

CLERK OF THE COURT

1 **NOAS**
2 **TERRENCE M. JACKSON, ESQ.**
3 Nevada Bar No. 00854
4 Law Office of Terrence M. Jackson
5 624 South Ninth Street
6 Las Vegas, NV 89101
7 T: 702-386-0001
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9 Terry.jackson.esq@gmail.com

10 *Counsel for Lazaro Martinez-Hernandez*

Electronically Filed
Nov 17 2015 01:13 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

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IN THE EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

The State of Nevada,
Plaintiff,
v.
Lazaro Martinez-Hernandez,
Defendant.

District Case No.: 07-C-230237
Dept. XVII

NOTICE OF APPEAL

NOTICE is hereby given that the Defendant, LAZARO MARTINEZ-HERNANDEZ, by and through his attorney, TERRENCE M. JACKSON, ESQ., hereby appeals to the Nevada Supreme Court, from the Order denying his post conviction Writ of Habeas Corpus, file stamped and dated November 5, 2015.

Defendant, LAZARO MARTINEZ-HERNANDEZ further states he is indigent and requests that the filing fees be waived.

Respectfully submitted this 9th day of November, 2015.

/s/ Terrence M. Jackson
Terrence M. Jackson, Esquire
Nevada Bar No. 00854
Law Office of Terrence M. Jackson
624 South Ninth Street
Las Vegas, NV 89101
T: 702.386.0001 / F: 702.386.0085
Terry.jackson.esq@gmail.com
Counsel for Lazaro Martinez-Hernandez

1 **CERTIFICATE OF SERVICE**

2 I hereby certify I am an assistant to Terrence M. Jackson, Esq., not a party to
3 this action, and on the 9th day of November, 2015, I served a true, correct and e-filed
4 stamped copy of the foregoing: Defendant, LAZARO MARTINEZ-HERNANDEZ'S,
5 NOTICE OF APPEAL as follows:
6

7 [X] Via Electronic Service (CM/ECF) to the Eighth Judicial District Court;

8 [X] Via the Supreme Court Drop Box on the 17th floor of the Regional Justice
9 Center;

10 [X] and by United States first class mail to the Nevada Attorney General and the
11 Defendant as follows:
12
13

14 STEVEN B. WOLFSON

15 Clark County District Attorney
16 steven.wolfson@clarkcountyda.com
17
18

STEVEN S. OWENS

Chief Deputy D.A. - Criminal
APPELLATE DIVISION
steven.owens@clarkcountyda.com

19 L. MARTINEZ-HERNANDEZ
20 1716 Weeping Willow
21 Las Vegas, NV 89104
22

ADAM LAXALT
Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701

23 By: /s/ Ila C. Wills
24 Assistant to T. M. Jackson, Esq.
25
26
27
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CLERK OF THE COURT

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TERRENCE M. JACKSON, ESQ.
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Terry.jackson.esq@gmail.com
Counsel for Lazaro Martinez-Hernandez

IN THE EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
v.
Lazaro Martinez-Hernandez,
Defendant.

District Case No.: 07-C-230237
Dept. XVII

CASE APPEAL STATEMENT

1. Appellant(s): LAZARO MARTINEZ-HERNANDEZ
2. Judge: MICHAEL VILLANI
3. Appellant(s): LAZARO MARTINEZ-HERNANDEZ

Counsel:

Terrence M. Jackson
624 South Ninth Street
Las Vegas, NV 89101
(702) 386-0001

4. Respondent: STATE OF NEVADA

Counsel:

Steven B. Wolfson, District Attorney
200 Lewis Avenue
Las Vegas, NV 89101
(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: YES

Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: YES

Permission Granted: N/A

6. Appellant Represented by Appointed Counsel in District Court: YES

7. Appellant Represented by Appointed Counsel on Appeal: YES

8. Appellant Granted Leave to Proceed in Forma Pauperis: YES

9. Date Commenced in District Court: February 7, 2007

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Denial of Writ of

Habeas Corpus

11. YES

Supreme Court Docket Number(s):

12. Child Custody or Visitation: N/A

Dated this 9th day of November, 2015.

/s/ Terrence M. Jackson

Terrence M. Jackson, Esquire

Nevada Bar No. 00854

Terry.jackson.esq@gmail.com

Counsel for Lazaro Martinez-Hernandez

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- [X] Via Electronic Service (CM/ECF) to the Eighth Judicial District Court;
- [X] Via the Supreme Court Drop Box on the 17th floor of the Regional Justice Center;
- [X] and by United States first class mail to the Nevada Attorney General and the Defendant as follows:

STEVEN S. OWENS
Chief Deputy D.A. - Criminal
Appeals
steven.owens@clarkcountyda.com

ADAM LAXALT
Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701

-3-

DEPARTMENT 17
CASE SUMMARY
CASE NO. 07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

§ Location: **Department 17**
§ Judicial Officer: **Villani, Michael**
§ Filed on: **02/07/2007**
§ Case Number History:
§ Cross-Reference Case **C230237**
§ Number:
§ Defendant's Scope ID #: **1493472**
§ Lower Court Case # Root: **06F11149**
§ Lower Court Case Number: **06F11149X**
§ Supreme Court No.: **63650**

CASE INFORMATION

Offense 1. ASSAULT WITH A DEADLY WEAPON (5024) **Deg** F **Date** 01/01/1900 **Case Type:** **Felony/Gross Misdemeanor**

Statistical Closures

02/01/2010 USJR Reporting Statistical Closure

Case Flags: **Appealed to Supreme Court**
Custody Status - Not in
Custody
Case Note

*HOLD SAO - [Emailed Dept to
verify date/time 05-18-12 - #18]*

Warrants

Bench Warrant - Martinez-Hernandez, Lazaro (Judicial Officer: Villani, Michael)

02/02/2010 Quashed

04/10/2008 Issued

Fine: \$0

Bond: \$0

Bench Warrant - Martinez-Hernandez, Lazaro (Judicial Officer: Villani, Michael)

05/15/2007 Quashed

03/13/2007 Issued

Fine: \$0

Bond: \$0

Bonds

Converted Surety Bond #ID948521 \$10,000.00

4/14/2008 Exonerated

6/13/2006 Posted

Counts: 1

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number 07C230237
Court Department 17
Date Assigned 12/28/2008
Judicial Officer Villani, Michael

PARTY INFORMATION

Defendant **Martinez-Hernandez, Lazaro**

Lead Attorneys
Jackson, Terrence Michael
Retained
7023860313(W)

Plaintiff **State of Nevada**

Wolfson, Steven B
702-671-2700(W)




DATE

EVENTS & ORDERS OF THE COURT







INDEX

01/01/1900 **Plea** (Judicial Officer: User, Conversion)
1. ASSAULT WITH A DEADLY WEAPON (5024)
Not Guilty
PCN: Sequence:




DEPARTMENT 17
CASE SUMMARY
CASE NO. 07C230237

02/07/2007	 Criminal Bindover <i>CRIMINAL BINDOVER Fee \$0.00</i>	07C2302370001.tif pages
02/07/2007	Hearing <i>INITIAL ARRAIGNMENT</i>	07C2302370002.tif pages
02/16/2007	 Information <i>INFORMATION</i>	07C2302370006.tif pages
02/21/2007	Initial Arraignment (10:30 AM) Events: 02/07/2007 Hearing <i>INITIAL ARRAIGNMENT Court Clerk: Lore Vanderbusse Relief Clerk: Kari Portilla/kp Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams</i>	
02/21/2007	Hearing <i>ARRAIGNMENT CONTINUED</i>	07C2302370004.tif pages
02/21/2007	Hearing <i>CONFIRMATION OF COUNSEL</i>	07C2302370005.tif pages
02/28/2007	All Pending Motions (10:30 AM) <i>ALL PENDING MOTIONS (2-28-07) Court Clerk: Kari Portilla Relief Clerk: Lore Vanderbusse/lv Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams</i>	
02/28/2007	Arraignment Continued (1:30 PM) Events: 02/21/2007 Hearing <i>ARRAIGNMENT CONTINUED</i>	
02/28/2007	Motion for Confirmation of Counsel (1:30 PM) Events: 02/21/2007 Hearing <i>CONFIRMATION OF COUNSEL Heard By: Kevin Williams</i>	
02/28/2007	Motion <i>ALL PENDING MOTIONS (2-28-07)</i>	07C2302370007.tif pages
03/05/2007	Arraignment Continued (1:30 PM) <i>ARRAIGNMENT CONTINUED</i>	
03/05/2007	Motion for Confirmation of Counsel (1:30 PM) <i>CONFIRMATION OF COUNSEL Heard By: Kevin Williams</i>	
03/05/2007	All Pending Motions (1:30 PM) <i>ALL PENDING MOTIONS 3-5-07 Court Clerk: Tina Hurd Reporter/Recorder: Kiara Schmidt Court Interpreter: LAURA VILLAR Heard By: James Brennan</i>	
03/05/2007	Motion <i>ALL PENDING MOTIONS 3-5-07</i>	07C2302370008.tif pages
03/08/2007	 Motion <i>PD'S MTN TO WITHDRAW AS COUNSEL /8</i>	07C2302370011.tif pages
03/13/2007	Motion to Withdraw as Counsel (8:30 AM) Events: 03/08/2007 Motion <i>PD'S MTN TO WITHDRAW AS COUNSEL /8 Relief Clerk: Sharon Chun Reporter/Recorder: Michelle Ramsey Heard By: James Brennan</i>	
03/13/2007	Bench Warrant	07C2302370012.tif pages







DEPARTMENT 17
CASE SUMMARY
CASE NO. 07C230237

	<i>NO BAIL BENCH WARRANT ISSUED</i>	
03/13/2007	Order <i>ORDER OF INTENT TO FORFEIT</i>	07C2302370013.tif pages
03/15/2007	 Notice of Intent to Forfeit <i>NOTICE OF INTENT TO FORFEIT</i>	07C2302370014.tif pages
03/15/2007	Hearing <i>SHOW CAUSE HEARING</i>	07C2302370015.tif pages
03/26/2007	 Conversion Case Event Type <i>BENCH WARRANT</i>	07C2302370016.tif pages
04/30/2007	 Reporters Transcript <i>REPORTER'S TRANSCRIPT PRELIMINARY HEARING</i>	07C2302370018.tif pages
05/04/2007	 Bench Warrant <i>BENCH WARRANT RETURN /12</i>	07C2302370019.tif pages
05/08/2007	Bench Warrant Return (8:30 AM) Events: 05/04/2007 Bench Warrant <i>BENCH WARRANT RETURN /12 Court Clerk: Kristen Brown Relief Clerk: Roshonda Mayfield/rm Reporter/Recorder: Michelle Ramsey Court Interpreter: RENEE OCOUGNE DE GASCON Heard By: Michael Villani</i>	
05/08/2007	Hearing <i>CONFIRMATION OF COUNSEL (VJ 5/15/07)</i>	07C2302370020.tif pages
05/11/2007	 Motion <i>DEFT'S O.R. RELEASE/BAIL REDUCTION /15</i>	07C2302370022.tif pages
05/11/2007	 Appearance Filed By: Defendant Martinez-Hernandez, Lazaro <i>NOTICE OF APPEARANCE</i>	07C2302370023.tif pages
05/15/2007	Motion for Own Recognizance Release/Setting Reasonable Bail (8:30 AM) Events: 05/11/2007 Motion <i>DEFT'S O.R. RELEASE/BAIL REDUCTION /15 Court Clerk: Kristen Brown Relief Clerk: Roshonda Mayfield/rm Reporter/Recorder: Michelle Ramsey Court Interpreter: Consuelo Cisneros Heard By: Michael Villani</i>	
05/17/2007	CANCELED Motion for Confirmation of Counsel (8:00 AM) Events: 05/08/2007 Hearing <i>Vacated</i>	
06/05/2007	Calendar Call (8:00 AM) <i>CALENDAR CALL Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>	
06/05/2007	Hearing <i>STATUS CHECK: NEGOTIATIONS/TRIAL SETTING</i>	07C2302370024.tif pages
06/07/2007	CANCELED Calendar Call (8:30 AM) <i>Vacated</i>	
06/11/2007	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>	




DEPARTMENT 17
CASE SUMMARY
CASE NO. 07C230237

06/26/2007	Status Check (8:00 AM) Events: 06/05/2007 Hearing <i>STATUS CHECK: NEGOTIATIONS/TRIAL SETTING Court Clerk: Kristen Brown Relief Clerk: Roshonda Mayfield/rm Reporter/Recorder: Michelle Ramsey Court Interpreter: HECTOR VAZQUEZ-MENA Heard By: Villani, Michael</i>	
07/03/2007	Status Check (8:30 AM) <i>STATUS CHECK: NEGOTIATIONS/TRIAL SETTING Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Court Interpreter: Consuelo Cisneros Heard By: Villani, Michael</i>	
07/19/2007	Status Check (8:30 AM) <i>STATUS CHECK: NEGOTIATIONS/TRIAL SETTING Court Clerk: Roshonda Mayfield/rm Reporter/Recorder: Debbie Winn Court Interpreter: PHILLIP CUARTAS Heard By: THOMPSON, J. CHARLES</i>	
07/26/2007	Status Check (8:00 AM) <i>STATUS CHECK: NEGOTIATIONS/TRIAL SETTING Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Court Interpreter: Carlos Calvos Heard By: J. CHARLES THOMPSON</i>	
10/05/2007	CANCELED Show Cause Hearing (9:05 AM) Events: 03/15/2007 Hearing <i>Vacated</i>	
01/29/2008	Calendar Call (8:30 AM) <i>CALENDAR CALL Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Villani, Michael</i>	
01/31/2008	Calendar Call (7:45 AM) <i>CALENDAR CALL Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Court Interpreter: Guillermo Palomo Heard By: Michael Villani</i>	
02/01/2008	Overflow (9:00 AM) <i>OVERFLOW (17) D. WESTMEYER/M. KOLLAS 1-2 DAYS/ 6 WITNESSES/0 OUT-OF-STATE Relief Clerk: Carol Donahoo Reporter/Recorder: Renee Vincent Heard By: Stewart Bell</i>	
02/04/2008	CANCELED Jury Trial (10:00 AM) <i>Vacated</i>	
02/04/2008	Jury Trial (10:00 AM) <i>TRIAL BY JURY Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Court Interpreter: Cristina Sanchez Heard By: Glass, Jackie</i>	
02/04/2008	 Jury List <i>DISTRICT COURT JURY LIST</i>	07C2302370035.tif pages
02/05/2008	Jury Trial (10:30 AM) <i>TRIAL BY JURY Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Court Interpreter: Cristina Sanchez Heard By: Jackie Glass</i>	
02/05/2008	Conversion Case Event Type <i>SENTENCING</i>	07C2302370032.tif pages
02/05/2008	 Judgment <i>VERDICT</i>	07C2302370033.tif pages
02/05/2008	 Amended Jury List	07C2302370036.tif pages















DEPARTMENT 17
CASE SUMMARY
CASE No. 07C230237

	<i>AMENDED CRIMINAL JURY LIST</i>	
02/05/2008	 Instructions to the Jury <i>INSTRUCTIONS TO THE JURY</i>	07C2302370037.tif pages
02/06/2008	 Proposed Jury Instructions Not Used At Trial <i>DEFENDANTS PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL</i>	07C2302370038.tif pages
02/08/2008	 Conversion Case Event Type <i>DECLARATION OF DANIEL WESTMEYER</i>	07C2302370039.tif pages
04/10/2008	Sentencing (8:30 AM) Events: 02/05/2008 Conversion Case Event Type <i>SENTENCING Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Court Interpreter: RENEE OCOUGNE DE GASCON Heard By: Jackie Glass</i>	
04/10/2008	Disposition (Judicial Officer: User, Conversion) 1. ASSAULT WITH A DEADLY WEAPON (5024) Guilty PCN: Sequence:	
04/10/2008	Disposition (Judicial Officer: User, Conversion)	
04/10/2008	Sentence (Judicial Officer: User, Conversion) 1. ASSAULT WITH A DEADLY WEAPON (5024) Adult Adjudication Converted Disposition: Sentence# 0001: SUSPENDED Minimum 12 Months to Maximum 36 Months Placement: NSP Converted Disposition: Sentence# 0002: PROBATION WITH CONDITIONS Minimum 3 Years to Maximum 3 Years Converted Disposition: Sentence# 0003: COUNSELING PROGRAM Converted Disposition: Sentence# 0004: DNA FEE/GENETIC MARKERS ANALYSIS Amount: \$150.00 Converted Disposition: Sentence# 0005: ADMINISTRATION FEE Amount: \$25.00	
04/25/2008	 Judgment <i>JUDGMENT OF CONVICTION/ADMIN ASSESSMENT</i>	07C2302370040.tif pages
04/25/2008	Judgment <i>JUDGMENT OF CONVICTION/GENETIC TESTING</i>	07C2302370041.tif pages
05/05/2008	 Order <i>ORDER ADMITTING DEFENDANT TO PROBATION AND FIXING THE TERMS THEREOF</i>	07C2302370042.tif pages
12/24/2008	 Bench Warrant <i>BENCH WARRANT ISSUED</i>	07C2302370044.tif pages
12/30/2008	Conversion Case Event Type <i>STATUS CHANGE: ACTIVE TO WARRANT</i>	07C2302370045.tif pages
















DEPARTMENT 17
CASE SUMMARY
CASE NO. 07C230237

11/12/2009	Conversion Case Event Type <i>STATUS CHANGE: WARRANT TO ACTIVE</i>	07C2302370046.tif pages
11/12/2009	Hearing <i>REVOCATION OF PROBATION</i>	07C2302370047.tif pages
12/01/2009	Revocation of Probation (8:15 AM) Events: 11/12/2009 Hearing <i>REVOCATION OF PROBATION Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Villani, Michael</i>	
12/03/2009	Revocation of Probation (8:15 AM) <i>REVOCATION OF PROBATION Relief Clerk: REBECCA FOSTER Reporter/Recorder: Michelle Ramsey Court Interpreter: JEFFREY HANKS Heard By: Villani, Michael</i>	
12/15/2009	Revocation of Probation (8:15 AM) <i>REVOCATION OF PROBATION Relief Clerk: Nicole McDevitt Reporter/Recorder: Michelle Ramsey Heard By: Villani, Michael</i>	
01/07/2010	Revocation of Probation (8:15 AM) <i>REVOCATION OF PROBATION Relief Clerk: Tia Everett/te Reporter/Recorder: Michelle Ramsey Court Interpreter: FRANCISCO J MADRIGAL Heard By: Villani, Michael</i>	
01/07/2010	Hearing <i>CONFIRMATION OF COUNSEL (ARNOLD,C)</i>	07C2302370048.tif pages
01/21/2010	Revocation of Probation (8:15 AM) <i>REVOCATION OF PROBATION Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani</i>	
01/21/2010	Motion for Confirmation of Counsel (8:15 AM) Events: 01/07/2010 Hearing <i>CONFIRMATION OF COUNSEL (ARNOLD,C) Heard By: Michael Villani</i>	
01/21/2010	All Pending Motions (8:15 AM) <i>ALL PENDING MOTIONS 1-21-10 Court Clerk: Kristen Brown Reporter/Recorder: Michelle Ramsey Court Interpreter: Ricardo Pico Heard By: Michael Villani</i>	
01/21/2010	Motion <i>ALL PENDING MOTIONS 1-21-10</i>	07C2302370049.tif pages
01/21/2010	Amended Sentence (Judicial Officer: User, Conversion) 1. ASSAULT WITH A DEADLY WEAPON (5024) Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:12 Months, Maximum:36 Months Credit for Time Served: 96 Days	
02/01/2010	 Judgment <i>AMENDED JUDGMENT OF CONVICTION</i>	07C2302370050.tif pages
08/02/2010	 Motion to Withdraw As Counsel Filed By: Attorney Public Defender <i>Callister & Associates Motion to Withdraw as Counsel For Defendant, Lazaro Martinez- Hernandez</i>	
08/17/2010	 Motion to Withdraw as Counsel (8:15 AM) (Judicial Officer: Villani, Michael) <i>Callister & Associates' Motion To Withdraw As Counsel For Defendant Lazaro Martinez- Hernandez</i>	
















DEPARTMENT 17
CASE SUMMARY
CASE NO. 07C230237

08/20/2010	 Motion Filed By: Defendant Martinez-Hernandez, Lazaro <i>Motion for Transcripts at State Expense</i>
08/23/2010	 Order to Withdraw as Attorney of Record Filed by: Defendant Martinez-Hernandez, Lazaro <i>Order Granting Callister + Associates Motion to Withdraw as Counsel for Deft Lazaro Martinez-Hernandez</i>
08/27/2010	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion for Transcript at State Expense</i>
08/31/2010	 Motion (8:15 AM) (Judicial Officer: Villani, Michael) 08/31/2010, 09/07/2010 Events: 08/20/2010 Motion <i>Defendant's Pro Per Motion For Transcripts At State's Expense</i>
10/05/2010	 Status Check (8:15 AM) (Judicial Officer: Barker, David) <i>Defendant's Pro Per Motion for Transcripts at State's Expense</i>
02/01/2011	 Petition for Writ of Habeas Corpus
03/29/2011	 Petition for Writ of Habeas Corpus (8:15 AM) (Judicial Officer: Villani, Michael) Events: 02/01/2011 Petition for Writ of Habeas Corpus
06/07/2011	 Request <i>Request For Transcript</i>
06/17/2011	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Recorder's Transcript of Hearing RE: Revocation of Probation - Heard 01/21/2010</i>
07/14/2011	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript of Proceedings Trial by Jury Volume II Tuesday February 5 2008</i>
07/14/2011	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Rough Draft Transcript of Proceedings Sentencing Thursday April 10 2008</i>
07/14/2011	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Rough Draft Transcript of Proceedings: Trial by Jury Volume 1 - Heard 02-04-08</i>
10/26/2011	 Ex Parte Filed By: Defendant Martinez-Hernandez, Lazaro <i>Ex Parte Application for Excess Investigator Fees</i>
01/24/2012	 Hearing (8:15 AM) (Judicial Officer: Villani, Michael) <i>Petition for Writ of Habeas Corpus</i>










DEPARTMENT 17
CASE SUMMARY
CASE NO. 07C230237

05/11/2012	 Hearing (9:30 AM) (Judicial Officer: Villani, Michael) <i>Hearing: Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>
05/17/2012	 Stipulation and Order Filed by: Defendant Martinez-Hernandez, Lazaro <i>Stipulation and Order</i>
05/18/2012	 Supplemental Brief <i>Supplemental Brief for Writ of Habeas Corpus (Post - Conviction)</i>
07/02/2012	 Response Filed by: Plaintiff State of Nevada <i>State's Response and Motion to Dismiss Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)</i>
08/16/2012	 Reply <i>Reply To State's Opposition To Defendant's Supplemental Petition For Writ Of Habeas Corpus (Post - Conviction)</i>
08/17/2012	 Hearing (9:30 AM) (Judicial Officer: Villani, Michael) <i>Hearing: Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>
09/06/2012	 Request (8:15 AM) (Judicial Officer: Villani, Michael) <i>State's Request: Status Check</i>
10/05/2012	 Evidentiary Hearing (9:30 AM) (Judicial Officer: Villani, Michael) 10/05/2012, 11/09/2012 <i>Evidentiary Hearing: Petition for Writ of Habeas Corpus</i>
11/27/2012	 Status Check (8:15 AM) (Judicial Officer: Villani, Michael) <i>Status Check: Confirmation of Appointed Counsel (Martin Hart)</i>
07/19/2013	 Order Granting <i>Order Granting Petition for Writ of Habeas Corpus</i>
07/22/2013	 Notice of Entry of Order Filed By: Plaintiff State of Nevada <i>Notice of Entry of Order</i>
07/22/2013	 Notice of Appeal (criminal) Party: Defendant Martinez-Hernandez, Lazaro <i>Notice of Appeal</i>
07/22/2013	 Case Appeal Statement Filed By: Defendant Martinez-Hernandez, Lazaro <i>Case Appeal Statement</i>
10/03/2013	 Request Filed by: Defendant Martinez-Hernandez, Lazaro <i>Request for Transcript</i>
10/07/2013	 Recorders Transcript of Hearing <i>Transcript of Proceedings Re: Calendar Call June 5, 2007</i>

DEPARTMENT 17
CASE SUMMARY
CASE NO. 07C230237

10/07/2013	 Recorders Transcript of Hearing <i>Transcript of Proceedings Re: Status Check: Negotiations/Trial Setting June 26, 2007</i>
10/07/2013	 Recorders Transcript of Hearing <i>Transcript of Proceedings Re: Status Check: Negotiations/Trial Setting July 19, 2007</i>
10/07/2013	 Recorders Transcript of Hearing <i>Transcript of Proceedings Re: Status Check: Negotiations/Trial Setting July 19, 2007</i>
10/07/2013	 Recorders Transcript of Hearing <i>Transcript of Proceedings Re: Status Check: Negotiations/Trial Setting July 26, 2007</i>
10/07/2013	 Recorders Transcript of Hearing <i>Transcript of Proceedings Re: Calendar Call January 29, 2008</i>
10/07/2013	 Recorders Transcript of Hearing <i>Transcript of Proceedings Re: Status Check: Negotiations/Trial Setting July 3, 2007</i>
08/26/2014	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>
10/09/2014	 Motion Filed By: Defendant Martinez-Hernandez, Lazaro <i>Motion to Place on Calander</i>
10/21/2014	 Motion (8:15 AM) (Judicial Officer: Villani, Michael) <i>Deft.'s Motion to Appoint Counsel for Post Conviction Relief</i>
11/04/2014	 Status Check (8:15 AM) (Judicial Officer: Villani, Michael) <i>Status Check: Confirmation of Counsel</i>
12/02/2014	 Status Check (8:15 AM) (Judicial Officer: Villani, Michael) <i>Status Check: File/Set Briefing Schedule</i>
02/24/2015	 Writ Filed by: Defendant Martinez-Hernandez, Lazaro <i>Supplemental Points and Authorities In Support Of Petition For Writ of Habeas Corpus For Post Conviction</i>
06/02/2015	 Status Check (8:30 AM) (Judicial Officer: Villani, Michael) <i>Status Check: PCR Hearing Readiness</i>
07/22/2015	 Opposition Filed By: Plaintiff State of Nevada <i>State's Motion To Dismiss Defendant's Supplemental Points And Authorities In Support Of Petition For Writ Of Habeas Corpus For Post Conviction Relief</i>
07/24/2015	 Reply Filed by: Defendant Martinez-Hernandez, Lazaro <i>Reply to State's Motion to Dismiss Defendant's Supplemental Points and Authorities in Support of Petition for Writ of Habeas Corpus for Post Conviction Relief</i>

DEPARTMENT 17
CASE SUMMARY
CASE NO. 07C230237

09/04/2015	 Hearing (9:30 AM) (Judicial Officer: Villani, Michael) <i>Hearing: Deft's Petition for Writ of Habeas Corpus (Post-Conviction)</i>
09/11/2015	 Supplemental Filed by: Defendant Martinez-Hernandez, Lazaro <i>Supplemental Points and Authorities on Whether Court has Jurisdiction to Consider Petitioner's Post Conviction Writ</i>
10/06/2015	 Response Filed by: Plaintiff State of Nevada <i>State's Response to Defendant's Supplemental Points and Authorities on Whether Court has Jurisdiction to Consider Petitioner's Post Conviction Writ</i>
10/09/2015	 Decision (9:30 AM) (Judicial Officer: Villani, Michael) <i>Decision: Petition for Writ of Habeas Corpus (Post-Conviction)</i>
11/05/2015	 Status Check (8:30 AM) (Judicial Officer: Villani, Michael) <i>Status Check: Order (10/09/15)</i>
11/05/2015	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff State of Nevada
11/09/2015	 Notice of Appeal (criminal) Party: Defendant Martinez-Hernandez, Lazaro <i>Notice of Appeal</i>
11/09/2015	 Case Appeal Statement Filed By: Defendant Martinez-Hernandez, Lazaro <i>Case Appeal Statement</i>
11/13/2015	 Notice of Entry Filed By: Plaintiff State of Nevada <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>

DATE

FINANCIAL INFORMATION

Defendant Martinez-Hernandez, Lazaro

Total Charges

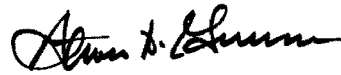
183.00

Total Payments and Credits

8.00

Balance Due as of 11/13/2015

175.00



CLERK OF THE COURT

1 **FCL**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **RYAN MACDONALD**
6 **Deputy District Attorney**
7 **Nevada Bar #12615**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

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

9 **THE STATE OF NEVADA,**
10 **Plaintiff,**

11 **-vs-**

CASE NO: C230237

12 **LAZARO MARTINEZ-HERNANDEZ,**
13 **aka, Lazaro Martinezhernandez, #1493472**

DEPT NO: XVII

14 **Defendant.**

15 **FINDINGS OF FACT, CONCLUSIONS OF**
16 **LAW AND ORDER**

17 **DATE OF HEARING: October 9, 2015**
18 **TIME OF HEARING: 9:30 AM**

19 **THIS CAUSE** having come on for hearing before the Honorable MICHAEL VILLANI,
20 District Judge, on the 9TH day of October, 2015, the Petitioner being present, REPRESENTED
21 BY TERRENCE M. JACKSON ESQ., the Respondent being represented by STEVEN B.
22 WOLFSON, Clark County District Attorney, by and through JACOB VILLANI, Deputy
23 District Attorney, and the Court having considered the matter, including briefs, transcripts,
24 arguments of counsel, and documents on file herein, now therefore, the Court makes the
25 following findings of fact and conclusions of law:

26 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

27 On February 16, 2007, the State charged Lazaro Martinez-Hernandez (hereinafter
28 "Defendant") by way of Information with one count of Assault With a Deadly Weapon (Felony
– NRS 200.471). On February 5, 2008, a jury found Defendant guilty. On April 10, 2008,

RECEIVED BY
DEPT 17 ON
NOV - 2 2015

1 Defendant was sentenced to the Nevada Department of Corrections for 12 to 36 months. The
2 sentence was suspended, and Defendant was placed on probation for an indeterminate period
3 not to exceed three year, subject to certain conditions of release. The Judgment of Conviction
4 was filed on April 25, 2008. Defendant did not file a direct appeal.

5 On January 1, 2010, Defendant's stipulated to having violated the conditions of his
6 probation and his probation was revoked. The original 12 to 36 month sentence was imposed,
7 and Defendant received 96 days credit for time served. An Amended Judgment of Conviction
8 was filed on February 1, 2010.

9 On February 1, 2011, Defendant filed a Petition for Writ of Habeas Corpus through
10 counsel, wherein he raised an appeal-deprivation claim. On May 18, 2012, Defendant filed a
11 Supplement to his Petition. The State filed its Response and Motion to Dismiss on July 2,
12 2012. On October 5, 2012, this Court held an evidentiary hearing on Defendant's appeal-
13 deprivation claim, and found that Defendant had been deprived of his right to a direct appeal
14 and was therefore entitled to file an untimely Lozada appeal.

15 On July 22, 2013, Defendant filed a Notice of Appeal. The Nevada Supreme Court
16 affirmed Defendant's conviction on July 22, 2014, and Remittitur issued on August 26, 2014.

17 On February 24, 2015, Defendant filed a Supplemental Points and Authorities in
18 Support of Petition for Writ of Habeas Corpus for Post-Conviction Relief ("Petition"). The
19 State filed its response on July 22, 2015. On September 4, 2015, a hearing was held where the
20 district court deferred its decision and ordered supplemental briefing. On September 11, 2015,
21 Defendant filed a Supplemental Point and Authorities on Whether Court Has Jurisdiction to
22 Consider Petitioner's Post-Conviction Writ. The State filed its Response on October 6, 2015.

23 This Court finds that Defendant is not entitled to relief through a post-conviction
24 Petition for Writ of Habeas Corpus since Defendant is no longer in custody or on probation or
25 parole. The Nevada Supreme Court has found that "[a] district court may not issue a writ of
26 habeas corpus if the post-conviction petitioner filed the petition challenging the validity of a
27 conviction after having completed the sentence for the challenged conviction." Jackson v.
28 State, 115 Nev. 21, 23, 973 P.2d 241, 242 (1999). The Nevada Supreme Court has consistently

1 held that the use of the extraordinary Writ of Habeas Corpus is warranted only to challenge
2 present custody or restraint and the legality of that confinement. Dir., Nev. Dep't of Prisons
3 v. Arndt, 98 Nev. 84, 84, 640 P.2d 1318, 1319 (1982); see also State v. Baliotis, 98 Nev. 176,
4 178, 643 P.2d 1223, 1224 (1982) (citing Dixon v. Warden, 85 Nev. 703, 704-5, 462 P.2d 753,
5 754 (1969)) (explaining that custody is required for persons seeking post-conviction relief
6 under former NRS 177.315). This Court finds that pursuant to Arndt there is nothing left for
7 Defendant to challenge as far as the legality of his confinement since Defendant has completed
8 his sentence and he is not on probation or parole.

9 **ORDER**

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

12 DATED this 4 day of October, 2015.

13 *Nov* *[Signature]*
14 _____
15 DISTRICT JUDGE *JS*

16 STEVEN B. WOLFSON
17 Clark County District Attorney
18 Nevada Bar #001565

19 BY *[Signature]*

20 RYAN MACDONALD
21 Deputy District Attorney
22 Nevada Bar #12615

23 ///

24 ///

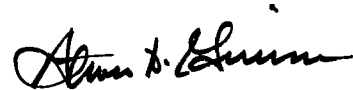
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CLERK OF THE COURT

NEO

**DISTRICT COURT
CLARK COUNTY, NEVADA**

LAZARO MARTINEZ-HERNANDEZ,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No: 07C230237

Dept No: XVII

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

PLEASE TAKE NOTICE that on November 5, 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 November 13, 2015.

STEVEN D. GRIERSON, CLERK OF THE COURT



Heather Ungermann, Deputy Clerk

CERTIFICATE OF MAILING

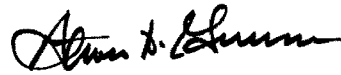
I hereby certify that on this 13 day of November 2015, I placed a copy of this Notice of Entry in:

☒ 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:
Lazaro Martinez-Hernandez Terrence M. Jackson, Esq.
1716 Weeping Willow Ln. 624 S. Ninth St.
Las Vegas, NV 89104 Las Vegas, NV 89101
(last known address)



Heather Ungermann, Deputy Clerk



CLERK OF THE COURT

1 **FCL**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **RYAN MACDONALD**
6 **Deputy District Attorney**
7 **Nevada Bar #12615**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

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

9 **THE STATE OF NEVADA,**
10 **Plaintiff,**

11 **-vs-**

CASE NO: C230237

12 **LAZARO MARTINEZ-HERNANDEZ,**
13 **aka, Lazaro Martinezhernandez, #1493472**

DEPT NO: XVII

14 **Defendant.**

15 **FINDINGS OF FACT, CONCLUSIONS OF**
16 **LAW AND ORDER**

17 **DATE OF HEARING: October 9, 2015**
18 **TIME OF HEARING: 9:30 AM**

19 **THIS CAUSE** having come on for hearing before the Honorable MICHAEL VILLANI,
20 District Judge, on the 9TH day of October, 2015, the Petitioner being present, REPRESENTED
21 BY TERRENCE M. JACKSON ESQ., the Respondent being represented by STEVEN B.
22 WOLFSON, Clark County District Attorney, by and through JACOB VILLANI, Deputy
23 District Attorney, and the Court having considered the matter, including briefs, transcripts,
24 arguments of counsel, and documents on file herein, now therefore, the Court makes the
25 following findings of fact and conclusions of law:

26 **FINDINGS OF FACT, CONCLUSIONS OF LAW**

27 On February 16, 2007, the State charged Lazaro Martinez-Hernandez (hereinafter
28 "Defendant") by way of Information with one count of Assault With a Deadly Weapon (Felony
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DEPT 17 ON
NOV - 2 2015

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4 was filed on April 25, 2008. Defendant did not file a direct appeal.

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22 Consider Petitioner's Post-Conviction Writ. The State filed its Response on October 6, 2015.

23 This Court finds that Defendant is not entitled to relief through a post-conviction
24 Petition for Writ of Habeas Corpus since Defendant is no longer in custody or on probation or
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28 State, 115 Nev. 21, 23, 973 P.2d 241, 242 (1999). The Nevada Supreme Court has consistently

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3 v. Arndt, 98 Nev. 84, 84, 640 P.2d 1318, 1319 (1982); see also State v. Baliotis, 98 Nev. 176,
4 178, 643 P.2d 1223, 1224 (1982) (citing Dixon v. Warden, 85 Nev. 703, 704-5, 462 P.2d 753,
5 754 (1969)) (explaining that custody is required for persons seeking post-conviction relief
6 under former NRS 177.315). This Court finds that pursuant to Arndt there is nothing left for
7 Defendant to challenge as far as the legality of his confinement since Defendant has completed
8 his sentence and he is not on probation or parole.

9 **ORDER**

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

12 DATED this 4 day of October, 2015.

13 *Nov* *[Signature]*
14 _____
15 DISTRICT JUDGE *JS*

16 STEVEN B. WOLFSON
17 Clark County District Attorney
18 Nevada Bar #001565

19 BY *[Signature]*

20 RYAN MACDONALD
21 Deputy District Attorney
22 Nevada Bar #12615

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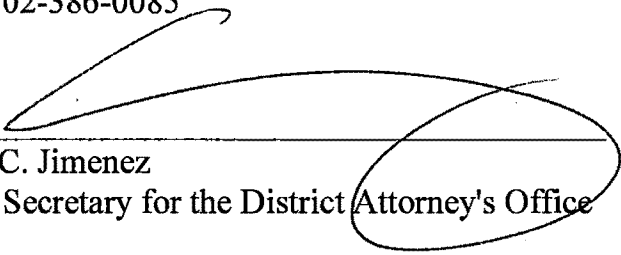
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1 **CERTIFICATE OF FACSIMILE TRANSMISSION**

2 I hereby certify that service of FINDINGS OF FACT, CONCLUSIONS OF
3 LAW AND ORDER, was made this 5th day of ~~October~~, 2015, by facsimile transmission
4 to: November

5 TERRENCE MICHAEL JACKSON, ESQ.
6 1702-386-0085

7
8 BY 
9 C. Jimenez
10 Secretary for the District Attorney's Office

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27 RM/cmj/L3
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 21, 2007**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

February 21, 2007**10:30 AM****Initial Arraignment**

**INITIAL
ARRAIGNMENT
Court Clerk: Lore
Vanderbusse Relief
Clerk: Kari
Portilla/kp
Reporter/Recorder:
Kiara Schmidt Heard
By: Kevin Williams**

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

PRESENT:	Crane, Nathan A.	Attorney
	Lucherini, Robert G.	Attorney
	Martinez-Hernandez, Lazaro	Defendant

JOURNAL ENTRIES

- Mr. Lucherini requested to withdraw as counsel and advised Deft. wishes to retain Mr. Pallares as new counsel. Court GRANTED Mr. Lucherini's oral request to withdraw as counsel. COURT ORDERED, matter CONTINUED.

BOND**02-28-07 10:30 AM ARRAIGNMENT CONTINUED...CONFIRMATION OF COUNSEL**

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 28, 2007**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

February 28, 2007**10:30 AM****All Pending Motions****ALL PENDING****MOTIONS (2-28-07)****Court Clerk: Kari****Portilla Relief Clerk:****Lore Vanderbusse/lv****Reporter/Recorder:****Kiara Schmidt Heard****By: Kevin Williams****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Martinez-Hernandez, Lazaro

Defendant

JOURNAL ENTRIES**- ARRAIGNMENT CONTINUED...CONFIRMATION OF COUNSEL**

Ms. Alicia Albritton present on behalf of the State. The Court Officer advised that Mr. Lucherini is unavailable due to Henderson matters. COURT ORDERED, matter CONTINUED.

BOND**03/05/07 1:30 PM ARRAIGNMENT CONTINUED****03/05/07 1:30 PM CONFIRMATION OF COUNSEL**

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 05, 2007**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

March 05, 2007**1:30 PM****All Pending Motions**

**ALL PENDING
MOTIONS 3-5-07
Court Clerk: Tina
Hurd
Reporter/Recorder:
Kiara Schmidt Court
Interpreter: LAURA
VILLAR Heard By:
James Brennan**

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

Gardner, Robert M.	Attorney
Lucherini, Robert G.	Attorney
Martinez-Hernandez, Lazaro	Defendant
Nyikos, Noreen	Attorney
Public Defender	Attorney
Rivera-Rogers, Mariteresa	Attorney

JOURNAL ENTRIES

- Mr. Lucherini advised Deft. does not have the means to proceed with private counsel and moved to withdraw. COURT ORDERED, GRANTED. Mr. Gardner advised they need a financial information sheet. Matter TRAILED.

LATER: Matter recalled. Leland Page, Court Interpreter, present. Ms. Rivera-Rogers present with Deft. DEFT. MARTINEZ-HERNANDEZ ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE. COURT ORDERED, matter set for trial. Ms. Rivera-Rogers requested 21 days from the filing of the Preliminary Hearing transcript to file a Writ. COURT ORDERED, GRANTED.

07C230237

BOND

6-7-07 8:30 AM CALENDAR CALL (DEPT. 18)

6-11-07 1:30 PM JURY TRIAL (DEPT. 18)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 13, 2007**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

March 13, 2007**8:30 AM****Motion to Withdraw as
Counsel**

**PD'S MTN TO
WITHDRAW AS
COUNSEL/8 Relief
Clerk: Sharon Chun
Reporter/Recorder:
Michelle Ramsey
Heard By: James
Brennan**

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

Davis, Craig B.
Keenan, Nell
Public Defender

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- Mr. Davis stated he has been unable to speak with Deft; the phone number he had been given was no longer in service. However, a letter was sent to Deft and not returned. He requested the Court to allow withdrawal and appointment of new counsel.

COURT ORDERED, Motion to Withdraw, GRANTED, and , a NO BAIL BENCH WARRANT is to issue.

BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 08, 2007**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

May 08, 2007**8:30 AM****Bench Warrant Return**

**BENCH WARRANT
RETURN /12 Court
Clerk: Kristen Brown
Relief Clerk:
Roshonda
Mayfield/rm
Reporter/Recorder:
Michelle Ramsey
Court Interpreter:
RENEE OCOUGNE
DE GASCON Heard
By: Michael Villani**

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

Davis, Craig B.	Attorney
Keenan, Nell	Attorney
Martinez-Hernandez, Lazaro	Defendant
Public Defender	Attorney

JOURNAL ENTRIES

- Mr. Davis advised this was Mr. Lucherini's case but he withdrew as counsel and there also is conflict with the Public Defender's office representing the Deft. COURT ORDERED, matter CONTINUED. Further, Public Defenders office allowed to withdraw as counsel and Mr. Goldstein has been appointed.

CUSTODY**5/17/07 8:00 AM CONFIRMATION OF COUNSEL**

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 15, 2007**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

May 15, 2007**8:30 AM**

**Motion for Own
Recognizance
Release/Setting Reasonable
Bail**

**DEFT'S O.R.
RELEASE/BAIL
REDUCTION /15
Court Clerk: Kristen
Brown Relief Clerk:
Roshonda
Mayfield/rm
Reporter/Recorder:
Michelle Ramsey
Court Interpreter:
Consuelo Cisneros
Heard By: Michael
Villani**

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

Keenan, Nell

Attorney

Kolias, Marina E.

Attorney

Martinez-Hernandez, Lazaro

Defendant

JOURNAL ENTRIES

- Ms. Kolias requested an Own Recognizance Release and also confirmed as counsel for the Deft. Ms. Keenan stated the Deft. does have ties else where and that he is an illegal alien. COURT ORDERED, Own Recognizance Release GRANTED with INTENSIVE SUPERVISION.
O.R./I.S

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 05, 2007**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

June 05, 2007**8:00 AM****Calendar Call**

CALENDAR CALL
Court Clerk: Kristen Brown
Reporter/Recorder: Michelle Ramsey
Heard By: Michael Villani

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

Kochevar, Brian J.
Kolias, Marina E.

Attorney
Attorney

JOURNAL ENTRIES

- Mr. Kochevar stated this matter was originally set for June 7, 2007; there has been a discussion between parties and requested this matter be set for status check regarding negotiations. Mr. Kolias stated that he has just received the video tape and once it is reviewed, parties may be in a better position to negotiate the matter. COURT ORDERED, Trial VACATED and matter set for status check regarding negotiations.

O.R.

6/26/07 8:00 AM STATUS CHECK: NEGOTIATIONS/TRIAL SETTING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 26, 2007**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

June 26, 2007**8:00 AM****Status Check**

**STATUS CHECK:
NEGOTIATIONS/TR
IAL SETTING Court
Clerk: Kristen Brown
Relief Clerk:
Roshonda
Mayfield/rm
Reporter/Recorder:
Michelle Ramsey
Court Interpreter:
HECTOR
VAZQUEZ-MENA
Heard By: Villani,
Michael**

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

PRESENT: Pandelis, Christopher P. Attorney

JOURNAL ENTRIES

- Court advised Deft. has complied with intensive supervision. COURT ORDERED, matter CONTINUED for Ms. Kolias' presence.

CLERK'S NOTE: Clerk contacted Kolias Law Office and provided Melinda with the next court date.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 03, 2007**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

July 03, 2007**8:30 AM****Status Check**

**STATUS CHECK:
NEGOTIATIONS/TR
IAL SETTING Court
Clerk: Kristen Brown
Reporter/Recorder:
Michelle Ramsey
Court Interpreter:
Consuelo Cisneros
Heard By: Villani,
Michael**

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

PRESENT:	Keenan, Nell	Attorney
	Kolias, Marina E.	Attorney
	Martinez-Hernandez, Lazaro	Defendant

JOURNAL ENTRIES

- Ms. Kolias advised the Court that she has been unable to speak with the Deft. and the District Attorney regarding this case and requested matter be CONTINUED, COURT SO ORDERED.
O.R.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 19, 2007**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

July 19, 2007**8:30 AM****Status Check**

STATUS CHECK:
NEGOTIATIONS/TR
IAL SETTING Court
Clerk: Roshonda
Mayfield/rm
Reporter/Recorder:
Debbie Winn Court
Interpreter: PHILLIP
CUARTAS Heard
By: THOMPSON, J.
CHARLES

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

PRESENT:	Martinez-Hernandez, Lazaro	Defendant
	Pandelis, Christopher P.	Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED Deft. to notify counsel of next court date.
O.R.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 26, 2007**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

July 26, 2007**8:00 AM****Status Check**

**STATUS CHECK:
NEGOTIATIONS/TR
IAL SETTING Court
Clerk: Kristen Brown
Reporter/Recorder:
Michelle Ramsey
Court Interpreter:
Carlos Calvos Heard
By: J. CHARLES
THOMPSON**

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

PRESENT:	Kolias, Marina E.	Attorney
	Martinez-Hernandez, Lazaro	Defendant
	Pandelis, Christopher P.	Attorney

JOURNAL ENTRIES

- Ms. Kolias stated this matter is not negotiated and a trial date will need to be set. COURT ORDERED, matter set for trial.

O.R.

1/29/08 8:30 AM CALENDAR CALL

2/04/08 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 29, 2008**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

January 29, 2008**8:30 AM****Calendar Call**

CALENDAR CALL
Court Clerk: Kristen
Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Villani,
Michael

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

Kolias, Marina E.

Attorney

Ponticello, Frank M.

Attorney

JOURNAL ENTRIES

- Ms. Kolias requested the trial be vacated and this matter CONTINUED to Thursday, COURT SO ORDERED. Court stated the deft. must be present or a bench warrant would issue.
O.R.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 31, 2008**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

January 31, 2008**7:45 AM****Calendar Call**

CALENDAR CALL
Court Clerk: Kristen Brown
Reporter/Recorder: Michelle Ramsey
Court Interpreter: Guillermo Palomo
Heard By: Michael Villani

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

Kolias, Marina E.

Attorney

Martinez-Hernandez, Lazaro

Defendant

Westmeyer, Daniel

Attorney

JOURNAL ENTRIES

- Counsel stated they are ready to proceed to trial. Court stated that due to having another trial already going to trial, ORDERED, matter REFERRED to Overflow.

O.R.

2/01/08 9:00 AM OVERFLOW (18) D. WESTMEYER / M. KOLIAS 1-2 DAYS 6 WITNESSES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 01, 2008**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

February 01, 2008**9:00 AM****Overflow**

**OVERFLOW (17) D.
WESTMEYER/M.
KOLIAS 1-2 DAYS/
6 WITNESSES/0
OUT-OF-STATE
Relief Clerk: Carol
Donahoo
Reporter/Recorder:
Renee Vincent
Heard By: Stewart
Bell**

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

Kolias, Marina E.
Westmeyer, Daniel

Attorney
Attorney

JOURNAL ENTRIES

- Deft. Martinez-Hernandez not present. COURT ORDERED, matter set for trial in Department V on February 4, 2008, at 10:00 a.m.

O.R.

02/04/08 10:00 AM JURY TRIAL.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 04, 2008**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

February 04, 2008**10:00 AM****Jury Trial**

TRIAL BY JURY
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Court Interpreter:
Cristina Sanchez
Heard By: Glass,
Jackie

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

Di Edoardo, Christina A.	Attorney
Kolias, Marina E.	Attorney
Martinez-Hernandez, Lazaro	Defendant
Thomas, Michelle L.	Attorney
Westmeyer, Daniel	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Alex Andrade, Spanish Interpreter, also present.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Mr. Westmeyer stated Friday afternoon he learned the defense intends to call Manuel Tortosa and Alex Maceo and the State opposes same as neither witness was listed. Arguments by counsel. COURT ORDERED, Mr. Maceo will be permitted to testify, however, the other witness may not. FURTHER, either Mr. Westmeyer or Ms. Thomas is to step outside to interview the witness. Ms. Kolias stated she did not receive notice regarding the State's witnesses until last Friday and requested same be excluded. Arguments by colloquy. Court NOTED the State noticed their witnesses in the Information filed 2/16/07 and

ORDERED, Ms. Kolias' oral motion DENIED.

INSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Voir Dire Oath given. Jury and alternate SELECTED and SWORN. Jury List FILED IN OPEN COURT. Clerk read the Information to the Jury. Opening remarks by the Court.

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

INSIDE THE PRESENCE OF THE JURY: Opening statements by Mr. Westmeyer and Ms. Kolias. Ms. DiEdoardo INVOKED THE EXCLUSIONARY RULE and the COURT SO ORDERED. Testimony and exhibits. (See attached worksheets.) Following the testimony of witness Richter, the State rested. Ms. Kolias moved to dismiss inside the presence of the Jury. Conference at the bench. Defense commenced with its case. Testimony and exhibits continue. Court excused the Jury and ORDERED them to return the following morning at the time given.

OUTSIDE THE PRESENCE OF THE JURY: Jury Instructions settled.

O.R.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 05, 2008**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

February 05, 2008**10:30 AM****Jury Trial**

TRIAL BY JURY
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Court Interpreter:
Cristina Sanchez
Heard By: Jackie
Glass

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

PRESENT:	Kolias, Marina E.	Attorney
	Martinez-Hernandez, Lazaro	Defendant
	Thomas, Michelle L.	Attorney
	Westmeyer, Daniel	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Mario Maldonado, Spanish Interpreter, also present.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Mr. Westmeyer requested permission to go into deft.'s prior arrests. Arguments by counsel. Court NOTED Ms. Kolias opened the door by inquiring of the deft. whether he had any criminal issues; however, FINDS the issues would be more prejudicial than probative and ORDERED, the State may not go into those areas.

INSIDE THE PRESENCE OF THE JURY: Testimony and exhibits. (See attached worksheets.)

Following the testimony of witness Hernandez, the defense rested. Court instructed the Jury on the law. Closing arguments by Ms. Thomas, Ms. Kolias and Mr. Westmeyer. Alternate Juror selected. Amended Jury List FILED IN OPEN COURT. Bailiff and matrons SWORN to take charge of the Jury

and Alternate. At the hour of 12:37 p.m., the Jury retired to deliberate.
Deliberations.

At the hour of 3:57 p.m. this date, the Jury returned with the following Verdict:
COUNT 1 - Guilty of ASSAULT WITH A DEADLY WEAPON.

Jury polled at the request of Ms. Kolias. Court thanked and excused the Jury and Alternate.

OUTSIDE THE PRESENCE OF THE JURY: COURT ORDERED, matter REFERRED to P&P and SET for SENTENCING. Mr. Westmeyer requested deft. remanded to custody, no bail. DENIED. Court ADMONISHED deft. that IF ANYTHING HAPPENS IN BETWEEN NOW AND THE TIME OF SENTENCING, IT WILL GREATLY IMPACT THE SENTENCE. FURTHER, if DEFT. FAILS TO APPEAR, A NO-BAIL BENCH WARRANT WILL BE ISSUED AND WHEN RETURNED ON THE WARRANT, DEFT. WILL NOT BE RELEASED.

O.R.

4/10/08 8:30 AM SENTENCING (DEPT. V)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 10, 2008**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

April 10, 2008**8:30 AM****Sentencing****SENTENCING****Court Clerk: Sandra
Jeter****Reporter/Recorder:
Rachelle Hamilton****Court Interpreter:****RENEE OCOUGNE****DE GASCON Heard****By: Jackie Glass****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Crock, William J.

Attorney

Fattig, John T

Attorney

Martinez-Hernandez, Lazaro

Defendant

JOURNAL ENTRIES

- William Crock, Esq., present for Ms. Kolas. DEFT. MARTINEZ-HERNANDEZ ADJUDGED GUILTY of ASSAULT WITH A DEADLY WEAPON (F). Arguments by counsel. COURT ORDERED, in addition to the \$25 Administrative Assessment Fee and \$150 DNA Analysis Fee to include submission to testing for genetic markers and/or secretor status, deft. SENTENCED to a MINIMUM term of TWELVE (12) MONTHS and a MAXIMUM term of THIRTY-SIX (36) MONTHS in the NEVADA DEPARTMENT OF CORRECTIONS; sentence SUSPENDED, PROBATION for an indeterminate period not to exceed THREE (3) YEARS. CONDITIONS:

1. Deft. shall submit his/her person, property, place of residence, vehicle or areas under his/her control to search at any time, with or without a search warrant or warrant of arrest, for evidence of a crime or violation of probation by the Division of Parole and Probation or its agent. 2. Comply with

any curfew imposed by P&P. 3. Complete impulse control and anger management counseling as deemed necessary by an evaluation. 4. Have no contact whatsoever with the victim or the victim's family. 5. Obtain and maintain full-time employment. 6. Do not possess any weapons. BOND, if any, EXONERATED. COURT FURTHER ORDERED, deft. to REPORT to P&P IMMEDIATELY. Court NOTED it did not impose compliance with I.C.E./I.N.S. directives as deft. is a valid United States citizen.
NIC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

December 01, 2009**8:15 AM****Revocation of Probation****REVOCATION OF
PROBATION Court
Clerk: Kristen Brown
Reporter/Recorder:
Michelle Ramsey
Heard By: Villani,
Michael****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Martinez-Hernandez, Lazaro
Scow, Richard H.Defendant
Attorney**JOURNAL ENTRIES**

- COURT ORDERED, matter CONTINUED for Ms. Kolias' presence.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 03, 2009**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

December 03, 2009**8:15 AM****Revocation of Probation**

**REVOCATION OF
PROBATION Relief
Clerk: REBECCA
FOSTER
Reporter/Recorder:
Michelle Ramsey
Court Interpreter:
JEFFREY HANKS
Heard By: Villani,
Michael**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Nyikos, Noreen

Attorney

JOURNAL ENTRIES

- P&P Officer Eloy Abeyta also present. Court noted a letter was received from Mr. Kolias stating he does not represent debt in Revocation Hearing. COURT ORDERED, Public Defender is APPOINTED to represent debt and matter CONTINUED.
CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

December 15, 2009**8:15 AM****Revocation of Probation**

**REVOCATION OF
PROBATION Relief
Clerk: Nicole
McDevitt
Reporter/Recorder:
Michelle Ramsey
Heard By: Villani,
Michael**

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

Martinez-Hernandez, Lazaro
Thomas, Michelle L.

Defendant
Attorney

JOURNAL ENTRIES

- Officer Abetta of Parole and Probation (P&P) present. As Mr. Kolias is not present, COURT ORDERED, matter CONTINUED.

RECALLED: Mr. Thomas noted this is the Public Defender's case, on December 3rd Mr. Kolias sent letter and withdrew and the Public Defender was appointed at that time. Ms. Thomas further stated the parole and probation officer is no longer present. COURT ORDERED, Public Defender APPOINTED; State to give discovery to the Public Defender and continuance date stands. CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 07, 2010

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

January 07, 2010

8:15 AM

Revocation of Probation

**REVOCATION OF
PROBATION Relief
Clerk: Tia Everett/te
Reporter/Recorder:
Michelle Ramsey
Court Interpreter:
FRANCISCO J
MADRIGAL Heard
By: Villani, Michael**

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:	Ferreira, Amy L.	Attorney
	Martinez-Hernandez, Lazaro	Defendant
	Paredes, Lester M.	Attorney
	Public Defender	Attorney

JOURNAL ENTRIES

- Officer Abeyta of Parole and Probation (P&P) present. Mr. Paredes informed the Court in 2007 the Public Defender withdrew from this case due to conflict and the is still unable to represent the Defendant due to the same conflict. COURT ORDERED, Dayvid Figler Esq. shall be APPOINTED as conflict counsel and matter Set for Confirmation of Counsel. FURTHER ORDERED, Revocation CONTINUED.

CUSTODY

1/21/2010 8:15 AM CONFIRMATION OF COUNSEL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 21, 2010**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

January 21, 2010**8:15 AM****All Pending Motions**

**ALL PENDING
MOTIONS 1-21-10
Court Clerk: Kristen
Brown
Reporter/Recorder:
Michelle Ramsey
Court Interpreter:
Ricardo Pico Heard
By: Michael Villani**

HEARD BY:**COURTROOM:****COURT CLERK:** Kristen Brown**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES**

PRESENT:	Arnold, Carl E.	Attorney
	Hendricks, Craig L.	Attorney
	Martinez-Hernandez, Lazaro	Defendant

JOURNAL ENTRIES

- CONFIRMATION OF COUNSEL (ARNOLD)...REVOCATION OF PROBATION
Officer Abeyta of Parole and Probation (P&P) present. Mr. Arnold CONFIRMED AS COUNSEL and stated that the deft. will stipulate to the violations. Court FINDS Deft. in violation of probation. COURT ORDERED, PROBATION REVOKED; underlying SENTENCE of a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC) IMPOSED with 96 DAYS credit for time served.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 17, 2010**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

August 17, 2010**8:15 AM****Motion to Withdraw as
Counsel****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carole D'Aloia**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

Arnold, Carl E.

Attorney

Nyikos, Noreen

Attorney

State of Nevada

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. Statements by Court regarding the history of this matter. Upon Court's inquiry, Mr. Arnold advised Defendant did not ask him to file an appeal. COURT ORDERED, motion GRANTED since there is appeal pending before the Nevada Supreme Court. Court directed Mr. Arnold to forward his file to the Defendant. CASE CLOSED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 31, 2010**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

August 31, 2010**8:15 AM****Motion****Defendant's Pro Per
Motion For
Transcripts At State's
Expense****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Noreen Nyikos, Dep DA, present on behalf of the State; Deft. Martinez-Hernandez incarcerated in the Nevada Department of Corrections (NDC) and not present.

Court noted Deft. filed a Motion for Transcripts at State's Expense, pro se. COURT ORDERED, matter CONTINUED; Court Clerk to contact Drew Christensen for appointment of counsel.

NDC

CONTINUED TO: 09/07/10 8:15 AM

CLERK'S NOTE: Court Clerk telephonically contacted the office of Drew Christensen regarding the above. Mr. Christensen called to say that Marty Hart, Esq., would be present to confirm as counsel next date.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 07, 2010**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

September 07, 2010 8:15 AM Motion**HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Sandra Harrell**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES**

PRESENT:	Hart, Martin W	Attorney
	Hendricks, Craig L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant not present, incarcerated at NDC. Upon Court's inquiry, Mr. Hart advised he has just been appointed as counsel for Deft. Court noted Mr. Hart to review motion, and ORDERED, matter SET for STATUS CHECK on Motion.

NDC

10/5/10 8:15 AM STATUS CHECK: DEFT'S PRO PER MOTION FOR TRANSCRIPTS

CLERK'S NOTE: The above minute order has been mailed to: Lazaro Marinez #1046853 @ SDCC, PO BOX 208, Indian Springs, NV 89070./sjh

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 05, 2010**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

October 05, 2010**8:15 AM****Status Check****Defendant's Pro Per
Motion for
Transcripts at State's
Expense****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Michael Radovic, Dep DA, present on behalf of the State and Marty Hart, Esq., present on behalf of Deft. Martinez-Hernandez, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

Mr. Hart advised that he spoke with Deft. last week. Court noted that Deft. is seeking transcripts in support of his post-conviction efforts; colloquy. COURT ORDERED, Motion DENIED; since Mr. Hart is now counsel of record, the document is a fugitive filing. Mr. Hart may re-file said Motion if he feels it has merit.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 29, 2011**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

March 29, 2011**8:15 AM****Petition for Writ of Habeas
Corpus****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Denise Trujillo**RECORDER:** Patti Slattery**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- PETITION FOR WRIT OF HABEAS CORPUS

Ms. Levy, present for Mr. Hart advised Deft. is in Federal custody and not been able to contact Deft. Further, Mr. Hart has been in contact with the State and they have agreed on a briefing schedule. State concurred. COURT ORDERED, matter SET for hearing, briefing schedule as follows: Deft's supplemental brief to be filed by 9/18/11; State will have until 11/18/11 to respond; Deft. will have until 12/19/11 to file reply with matter set for hearing thereafter.

NDC

1/23/12 1:00 PM HEARING: WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 24, 2012**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

January 24, 2012**8:15 AM****Hearing****Deft.'s Petition for
Writ of Habeas
Corpus****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Dena Rinetti, Dep DA, present on behalf of the State and Marty Hart, Esq., present on behalf of Deft. Martinez-Hernandez, who is also present.

Mr. Hart advised that he should be able to file his brief within the next three (3) weeks, which is February 14, 2012. Court advised State will have until April 10, 2012, to file any response. COURT ORDERED, matter set for hearing.

NDC

05/11/12 9:30 AM HEARING: PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 11, 2012**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

May 11, 2012**9:30 AM****Hearing****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Louisa Garcia**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**Scow, Richard H.
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- COURT ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 8/17/12 9:30 A.M.

CLERK'S NOTE: Return date of 8/17/12 given in error. Minutes have been corrected to show 8/16/12 @ 8:15 AM as the correct date. A copy of this minute order was placed in the attorney folders of the Clark County District Attorney's Office and Martin Hart, Esq.
/lg 5/11/12

CLERK'S NOTE: Pursuant to Stipulation and Order, matter reset to 8/17/12 at 9:30 a.m. (special setting). A copy of this minute order was placed in the attorney folder of Martin Hart, Esq. /lg 5/18/12

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 17, 2012**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

August 17, 2012**9:30 AM****Hearing**

**Deft.'s Petition for
Writ of Habeas
Corpus (Post-
Conviction)**

HEARD BY: Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Richard Scow, Chf Dep DA, present on behalf of the State and Marty Hart, Esq., present on behalf of Deft. Martinez-Hernandez. Mario Torres, Court Interpreter, present to assist Deft.

This is the time set for hearing on the Petition for Writ of Habeas Corpus. Court noted there are two (2) issues. Whether or not the Deft.'s Petition is time barred and whether or not Deft. asked his attorney to file an appeal.

Court noted that the State of Law at this particular time is that when a Deft. claims he asked for an appeal and his attorney at the time refused or neglected to file same, that warrants an Evidentiary Hearing. Colloquy regarding scheduling issues; COURT ORDERED, matter set for Evidentiary Hearing.

Court advised that Deft.'s prior attorneys and Deft. will need to be present. Upon Court's inquiry, Mr. Hart represented that William Crock, Esq., and Marina Koliass, Esq., appear to be Deft.'s prior counsel.

NIC

07C230237

09/28/12 9:30 AM EVIDENTIARY HEARING: PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 06, 2012**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

September 06, 2012 8:15 AM**Request****State's Request:
Status Check****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Colleen Brown, Dep DA, present on behalf of the State and Marty Hart, Esq., present on behalf of Deft. Martinez-Hernandez, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

This is the time set for the Status Check, which the State requested. There is an Evidentiary Hearing set for September 28, 2012, on Deft.'s Petition for Writ of Habeas Corpus. Mr. Hart advised the Deputy is not available on September 28. COURT ORDERED, the Hearing on the Petition set for September 28 shall be VACATED and RESET.

NDC

10/05/12 9:30 AM EVIDENTIARY HEARING: PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 05, 2012**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

October 05, 2012**9:30 AM****Evidentiary Hearing****Petition for Writ of
Habeas Corpus****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Daniel Westmeyer, Dep DA, present on behalf of the State and Marty Hart, Esq., present on behalf of Deft. Martinez-Hernandez, who is also present. Deft.'s sentence in the Nevada Department of Corrections (NDC) has expired. Mario Torres, Court Interpreter, present to assist Deft.

Conference at the Bench. Pursuant to the conference at the bench, COURT ORDERED, matter CONTINUED.

NIC

CONTINUED TO: 11/09/12 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 09, 2012**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

November 09, 2012 9:30 AM**Evidentiary Hearing****Evidentiary Hearing:
Petition for Writ of
Habeas Corpus****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Sharon Chun**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

Hart, Martin W

Attorney

Monje, Ofelia L., ESQ

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Spanish Interpreter, Mario Torres, present for Deft Martinez-Hernandez.

Both counsel confirmed this has resolved. Mr. Hart stated that Deft had asked for an appeal, but, his prior attorney did not file it because there was confusion about getting paid.

COURT ORDERED, Lozada Appeal GRANTED, counsel may go forward to Supreme Court. Mr. Hart stated he will accept appointment for the Appeal. Court stated it will confer with Drew Christensen's office for confirmation that Mr. Hart may be appointed.

COURT ORDERED, STATUS CHECK set re confirmation of counsel.

NIC

11/27/12 8:15 AM STATUS CHECK: CONFIRMATION OF COUNSEL (M. HART)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 27, 2012**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

November 27, 2012 8:15 AM**Status Check****Confirmation of
Appointed Counsel
(Hart)****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Michael Radovic, Dep DA, present on behalf of the State and Marty Hart, Esq., present on behalf of Martinez-Hernandez, who is also present. Lorena Pike, Court Interpreter, present to assist Deft.

Mr. Hart CONFIRMED as appellate counsel in this matter. Conference at the Bench. Mr. Hart to submit an Order.

NIC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 21, 2014**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

October 21, 2014**8:15 AM****Motion****Deft.'s Motion to
Appoint Counsel for
Post-Conviction
Relief****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Christopher Hamner, Dep DA, present on behalf of the State and Marty Hart, Esq., present on behalf of Deft. Martinez-Hernandez who is not present.

This is the time set for Deft.'s Motion to Appoint Counsel for Post-Conviction Relief. Mr. Hart advised that he prepared the Lozada Appeal in this matter; it was denied. Additionally, after reviewing this matter, Mr. Hart believes the Deft. deserves a chance to have a Petition heard on the merits with regard to the trial.

Court noted, that although this would be the Deft.'s second Petition, this would be the first dealing with the merits. Therefore, COURT ORDERED, Motion to Appoint Counsel for Post-Conviction Relief is GRANTED; matter set for status check. This Court's staff shall contact the Office of Appointed Counsel. Court directed Mr. Hart to have his file ready to turn over to new counsel.

NIC

11/04/14 8:15 AM STATUS CHECK: CONFIRMATION OF COUNSEL

CLERK'S NOTE: Court Clerk telephonically contacted Drew Christensen regarding the above.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 04, 2014**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

November 04, 2014 8:15 AM**Status Check****Confirmation of
Counsel****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Nicole Cannizzaro, Dep PD, present on behalf of the State and Terrence Jackson, Esq., present on behalf of Deft. Martinez-Hernandez, who is also present. Alexandra Andrade, Court Interpreter, present to assist Deft.

This is the time set for the Status Check on Confirmation of Counsel. Mr. Jackson CONFIRMED as counsel of record.

Court advised that the Deft. had a Lozada Appeal, it was DENIED, so the Court considered, his Petition for Writ of Habeas Corpus as a first Petition and requested that the Deft. be given Court-Appointed counsel. COURT ORDERED, matter set for status check in thirty (30) days. In the meantime, Mr. Jackson can obtain the file from Mary Hart, Esq. A briefing schedule for supplemental briefing will be set next date.

NIC

12/02/14 8:15 AM STATUS CHECK: FILE/SET BRIEFING SCHEDULE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

December 02, 2014**8:15 AM****Status Check****File/Set Briefing
Schedule****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Christopher Hamner, Dep DA, present on behalf of the State and Terrence Jackson, Esq., present on behalf of Deft. Martinez-Hernandez, who is also present. Alexandra Andrade, Court Interpreter, present to assist Deft.

This is the time set for the Status Check on Mr. Jackson's review of the file; a briefing schedule needs to be set. Court advised that this is the Deft.'s first Petition for Writ of Habeas Corpus; his Lozado Appeal was DENIED. Mr. Jackson advised that he CONFIRMED last date and he has received most of the file and has had an opportunity to evaluate the case. The case is more complicated than expected; although the trial was short, there was an appeal afterwards and communication with the Deft. is going to be difficult because he speaks Spanish. Therefore, Mr. Jackson is requesting one hundred twenty (120) days to file his opening brief. Court set the following briefing schedule:

04/07/15 - Supplemental Brief

06/08/15 - State's Response

COURT ORDERED, matter set for hearing on July 10, 2014, at 9:30 a.m.

Deft. is upset because, due to his Felony conviction, he has not been able to work for the past eight (8) years; he needs the Felony removed from his record so he can get the proper work papers. Deft. is requesting a faster resolution of this case. Court informed the Deft. of the process; it cannot be done

any quicker.

MATTER RECALLED: All present as before. Mr. Jackson advised that the Deft. is very unhappy with the briefing schedule and hearing date. Therefore, he has two (2) options, he can either withdraw or he can move up the briefing schedule. Mr. Jackson is willing to try get the Deft.'s Supplemental Brief done in ninety (90) days.

Colloquy as to how to proceed; upon Court's inquiry, Mr. Jackson represented that he believes he can get the brief done in ninety (90) days. Court AMENDED the above briefing schedule as follows:

03/03/15 - Supplemental Brief

05/04/15 - State's Response

COURT ORDERED, the above-referenced hearing date is RESET.

The Court again addressed the Deft. Deft. stated that he realizes that this takes time he just wants the Court to give him some sort of paperwork so he can get a Sheriff's Card; colloquy.

NIC

06/05/15 9:30 AM HEARING: PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 02, 2015**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

June 02, 2015**8:30 AM****Status Check****PCR Hearing
Readiness****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Jacob Villani, Dep DA, present on behalf of the State and Terrence Jackson, Esq., present on behalf of Deft. Martinez-Hernandez, who is also present.

This is the time set for the Status Check with regard to the Post-Conviction Relief (PCR) hearing currently set for June 5, 2015. Mr. Jackson advised that he was contacted by Court staff to be here today regarding the PCR said hearing. The Court advised the State did not file a Supplemental Response so it was not sure if the parties would be ready to go forward on Friday.

Mr. Villani advised that the Motion was served through an old address so the State did not receive it. The Court directed the State to file a Supplemental Response by August 4, 2015. COURT ORDERED, the June 5 hearing is VACATED and RESET.

NIC

09/04/15 9:30 AM DEFT.'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 04, 2015**

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

September 04, 2015 9:30 AM**Hearing****Deft.'s Petition for
Writ of Habeas
Corpus (Post-
Conviction)****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Erika Wiborg, Dep DA, present on behalf of the State and Terrence Jackson, Esq., present on behalf of Deft. Martinez-Hernandez, who is also present. Yul Haasmann, Court Interpreter, present to assist Deft.

This is the time set for hearing on Deft.'s Petition for Writ of Habeas Corpus (Post-Conviction) and Mr. Jackson's Supplement thereto. The State filed a Motion to Dismiss Deft.'s Supplemental Points and Authorities in Support of Petition for Writ of Habeas Corpus for Post-Conviction Relief

Mr. Jackson advised that the State is moving to dismiss Deft.'s Petition because they claim this case does not qualify for a Habeas Corpus Petition as the Deft. is out of custody. Mr. Jackson disagrees; he discussed the Jackson v. State case and advised that in this case, the Deft. acted diligently and filed his appeal immediately. He received a short sentence of twelve (12) to thirty (30) months and got out after he had served twelve (12) months but, Mr. Jackson represented, that does not mean a Deft. cannot follow through on a Writ of Habeas Corpus to challenge an unconstitutional conviction; argument. Mr. Jackson advised he would like to argue this matter on the merits as he believes the Deft. has meritorious claims.

Ms. Wiborg advised that the remedy that the Deft. is seeking with the Petition is release from unlawful custody. Since the Deft. is not in physical custody or on parole, the remedy is no longer needed. The remedy to overturn the jury verdict is a pardon. Deft.'s equal protection claims are unfounded.

Court advised that it did some independent research on this issue. Colloquy regarding State of Nevada v. Baliotis; specifically, the interpretation of the term "under sentence." Court noted that, in this case, the Deft. timely filed but by the passage of time he is out of custody and not on parole. The argument by the State is that the Deft. is not under restraint and, therefore, a Writ is not available under NRS 34.724. But the language in Baliotis states that a Deft. must, at the time he files the Writ, be subject to the restraint. Therefore, COURT ORDERED, decision DEFERRED. Court directed counsel to prepare supplemental briefs on their interpretation of the aforementioned language. COURT FURTHER ORDERED, supplemental briefs shall be submitted by September 18, 2015.

NIC

10/09/15 9:30 AM DECISION: PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

October 09, 2015**9:30 AM****Decision****Deft.'s Petition for
Writ of Habeas
Corpus (Post-
Conviction)****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Jacob Villani, Dep DA, present on behalf of the State and Terrence Jackson, Esq., present on behalf of Deft. Martinez-Hernandez, who is also present. Consuelo Cisneros, Court Interpreter, present to assist Deft.

This is the time set for hearing on Deft.'s Petition for Writ of Habeas Corpus (Post-Conviction). Mr. Jackson advised the Deft. proceeded in a timely manner, pursuant to the Statute, to raise the issue of ineffective assistance of counsel. However, before counsel could get this matter before the Court, the Deft. had served his relatively short prison sentence of twelve (12) months. Ineffective assistance cannot be challenged on direct appeal and, therefore, Deft. is basically left with no remedy to challenge the ineffective assistance of counsel claim; this also raises the issue of actual innocence for the reasons stated on the record. Additionally, Mr. Jackson advised that Deft. is prejudiced because of the things that go with a criminal conviction; post-conviction is important because if an Evidentiary Hearing were to be held, counsel would have an opportunity to develop the facts on whether or not counsel was ineffective. Deft. is facing a loss of liberty because of this conviction.

Argument by Mr. Villani; Deft. filed a direct appeal and the Supreme Court has reviewed this matter; an Order of Affirmance was filed with the court on July 22, 2014. A Writ is an extraordinary remedy

and the Nevada Constitution does not allow the Deft. to file the Writ. Mr. Villani submitted the matter on the State's briefing.

Court adopts the procedural history set forth by the State. The COURT FINDS that the Deft. filed his Petition for Writ of Habeas Corpus while he was under restraint or in custody in this matter and that it was filed timely. Under NRS 34.724 only a person who is under restraint may file a Writ. Further, under the Nevada Constitution, the Court only has the power to issue Writs on behalf of persons in actual custody and the Deft. is not in custody at this time. The Court notes that pursuant to Department of Prisons vs. Arndt, the Nevada Supreme Court states, "Nonetheless, we have consistently held that use of the extraordinary writ is warranted only to challenge present custody or restraint and the legality of that confinement." Since the Deft. has completed his confinement there is nothing left to challenge as far as the legality of the confinement; he is not under restraint or on parole at this time. Therefore, COURT ORDERED, Deft.'s Petition for Writ of Habeas Corpus is DENIED.

State to prepare the Order; COURT FURTHER ORDERED, matter set for status check. If the Order is filed prior to the status check date, it will be VACATED. Deft.'s appearance next date is WAIVED.

NIC

11/05/15 8:30 AM STATUS CHECK: ORDER (10/09/15)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 05, 2015

07C230237

The State of Nevada vs Lazaro Martinez-Hernandez

November 05, 2015 8:30 AM Status Check

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Keri Cromer

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:	Jackson, Terrence Michael	Attorney
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- State advised the order had been filed this morning.

NIC

EXHIBITS

CASE NO. C230237

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Defendant's EXHIBITS

CASE NO. C230237

[illegible]

EXHIBITS

FEB 04 2008

CASE NO. C230237

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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; 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.

LAZARO MARTINEZ-HERNANDEZ aka
LAZARO MARTINEZHERNANDEZ,

Defendant(s).

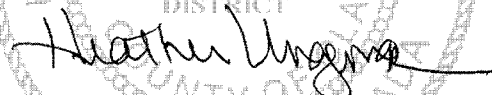
Case No: C230237

Dept No: XVII

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 13 day of November 2015.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

