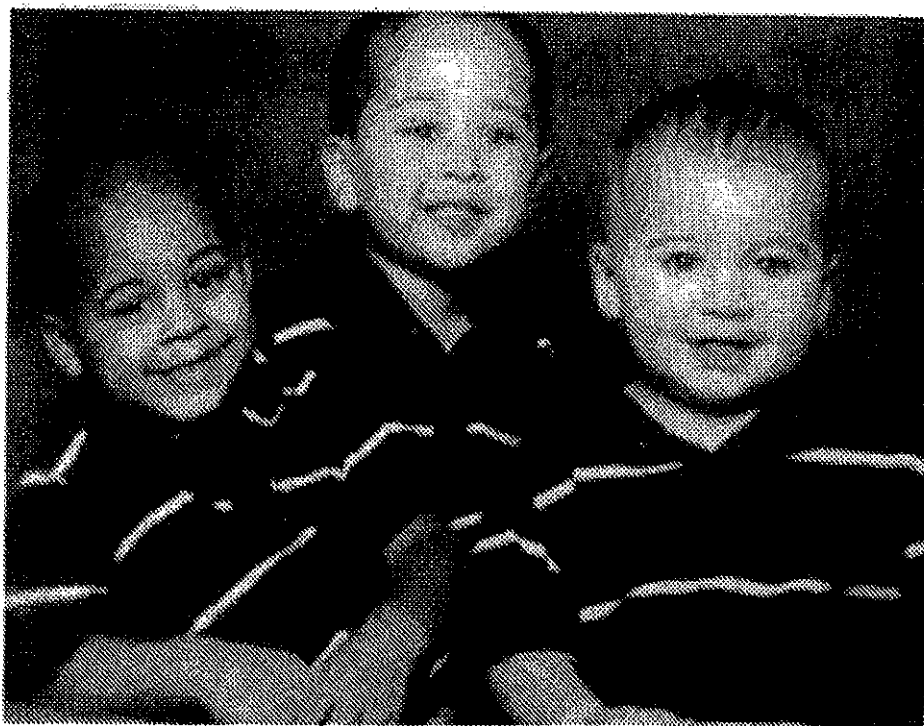




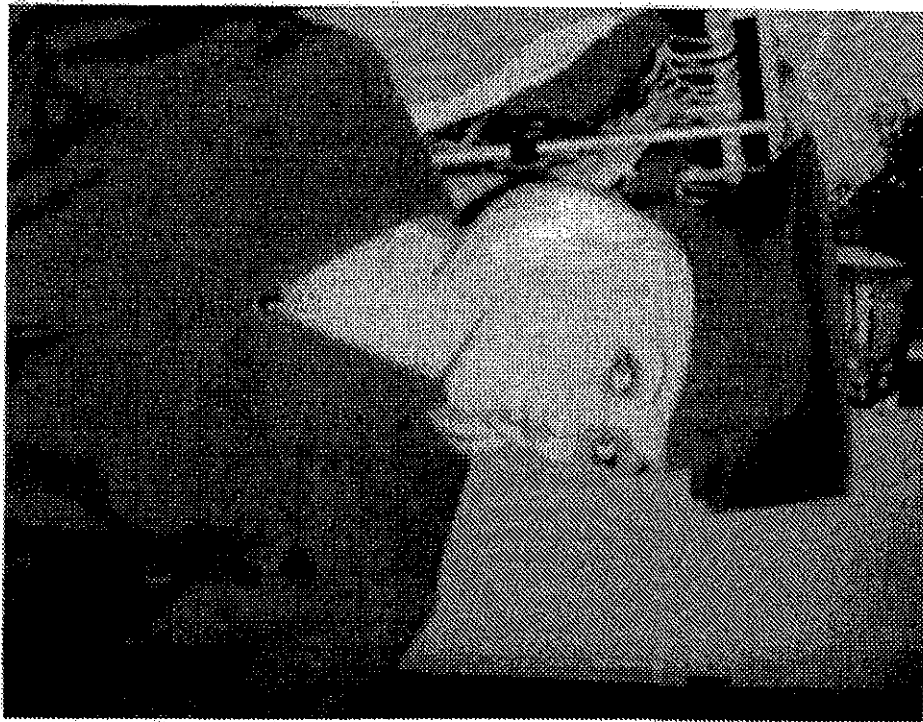


















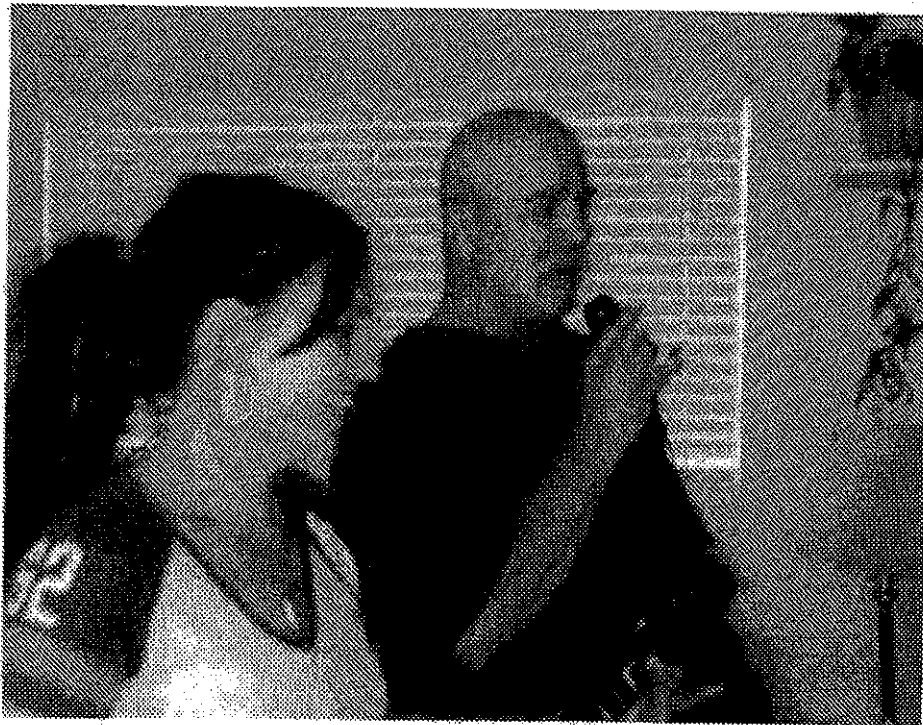














EXHIBIT 3



ECHO BROOKE LUCAS

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Friday, January 18, 2013

dear echo i hope you have a very good night i love you you come to me in my dreams so i love you the end. i love you Mommmmy .love jesse

Friday, January 18, 2013

hi mommy this is jayca i miss you. i had a dream about you. it was when i saved you because a tiger tried to get you and then... i shot it with a 12 gage shotgun. i saved you and we were walking down the isle on a red carpet i have one more thing to tell you. When GG had your service i was told i was too young to get up and talk about you. Nana said so. So i will say. Irightow. my mom is the beautifilest woman in the world. she used to give hugs and kissas to me every single nigte. She loved me around the galaxy and back. she would take me to the store almost everyday. we went out to buy stuff everyday. me and mommy and are both divas. i will always miss her soo much. i dont know where to end now, because i have so many things i want to say and i dont have enough time because other people had things to say at your service about how wonderful you are. thats what i wanted to say at the funeral love you mommy Jayce

Saturday, December 01, 2012

hi mommy this is jayce. i am having a good time. i hope you are having a good time. jodey can play the piano really good love you by.

Friday, November 16, 2012

i miss you so much you are the best mom in the whole entire world i miss you everyday i cry at nighttime cuz i cant go to sleep at night i always have dreams like i used to have and the dream was about that i was the king and mommy is the queen. i am at gg's and i am writing you a letter but i write you a letter in my mind and i do it in real life sometimes. i love you mommy bye jesse to mommy jayce loves you too.

Send Sympathy Flowers Now



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ECHO BROOKE LUCAS

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Friday, November 16, 2012

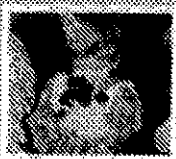
Dear MOMMY i hope you are havaing a good life in heaven. I
 love you soooooooooooooo
 much i wish you would just come home.
 by jesse to mommy i love you mommy

Saturday, November 03, 2012

Hi mommie. i didnt know i culd right in the book. i miss you
 so much i cant wait to see u again. i went to child heaven and
 it was not fun. i am atuse righ ggs house now, and i kiss your
 ashes everyday. I miss you pretty eyes and big smiles. gg said
 i will see you again soon. i cant wait to see you and it will be
 so much fun i love you and i will right alot. got mountain bike
 and a girlfriend, blaaaaa blaaaa dont be mad you are still the
 princess of the world and i remember your mission is to
 destroy the world and rebuild it with jenja peices. ...and i
 remember your name is mega mom. from Jayce your beautiful
 eyes lookin kid

EXHIBIT 4

Tuesday, August 28, 2012



Child of Mine

"I'll lend you for a little time a child of Mine," He said,

"For you to love while he lives and mourn for when he's dead."

"It may be six or seven years or twenty-

two or three,

But will you, till I call him back, take care of him for Me?"

"He'll bring his charms to gladden you, and shall his stay be brief,

You'll have his lovely memories as solace for your grief."

"I cannot promise he will stay, since all from Earth return,

But there are lessons taught down there I want this child to learn."

"I've looked the wide world over in my search for teachers true,

And from the throngs that crowd life's lanes, I have selected you."

"Now will you give him all your love, not think the labor vain,

Nor hate Me when I come to call to take him back again?"

I fancied that I heard them say, "Dear Lord, thy will be done!"

For all the joy Thy child shall bring, the risk of grief we'll run,

We'll shelter him with tenderness, we'll love him while we may,

And for the happiness we've known, forever grateful stay,

But shall the angels call for him much sooner than we've planned,

We'll brave the bitter grief that comes and try to understand. ~~~~~Love Mom

Tuesday, August 28, 2012



I stood by your bed last night, I came to have a peep.
I could see that you'd been crying, finding it hard to sleep.

I whined to you softly, I brushed a tear away.
It's me, I haven't left you, I'm well, I'm fine, I'm here.

I was close to you at breakfast, I watched you pour your tea.
You were thinking of the many times, your hands reached out to me.

I was with you at the shops today, your arms
were getting sore.
I longed to hold your bags for you, I wish I could do more.

I was with you at my grave today, you tend it with such care.
I want to reassure you that, I'm not lying there.

I'm with you at your front door, as you fumble for your key.
I put my hand upon yours, I smile and say "It's me."

You look so very tired, and sank into the chair.
I tried so hard to let you know, that I was standing there.

It's possible for me to be so near you everyday.
To say to you with certainty, "I never went away."

You sat there very quietly, then smiled, I think you knew.
In the stillness of that evening, I was very close to you.

The day is almost over...I smile and watch you yawning.
I say "goodnight, God bless, see you in the morning."

And when the time is right for you to cross the brief divide,
I'll rush across to greet you and we'll stand, side by side.

I have so much to show you, there's so much for you to see.
Be patient, live your journey out...then come home to be with me.

I love you Echo-----Mom



ECHO BROOKE LUCAS

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Thursday, August 23, 2012



Echo, Another day and im as sad as can be. I did have a dream about you, I keep thinking it wasnt really a dream though. You were telling me "its okay, Cowboy Up" You said to quit acting like a baby and I could even hear the sarcasm in your

voice....WOW I miss that. I hope it wasnt a dream, and I am doing my best to "Cowboy up" and I have a few moments of each day that I dont cry. I love you, and I cant wait to see you again. I pray and pray for the strength. I stay up most of the hours day and night just looking at all your beautiful pictures and the silly ones too.....amazes me you are still beautiful even in the silly ones...I love you Echo and I know you know that....sleep peacefully and rest becuse we are gunna lear em up when I get there :-) love Mom