

CLERK OF THE COURT

1 **NOASC**  
2 **MATTHEW D. CARLING, ESQ.**  
3 Nevada Bar No.: 007302  
4 1100 S. Tenth Street  
5 Las Vegas, NV 89101  
6 (702) 419-7330 (Office)  
7 (702) 446-8065 (Fax)  
8 CedarLegal@gmail.com  
9 *Attorneys for Petitioner,*  
10 **LESEAN TARUS COLLINS**

Electronically Filed  
Sep 18 2015 09:39 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

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

10 STATE OF NEVADA,  
11 Plaintiff,

Case No. 09C253455  
Dept. No. 12

12 -vs-

13 LESEAN TARUS COLLINS,  
14 Defendant.

15  
16 **NOTICE OF APPEAL**

17 **TO: THE STATE OF NEVADA**

18 **STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY, NEVADA**  
19 **and DEPARTMENT 12 OF THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
20 **STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK.**

21 NOTICE is hereby given that LESEAN TARUS COLLINS, presently incarcerated at  
22 the High Desert State Prison, appeals to the Supreme Court of the State of Nevada from the

23 ///

24 ///

25 ///

1 an Order denying his Petition for a Writ of Habeas Corpus (Post-Conviction) entered on or  
2 about July 27, 2015.

3 DATED this 17<sup>th</sup> day of September, 2015.

4 CARLING LAW OFFICE, PC

5  
6 /s/ Matthew D. Carling

7 MATTHEW D. CARLING, ESQ.

8 Nevada Bar No.: 007302

9 1100 S. Tenth Street

10 Las Vegas, NV 89101

11 (702) 419-7330 (Office)

12 (702) 446-8065 (Fax)

13 CedarLegal@gmail.com

14 *Attorneys for Petitioner,*

15 LESEAN TARUS COLLINS

16  
17 **DECLARATION OF MAILING**

18 I hereby certify that, on this 17<sup>th</sup> day of September, 2015, I sent a true and correct copy  
19 of the above NOTICE OF APPEAL to the following parties:

20 Steven B. Wolfson, Esq.

21 Clark County District Attorney

22 Post Conviction Unit

23 Jennifer.Garcia@clarkcountyda.com

24 Executed on the 17<sup>th</sup> day of September, 2015.

25 CARLING LAW OFFICE, PC

26  
27 /s/ Matthew D. Carling

28 MATTHEW D. CARLING, ESQ.

Nevada Bar No.: 007302

*Attorneys for Petitioner,*

LESEAN TARUS COLLINS

  
CLERK OF THE COURT

ASTA  
MATTHEW D. CARLING, ESQ.  
Nevada Bar No.: 007302  
1100 S. Tenth Street  
Las Vegas, NV 89101  
(702) 419-7330 (Office)  
(702) 446-8065 (Fax)  
[CedarLegal@gmail.com](mailto:CedarLegal@gmail.com)  
*Attorneys for Petitioner,*  
LESEAN TARUS COLLINS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

\* \* \* \* \*

STATE OF NEVADA,  
Plaintiff,

Case No. 09C253445  
Dept. No. XII

-vs-

LESEAN TARUS COLLINS,  
Defendant.

**CASE APPEAL STATEMENT  
(NRAP 3(d)(4))**

**1. Name of appellant filing this case appeal statement:**

LeSean Tarus Collins

**2. Identify the judge issuing the decision, judgment, or order appealed from:**

Judge Michelle Leavitt.

**3. Identify all parties to the proceedings in the district court:**

LeSean Tarus Collins

The State of Nevada

1  
2 **4. Identify all parties involved in this appeal:**  
3

4 LeSean Tarus Collins  
5

6 The State of Nevada  
7

8 **5. Name, law firm, address, and telephone number of all counsel on**  
9 **appeal and party or parties whom they represent:**  
10

MATTHEW D. CARLING

Nevada Bar #007302

1100 S. Tenth Street

Las Vegas, NV 89101

(702) 419-7330

*Counsel for Appellant,*

LeSean Tarus Collins

RYAN J. MACDONALD

Deputy District Attorney

Nevada Bar #0012615

P.O. Box 552212

Las Vegas, NV 89101-2212

*Counsel for Appellee,*

State of Nevada

11 **6. Indicate whether appellant was represented by appointed or retained**  
12 **counsel in the district court:** Appointed  
13

14 **7. Indicate whether appellant is represented by appointed or retained**  
15 **counsel on appeal:** Appointed  
16

17 **8. Indicate whether appellant was granted leave to proceed in forma**  
18 **pauperis, and the date of entry of the district court order granting such**  
19 **leave:** N/A  
20

21 **9. Indicate the date the proceedings commenced in the district court:**  
22

23 Indictment filed April 8, 2009.  
24

25 Dated this 17<sup>th</sup> day of September, 2015.  
26

27 CARLING LAW OFFICE, PC  
28

29 /s/ Matthew D. Carling  
30

MATTHEW D. CARLING, ESQ.

Nevada Bar No.: 007302

*Court-Appointed Attorney for Defendant,*

LESEAN TARUS COLLINS  
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Steven B. Wolfson, Esq.  
Clark County District Attorney  
Post Conviction Unit  
[Jennifer.Garcia@clarkcountydade.com](mailto:Jennifer.Garcia@clarkcountydade.com)

/s/ Matthew D. Carling  
MATTHEW D. CARLING, ESQ.  
*Court-Appointed Attorney for Defendant,*  
LESEAN TARUS COLLINS

DEPARTMENT 12  
**CASE SUMMARY**  
**CASE No. 09C253455**

The State of Nevada vs Lesean T Collins

§ Location: **Department 12**  
§ Judicial Officer: **Leavitt, Michelle**  
§ Filed on: **04/08/2009**  
§ Case Number History:  
§ Cross-Reference Case **C253455**  
§ Number:  
§ Defendant's Scope ID #: **857181**  
§ Lower Court Case Number: **08GJ00112**

**CASE INFORMATION**

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. ARSON IN THE FIRST DEGREE.	F	01/01/1900		
2. BURGLARY.	F	01/01/1900	Case Flags:	<b>Appealed to Supreme Court</b>
3. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS	G	01/01/1900		<b>Custody Status - Nevada</b>
3. DESTRUCTION OF PRIVATE OR PUBLIC PROPERTY	G	01/01/1900		<b>Department of Corrections</b>

**Warrants**

Bench Warrant - Collins, Lesean T (Judicial Officer: Leavitt, Michelle )  
04/14/2009 Quashed  
04/08/2009 Issued  
Fine: \$0  
Bond: \$0

Bench Warrant - Collins, Lesean T (Judicial Officer: Leavitt, Michelle )  
04/10/2009 Quashed  
04/08/2009 Issued  
Fine: \$0  
Bond: \$0

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

Case Number	09C253455
Court	Department 12
Date Assigned	11/03/2009
Judicial Officer	Leavitt, Michelle


**PARTY INFORMATION**

		<i>Lead Attorneys</i>
<b>Defendant</b>	<b>Collins, Lesean T</b>	<b>Carling, Matthew D.</b> <i>Retained</i> 702-419-7330(W)
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Wolfson, Steven B</b> 702-671-2700(W)





**DATE**

**EVENTS & ORDERS OF THE COURT**








**INDEX**

04/08/2009	<b>Grand Jury Indictment</b> (1:15 PM) <i>GRAND JURY INDICTMENT Court Clerk: Tina Hurd Reporter/Recorder: Richard Kangas Heard By: David Barker</i>	
04/08/2009	 Indictment <i>(GRAND JURY) INDICTMENT Fee \$0.00</i>	09C2534550001.tif pages
04/08/2009	Hearing	09C2534550002.tif pages

DEPARTMENT 12  
**CASE SUMMARY**  
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	<i>GRAND JURY INDICTMENT</i>	
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04/09/2009	Bench Warrant <i>BENCH WARRANT ISSUED</i>	09C2534550004.tif pages
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04/15/2009	<b>Initial Arraignment (9:00 AM)</b> Events: 04/08/2009 Hearing <i>INITIAL ARRAIGNMENT</i>	
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04/15/2009	<b>All Pending Motions (9:00 AM)</b> <i>ALL PENDING MOTIONS (04/15/09) Court Clerk: Kathy Klein Reporter/Recorder: Jill Hawkins Heard By: Elizabeth Gonzalez</i>	
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04/16/2009	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - GRAND JURY VOLUME 1</i>	09C2534550010.tif pages
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04/29/2009	<b>Bench Warrant Return (9:00 AM)</b> <i>INDICTMENT WARRANT RETURN</i>	
04/29/2009	<b>All Pending Motions (9:00 AM)</b> <i>ALL PENDING MOTIONS (04/29/09) Court Clerk: Kathy Klein Reporter/Recorder: Jill Hawkins Heard By: Elizabeth Gonzalez</i>	
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05/06/2009	<b>Initial Arraignment (9:00 AM)</b> <i>INITIAL ARRAIGNMENT</i>	

DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. 09C253455**







05/06/2009	<b>Bench Warrant Return</b> (9:00 AM) <i>INDICTMENT WARRANT RETURN Court Clerk: Sandy Harrell/Michele Tucker/mlt Relief Clerk: Sharon Coffman Reporter/Recorder: Kiara Schmidt</i>	
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05/29/2009	 Writ <i>RETURN TO WRIT OF HABEAS CORPUS</i>	09C2534550019.tif pages
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07/22/2009	<b>Motion to Compel</b> (9:00 AM) Events: 07/08/2009 Motion <i>DEFT'S MTN TO COMPEL DISCLOSURE OF EXCULPATORY EVID/12 Court Clerk: Kathy Klein Reporter/Recorder: Jill Hawkins Heard By: Elizabeth Gonzalez</i>	
08/12/2009	<b>Calendar Call</b> (8:30 AM) <i>CALENDAR CALL Court Clerk: Katherine Streuber Relief Clerk: Melissa Benson/mb Reporter/Recorder: Jill Jacoby Heard By: Doug Smith</i>	
08/17/2009	<b>CANCELED Jury Trial</b> (10:00 AM) <i>Vacated</i>	
09/04/2009	 Motion <i>DEFT'S MTN TO PRECLUDE TESTIMONY OF MINOR CHILD TYSEAN COLLINS/15</i>	09C2534550024.tif pages
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**CASE No. 09C253455**

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10/28/2009	<b>Calendar Call</b> (8:30 AM) <i>CALENDAR CALL (FIRM SETTING)</i> Court Clerk: Katherine Streuber Reporter/Recorder: Jill Jacoby Heard By: Doug Smith	
10/29/2009	<b>Overflow</b> (9:00 AM) <i>OVERFLOW(8)- J. TOMSHECK/T. JONES/3-4DAY10-13 WITNESSES/1 OUT OF</i> <i>STATE</i> Relief Clerk: Tia Everett/te Reporter/Recorder: Richard Kangas Heard By: David Barker	
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11/02/2009	<b>Motion</b> (11:00 AM) Events: 10/29/2009 Motion <i>MOTION CONDUCT VIDEOTAPED DEPOSITION TESTIMONY OF MATERIAL</i> <i>WITNESS</i> Court Clerk: April Watkins Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt	
11/02/2009	<b>All Pending Motions</b> (11:00 AM) <i>ALL PENDING MOTIONS (11/2/09)</i>	
11/02/2009	<b>Hearing</b> (1:00 PM) <i>VIDEOTAPED TRIAL TESTIMONY OF VIVIAN FURLOW</i> Court Clerk: April Watkins Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt	
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11/02/2009	 <b>Notice of Witnesses and/or Expert Witnesses</b> Filed By: Defendant Collins, Lesean T <i>DEFTS NOTICE OF WITNESSES PURSUANT TO NRS 174.234</i>	09C2534550032.tif pages
11/02/2009	 <b>Notice</b> Filed By: Defendant Collins, Lesean T <i>DEFENDANTS NOTICE OF ALIBI PURSUANT TO NRS 174.087</i>	09C2534550035.tif pages
11/02/2009	 <b>Request</b> <i>NOTICE OF MOTION AND MTN TO CONDUCT VIDEOTAPED DEPOSITION</i> <i>TESTIMONY OF MATERIAL WITNESS VIVIAN FURLOW MATERIAL WITNESS VIVIAN</i> <i>FURLOW</i>	09C2534550036.tif pages
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DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. 09C253455**

11/04/2009	 Jury List <i>DISTRICT COURT JURY LIST</i>	09C2534550038.tif pages
11/05/2009	<b>Jury Trial</b> (10:30 AM) <i>TRIAL BY JURY Court Clerk: April Watkins Relief Clerk: Tia Everett/te Reporter/Recorder: Kerry Esparza Heard By: Leavitt, Michelle</i>	
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11/06/2009	 Jury List <i>AMENDED DISTRICT COURT JURY LIST</i>	09C2534550041.tif pages
11/06/2009	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY - INSTRUCTION NO 1</i>	09C2534550042.tif pages
11/06/2009	 Proof Filed by: Defendant Collins, Lesean T <i>DEFENSE OFFER OF PROOF REGARDING DENIAL OF DEFENSE MOTION TO CONTINUE</i>	09C2534550043.tif pages
11/06/2009	 Notice <i>NOTICE OF HABITUAL CRIMINALITY</i>	09C2534550044.tif pages
11/06/2009	 Judgment <i>VERDICT</i>	09C2534550045.tif pages
11/06/2009	<b>Plea</b> (Judicial Officer: Leavitt, Michelle) 1. ARSON IN THE FIRST DEGREE. Guilty PCN: Sequence:  2. BURGLARY. Guilty PCN: Sequence:  3. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Guilty PCN: Sequence:  3. DESTRUCTION OF PRIVATE OR PUBLIC PROPERTY Guilty PCN: Sequence:	
11/06/2009	<b>Disposition</b> (Judicial Officer: Leavitt, Michelle) 1. ARSON IN THE FIRST DEGREE. Guilty PCN: Sequence:  2. BURGLARY. Guilty PCN: Sequence:	

DEPARTMENT 12  
**CASE SUMMARY**  
**CASE No. 09C253455**

	<p>3. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Guilty PCN: Sequence:</p> <p>3. DESTRUCTION OF PRIVATE OR PUBLIC PROPERTY Guilty PCN: Sequence:</p>	
12/29/2009	 Motion <i>DEFT'S MTN TO CONTINUE SENTENCING DATE/22</i>	<i>09C2534550047.tif pages</i>
01/12/2010	<b>Motion to Continue</b> (8:30 AM) Events: 12/29/2009 Motion <i>DEFT'S MTN TO CONTINUE SENTENCING DATE/22 Court Clerk: April Watkins Relief Clerk: Tia Everett/te Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt</i>	
01/19/2010	 PSI	
01/28/2010	<b>Sentencing</b> (8:30 AM) Events: 11/06/2009 Conversion Case Event Type <i>SENTENCING Heard By: Michelle Leavitt</i>	
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02/03/2010	 Receipt of Copy Filed by: Defendant Collins, Lesean T <i>RECEIPT OF COPY</i>	<i>09C2534550049.tif pages</i>
02/09/2010	<b>Sentencing</b> (8:30 AM) <i>SENTENCING Heard By: Michelle Leavitt</i>	
02/18/2010	<b>Sentencing</b> (8:30 AM) <i>SENTENCING Relief Clerk: Kristen Brown/kb Reporter/Recorder: Kerry Esparza Heard By: Leavitt, Michelle</i>	
02/25/2010	<b>Sentencing</b> (8:30 AM) <i>SENTENCING Court Clerk: April Watkins Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt</i>	
03/02/2010	<b>Sentencing</b> (8:30 AM) <i>SENTENCING Court Clerk: April Watkins Reporter/Recorder: Kerry Esparza Heard By: Michelle Leavitt</i>	
03/02/2010	<b>Sentence</b> (Judicial Officer: Leavitt, Michelle) 3. RECEIVING, POSSESSING OR WITHHOLDING STOLEN GOODS Adult Adjudication	
03/02/2010	<b>Sentence</b> (Judicial Officer: Leavitt, Michelle) 1. ARSON IN THE FIRST DEGREE. Adult Adjudication Comment (03/02/10 - LARGE HABITUAL CRIMINAL STATUTE IMPOSED) Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:10 Years	
03/02/2010	<b>Sentence</b> (Judicial Officer: Leavitt, Michelle)	















DEPARTMENT 12  
**CASE SUMMARY**  
**CASE No. 09C253455**

	<p>2. BURGLARY. Adult Adjudication Comment (03/02/10 - LARGE HABITUAL CRIMINAL STATUTE IMPOSED) Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:10 Years Concurrent: Charge 1</p>	
03/02/2010	<p><b>Sentence</b> (Judicial Officer: Leavitt, Michelle) 3. DESTRUCTION OF PRIVATE OR PUBLIC PROPERTY Adult Adjudication Sentenced to CCDC Term: 12 Months Concurrent: Charge 1 &amp; 2 Credit for Time Served: 516 Days Comments: \$25.ADM, \$150.DNAF</p>	
03/04/2010	<p>Judgment <i>JUDGMENT OF CONVICTION/ADMIN ASSESSMENT</i></p>	<i>09C2534550051.tif pages</i>
03/04/2010	<p> Judgment <i>JUDGMENT OF CONVICTION/GENETIC TESTING</i></p>	<i>09C2534550052.tif pages</i>
03/25/2010	<p> Notice of Appeal Filed By: Defendant Collins, Lesean T <i>NOTICE OF APPEAL (SC 55716)</i></p>	<i>09C2534550053.tif pages</i>
03/25/2010	<p> Statement Filed by: Defendant Collins, Lesean T <i>CASE APPEAL STATEMENT</i></p>	<i>09C2534550054.tif pages</i>
04/27/2010	<p> Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - INITIAL ARRAIGNMENT - HEARD 05-06-09</i></p>	<i>09C2534550056.tif pages</i>
04/27/2010	<p> Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - DEFTS MTN TO COMPEL DISCLOSURE OF EXCULPATORY EVIDENCE - HEARD 07-22-09 EXCULPATORY EVIDENCE - HEARD 07-22-09</i></p>	<i>09C2534550057.tif pages</i>
04/27/2010	<p> Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - DEFTS WRIT OF HABEAS CORPUS - HEARD 06-10-09 06-10-09</i></p>	<i>09C2534550058.tif pages</i>
04/30/2010	<p> Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - CALENDAR CALL - HEARD 10-28-09</i></p>	<i>09C2534550059.tif pages</i>
04/30/2010	<p> Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - DEFTS MTN TO PRECLUDE TESTIMONY OF MINOR CHILD TYSEAN COLLINS - HEARD 09-16-09 MINOR CHILD TYSEAN COLLINS - HEARD 09-16-09</i></p>	<i>09C2534550060.tif pages</i>
04/30/2010	<p> Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS CALENDAR CALL - HEARD 08/12/09</i></p>	<i>09C2534550061.tif pages</i>
05/17/2010	<p> Reporters Transcript <i>REPORTER'S TRANSCRIPT RE GRAND JURY INDICTMENT RETURN - HEARD</i></p>	<i>09C2534550062.tif pages</i>

DEPARTMENT 12  
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**CASE No. 09C253455**

	04/08/09	
05/17/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT RE OVERFLOW CALENDAR CALL - HEARD 10/29/09</i>	09C2534550063.tif pages
06/18/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - CONTINUED SENTENCING - HEARD 03-02-10</i>	09C2534550064.tif pages
06/18/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - SENTENCING - HEARD 02-18-10</i>	09C2534550065.tif pages
07/09/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - TRIAL BY JURY DAY 2 - HEARD 11-05-09</i>	09C2534550066.tif pages
07/09/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - TRIAL BY JURY DAY 3 - HEARD 11-06-09</i>	09C2534550067.tif pages
07/12/2010	 Reporters Transcript <i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - VIDEOTAPED TESTIMONY OF VIVIAN FURLOW - HEARD 11-02-09 FURLOW - HEARD 11-02-09</i>	09C2534550068.tif pages
07/21/2010	 Transcript of Proceedings <i>Transcript of Proceedings Trial by Jury - Day 1 - 11/4/09</i>	
05/17/2011	 Motion Filed By: Defendant Collins, Lesean T <i>Motion to Allow Attorneys for Lesean Collins to Review Sealed Video November 2, 2009, Motion Argument in Camera</i>	
06/02/2011	 <b>Motion</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) Events: 05/17/2011 Motion <i>Motion to Allow Attorneys for Lesean Collins to Review Sealed Video November 2, 2009, Motion Argument in Camera</i>	
06/03/2011	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript Of Proceedings - Defendant's Motion To Allow Attorney's For Lesean Collins To Review Sealed Video Of Nov. 2, 2009 Motion Argument In Camera - Heard June 2, 2011</i>	
06/15/2011	 Order Denying Motion <i>Order Denying Defendant's Motion to Allow Attorney's for Lesean Collins to Review Sealed Video November 2, 2009, Motion Argument in Camera</i>	
07/01/2011	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript of Portion of Proceedings Sealed Portion of Proceeding of Jury Trial Held on November 2, 2009 [Ordered Unsealed for Viewing by Both Parties on June 15, 2011 by Court] - Heard November 2, 2009</i>	
03/12/2012	 NV Supreme Court Clerks Certificate/Judgment - Affirmed	

DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. 09C253455**







02/15/2013	 Petition for Writ of Habeas Corpus Filed by: Defendant Collins, Lesean T <i>Petition for A Writ of Habeas Corpus Relief by A Person in State Custody (Not Sentenced to Death)</i>
02/15/2013	 Application to Proceed in Forma Pauperis Filed By: Defendant Collins, Lesean T
02/15/2013	 Motion Filed By: Defendant Collins, Lesean T <i>Motion to Appoint Counsel</i>
02/15/2013	 Ex Parte Motion <i>Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing</i>
03/04/2013	 Order for Petition for Writ of Habeas Corpus
04/29/2013	 Response Filed by: Plaintiff State of Nevada <i>Response to Defendant's Motion to Appoint Counsel</i>
05/02/2013	 <b>Request</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Status Check for Appointment of Counsel</i>
05/16/2013	<b>CANCELED Petition for Writ of Habeas Corpus</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - per Clerk</i>
05/16/2013	 <b>Confirmation of Counsel</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>CONFIRMATION OF COUNSEL (BLAINE BECKSTEAD, ESQ.)</i>
06/13/2013	 <b>Status Check</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>STATUS CHECK: FILE REVIEW</i>
01/02/2014	 <b>Petition for Writ of Habeas Corpus</b> (10:30 AM) (Judicial Officer: Leavitt, Michelle) <b>01/02/2014, 12/09/2014, 03/19/2015, 06/18/2015</b> <i>Defendant's Pro Per Petition for a Writ of Habeas Corpus Relief by a Person in State Custody (Not Sentenced to Death)</i>
05/08/2014	 <b>Confirmation of Counsel</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Confirmation of Counsel (Matthew Carling)</i>
05/22/2014	<b>CANCELED Hearing</b> (10:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Vacated - per Judge</i> <i>DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)</i>
05/28/2014	 Order Filed By: Defendant Collins, Lesean T <i>Order of Appointment</i>
07/15/2014	 <b>Status Check</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Status Check: Set Briefing Schedule</i>
09/16/2014	 Supplemental

DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. 09C253455**

*Supplemental Petition for Writ of Habeas Corpus (Post Conviction)*

10/03/2014	 Notice of Motion Filed By: Defendant Collins, Lesean T <i>Defendant's Notice of Motion to Dismiss Counsel</i>
10/03/2014	 Motion Filed By: Defendant Collins, Lesean T <i>Defendant's Motion to Withdraw Counsel and Appointment of Alternate Counsel</i>
10/03/2014	 Motion Filed By: Defendant Collins, Lesean T <i>Defendant's Motion to Withdraw Counsel</i>
10/28/2014	 <b>Motion</b> (8:30 AM) (Judicial Officer: Leavitt, Michelle) <i>Defendant's Pro Per Motion to Withdraw Counsel and Appointment of Alternate Counsel</i>
11/17/2014	 Response Filed by: Plaintiff State of Nevada <i>State's Response to Defendant's Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)</i>
11/24/2014	 Order <i>Order Denying Defendant's Motion to Withdraw and Appointment of Alternate Counsel</i>
12/03/2014	 Reply Filed by: Defendant Collins, Lesean T <i>Reply in Support of Supplemental Petition for Writ of Habeas Corpus (Post Conviction)</i>
12/08/2014	 Response Filed by: Plaintiff State of Nevada <i>State's Response to New Issues Raised in Defendant's Reply</i>
01/06/2015	 Affidavit Filed By: Defendant Collins, Lesean T <i>Affidavit of LeSean T. Collins</i>
03/31/2015	 Supplemental Filed by: Defendant Collins, Lesean T <i>2nd Supplemental Petition for Writ of Habeas Corpus (Post Conviction)</i>
06/11/2015	 Response Filed by: Plaintiff State of Nevada <i>State's Response to Defendant's Second Supplemental Post-Conviction Petition for Writ of Habeas Corpus</i>
07/08/2015	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>Recorder's Transcript Re: Defendant's Pro Per Petition for Writ of Habeas Corpus Relief by a Person in State Custody (Not Sentenced to Death) Thursday, June 18, 2015</i>
07/20/2015	 Order <i>Order Releasing Evidence</i>

DEPARTMENT 12  
**CASE SUMMARY**  
**CASE NO. 09C253455**

07/24/2015	 Findings of Fact, Conclusions of Law and Order
07/27/2015	 Objection Filed By: Defendant Collins, Lesean T <i>Objection to Findings of Fact, Conclusions of Law and Order</i>
07/27/2015	 Request Filed by: Defendant Collins, Lesean T <i>Request for Rough Draft Transcripts</i>
07/27/2015	 Notice of Entry Filed By: Plaintiff State of Nevada <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>
09/17/2015	 Notice of Appeal (criminal) Party: Defendant Collins, Lesean T <i>Notice of Appeal</i>
09/17/2015	 Case Appeal Statement Filed By: Defendant Collins, Lesean T <i>Case Appeal Statement</i>

**DATE**

**FINANCIAL INFORMATION**

<b>Defendant</b> Collins, Lesean T	
Total Charges	175.00
Total Payments and Credits	0.00
<b>Balance Due as of 9/17/2015</b>	<b>175.00</b>



DISTRICT COURT  
CLARK COUNTY, NEVADA

CASE NO: 09C253455  
DEPT NO: XII

DATE OF HEARING: June 18, 2015  
TIME OF HEARING: 8:30 AM

This is Lesean Collins' first post-conviction Petition for Writ of Habeas Corpus. On April 8, 2009, the State filed an Indictment against Collins charging him with Count 1: First Degree Arson, Count 2: Burglary, and Count 3: Malicious Injury to Vehicle.

REF ID: A66112

1 On November 4, 2009, Collins' jury trial commenced. On November 6, 2009, the jury  
2 found Collins guilty on all counts.<sup>1</sup> On March 2, 2010, this Court sentenced Collins under the  
3 large habitual criminal statute to the Nevada Department of Corrections as follows: Count 1:  
4 life with the possibility of parole after a minimum of 10 years; Count 2: life with the possibility  
5 of parole after 10 years, concurrent to Count 1; and Count 3: 12 months, concurrent with  
6 Counts 1 and 2, with 516 days credit for time served. On March 4, 2010, the Judgment of  
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9 On March 6, 2012, Remittitur issued.

10 On February 15, 2013, Collins filed a pro per Petition for Writ of Habeas Corpus, a  
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22 However, this Court conducted another hearing on March 19, 2015, wherein this Court  
23 stated that it did not receive any supplements. This Court heard further arguments on the  
24 Petition. At the conclusion, this Court granted Collins' request to file a Supplement on the  
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28 <sup>1</sup>After the State's opening statement, Collins conceded Count 3.

<sup>2</sup>Subsequently, on October 3, 2014, Collins filed a pro per Motion to Withdraw Counsel and Appointment of Alternate Counsel. On October 28, 2014, this Court denied Collins' Motion.

1 June 11, 2015, the State filed a Response to the Second Supplement. On June 18, 2015, this  
2 Court conducted a final hearing regarding Collins' Petition.

3 **PETITION CLAIMS**

4 In his Petition and various Supplements, Collins made several allegations that his trial  
5 counsel was ineffective. However, as discussed below, this Court finds that these are without  
6 merit.

7 Nevada applies the "reasonably effective assistance" standard articulated in Strickland  
8 v. Washington, 466 U.S. 668, 104 S.Ct. 2052 (1984), to determine whether a defendant  
9 received effective assistance of counsel. Warden v. Lyons, 100 Nev. 430, 432, 683 P.2d 504,  
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11 prove that he was denied reasonably effective assistance by satisfying a two-pronged test.  
12 Strickland, 466 U.S. at 686-87, 104 S.Ct. at 2063-64; State v. Love, 109 Nev. 1136, 1138, 865  
13 P.2d 322, 323 (1993). First, the defendant must show that his counsel's representation fell  
14 below an objective standard of reasonableness. Second, the defendant must show that, but for  
15 counsel's alleged deficiencies, there is a reasonable probability that the result of the  
16 proceedings would have been different. Strickland, 466 U.S. at 687-88, 694, 104 S.Ct. at 2065,  
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18 The court "need not consider both prongs of the test if the defendant makes an  
19 insufficient showing on either one." Molina v. State, 120 Nev. 185, 190, 87 P.3d 533, 537  
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23 different. McNelson v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999) (citing  
24 Strickland, 466 U.S. at 687). "A reasonable probability is a probability sufficient to undermine  
25 confidence in the outcome." Strickland, 466 U.S. at 694, 104 S.Ct. at 2068. "[O]verwhelming  
26 evidence of guilt is relevant to the question of whether a client had ineffective counsel." Ford  
27 v. State, 105 Nev. 850, 852, 784 P.2d 951, 952 (1989) (citing Strickland, 466 U.S. at 697, 10  
28 S.Ct. at 2069).

1 In considering whether trial counsel was effective, the court must determine whether  
2 counsel made a "sufficient inquiry into the information . . . pertinent to his client's case."  
3 Doleman v State, 112 Nev. 843, 846, 921 P.2d 278, 280 (1996) (citing Strickland, 466 U.S. at  
4 690-91, 104 S.Ct. at 2066). Then, the court will consider whether counsel made "a reasonable  
5 strategy decision on how to proceed with his client's case." Id. Counsel's strategy decision  
6 is a "tactical" decision and will be "virtually unchallengeable absent extraordinary  
7 circumstances." Id. at 846, 921 P.2d at 280; see also Howard v. State, 106 Nev. 713, 722, 800  
8 P.2d 175, 180 (1990); Strickland, 466 U.S. at 691, 104 S.Ct. at 2066.

9 Additionally, the Nevada Supreme Court has made it clear that a defendant who  
10 contends that his attorney was ineffective because he did not adequately investigate the case  
11 must show how a better investigation would have rendered a more favorable outcome  
12 probable. Molina v. State, 120 Nev. 185, 192, 87 P.3d 533, 538 (2004). Such a defendant  
13 must allege with specificity what the investigation would have revealed and how it would have  
14 altered the outcome of the trial. United States v. Porter, 924 F.2d 395, 397 (1st Cir. 1991)  
15 (quoting United States v. Green, 882 F.2d 999, 1003 (5th Cir. 1989).

16 Importantly, when raising a Strickland claim, the defendant bears the burden to  
17 demonstrate the underlying facts by a preponderance of the evidence. Means v. State, 120  
18 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). "Bare" or "naked" allegations are not sufficient to  
19 show ineffectiveness of counsel, nor are those belied and repelled by the record. Hargrove v.  
20 State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984).

21 Lastly, a defendant who claims that his counsel was ineffective based on a conflict of  
22 interest "must establish that an actual conflict of interest adversely affected his lawyer's  
23 performance." Cuyler v. Sullivan, 446 U.S. 335, 350, 100 S.Ct. 1708, 1719 (1980). "In  
24 general, a conflict exists when an attorney is placed in a situation conducive to divided  
25 loyalties." Clark v. State, 108 Nev. 324, 326, 831 P.2d 1374, 1376 (1992) (internal quotation  
26 omitted).

27 Collins alleged that his counsel were ineffective because they were unprepared for trial  
28 based on their request for a continuance. However, while his counsel did request a



now complain about the investigation when the record demonstrates that he was uncooperative with his counsel when they were attempting to locate and investigate witnesses.

Additionally, this Court finds that Collins failed to demonstrate that his counsel were ineffective regarding their investigation. First, while Collins claimed that his counsel did not interview Patricia Brewer, this Court finds that Collins failed to show what information his counsel would have received from her and how this information would have been useful to the defense in obtaining a more favorable outcome. Molina, 120 Nev. at 192, 87 P.3d at 538. Second, this Court finds that Collins similarly fails to show what his counsel would have learned from interviewing Officer Jaramillo and further, what alleged “exculpatory” evidence was contained in Officer Jaramillo’s report.

Third, Collins claimed that his counsel were ineffective for not interviewing Vivian Furlow prior to trial because she ultimately told “several lies” at trial regarding “how long it took her to travel from her place to the location of the incident.” Despite these bare allegations, this Court finds that Collins failed to provide any support to his accusation of untruthfulness and moreover, fails to show how interviewing her would have led to a more favorable outcome at his trial. *Molina*, 120 Nev. at 192, 87 P.3d at 538.

Fourth, while Collins alleged that his counsel should have employed an arson expert at trial because he later found out that there may have been a fourth source of the fire, Collins failed to show how the number of sources would have provided a more favorable outcome of his trial. Additionally, on cross-examination, Collins' counsel successfully questioned the State's arson witness, Mr. Lomprey, wherein he admitted that he did not know the specific cause of the fire and that Collins in fact told him that he did not start the fire. Thus, this Court finds that Collins failed to show how his counsel were ineffective for not retaining an arson expert.

Fifth, while Collins alleges that his counsel should have investigated Shalana Eddins' SCOPE because she had a prior arrest, this Court finds that Collins failed to (1) provide any further information about the arrest and how it would have been admissible at trial; and (2) show that even if this evidence had been admissible to attack her credibility, how it would

1 have led to a more favorable verdict given the fact that Shalana's father corroborated Shalana's  
2 testimony regarding where she was and what she was doing at the time Collins committed the  
3 crime.

4 Sixth, this Court finds that Collins failed to show what impeachment evidence or  
5 inconsistent statements would have been found had his counsel reviewed the voluntary  
6 statements from Collins' pending murder case. As such, this Court finds that Collins failed to  
7 show how reviewing these statements would have led to a more favorable outcome at trial,  
8 thus, these are nothing more than bare allegations. Molina, 120 Nev. at 192, 87 P.3d at 538;  
9 Hargrove, 100 Nev. at 502, 686 P.2d at 225. Lastly, even if his counsel had been able to  
10 conduct every piece of investigation found in their Offer of Proof, this Court finds that Collins  
11 failed to show what additional information would have been discovered as a result and how it  
12 would have changed the outcome of the trial. Molina, 120 Nev. at 192, 87 P.3d at 538.  
13 Accordingly, this Court finds that Collins failed to make an adequate showing that his counsel  
14 were ineffective in their investigation of his case.

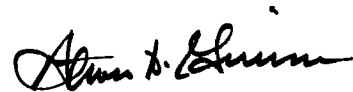
15 Finally, Collins argued that his counsel were ineffective because there was a conflict of  
16 interest that prevented them from fully investigating his case. Specifically, Collins claims that  
17 a conflict of interest existed because his counsel could not talk to him about his pending murder  
18 case. However, this Court finds that Collins failed to demonstrate that this "conflict" adversely  
19 affected his counsels' performance. Cuyler, 446 U.S. at 350, 100 S.Ct. at 1719. In fact, as  
20 discussed above, the record demonstrates that his counsels' performance was not adversely  
21 affected because they were able to present an effective defense. Through his numerous  
22 supplements, Collins attempted to allege that his pending murder case and the present case  
23 were "intertwined," and had his counsel been able to discuss the murder case with him, they  
24 would have discovered helpful information for his defense in this case, specifically regarding  
25 the 9-11 call and the fire investigator. However, this Court finds that this allegation is without  
26 merit because Collins fails to show how the evidence from the pending murder case was  
27 relevant to this case.

Specifically, in regards to the 9-11 call, Collins contended that Darlene Heer gave a “slightly different” explanation of the 9-11 call during proceedings for the murder case. This Court finds that Collins failed to explain how Ms. Heer’s explanation is different, and how this would have been pertinent to Collins’ defense in the arson trial. At trial on the instant arson case, Ms. Heer merely testified that she called 911 and the police eventually arrived. Moreover, defense counsel then effectively cross-examined Ms. Heer, revealing that she actually called the police twice and does not remember exactly whether she called 911 before or after she spoke with Collins outside. Thus, this Court finds that Collins failed to explain the importance of this “slightly different” explanation to his defense of his arson trial.

Additionally, Collins claimed that the fire investigator, who testified in the arson case that there were three fire locations, testified during a Petrocelli hearing for the murder case that there was a fourth location of the fire that was not mentioned previously. To start, this Court notes that the State represented during arguments on this Petition that the fire investigator misspoke when he testified regarding a fourth fire, and this mistake will be cured at the murder trial. Additionally, this Court finds that the number of fires has no relevance in Collins' arson trial, because the State presented testimony that (1) Collins went to the victim's office on the day of the arson, stole her phone, and slashed her tires; (2) Collins then told the victim's neighbors that he wanted to kill his wife; (3) the neighbor then saw the victim's house on fire a short time later; (4) Collins then called the victim to say that her house was on fire and that they were even now; and (5) shortly after the arson, Collins's phone had a ringtone of Collins singing a rap song that he wrote discussing the arson that he just committed. Specifically, Collins' ring tone was a rap song, with the following lyrics: "If you can't take the heat, get out of the kitchen or you'll burn just like my baby's mama's house." As such, this Court finds that Collins failed to demonstrate how the evidence regarding a fourth fire would have affected the outcome of his trial, especially considering defense counsel's effective cross-examination at the arson trial, wherein the fire investigator admitted that he did not know the specific cause of the fire, nor did he fingerprint the house to determine if Collins' prints were







CLERK OF THE COURT

NEO

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

LESEAN T. COLLINS,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No: 09C253455

Dept No: XII

**NOTICE OF ENTRY OF FINDINGS OF  
FACT, CONCLUSIONS OF LAW AND  
ORDER**

**PLEASE TAKE NOTICE** that on July 24, 2015, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on July 27, 2015.

STEVEN D. GRIERSON, CLERK OF THE COURT



Heather Ungermann, Deputy Clerk

CERTIFICATE OF MAILING

I hereby certify that on this 27 day of July 2015, I placed a copy of this Notice of Entry in:

- ☒ The bin(s) located in the Regional Justice Center of:  
Clark County District Attorney's Office  
Attorney General's Office – Appellate Division-
- ☒ The United States mail addressed as follows:  
LeSean T. Collins # 85039      Matthew D. Carling  
P.O. Box 650      51 East 400 North, Bldg. #1  
Indian Springs, NV 89070      Cedar City, UT 84721



Heather Ungermann, Deputy Clerk

DISTRICT COURT  
CLARK COUNTY, NEVADA

**Defendant.**

图 1-12

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28 S.Ct. at 2069).



1 continuance, this Court finds that this bare allegation of ineffectiveness is insufficient to  
2 demonstrate that his counsels' representation fell below an objective standard of  
3 reasonableness. Hargrove, 100 Nev. at 502, 686 P.2d at 225. Further, this Court finds that  
4 Collins' contention that his counsel was unprepared for trial is belied by the record, wherein  
5 Collins' counsel effectively cross-examined the State's key witness, Shalana Eddins,  
6 establishing that (1) she remained in contact with Collins despite her contention that she was  
7 scared of him, (2) Collins kept items at the house as well, making it less likely that he would  
8 then set fire to the house; (3) shortly before the incident, she threw a rock at Collins and broke  
9 the back window of his car; and (4) she did not see who started the fire and was not present  
10 when her house caught fire. Further, Collins' counsel effectively cross examined the  
11 remaining witnesses, establishing that no one saw Collins enter the house, no one saw Collins  
12 start the fire, no one knows exactly how the fire was started, fingerprints were not taken at the  
13 residence to specifically tie Collins there, and finally, Collins specifically told the police that  
14 he did not start the fire. Collins' counsel further presented a defense witness on his behalf,  
15 who provided an alibi for where Collins was at the time the fire was started. Lastly, Collins'  
16 counsel presented an effective closing argument, focusing on the State's failure to meet its  
17 burden to show that Collins was in fact the one who started the fire. Therefore, Collins fails  
18 to show that his counsels' representation was objectively unreasonable. Moreover, given the  
19 evidence alleged by the State, and the effective defense presented by Collins' counsel, this  
20 Court finds that Collins has failed to demonstrate prejudice.<sup>3</sup>

21 Collins further contended that his counsel was ineffective for failing to properly  
22 investigate his case. Specifically, Collins alleged that his counsel were ineffective in their  
23 investigation because they failed to (1) interview Patricia Brewer, (2) speak with Officer  
24 Jaramillo, (3) interview Vivian Furrow, (4) obtain an arson expert, (5) investigate Shalana's  
25 SCOPE, and (6) review the voluntary statements from Shalana Eddins, Robert Harris, and  
26 Vivian Furrow from his pending murder case. To start, this Court finds that Collins cannot  
27

28 <sup>3</sup>This Court also notes that Collins challenged the district court's denial of his counsels' request for a continuance, however the Nevada Supreme Court affirmed the district court, concluding that Collins failed to explain what additional evidence would have been disclosed at trial had a continuance been granted.

now complain about the investigation when the record demonstrates that he was uncooperative with his counsel when they were attempting to locate and investigate witnesses.

Additionally, this Court finds that Collins failed to demonstrate that his counsel were ineffective regarding their investigation. First, while Collins claimed that his counsel did not interview Patricia Brewer, this Court finds that Collins failed to show what information his counsel would have received from her and how this information would have been useful to the defense in obtaining a more favorable outcome. Molina, 120 Nev. at 192, 87 P.3d at 538. Second, this Court finds that Collins similarly fails to show what his counsel would have learned from interviewing Officer Jaramillo and further, what alleged “exculpatory” evidence was contained in Officer Jaramillo’s report.

Third, Collins claimed that his counsel were ineffective for not interviewing Vivian Furlow prior to trial because she ultimately told “several lies” at trial regarding “how long it took her to travel from her place to the location of the incident.” Despite these bare allegations, this Court finds that Collins failed to provide any support to his accusation of untruthfulness and moreover, fails to show how interviewing her would have led to a more favorable outcome at his trial. *Molina*, 120 Nev. at 192, 87 P.3d at 538.

Fourth, while Collins alleged that his counsel should have employed an arson expert at trial because he later found out that there may have been a fourth source of the fire, Collins failed to show how the number of sources would have provided a more favorable outcome of his trial. Additionally, on cross-examination, Collins' counsel successfully questioned the State's arson witness, Mr. Lomprey, wherein he admitted that he did not know the specific cause of the fire and that Collins in fact told him that he did not start the fire. Thus, this Court finds that Collins failed to show how his counsel were ineffective for not retaining an arson expert.

Fifth, while Collins alleges that his counsel should have investigated Shalana Eddins' SCOPE because she had a prior arrest, this Court finds that Collins failed to (1) provide any further information about the arrest and how it would have been admissible at trial; and (2) show that even if this evidence had been admissible to attack her credibility, how it would



1 have led to a more favorable verdict given the fact that Shalana's father corroborated Shalana's  
2 testimony regarding where she was and what she was doing at the time Collins committed the  
3 crime.

4 Sixth, this Court finds that Collins failed to show what impeachment evidence or  
5 inconsistent statements would have been found had his counsel reviewed the voluntary  
6 statements from Collins' pending murder case. As such, this Court finds that Collins failed to  
7 show how reviewing these statements would have led to a more favorable outcome at trial,  
8 thus, these are nothing more than bare allegations. Molina, 120 Nev. at 192, 87 P.3d at 538;  
9 Hargrove, 100 Nev. at 502, 686 P.2d at 225. Lastly, even if his counsel had been able to  
10 conduct every piece of investigation found in their Offer of Proof, this Court finds that Collins  
11 failed to show what additional information would have been discovered as a result and how it  
12 would have changed the outcome of the trial. Molina, 120 Nev. at 192, 87 P.3d at 538.  
13 Accordingly, this Court finds that Collins failed to make an adequate showing that his counsel  
14 were ineffective in their investigation of his case.

15 Finally, Collins argued that his counsel were ineffective because there was a conflict of  
16 interest that prevented them from fully investigating his case. Specifically, Collins claims that  
17 a conflict of interest existed because his counsel could not talk to him about his pending murder  
18 case. However, this Court finds that Collins failed to demonstrate that this "conflict" adversely  
19 affected his counsels' performance. Cuyler, 446 U.S. at 350, 100 S.Ct. at 1719. In fact, as  
20 discussed above, the record demonstrates that his counsels' performance was not adversely  
21 affected because they were able to present an effective defense. Through his numerous  
22 supplements, Collins attempted to allege that his pending murder case and the present case  
23 were "intertwined," and had his counsel been able to discuss the murder case with him, they  
24 would have discovered helpful information for his defense in this case, specifically regarding  
25 the 9-11 call and the fire investigator. However, this Court finds that this allegation is without  
26 merit because Collins fails to show how the evidence from the pending murder case was  
27 relevant to this case.

1 Specifically, in regards to the 9-11 call, Collins contended that Darlene Heer gave a  
2 "slightly different" explanation of the 9-11 call during proceedings for the murder case. This  
3 Court finds that Collins failed to explain how Ms. Heer's explanation is different, and how this  
4 would have been pertinent to Collins' defense in the arson trial. At trial on the instant arson  
5 case, Ms. Heer merely testified that she called 911 and the police eventually arrived.  
6 Moreover, defense counsel then effectively cross-examined Ms. Heer, revealing that she  
7 actually called the police twice and does not remember exactly whether she called 911 before  
8 or after she spoke with Collins outside. Thus, this Court finds that Collins failed to explain  
9 the importance of this "slightly different" explanation to his defense of his arson trial.

10 Additionally, Collins claimed that the fire investigator, who testified in the arson case  
11 that there were three fire locations, testified during a Petrocelli hearing for the murder case  
12 that there was a fourth location of the fire that was not mentioned previously. To start, this  
13 Court notes that the State represented during arguments on this Petition that the fire  
14 investigator misspoke when he testified regarding a fourth fire, and this mistake will be cured  
15 at the murder trial. Additionally, this Court finds that the number of fires has no relevance in  
16 Collins' arson trial, because the State presented testimony that (1) Collins went to the victim's  
17 office on the day of the arson, stole her phone, and slashed her tires; (2) Collins then told the  
18 victim's neighbors that he wanted to kill his wife; (3) the neighbor then saw the victim's house  
19 on fire a short time later; (4) Collins then called the victim to say that her house was on fire  
20 and that they were even now; and (5) shortly after the arson, Collins's phone had a ringtone of  
21 Collins singing a rap song that he wrote discussing the arson that he just committed.  
22 Specifically, Collins' ring tone was a rap song, with the following lyrics: "If you can't take the  
23 heat, get out of the kitchen or you'll burn just like my baby's mama's house." As such, this  
24 Court finds that Collins failed to demonstrate how the evidence regarding a fourth fire would  
25 have affected the outcome of his trial, especially considering defense counsel's effective cross-  
26 examination at the arson trial, wherein the fire investigator admitted that he did not know the  
27 specific cause of the fire, nor did he fingerprint the house to determine if Collins' prints were  
28

1 in the areas where the fires were set. Further, the fire investigator testified that Collins denied  
2 starting the fire.

3 Accordingly, this Court finds that Collins failed to demonstrate that his counsel were  
4 ineffective based on an alleged conflict of interest.


5 **ORDER**

6 THEREFORE, IT IS HEREBY ORDERED that the Petition for Post-Conviction Relief  
7 shall be, and it is, hereby denied.

8 DATED this 21 day of July, 2015.

9  
10   
DISTRICT JUDGE *ab*


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

14 BY   
15 JACQUELINE BLUTH  
16 Chief Deputy District Attorney  
Nevada Bar #10625

17 **CERTIFICATE OF ELECTRONIC FILING**

18 I hereby certify that service of FINDINGS OF FACT, CONCLUSIONS OF  
19 LAW AND ORDER, was made this 9th day of July, 2015, by Electronic Filing to:

20 MATTHEW D. CARLING  
21 EMAIL: cedarlegal@gmail.com

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

28 08AGJ112X/08FN2225X/BS/mlb/L-2

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 08, 2009**

09C253455

The State of Nevada vs Lesean T Collins

**April 08, 2009****1:15 PM****Grand Jury Indictment**

**GRAND JURY  
INDICTMENT  
Court Clerk: Tina  
Hurd  
Reporter/Recorder:  
Richard Kangas  
Heard By: David  
Barker**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Mitchell, Scott S.

Attorney

Tomsheck, Joshua L.

Attorney

**JOURNAL ENTRIES**

- Walter Olenderski, Grand Jury Foreman, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. The State presented Grand Jury Case Number 08AGJ112X to the Court. COURT ORDERED, the indictment may be filed and is assigned Case Number C253455, Department 11. Mr. Tomsheck advised Deft. Collins is currently in custody with no bail on a Murder charge and was on a no-bail hold in Justice Court for these charges. Colloquy. COURT ORDERED, BENCH WARRANT WILL ISSUE, \$301,000.00 BAIL. Matter set for initial arraignment. Exhibit(s) 1, 1a & 2 lodged with Clerk of District Court.

B.W. (COC)

4-15-09 9:00 AM INITIAL ARRAIGNMENT (DEPT. XI)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 13, 2009**

09C253455

The State of Nevada vs Lesean T Collins

**April 13, 2009****1:30 PM****Bench Warrant Return**

**INDICTMENT  
WARRANT  
RETURN Court  
Clerk: Sandy  
Harrell/Michele  
Tucker/mlt Relief  
Clerk: Sharon  
Coffman  
Reporter/Recorder:  
Kiara Schmidt Heard  
By: Williams, Kevin  
V**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T  
Dickson, Dianne  
Tomsheck, Joshua L.

Defendant  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Ms. Dixon advised this matter is on calendar for 4/15 for arraignment. COURT ORDERED, matter CONTINUED to that date.  
CUSTODY (B.W.(COC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 15, 2009**

09C253455

The State of Nevada vs Lesean T Collins

**April 15, 2009****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (04/15/09)  
Court Clerk: Kathy  
Klein  
Reporter/Recorder:  
Jill Hawkins Heard  
By: Elizabeth  
Gonzalez**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T  
O'Brien, Glen  
Public Defender  
Trauth, Jason

Defendant  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES****- BENCH WARRANT RETURN...INITIAL ARRAIGNMENT**

State noted Mr. Tomsheck is the Attorney on this case. Mr. Trauth advised Deft. is in custody on other charges and requested a continuance and noted the Special Public Defender may take this case.

COURT ORDERED, matter CONTINUED.

CUSTODY (COC)

04/29/09 9:00 AM BENCH WARRANT RETURN...INITIAL ARRAIGNMENT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 29, 2009**

09C253455

The State of Nevada vs Lesean T Collins

**April 29, 2009****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (04/29/09)  
Court Clerk: Kathy  
Klein  
Reporter/Recorder:  
Jill Hawkins Heard  
By: Elizabeth  
Gonzalez**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T

Defendant

Jones, Tierra D.

Attorney

Parolise, Abigail

Attorney

Public Defender

Attorney

Tomsheck, Joshua L.

Attorney

**JOURNAL ENTRIES**

- INDICTMENT WARRANT RETURN...INITIAL ARRAIGNMENT

Ms. Jones requested matters be continued, and noted the they did not receive the transcript. State noted the transcript was filed. COURT ORDERED, matter CONTINUED.

CUSTODY (COC)

05/06/09 9:00 AM INDICTMENT WARRANT RETURN...INITIAL ARRAIGNMENT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 06, 2009**

09C253455

The State of Nevada vs Lesean T Collins

**May 06, 2009****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS  
(05/06/09)\_ Court  
Clerk: Kathy Klein  
Reporter/Recorder:  
Jill Hawkins Heard  
By: Elizabeth  
Gonzalez**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T  
Jones, Tierra D.  
Public Defender  
Tomsheck, Joshua L.

Defendant  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- INDICTMENT WARRANT RETURN...INITIAL ARRAIGNMENT

Mr. Jones advised Deft. is ready to proceed. DEFT. COLLINS ARRAIGNED, PLED NOT GUILTY and  
WAIVED THE 60-DAY RULE. COURT ORDERED, matter set for trial.

CUSTODY (COC)

08/12/09 9:00 AM CALENDAR CALL

08/17/09 10:00 AM JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 01, 2009**

09C253455

The State of Nevada vs Lesean T Collins

**June 01, 2009****9:00 AM****Petition for Writ of Habeas  
Corpus****PTN FOR WRIT OF  
HABEAS CORPUS  
Court Clerk: Kathy  
Klein  
Reporter/Recorder:  
Jill Hawkins Heard  
By: Gonzalez,  
Elizabeth****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T  
Jones, Tierra D.  
Public Defender  
Tomsheck, Joshua L.

Defendant  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- At the request of Counsel, COURT ORDERED, matter CONTINUED.  
CUSTODY (COC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 10, 2009**

09C253455

The State of Nevada vs Lesean T Collins

**June 10, 2009****9:00 AM****Petition for Writ of Habeas  
Corpus****PTN FOR WRIT OF  
HABEAS CORPUS  
Court Clerk: Kathy  
Klein  
Reporter/Recorder:  
Jill Hawkins Heard  
By: Elizabeth  
Gonzalez****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T  
Jones, Tierra D.  
Public Defender  
Tomsheck, Joshua L.

Defendant  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Arguments by Counsel. COURT stated its findings and ORDERED, Petition DENIED.  
CUSTODY (COC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 22, 2009**

09C253455

The State of Nevada vs Lesean T Collins

**July 22, 2009****9:00 AM****Motion to Compel**

**DEFT'S MTN TO  
COMPEL  
DISCLOSURE OF  
EXCULPATORY  
EVID/12 Court  
Clerk: Kathy Klein  
Reporter/Recorder:  
Jill Hawkins Heard  
By: Elizabeth  
Gonzalez**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T

Defendant

Jones, Tierra D.

Attorney

Public Defender

Attorney

Tomsheck, Joshua L.

Attorney

**JOURNAL ENTRIES**

- Mr. Tomsheck noted this was Ms. Jeanneys' case and further noted the State had no objection.  
COURT ORDERED, Deft's Motion to Compel Disclosure of Exculpatory Evidence, GRANTED.  
CUSTODY (COC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 12, 2009**

09C253455

The State of Nevada vs Lesean T Collins

**August 12, 2009****8:30 AM****Calendar Call****CALENDAR CALL****Court Clerk:****Katherine Streuber****Relief Clerk: Melissa****Benson/mb****Reporter/Recorder:****Jill Jacoby Heard By:****Doug Smith****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T

Defendant

Jones, Tierra D.

Attorney

Public Defender

Attorney

Tomsheck, Joshua L.

Attorney

**JOURNAL ENTRIES**

- Counsel stated the matter has not been resolved and requested a continuance. State had no opposition but did note readiness to proceed. COURT ORDERED, trial VACATED and RESET.  
CUSTODY

10/28/09 8:30 AM CALENDAR CALL (FIRM SETTING)

11/02/09 10:00 AM TRIAL BY JURY (FIRM SETTING)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 16, 2009**

09C253455

The State of Nevada vs Lesean T Collins

**September 16, 2009****8:30 AM****Motion**

**DEFT'S MTN TO  
PRECLUDE  
TESTIMONY OF  
MINOR CHILD  
TYSEAN  
COLLINS/15 Court  
Clerk: Katherine  
Streuber Relief  
Clerk: Melissa  
Benson/mb  
Reporter/Recorder:  
Patti Slattery Heard  
By: Doug Smith**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T  
Jeanney, Jacqueline  
Jones, Tierra D.  
Public Defender

Defendant  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Counsel advised of receipt of States opposition. Arguments by counsel. COURT ORDERED, motion DENIED. Trial STANDS.  
CUSTODY (COC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 28, 2009**

09C253455

The State of Nevada vs Lesean T Collins

**October 28, 2009****8:30 AM****Calendar Call****CALENDAR CALL  
(FIRM SETTING)****Court Clerk:****Katherine Streuber****Reporter/Recorder:****Jill Jacoby Heard By:****Doug Smith****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T

Defendant

Jones, Tierra D.

Attorney

Parolise, Abigail

Attorney

Public Defender

Attorney

Tomsheck, Joshua L.

Attorney

**JOURNAL ENTRIES**

- Ms. Jones advised Deft. had not been cooperating with their investigator and noted they are currently in another trial are not prepared to go forward. COURT ORDERED, trial VACATED and matter REFERRED to Overflow.

**CUSTODY**

10-29-09 9:00 AM OVERFLOW (8) - J. TOMSHECK/T. JONES/3-4 DAYS/10-13 WITNESSES/1 OUT OF STATE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 29, 2009**

09C253455

The State of Nevada vs Lesean T Collins

**October 29, 2009****9:00 AM****Overflow**

**OVERFLOW(8)- J.  
TOMSHECK/T.  
JONES/3-4DAY10-13  
WITNESSES/1 OUT  
OF STATE Relief  
Clerk: Tia Everett/te  
Reporter/Recorder:  
Richard Kangas  
Heard By: David  
Barker**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Collins, Lesean T	Defendant
	Jeanney, Jacqueline	Attorney
	Jones, Tierra D.	Attorney
	Public Defender	Attorney
	Tomsheck, Joshua L.	Attorney

**JOURNAL ENTRIES**

- Ms. Jones advised she has been in trial all week and there is additional investigation which needs to be done in this case before trial. Mr. Tomsheck informed the Court when Judge Smith continued the trial last time he told parties will be ready to go on this trial date. Ms. Jones advised an offer has been received in this case as well as the Defendant's other case which she and Ms. Maningo will discuss with Defendant about today. COURT ORDERED, Request to continued DENIED and matter REFERRED to Department 12 for trial.  
CUSTODY (COC)

09C253455

11/4/09 9:00 AM JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 02, 2009**

09C253455

The State of Nevada vs Lesean T Collins

**November 02, 2009****11:00 AM****Motion**

**MOTION  
CONDUCT  
VIDEOTAPED  
DEPOSITION  
TESTIMONY OF  
MATERIAL  
WITNESS Court  
Clerk: April Watkins  
Reporter/Recorder:  
Kerry Esparza Heard  
By: Michelle Leavitt**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Collins, Lesean T	Defendant
	Jeanney, Jacqueline	Attorney
	Jones, Tierra D.	Attorney
	Parolise, Abigail	Attorney
	Public Defender	Attorney
	Tomsheck, Joshua L.	Attorney

**JOURNAL ENTRIES**

- State's Motion to Conduct Videotaped Deposition Testimony of Material Witness Vivian Furlow  
FILED IN OPEN COURT.

Mr. Tomsheck advised State announced ready, sent to overflow, case was suppose to start today,  
subpoenas went out and now Ms. Furlow advised she is leaving tonight to go to Florida on a cruise  
until the 12th of this month. Ms. Jones stated Deft's counsel announced not ready and argued counsel

will not even be ready to go on Wednesday but can be if the Court wants counsel to be. Further, Ms. Jones argued her investigator is not done with investigation as well as counsel being in trial last week and counsel is not ready. Colloquy. Ms. Parolise objected to motion filed by the State and argued not one judicial day notice. Further, Ms. Parolise does not believe counsel has had time to respond and argued witness not permanently unavailable, only not available for next two weeks. Offer of proof by the State as to Ms. Furlow. Court stated standard met as being material. Additional argument by Ms. Jones. Mr. Tomsheck argued Ms. Furlow is a material witness. COURT ORDERED, motion GRANTED.

CUSTODY (COC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 02, 2009**

09C253455

The State of Nevada vs Lesean T Collins

**November 02, 2009****1:00 PM****Hearing**

**VIDEOTAPED  
TRIAL TESTIMONY  
OF VIVIAN  
FURLOW Court  
Clerk: April Watkins  
Reporter/Recorder:  
Kerry Esparza Heard  
By: Michelle Leavitt**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T  
Jeanney, Jacqueline  
Jones, Tierra D.  
Parolise, Abigail  
Public Defender  
Tomsheck, Joshua L.

Defendant  
Attorney  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Court stated she did go to the custody door attempting to speak to Deft. about his refusal to come into the courtroom. Further, Deft. stated he does not want to come in, believes his rights have been violated and advised the Deft. he had to come in and make a record of it.

Dianne Dickson, present and speaking to Deft. now.

Ms. Parolise inquired as to the Court's ruling regarding videotaped deposition of witness. Court stated she was advised through her staff that the State was seeking a request to take witness testimony as witness was leaving on vacation. Additionally, Court advised the State was advised to contact defense counsel immediately of the pending motion and defense would have had plenty of time

to prepare cross examination. Ms. Parolise stated they were advised Thursday afternoon. Court stated she did not require the State to file an order shortening time (OST). Ms. Parolise inquired as to it not being one judicial day notice. Again Court stated she did not require the State to file OST but did instruct the State to advise Deft's counsel immediately. Further argument by Ms. Parolise. Court stated let the record reflect Deft. is now present. Court inquired of Deft's counsel as to what prevented Defts' counsel from preparing for cross examination. Ms. Parolise argued Defts' counsel not ready to go, investigation not completed and believes counsel is limited as to cross examination. Further, counsel argued she will be ineffective and advised she can provide an affidavit to the Court for in camera review. Mr. Tomsheck gave brief history of this case and advised Deft. has murder trial set for next year in March and argued it is obvious counsel wants this case to trail that case. Further, Mr. Tomsheck stated there is less then 100 pages of discovery in this case and Judge Smith told counsel this was a firm setting. Additionally, it was represented to Judge Smith Deft. was not cooperating with counsel and Judge Smith sent matter to overflow with the same representations being made there and Judge Barker gave counsel until Wednesday of this week to prepare. State's attorneys have exited the courtroom and this part of the record ORDERED SEALED.

THIS PORTION SEALED BY THE COURT.

State's attorney's back in courtroom.  
Vivian Furlow, sworn and testified.  
CUSTODY (COC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 04, 2009**

09C253455

The State of Nevada vs Lesean T Collins

**November 04, 2009****9:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: April  
Watkins****Reporter/Recorder:  
Kerry Esparza Heard  
By: Leavitt, Michelle****HEARD BY:****COURTROOM:****COURT CLERK:** April Watkins**RECORDER:** Kerry Esparza**REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T  
Jeanney, Jacqueline  
Jones, Tierra D.  
Parolise, Abigail  
Public Defender  
Tomsheck, Joshua L.

Defendant  
Attorney  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES****- PROSPECTIVE JURORS PRESENT:**

Jury and one alternate selected and sworn.

**OUTSIDE THE PRESENCE OF THE JURY:**

Ms. Jones requested the Court admonish witness Eddins not to testify as to Deft's prior criminal history. Mr. Tomsheck stated witness has been instructed not to mention it. Court stated she will admonish witness if Deft's counsel request it. Ms. Jones stated she believes the State has admonished witness appropriately. Also, Ms. Jones stated when Deft. was arrested in this case, he was also wanted by North Las Vegas in a murder case and request this not be mentioned as well. Mr. Tomsheck stated he has instructed Ms. Eddins and other witnesses they are only suppose to talk about this case and not the murder case. COURT ORDERED, both request GRANTED. Ms. Jones

stated on September 29, 2009, there was another tire slashing and request it not be talked about as well as Deft. was never charged with it. Mr. Tomsheck argued course and conduct by Deft. Ms. Jones stated she is o.k. with her saying something was wrong with her tires, just don't want it referenced Deft. did not because Deft. was not charged with it. Court stated witness can testify her tires were flat and that her father came over to help have them repaired. Additional argument by Mr. Tomsheck. Court FINDS it probative and relevant. Ms. Parolise argued Deft's counsel did not receive expert witness notice as to Detective Longpre. Mr. Tomsheck advised he is not a detective, he is the Arson Investigator for North Las Vegas and he investigated, made determinations in this case. Further, Mr. Tomsheck advised he will not give any opinion testimony. Further argument by Ms. Parolise. Court noted he has been identified and prepared report which was given to Deft's counsel. Mr. Tomsheck stated he will not ask any opinionated questions. Ms. Parolise argued it will be opinion testimony. Mr. Tomsheck further argued at time of Grand Jury he gave and recited his education and training experience. Court noted in transcripts, he talks about his 20 plus years experience. Additional arguments by counsel. Court FINDS State has met their burden and ORDERED, request DENIED.

JURY PRESENT:

Clerk read the Indictment to the jury and stated the Deft's plea thereto. Opening statements by counsel.

OUTSIDE THE PRESENCE OF THE JURY:

Court held hearing per State vs. Fernando Hernandez and Deft. agreed to concede to guilt freely, voluntarily and knowingly that he understands trial strategy and consented thereto.

State of Nevada present in the courtroom and advised by the Court determination was made Deft. has conceded to Count 3, each and every element except for the amount of damage being over \$250.00 and under \$5,000.00. Court also advised, the Court ordered the proceedings that just took place to be sealed and will not be unsealed except for an order from the Court.

JURY PRESENT:

Continuation of opening statements. Testimony and exhibits presented. (See worksheets.) Court recessed.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 05, 2009**

09C253455

The State of Nevada vs Lesean T Collins

**November 05, 2009****10:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: April****Watkins Relief****Clerk: Tia Everett/te****Reporter/Recorder:****Kerry Esparza Heard****By: Leavitt, Michelle****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T

Defendant

Jeanney, Jacqueline

Attorney

Jones, Tierra D.

Attorney

Parolise, Abigail

Attorney

Public Defender

Attorney

Tomsheck, Joshua L.

Attorney

**JOURNAL ENTRIES****- JURY PRESENT:**

Tia Everett, Court Clerk present. CONFERENCE AT BENCH. Testimony and exhibits presented.  
(See worksheets.)

April Watkins, Court Clerk present. Further testimony and exhibits. State rests.

**OUTSIDE THE PRESENCE OF THE JURY:**

Ms. Jones moved for a mistrial as to witnesses statements made during testimony and argued counsel believes jury knows Deft. was in custody doing time. Court stated the State's question did not call for her to respond as to Deft. being in custody. Further argument by Ms. Jones. Opposition by the State. Court stated witness called as an alibi witness who did not know him for a long time. Additional

argument by Ms. Jones. Court FINDS statement does not rise to the level of mistrial and ORDERED, motion DENIED.

Deft. advised of his right not to testify.

Ms. Parolise stated as to denial of the trial continuance, request to file affidavit under seal as to what trial counsel would have done. Court stated counsel can file affidavit.

Court recessed.



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 06, 2009**

09C253455

The State of Nevada vs Lesean T Collins

**November 06, 2009****10:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: April  
Watkins****Reporter/Recorder:  
Kerry Esparza Heard  
By: Michelle Leavitt****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Collins, Lesean T  
Jeanney, Jacqueline  
Jones, Tierra D.  
Parolise, Abigail  
Public Defender  
Tomsheck, Joshua L.Defendant  
Attorney  
Attorney  
Attorney  
Attorney  
Attorney**JOURNAL ENTRIES****- OUTSIDE THE PRESENCE OF THE JURY:**Defense Offer of Proof Regarding Denial of Defense Motion to Continue FILED IN OPEN COURT  
AND FILED UNDER SEAL.

Notice of Habitual Criminality FILED IN OPEN COURT.

Upon Court's inquiry, Deft. advised he will be testifying.  
Instructions settled.Ms. Jones objected to the playing of the video when Deft. is being interviewed and argued prejudicial  
to Deft. Mr. Tomsheck stated he is not sure what will happen as counsel does not know how Deft.  
will testify. Court stated counsel will have to approach and request to play video. Ms. Jones further  
argued interview also talks about pending murder charge. Court stated she will rule if issue comes

up, will clear the courtroom and will watch video.

Court inquired of Deft. as to why he is back in Clark County Detention Center (CCDC) clothing. Deft. stated he does not want to testify anymore. Court made a record as to the Court's practice when a Deft. who is in custody testifies. Further statement by Deft. Court stated there is no prejudice to the Deft. as to the Court's policy regarding in custody Deft's testifying. Additional statement by Deft. Court further stated there are times that there are witnesses that are already in witness box before jury comes in, depends on situation and not jut in custody Deft's. Deft. again advised he wants to now testify. Ms. Jones stated it is her understanding, if Deft. testifies, State will ask him questions as to the fire, advised it may lead into the pending murder charges and requested the State not get into that. Court stated she is not sure what questions counsel will ask and cannot make that ruling yet. Deft. now advised he no longer wants to testify.

Court advised Juror #1, David Jones, has airline tickets to leave tonight, has to leave at 3:30 p.m., and he will be replaced with alternate juror #1, Katelyn Kraut. There being no objection, COURT ORDERED, Juror #1, David Jones, EXCUSED and Alternate Juror #1, Katelyn Kraut, SEATED as Juror #1.

Ms. Parolise argued Deft. being forced to choose between his Fifth and Sixth Amendment rights. Opposition by the State. Court stated if Deft. wants to testify, counsel knows how to limit direct so that would limit cross. Additional arguments by counsel. Court stated she will not make any type of ruling until after the Court hears direct examination.

JURY PRESENT:

Court instructed the jury. Closing arguments by counsel. At the hour of 3:09 p.m., the jury retired to deliberate. At the hour of 4:50 p.m., jury returned with a verdict of GUILTY of COUNT 1 FIRST DEGREE ARSON (F), GUILTY of COUNT 2 BURGLARY (F) and GUILTY of COUNT 3 MALICIOUS INJURY TO VEHICLE, VALUE \$250.00 OR GREATER (F).

Jury polled.

Court thanked and excused the jury.

OUTSIDE THE PRESENCE OF THE JURY:

Mr. Tomsheck requested bail be revoked and Deft. held without bail. Ms. Jones requested to have bail at it's current setting stand. COURT ORDERED, BAIL REVOKED; DEFT. HELD WITHOUT BAIL; matter REFERRED to the Division of Parole and Probation (P & P) and SET for sentencing. CUSTODY

1/28/10 8:30 AM SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 12, 2010**

09C253455

The State of Nevada vs Lesean T Collins

**January 12, 2010****8:30 AM****Motion to Continue**

**DEFT'S MTN TO  
CONTINUE  
SENTENCING  
DATE/22 Court  
Clerk: April Watkins  
Relief Clerk: Tia  
Everett/te  
Reporter/Recorder:  
Kerry Esparza Heard  
By: Michelle Leavitt**

**HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

<b>PRESENT:</b>	Collins, Lesean T	Defendant
	Jones, Tierra D.	Attorney
	Public Defender	Attorney
	Schifalacqua, Marc M.	Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, Motion GRANTED.  
CUSTODY  
2/9/10 8:30 AM SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 18, 2010**

09C253455

The State of Nevada vs Lesean T Collins

**February 18, 2010****8:30 AM****Sentencing****SENTENCING****Relief Clerk: Kristen  
Brown/kb****Reporter/Recorder:  
Kerry Esparza Heard  
By: Leavitt, Michelle****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Jones, Tierra D.

Attorney

Public Defender

Attorney

Tomsheck, Joshua L.

Attorney

**JOURNAL ENTRIES**

- Mr. Tomsheck advised the Court that the deft. refused to be transported to court and requested a written order be prepared so that the deft. will be transported. Ms. Jones requested the deft. be given one chance and if he does not appear at the next hearing, then an order can be prepared. Court stated it will give the deft. one last opportunity to come and if the deft. refuses, and order will issue.

COURT ORDERED, matter CONTINUED.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 02, 2010**

09C253455

The State of Nevada vs Lesean T Collins

**March 02, 2010****8:30 AM****Sentencing****SENTENCING****Court Clerk: April  
Watkins****Reporter/Recorder:****Kerry Esparza Heard****By: Michelle Leavitt****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Collins, Lesean T

Defendant

Jeanney, Jacqueline

Attorney

Jones, Tierra D.

Attorney

Public Defender

Attorney

Tomsheck, Joshua L.

Attorney

**JOURNAL ENTRIES**

- DEFT. COLLINS ADJUDGED GUILTY as to COUNT 1 FIRST DEGREE ARSON (F), as to COUNT 2 BURGLARY (F) and as to COUNT 3 MALICIOUS INJURY TO VEHICLE (GM). Ms. Jones advised Deft. is requesting to be excused from proceedings. Colloquy between Court and Deft. COURT ORDERED, request DENIED. Exhibits presented. (See worksheet.) Arguments by counsel. Statement by Deft. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and \$150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED UNDER THE LARGE HABITUAL CRIMINAL STATUTE as to COUNT 1 to LIFE in the Nevada Department of Corrections (NDC) with the possibility of parole after a MINIMUM of TEN (10) YEARS has been served, as to COUNT 2 to LIFE in the Nevada Department of Corrections (NDC) with the possibility of parole after a MINIMUM of TEN (10) YEARS has been served, CONCURRENT with COUNT 1 and as to COUNT 3 to the Clark County Detention Center (CCDC) for TWELVE (12)

**09C253455**

MONTHS, CONCURRENT with COUNTS 1 & 2 with FIVE HUNDRED SIXTEEN (516) DAYS credit for time served.

BOND, if any, EXONERATED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 02, 2011**

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09C253455

The State of Nevada vs Lesean T Collins

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**June 02, 2011****8:30 AM****Motion****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Billie Jo Craig**RECORDER:** Kerry Esparza**REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Deputy District Attorney Frank Ponticello present for the State. Deputy Public Defender David Westbrook present for Defendant. Defendant not present.

Arguments by counsel. Court stated its findings and that there was no basis to keep the records sealed, and ORDERED, Defendant's Motion is DENIED. The records are ordered unsealed as both sides can view them. The State to prepare the Order. The Court's Court Recorder to burn another CD.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 02, 2013**

09C253455

The State of Nevada vs Lesean T Collins

**May 02, 2013****8:30 AM****Request****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Jovanovich**RECORDER:** Theresa Sanchez**REPORTER:****PARTIES****PRESENT:**

Burns, J Patrick  
Imlay, Darin F.  
Public Defender  
State of Nevada

Attorney

Plaintiff

**JOURNAL ENTRIES**

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). COURT ORDERED, Attorney Blaine Beckstead, Esq., APPOINTED as counsel for Deft. FURTHER, case CONTINUED; matter SET for confirmation of appointed counsel; Petition for May 16, 2013 is VACATED at this time. Clerk to notify Mr. Beckstead regarding next Court appearance date.

NDC

5/16/13 8:30 A.M. CONFIRMATION OF APPOINTED COUNSEL (BLAINE BECKSTEAD, ESQ.)

CLERK'S NOTE: A copy of the above minute order has been delivered by facsimile to: Blaine Beckstead, Esq. (Fax No. (702) 384-6006). /// sj

CLERK'S NOTE: Minutes amended to reflect that the May 16, 2013 hearing, on the Petition for Writ of Habeas Corpus, was vacated. /// sj



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 16, 2013**

09C253455

The State of Nevada vs Lesean T Collins

**May 16, 2013****8:30 AM****Confirmation of Counsel****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Jovanovich**RECORDER:** Theresa Sanchez**REPORTER:****PARTIES****PRESENT:**

Beckstead, Blaine D.

Attorney

Edwards, Michelle

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). Mr. Beckstead confirmed as counsel for Deft, and requested a continuance to review the case file. COURT ORDERED, status check hearing SET. Thereafter, Court advised Mr. Beckstead he was appointed, due to conflict with the Public Defender's office. Counsel acknowledged.

NDC

6/13/13 8:30 A.M. STATUS CHECK: FILE REVIEW

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 13, 2013**

09C253455

The State of Nevada vs Lesean T Collins

**June 13, 2013****8:30 AM****Status Check****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Jovanovich**RECORDER:** Theresa Sanchez**REPORTER:****PARTIES****PRESENT:**

Beckstead, Blaine D.

Attorney

Hayes, Trevor

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). COURT ORDERED, briefing schedule SET as follows: supplemental briefs due September 12, 2013; State's response due November 14, 2013; and replies are due by December 12, 2013. COURT FURTHER ORDERED, matter SET for hearing.

NDC

1/02/14 10:30 A.M. PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 02, 2014**

09C253455

The State of Nevada vs Lesean T Collins

**January 02, 2014****10:30 AM****Petition for Writ of Habeas  
Corpus****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Carole D'Aloia**RECORDER:** Kristine Cornelius**REPORTER:****PARTIES****PRESENT:**Beckstead, Blaine D.  
Burton, Chris  
State of NevadaAttorney  
Attorney  
Plaintiff**JOURNAL ENTRIES**

- Court noted the absence of the Defendant as he is currently in the Nevada Department of Corrections (NDC) and, ORDERED, Defendant's presence WAIVED this date. Court also noted the absence of Mr. Beckstead, advised it would set the briefing schedule and have clerk notify Mr. Beckstead of that briefing schedule. COURT ORDERED, supplemental brief to be filed by 1/30/14, State to respond by 4/3/14, Mr. Beckstead to reply by 5/8/14 and matter set for HEARING.

NDC

5/22/14 10:30 AM HEARING: DEFENDANT'S PETITION FOR WRIT OF HABEAS  
CORPUS (POST CONVICTION)

CLERK'S NOTE: Mr. Beckstead appeared after case was called and was advised of the above briefing schedule and hearing date. cd

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 08, 2014**

09C253455

The State of Nevada vs Lesean T Collins

**May 08, 2014****8:30 AM****Confirmation of Counsel****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Jovanovich**RECORDER:** Kristine Cornelius**REPORTER:****PARTIES****PRESENT:**

Burton, Chris

Attorney

Engler, Alissa

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Ms. Engler appeared on behalf of Deft; and accepted the appointment of counsel on behalf of Mr. Carling. SO NOTED. COUNSEL CONFIRMED. At request of defense, COURT ORDERED, matter SET for status check for a briefing schedule to be set; hearing set for May 22, 2014 is VACATED.

NDC

7/15/14 8:30 A.M. STATUS CHECK: SET BRIEFING SCHEDULE

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 15, 2014**

09C253455

The State of Nevada vs Lesean T Collins

**July 15, 2014****8:30 AM****Status Check****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Jovanovich**RECORDER:** Kristine Cornelius**REPORTER:****PARTIES****PRESENT:**

Edwards, Michelle

Attorney

Engler, Alissa

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). Ms. Engler appeared for Mr. Carling, on behalf of Deft; and requested an additional sixty days to provide supplemental pleadings. COURT ORDERED, briefing schedule SET as follows: Deft's opening briefs due September 15, 2014; State's response due November 17, 2014; and Deft's reply due December 1, 2014. FURTHER, matter SET for hearing on Deft's Petition for Writ of Habeas Corpus (Post-Conviction).

NDC

12/09/14 10:30 A.M. DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 28, 2014**

09C253455

The State of Nevada vs Lesean T Collins

**October 28, 2014**

**8:30 AM**

**Motion**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Jovanovich  
Deborah Miller

**RECORDER:** Kristine Cornelius

**REPORTER:**

**PARTIES**

**PRESENT:**

Carling, Matthew D.

Attorney

Schwartzter, Michael J.

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). COURT ORDERED,  
Motion DENIED.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 09, 2014**

09C253455

The State of Nevada vs Lesean T Collins

<b>December 09, 2014</b>	<b>10:30 AM</b>	<b>Petition for Writ of Habeas Corpus</b>	<b>Defendant's Pro Per Petition for a Writ of Habeas Corpus Relief by a Person in State Custody (Not Sentenced to Death)</b>
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**HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Jovanovich  
Deborah Miller**RECORDER:** Kristine Cornelius**REPORTER:****PARTIES**

<b>PRESENT:</b>	Carling, Matthew D.	Attorney
	MacDonald, Ryan J, ESQ	Attorney
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Defendant not present, incarcerated in the Nevada Department of Corrections (NDC). Discussions regarding Deft's murder trial in another case; and possible conflict between Deft. and previous trial counsel from this case, who now work for the District Attorney's Office. Further discussions on the relationship of the murder case and this case.

Court stated it was unable to determine if a conflict exists; and suggested Mr. Carling to meet with the attorneys who represented Deft. in this matter during trial, and supplement the pleadings. Counsel agreed. COURT ORDERED, matter CONTINUED; defense to file any supplemental motions by January 8, 2015, State to respond by January 21, 2015.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 19, 2015**

09C253455

The State of Nevada vs Lesean T Collins

**March 19, 2015****10:30 AM****Petition for Writ of Habeas  
Corpus****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Jovanovich  
Shelley Boyle**RECORDER:** Kristine Cornelius**REPORTER:****PARTIES**

<b>PRESENT:</b>	Carling, Matthew D.	Attorney
	MacDonald, Ryan J, ESQ	Attorney
	O'Halloran, Rachel	Attorney
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC). Mr. MacDonald and Mr. Schwartz are not present. Ms. O'Halloran is present, and stood in for the State. Court stated it did not receive additional briefing. Mr. Carling advised he will present arguments and let the Court decide on the relief. Additionally, prior trial counsel who current defense met with regarding this case, will not sign any affidavits. Ms. Halloran was excused. Court TRAILED and RECALLED matter for the State to appear. Mr. MacDonald and Mr. Schwartz are now present in Court. Mr. Carling reiterated what he stated earlier; and requested to argue and submit on the pleadings. Arguments by counsel as to conflict issue. Mr. MacDonald responded; and argued State does not see a conflict of interest that meets the standard. Upon Court's inquiry to both parties, Mr. MacDonald advised he will submit it on the arguments. Mr. Carling advised he can file a memorandum on the ethical conflict issue. Court agreed; and ORDERED, Deft. to file supplemental pleadings by April 2, 2015; and State will file a response by April 16, 2015. FURTHER, matter CONTINUED.

NDC



5/12/15 10:30 A.M. DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS RELIEF BY A  
PERSON IN STATE CUSTODY (NOT SENTENCED TO DEATH)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 18, 2015**

09C253455

The State of Nevada vs Lesean T Collins

**June 18, 2015****8:30 AM****Petition for Writ of Habeas  
Corpus****Deft's Pro Per  
Petition For Writ Of  
Habeas Corpus Relief  
By A Person In State  
Custody (Not  
Sentenced To Death)****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Jovanovich**RECORDER:** Kristine Cornelius**REPORTER:****PARTIES****PRESENT:**

Bluth, Jacqueline  
Carling, Matthew D.  
Luzaich, Elissa  
State of Nevada

Attorney  
Attorney  
Attorney  
Plaintiff

**JOURNAL ENTRIES**

- Deft. not present; incarcerated in Nevada Department of Corrections (NDC).

Mr. Carling argued in support of Supplemental Petition for Writ of Habeas Corpus; and further argued as to Mickens case, prior counsel's performance, ethical conflict of interest, Strickland matter, and structural flaw claims. Ms. Bluth opposed the Petition; and argued as to Deft's other case being a murder, scheduled to go forward with trial in two weeks, the arson, and defense having failed to demonstrate the conflict of interest. Discussions as to correction to be made in the murder case about the Petrocelli hearing. Further arguments as to State having more than evidence to convict Deft. on the arson. Mr. Carling argued the murder and arson are connected. COURT ORDERED, Petition DENIED. State to prepare order.

NDC



# Exhibit Log

Case: 09C253455

Case Style:

The State of Nevada vs Lesean T Collins

Sort Order: Status

Exhibit ID Exhibit #	On Behalf Of Source	Status Date	Proj. Return / Destroy	Type Description	Exhibit Flag	Custody Date	Custody Detail
PG	Plaintiff State of Nevada			GRAND JURY EXHIBITS -3		04/15/2009	District Court Criminal/Civil: Evidence Vault
	<b>Comment:</b>	ExhibitID : 180198					
PCT1	Plaintiff State of Nevada			JURY LIST		11/04/2009	District Court Criminal/Civil: Evidence Vault
	<b>Comment:</b>	ExhibitID : 185380					
PCT2	Plaintiff State of Nevada			JUROR NOTEBOOK		11/04/2009	District Court Criminal/Civil: Evidence Vault
	<b>Comment:</b>	ExhibitID : 185381					
PCT3	Plaintiff State of Nevada			VIDEO; TESTIMONY VIVIAN FURLOW		11/05/2009	District Court Criminal/Civil: Evidence Vault
	<b>Comment:</b>	ExhibitID : 185382					
PCT4-6	Plaintiff State of Nevada			PROPOSED DEFTS JURY INSTRUCTIONS		11/06/2009	District Court Criminal/Civil: Evidence Vault
	<b>Comment:</b>	ExhibitID : 185383					
PCT7	Plaintiff State of Nevada			PROPOSED DEFTS JURY INSTRUCTION		01/01/1900	District Court Criminal/Civil: Evidence Vault
	<b>Comment:</b>	ExhibitID : 185384					

Total Count: 54

# Exhibit Log

Case: 09C253455

Case Style:

The State of Nevada vs Lesean T Collins

Sort Order: Status

Exhibit ID Exhibit #	On Behalf Of Source	Status Date	Proj. Return / Destroy	Type Description	Exhibit Flag	Custody Date	Custody Detail
PCT8	Plaintiff State of Nevada			PROPOSED JURY INSTRUCTION		11/06/2009	District Court Criminal/Civil: Evidence Vault
Comment: ExhibitID : 185385							
*LOCATIO Other State of Nevada D: 07/24/2017 ENVELOPES UNIT ( 1 ) 07/24/2015 Department 12: Evidence Vault							
P1	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO KITCHEN AREA		11/05/2009	District Court Criminal/Civil: Evidence Vault
Comment: ExhibitID : 185337 STIPULATION							
P2	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO ENTRY WAY		11/05/2009	District Court Criminal/Civil: Evidence Vault
Comment: ExhibitID : 185338 STIPULATION							
P3	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO KITCHEN/FAMILY RM		11/05/2009	District Court Criminal/Civil: Evidence Vault
Comment: ExhibitID : 185339 STIPULATION							
P4	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO FAMILY RM		11/05/2009	District Court Criminal/Civil: Evidence Vault
Comment: ExhibitID : 185340 STIPULATION							

Total Count: 54

# Exhibit Log

Case: 09C253455

Case Style:

The State of Nevada vs Lesean T Collins

Sort Order: Status

Exhibit ID	On Behalf Of	Status	Proj. Return / Destroy	Type Description	Exhibit Flag	Custody Date	Custody Detail
Exhibit #	Source	Date					
P5	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO WHITE PAPER ON FLOOR		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185341 STIPULATION							
P6	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO WHITE PAPER ON FLOOR		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185342 STIPULATION							
P7	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO WHITE PAPER UNDER BLACK CHAIR		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185343 STIPULATION							
P8-9	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO BURNED BED AND ROOM		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185344 STIPULATION							
P10-11	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO BURNED ROOM		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185345 STIPULATION							

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Exhibit ID Exhibit #	On Behalf Of Source	Status Date	Proj. Return / Destroy	Type Description	Exhibit Flag	Custody Date	Custody Detail
P12	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO WADDED UP PAPER TOWELS ON TABLE		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185346 STIPULATION							
P13	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO VARIOUS FOOD PRODUCTS ON SHELVES		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185347 STIPULATION							
P14	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO VARIOUS ITEMS ON SHELF		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185348 STIPULATION							
P15	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO DOOR JAM W/YELLOW MEASURING TAPE		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185349 STIPULATION							

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Exhibit ID Exhibit #	On Behalf Of Source	Status Date	Proj. Return / Destroy	Type Description	Exhibit Flag	Custody Date	Custody Detail
P16	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO BURNED BED AND ROOM		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185350 STIPULATION							
P17	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO DAMAGE TO BATHROOM		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185351 STIPULATION							
P18	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO BURNED BED AND ROOM		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185352 STIPULATION							
P19	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO BURNED ROOM		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185353 STIPULATION							
P20	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO WHITE PAPER BY PLANT		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185354 STIPULATION							

Total Count: 54



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Exhibit ID Exhibit #	On Behalf Of Source	Status Date	Proj. Return / Destroy	Type Description	Exhibit Flag	Custody Date	Custody Detail
P21	Plaintiff State of Nevada  <b>Comment:</b>	Admitted 11/05/2009  ExhibitID : 185355 STIPULATION		PHOTO FRONT DOOR		11/05/2009	District Court Criminal/Civil: Evidence Vault
P22	Plaintiff State of Nevada  <b>Comment:</b>	Admitted 11/05/2009  ExhibitID : 185356 STIPULATION		PHOTO CLOSET W/ITEMS ON SHELF		11/05/2009	District Court Criminal/Civil: Evidence Vault
P23	Plaintiff State of Nevada  <b>Comment:</b>	Admitted 11/05/2009  ExhibitID : 185357 STIPULATION		PHOTO BURNED BATHROOM		11/05/2009	District Court Criminal/Civil: Evidence Vault
P24	Plaintiff State of Nevada  <b>Comment:</b>	Admitted 11/05/2009  ExhibitID : 185358 STIPULATION		PHOTO BURNED BEDROOM		11/05/2009	District Court Criminal/Civil: Evidence Vault
P25	Plaintiff State of Nevada  <b>Comment:</b>	Admitted 11/05/2009  ExhibitID : 185359 STIPULATION		PHOTO ROOM W/KIDS TOYS		11/05/2009	District Court Criminal/Civil: Evidence Vault

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Exhibit ID Exhibit #	On Behalf Of Source	Status Date	Proj. Return / Destroy	Type Description	Exhibit Flag	Custody Date	Custody Detail
P26	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO CLOSET WHANGING CLOTHING		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185360 STIPULATION							
P27	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO BURNED HALLWAY		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185361 STIPULATION							
P28	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO BATHROOM		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185362 STIPULATION							
P29	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO BURNED ROOM W/DRESSOR		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185363 STIPULATION							
P30-31	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO BURNED		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185364 STIPULATION							

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Exhibit ID Exhibit #	On Behalf Of Source	Status Date	Proj. Return / Destroy	Type Description	Exhibit Flag	Custody Date	Custody Detail
P32-34	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO DOOR JAM W/YELLOW MEASURING TAPE		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185365 STIPULATION							
P35	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO WASHER AND DRYER W/3 ITEMS ON TOP		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185366 STIPULATION							
P36-38	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO FRONT OF HOME		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185367 STIPULATION							
P39	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO WITH ADDRESS PLATE 1519		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185368 STIPULATION							
P40-41	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO OF GARAGE		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185369 STIPULATION							

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Exhibit ID Exhibit #	On Behalf Of Source	Status Date	Proj. Return / Destroy	Type Description	Exhibit Flag	Custody Date	Custody Detail
P42-43	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO FRONT DOORS TO HOME		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185370 STIPULATION							
P44	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO WASHER & DRYER W/THREE ITEMS ON		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185371 STIPULATION							
P45	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO CABINETS IN LAUNDRY RM		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185372 STIPULATION							
P46	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO SEVERAL DOOR WAYS		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185373 STIPULATION							
P47	Plaintiff State of Nevada	Admitted 11/05/2009		PHOTO INSIDE TRASH CAN		11/05/2009	District Court Criminal/Civil: Evidence Vault
<b>Comment:</b> ExhibitID : 185374 STIPULATION							

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Exhibit ID Exhibit #	On Behalf Of Source	Status Date	Proj. Return / Destroy	Type Description	Exhibit Flag	Custody Date	Custody Detail
P48	Plaintiff State of Nevada  <b>Comment:</b>	Admitted 11/05/2009  ExhibitID : 185375 STIPULATION		PHOTO KITCHEN/FAMILY AREA		11/05/2009	District Court Criminal/Civil: Evidence Vault
P49	Plaintiff State of Nevada  <b>Comment:</b>	Admitted 11/05/2009  ExhibitID : 185376 STIPULATION		PHOTO KITCHEN AREA		11/05/2009	District Court Criminal/Civil: Evidence Vault
P50	Plaintiff State of Nevada  <b>Comment:</b>	Admitted 11/05/2009  ExhibitID : 185377 STIPULATION		CD-911 CALL OF DARLENE HEER		11/05/2009	District Court Criminal/Civil: Evidence Vault
P51	Plaintiff State of Nevada  <b>Comment:</b>	Admitted 11/05/2009  ExhibitID : 185378 STIPULATION		RECIPT FROM TOWING CO		11/05/2009	District Court Criminal/Civil: Evidence Vault
P52	Plaintiff State of Nevada  <b>Comment:</b>	Admitted 11/05/2009  ExhibitID : 185379 STIPULATION		PHOTO DEFT		11/05/2009	District Court Criminal/Civil: Evidence Vault

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Exhibit ID Exhibit #	On Behalf Of Source	Status Date	Proj. Return / Destroy	Type Description	Exhibit Flag	Custody Date	Custody Detail
P-1	Plaintiff State of Nevada	Admitted 03/02/2010		INDICMENT FILED ON 11/21/998		03/02/2010	District Court Criminal/Civil: Evidence Vault
Comment: ExhibitID : 188132 NO OBJECTION							
P-2	Plaintiff State of Nevada	Admitted 03/02/2010		SECOND AMENDED JOC FILED ON 11/18/2004		03/02/2010	District Court Criminal/Civil: Evidence Vault
Comment: ExhibitID : 188133 NO OBJECTION							
P-3	Plaintiff State of Nevada	Admitted 03/02/2010		SECOND AMENDED JOC FILED ON 9/19/2007		03/02/2010	District Court Criminal/Civil: Evidence Vault
Comment: ExhibitID : 188134 NO OBJECTION							

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# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT (NRAP 3(D)(4));  
DISTRICT COURT DOCKET ENTRIES; FINDINGS OF FACT, CONCLUSIONS OF LAW AND  
ORDER; NOTICE OF ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER;  
DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

LESEAN T. COLLINS,

Defendant(s).

Case No: C253455

Dept No: XII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 17 day of September 2015.

Steven D. Grierson, Clerk of the Court

*Mary Kielty*

Mary Kielty, Deputy Clerk