
CLERK OF THE COURT

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

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
Jan 21 2016 11:36 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

8 THE STATE OF NEVADA,)
9)
10 Plaintiff,) CASE NO. C-15-308774-1
11 v.) DEPT. NO. XVII
12)
13 GABRIEL IBARRA,)
14)
15 Defendant.)

NOTICE OF APPEAL

16 TO: THE STATE OF NEVADA
17 STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY,
18 NEVADA and DEPARTMENT NO. XVII OF THE EIGHTH JUDICIAL
19 DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE
20 COUNTY OF CLARK.

21 NOTICE is hereby given that Defendant, Gabriel Ibarra,
22 presently incarcerated in the Nevada State Prison, appeals to the
23 Supreme Court of the State of Nevada from the judgment entered
24 against said Defendant on the 18th day of December, 2015, whereby
25 he was convicted of Larceny from the Person and sentenced to \$25
26 Admin. assessment fee; \$250 Indigent Defense Civil Assessment fee;
27 \$3 DNA collection fee; 14-36 months in prison with 133 days CTS;
28 the4 \$150 DNA analysis fee and genetic testing have been
previously imposed, the fee and testing in this case are waived.

DATED this 15th day of January, 2016.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Howard S. Brooks
HOWARD S. BROOKS, #3374
Deputy Public Defender

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1 CERTIFICATE OF ELECTRONIC FILING

2 I hereby certify that service of the above and foregoing
3 was made this 15th day of January, 2016, by Electronic Filing to:

4 District Attorneys Office

5 E-Mail Address:

6 PDMotions@clarkcountyda.com

7 Jennifer.Garcia@clarkcountyda.com

8 Eileen.Davis@clarkcountyda.com

9
10 /s/ Carrie M. Connolly
11 Secretary for the
12 Public Defender's Office


CLERK OF THE COURT

CAS
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR No. 0556
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C-15-308774-1
)	
v.)	DEPT. NO. XVII
)	
GABRIEL IBARRA,)	
)	
Defendant.)	

CASE APPEAL STATEMENT

1. Appellant filing this case appeal statement:
Gabriel Ibarra.

2. Judge issuing the decision, judgment, or order
appealed from: Michael Villani.

3. All parties to the proceedings in the district
court (the use of et al. To denote parties is prohibited): The
State of Nevada, Plaintiff; Gabriel Ibarra, Defendant.

4. All parties involved in this appeal (the use of
et. al. to denote parties is prohibited): Gabriel Ibarra,
Appellant; The State of Nevada, Respondent.

/ / /

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1 5. Name, law firm, address, and telephone number of
2 all counsel on appeal and party or parties whom they represent:

3 PHILIP J. KOHN
4 Clark County Public Defender
5 309 South Third Street, #226
6 Las Vegas, Nevada 89155-2610

STEVEN B. WOLFSON
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155

6 Attorney for Appellant

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

9 Counsel for Respondent

10 6. Whether appellant was represented by appointed or
11 retained counsel in the district court: Appointed.

12 7. Whether appellant is represented by appointed or
13 retained counsel on appeal: Appointed.

14 8. Whether appellant was granted leave to proceed in
15 forma pauperis, and the date of entry of the district court order
16 granting such leave: N/A.

17 9. Date proceedings commenced in the district court
18 (e.g., date complaint, indictment, information, or petition was
19 filed): Information filed 08/18/15.

20 DATED this 15th day of January, 2016.

21 PHILIP J. KOHN
22 CLARK COUNTY PUBLIC DEFENDER

23
24 By: /s/ Howard S. Brooks
25 HOWARD S. BROOKS, #3374
26 Deputy Public Defender
27 309 S. Third Street, Ste. 226
28 Las Vegas, Nevada 89155
(702) 455-4685

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District Attorneys Office
E-Mail Address:

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CLERK OF THE COURT

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

8
9 DISTRICT COURT
10 CLARK COUNTY, NEVADA
11

12 THE STATE OF NEVADA,)
13)
14 Plaintiff,) CASE NO. C-15-308774-1
15)
16 v.) DEPT. NO. XVII
17)
18 GABRIEL IBARRA,)
19)
20 Defendant.)
21)
22)

23 REQUEST FOR ROUGH DRAFT TRANSCRIPT

24 TO: Kiara Schmidt, Court Recorder
25 District Court, Department No. AA

26 Michelle Ramsey, Court Recorder
27 District Court, Department No. XVII

28 GABRIEL IBARRA, Defendant named above, requests a
preparation of a rough draft transcript of certain portions of the
proceedings before the District Court, as follows:

Dates or dates of proceedings: 08/20/15, 10/06/15,
10/08/15, 10/13/15, 10/15/15, 10/19/15, 10/20/15, and 11/10/15.

Portion of the transcript requested: 08/20/15 (Kiara
Schmidt) - Any and all proceedings, all transcripts to include

1 word index; 10/06/15, 10/08/15, 10/13/15, 10/15/15, 11/10/15,
2 12/10/15 (Michelle Ramsey) - Any and all proceedings, all
3 transcripts include word index; 10/19/15, 10/20/15 (Michelle
4 Ramsey) - Trial transcripts - All transcripts, include word index
5 - Any and all proceedings, *jury voir dire*, *jury selection*, opening
6 statements, testimony, matters heard outside the presence of the
7 jury, settling of instructions, closing arguments, verdict, any
8 and all bench conferences.
9

10 This Notice requests a transcript of only those portions
11 of the District Court proceedings which counsel reasonably and in
12 good faith believes are necessary to determine whether appellate
13 issues are present. Voir dire examination of jurors, opening
14 statements and closing arguments of trial counsel and the reading
15 of jury instructions shall not be transcribed unless specifically
16 requested above.
17

18 I recognize that I must personally serve a copy of this
19 form on the above-named court reporter and opposing counsel.

20 That the above-named court reporter shall have twenty
21 (20) days from the date of service of this document to prepare an
22 original plus two copies at State expense and file with the
23 District Court Clerk the original rough draft transcript(s)
24 requested herein.
25

26 Further, pursuant to NRAP 3C(d)(3)(iii), the court
27 reporter shall also deliver copies of the rough draft transcript
28

1 to appellant's counsel and respondent counsel no more than twenty
2 (20) days after the date of the appellant's request.

3 DATED this 15th day of January, 2016.

4 PHILIP J. KOHN
5 CLARK COUNTY PUBLIC DEFENDER

6 By: /s/ Howard S. Brooks
7 HOWARD S. BROOKS, #3374
8 Deputy Public Defender
9 309 S. Third Street, Ste. #226
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Kiara Schmidt, Court Recorder
District Court, Department No. AA
200 Lewis Avenue
Las Vegas, NV 89101

Michelle Ramsey, Court Recorder
District Court, Department No. XVII
200 Lewis Avenue
Las Vegas, NV 89101

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District Attorneys Office
E-Mail Address:
PDMotions@clarkcountysda.com
Jennifer.Garcia@clarkcountysda.com
Eileen.Davis@clarkcountysda.com

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DEPARTMENT 17
CASE SUMMARY
CASE NO. C-15-308774-1

State of Nevada
vs
Gabriel Ibarra

§	Location:	Department 17
§	Judicial Officer:	Villani, Michael
§	Filed on:	08/18/2015
§	Cross-Reference Case	C308774
§	Number:	
§	Defendant's Scope ID #:	2588689
§	ITAG Booking Number:	1500034212
§	ITAG Case ID:	1710281
§	Lower Court Case # Root:	15F11273
§	Lower Court Case Number:	15F11273X
§	Metro Event Number:	1507310413

CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
Jurisdiction: District Court				
1. LARCENY FROM PERSON	F	07/31/2015	Case Flags:	Appealed to Supreme Court
PCN: 0025575758 ACN: 1507310413				Custody Status - Nevada
Arrest: 07/31/2015 MET - Metro				Department of Corrections
Statistical Closures				Charge Description Updated
12/21/2015 Guilty Plea with Sentence (before trial)				JC Custody Status at Time of
				B/O
				<i>AUG 20 2015 10:00AM: IN</i>
				<i>CUSTODY</i>

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	C-15-308774-1
Court	Department 17
Date Assigned	08/18/2015
Judicial Officer	Villani, Michael





PARTY INFORMATION

Defendant	Ibarra, Gabriel	<i>Lead Attorneys</i> Public Defender <i>Public Defender</i> 702-455-4685(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE



















EVENTS & ORDERS OF THE COURT

INDEX











08/18/2015	 Information <i>Information</i>
08/18/2015	 Criminal Bindover Packet Las Vegas Justice Court
08/20/2015	 Initial Arraignment (10:00 AM) (Judicial Officer: De La Garza, Melisa)
08/20/2015	Plea (Judicial Officer: Villani, Michael) 1. LARCENY FROM PERSON Not Guilty PCN: 0025575758 Sequence:
09/16/2015	 Reporters Transcript

DEPARTMENT 17
CASE SUMMARY
CASE NO. C-15-308774-1




Reporter's Transcript of Preliminary Hearing 8/18/2015

09/18/2015	 Petition <i>Petition for Writ of Habeas Corpus</i>
09/28/2015	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Expert Witnesses</i>
09/28/2015	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses</i>
09/28/2015	 Order <i>Order</i>
10/01/2015	 Writ <i>Writ of Habeas Corpus</i>
10/02/2015	 Return <i>Return to Writ of Habeas Corpus</i>
10/02/2015	 Supplemental Witness List <i>Supplemental Notice of Witnesses</i>
10/02/2015	 Reporters Transcript <i>Reporter's Transcript of Preliminary Hearing 8/18/2015</i>
10/02/2015	 Motion for Discovery <i>Motion for Discovery</i>
10/06/2015	 Petition for Writ of Habeas Corpus (8:30 AM) (Judicial Officer: Villani, Michael)
10/08/2015	 Decision (8:30 AM) (Judicial Officer: Villani, Michael) <i>Decision: Deft.'s Petition for Writ of Habeas Corpus</i>
10/13/2015	 Response <i>State's Response to Defendant's Motion for Discovery</i>
10/13/2015	 Calendar Call (8:30 AM) (Judicial Officer: Villani, Michael)
10/14/2015	 Notice of Witnesses and/or Expert Witnesses <i>Defendant's Notice of Witnesses, Pursuant to NRS 174.234</i>
10/15/2015	 Motion for Discovery (8:30 AM) (Judicial Officer: Villani, Michael) <i>Deft's Request: Motion for Discovery</i>
10/19/2015	 Jury Trial (9:30 AM) (Judicial Officer: Bixler, James) 10/19/2015-10/20/2015
10/19/2015	 Jury List
10/20/2015	 Jury Instructions

DEPARTMENT 17
CASE SUMMARY
CASE NO. C-15-308774-1

	<i>Defendant's Proposed Jury Instructions</i>
10/20/2015	 Instructions to the Jury
10/20/2015	 Verdict
10/27/2015	 Motion <i>Motion for Own Recognizance Release, or in the Alternative, for Setting of Reasonable Bail</i>
11/02/2015	 Opposition <i>State's Opposition to Defendant's Motion For Own Recognizance Release, or, in the Alternative, for Setting of Reasonable Bail</i>
11/10/2015	 Motion for Own Recognizance Release/Setting Reasonable Bail (8:30 AM) (Judicial Officer: Villani, Michael) <i>Defendant's Motion for Own Recognizance Release, or, in the Alternative, for Setting of Reasonable Bail</i>
11/30/2015	 Order <i>Order Denying Defendant's Motion For Own Recognizance Release, Or, In the Alternative For Setting of Reasonable Bail</i>
12/03/2015	 PSI
12/10/2015	 Sentencing (8:30 AM) (Judicial Officer: Villani, Michael)
12/10/2015	Disposition (Judicial Officer: Villani, Michael) 1. LARCENY FROM PERSON Guilty PCN: 0025575758 Sequence:
12/10/2015	Sentence (Judicial Officer: Villani, Michael) 1. LARCENY FROM PERSON Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum: 14 Months, Maximum: 36 Months Credit for Time Served: 133 Days Fee Totals: Administrative Assessment Fee 25.00 \$25 Genetic Marker Analysis AA Fee 3.00 \$3 Indigent Defense Civil Assessment 250.00 Fee - ASK Fee Totals \$ 278.00 Comment (\$150 DNAF was collected on August 31, 2007)
12/18/2015	 Judgment of Conviction <i>JUDGMENT OF CONVICTION (JURY TRIAL)</i>
12/21/2015	 Criminal Order to Statistically Close Case <i>Criminal Order to Statistically Close Case</i>

DEPARTMENT 17
CASE SUMMARY
CASE NO. C-15-308774-1

01/15/2016	 Notice of Appeal (criminal) <i>Notice of Appeal</i>	
01/15/2016	 Case Appeal Statement <i>Case Appeal Statement</i>	
01/15/2016	 Request <i>Request for Rough Draft Transcript</i>	

DATE	FINANCIAL INFORMATION	
	Defendant Ibarra, Gabriel	
	Total Charges	278.00
	Total Payments and Credits	0.00
	Balance Due as of 1/19/2016	278.00


CLERK OF THE COURT

JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

GABRIEL IBARRA
#2588689

Defendant.

CASE NO. C308774-1

DEPT. NO. XVII

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crime of LARCENY FROM PERSON (Category C Felony) in violation of NRS 205.270; and the matter having been tried before a jury and the Defendant having been found guilty of the crime of LARCENY FROM PERSON (Category C Felony) in violation of NRS 205.270; thereafter, on the 10th day of December, 2015, the Defendant was present in court for sentencing with counsel JEREMY WOOD, Deputy Public Defender, and good cause appearing,

1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said crime as set forth in
2 the jury's verdict and, in addition to the \$25.00 Administrative Assessment Fee and
3 \$250.00 Indigent Defense Civil Assessment Fee plus \$3.00 DNA Collection Fee, the
4 Defendant is SENTENCED as follows: a MAXIMUM of THIRTY-SIX (36) MONTHS with
5 a MINIMUM parole eligibility of FOURTEEN (14) MONTHS in the Nevada Department
6 of Corrections (NDC), with ONE HUNDRED THIRTY-THREE (133) DAYS credit for time
7 served. As the \$150.00 DNA Analysis Fee and Genetic Testing have been previously
8 imposed, the Fee and Testing in the current case are WAIVED.
9

10
11 DATED this 16 day of December, 2015
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16 MICHAEL VILLANI
17 DISTRICT COURT JUDGE
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 20, 2015

C-15-308774-1 State of Nevada
 vs
 Gabriel Ibarra

August 20, 2015 10:00 AM Initial Arraignment

HEARD BY: De La Garza, Melisa **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Anntoinette Naumec-Miller
 Skye Endresen
 Kristen Brown

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:	Devaney, Kelli M.	Attorney
	Graham, Elana L.	Attorney
	Ibarra, Gabriel	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT. IBARRA ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript. Ms. Devaney made an oral Motion for Discovery pursuant to statute. COURT ADDITIONALLY ORDERED, Motion GRANTED pursuant to NRS 174.235.

CUSTODY

10/13/15 8:30 AM CALENDAR CALL (DEPT 17)

10/19/15 9:00 AM JURY TRIAL (DEPT 17)

CLERK'S NOTE: Clerk gave out incorrect time for Jury Trial in court, correct time is 9:00 a.m. Copies of this Minute Order were placed in the attorney folders of the District Attorney and Public Defender. se/8/25/15

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 06, 2015

C-15-308774-1 State of Nevada
 vs
 Gabriel Ibarra

October 06, 2015	8:30 AM	Petition for Writ of Habeas Corpus	Deft.'s Petition for Writ of Habeas
-------------------------	----------------	---	--

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Michelle Sudano, Dep DA, present on behalf of the State and Jeremy Wood, Dep PD, present on behalf of Deft. Ibarra, who is also present.

This is the time set for hearing on Deft.'s Petition for Writ of Habeas Corpus. Mr. Wood advised that although a crime did occur what happened was not Larceny from the Person. Larceny from the Person requires that the person of another be violated and his/her privacy directly invaded. The cases that cite to this issue specifically deal with pick pockets and purse snatchers. That is not what happened here; the victim handed the phone to the Deft. willingly and after the phone had been handed over, he left.

Argument by Ms. Sudano; the phone starts out on the victim's person. The Deft. then devises a ruse to get the phone from her; i.e. he requested to make a phone call, she hands the phone over, he then takes off. Ms. Sudano believes this incident is akin to purse snatching in that the Deft. used deceit, deception, or stealth in order to effect the crime rather than violence. Additionally, Ms. Sudano believes this is an intent question for the Jury for the reasons stated on the record.

Mr. Wood advised that ruse or trickery is not part of the Statute or a part of the cited Case Law; he discussed Terral. It is clear a crime was committed but it is not Larceny from the Person. Court directed counsel to submit any applicable Case Law by 3:00 p.m. on Wednesday, October 7, 2015, to this Court's Law Clerk. ORDERED, matter CONTINUED for decision.

CUSTODY

10/08/15 8:30 AM DECISION: DEFT.'S PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 08, 2015

C-15-308774-1 State of Nevada
 vs
 Gabriel Ibarra

October 08, 2015 8:30 AM Decision

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Shelley Boyle

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:	Cannizzaro, Nicole J.	Attorney
	Ibarra, Gabriel	Defendant
	State of Nevada	Plaintiff
	Wood, Jeremy	Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Wood argued that Nevada is a "from the person" state; the only the way this could be Larceny from the Person is if Nevada was a state that allowed "larceny in the presence." Further arguing, there are other ways the State could have charged this. Ms. Cannizzaro argued Ms. Sudano did submit case law to the Court, and had previously argued there is a distinction where there is a specific harm to the person, and submitted on the briefings and case law submitted. COURT stated its FINDINGS, and ORDERED, Motion DENIED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 13, 2015

C-15-308774-1 State of Nevada
 vs
 Gabriel Ibarra

October 13, 2015 8:30 AM Calendar Call

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Sandra Pruchnic

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Mary Kay Holthus, Chf Dep DA, present on behalf of the State and Jeremy Wood, Dep PD, present on behalf of Deft. Ibarra, who is also present.

This is the time set for Calendar Call. State and Defense announced ready. COURT ORDERED, matter set for trial on Monday, October 19, 2015; the trial is expected to take three (3) days; there are five (5) to seven (7) witnesses. Court instructed both counsel to provide their proposed Jury Instructions to Chambers on the first day of trial. Any special instructions should include case citations.

CUSTODY

10/19/15 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 15, 2015

C-15-308774-1 State of Nevada
 vs
 Gabriel Ibarra

October 15, 2015 8:30 AM Motion for Discovery

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Michelle Sudano, Dep DA, present on behalf of the State and Jeremy Wood, Dep PD, present on behalf of Deft. Ibarra, who is also present.

This is the time set for hearing on Deft.'s Motion for Discovery. Upon Court's inquiry, Ms. Sudano advised that the State filed a Response to the Deft.'s Motion on Tuesday, October 13, 2015; however, she believes that everything the State has in its possession has been turned over. Mr. Wood CONCURRED; he spoke with Ms. Sudano. It is part of the Public Defender's office policy to file said Motions to preserve the issue but he does not believe there is any outstanding discovery at this time. COURT ORDERED, Mr. Wood to prepare an Order for the Motion. State should sign off approved as to form and content.

For the Record: Ms. Sudano advised that the State did make an offer to the Deft. for an Attempt Larceny from the Person; state agreed to make no recommendation. The Deft. rejected said offer so it is REVOKED at this time.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 19, 2015

C-15-308774-1 State of Nevada
 vs
 Gabriel Ibarra

October 19, 2015 9:30 AM Jury Trial

HEARD BY: Bixler, James

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Michelle Sudano, Dep DA, present on behalf of the State; Jeremy Wood, Dep PD, and Jasmin Spells, Dep PD, present on behalf of Deft., who is also present.

9:47 a.m. Jury Trial commenced. Court and counsel begin Voir Dire examination of the prospective Jurors. Jury and one (1) alternate selected and sworn. Court Clerk read the Information to the Jury and stated the Deft.'s plea thereto.

Opening statements by Ms. Sudano and Ms. Spells. Testimony and exhibits presented (see worksheets).

4:38 p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED.

CUSTODY

CONTINUED TO: 10/20/15 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 20, 2015

C-15-308774-1 State of Nevada
 vs
 Gabriel Ibarra

October 20, 2015 10:00 AM Jury Trial

HEARD BY: Bixler, James

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Michelle Sudano, Dep DA, present on behalf of the State; Jeremy Wood, Dep PD, and Jasmin Spells, Dep PD, present on behalf of Deft., who is also present.

10:46 a.m. Jury Trial resumed. Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Court canvassed Deft. with regard to his right not to testify or to testify in this case. Jury Instructions and Verdict form settled on the record.

JURY PRESENT: Court instructed the Jury. Closing arguments by Ms. Sudano and Mr. Wood; rebuttal by Ms. Sudano.

At the hour of 2:52 p.m., the Jury retired to deliberate. Court thanked and excused the alternate. At the hour of 4:20 p.m., the Jury returned with a verdict as follows: GUILTY of LARCENY FROM THE PERSON (F).

Jury polled; Court thanked and excused the Jury. COURT ORDERED, Deft. REMANDED to custody, without bail.

C-15-308774-1

4:27 p.m. Court ADJOURNED.

CUSTODY

12/10/15 8:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 10, 2015

C-15-308774-1 State of Nevada
vs
Gabriel Ibarra

November 10, 2015	8:30 AM	Motion for Own Recognizance Release/Setting Reasonable Bail	Deft.'s Motion for Own Recognizance Release or, in the Alternative, for Setting of Reasonable Bail
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HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Charles Thoman, Dep DA, present on behalf of the State and Jeremy Wood, Dep PD, present on behalf of Deft. Ibarra, who is also present.

This is the time set for hearing on Deft.'s Motion for Own Recognizance Release or, in the Alternative, for Setting of Reasonable Bail. A Jury Trial was held in this matter on October 19, 2015.. The victim in this matter handed over her cell phone to the Deft. to make a call and he ran off. The Deft. has one prior Felony, this was a non-violent offense, and the Deft. has ties to the community. Therefore, Mr. Wood believes the Deft. is a good candidate for probation.

Court noted that Deft. has a prior Battery, Deadly Weapon case, three (3) failures to appear, and a prior revocation from probation for absconding. Mr. Thoman CONCURRED. COURT ORDERED, Motion DENIED for the reasons set forth above.

C-15-308774-1

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 10, 2015

C-15-308774-1 State of Nevada
 vs
 Gabriel Ibarra

December 10, 2015 8:30 AM Sentencing

HEARD BY: Villani, Michael **COURTROOM:** RJC Courtroom 11A

COURT CLERK: Carol Donahoo

RECORDER: Michelle Ramsey

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Michelle Sudano, Dep DA, present on behalf of the State and Jeremy Wood, Dep PD, present on behalf of Deft. Ibarra, who is also present.

Pursuant to the Jury's verdict, DEFT. IBARRA ADJUDGED GUILTY of LARCENY FROM PERSON (F). The State is requesting a sentence of fourteen (14) to forty-eight (48) months for the reasons stated on the record. Statement by Deft. Argument by Mr. Wood; the Deft. has one (1) prior felony. The Defense contests the nature of the charges and the offense here. For the reasons stated on the record, Mr. Wood is requesting that the Court give the Deft. a chance on probation.

COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, the e\$150.00 DNA Analysis fee including testing to determine genetic markers, which was collected on August 31, 2007, the \$3.00 DNA Collection fee, and an Indigent Defense Civil Assessment fee in the amount of \$250.00, Deft. SENTENCED to a MAXIMUM of THIRTY-SIX (36) MONTHS and a MINIMUM of FOURTEEN (14) MONTHS in the Nevada Department of Corrections (NDC), with ONE HUNDRED THIRTY-THREE (133) DAYS credit for time served.

BOND, if any, EXONERATED

STATE'S EXHIBITS

CASE NO.

C308774

Year 2015

[illegible]

CASE NO.

DATE	OFFERED	OBJ	DATE	ADMITTED
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[illegible]

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; REQUEST FOR
ROUGH DRAFT TRANSCRIPT; DISTRICT COURT DOCKET ENTRIES; JUDGMENT OF
CONVICTION (JURY TRIAL); DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

GABRIEL IBARRA,

Defendant(s).

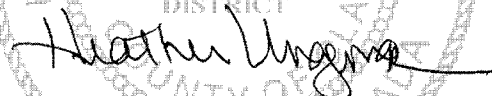
Case No: C308774

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 19 day of January 2016.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk