

CLERK OF THE COURT

JESS R. MARCHESE, ESQ.
Nevada bar No. 8175
601 S. Las Vegas Blvd.
Las Vegas, NV 89101
(702) 385-5377 Fax (702) 474-4210
Attorney for Defendant – TOMMY STEWART

Electronically Filed
May 25 2016 11:38 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,)	Case No.: C-15-305984-1
)	Dept. No.: XXI
)	
Plaintiff,)	
)	
v.)	
)	
TOMMY STEWART,)	
)	
Defendant.)	

NOTICE OF APPEAL


TO: THE STATE OF NEVADA

STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY, NEVADA and
DEPARTMENT NO XXI OF THE EIGHTH JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK.

NOTICE is hereby given that Defendant, Tommy Stewart, presently incarcerated in the Nevada Department of Corrections, appeals to the Supreme Court of the State of Nevada from the judgment entered against said Defendant on the 17th day of May, 2016 whereby he was convicted of COUNT 1-CONSPIRACY TO COMMIT ROBBERY, 13-60 months, concurrent with COUNT 2; COUNT 2-BUGLARY, 22-96, concurrent with COUNT 3; COUNT 3-ROBBERY, 8-20 years concurrent with COUNT 4; COUNT 4-FIRST DEGREE KIDNAPPING,

1 5 years to life with the possibility of parole with FOUR HUNDRED AND FIFTY TWO (452)
2 DAYS credit for time served.

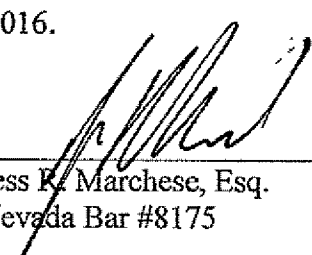
3 DATED this 18th day of May, 2016

4
5 
6 JESS R. MARCHESE, ESQ.
7 Nevada Bar #8175

8 **DECLARATION OF MAILING**

9 Jess R. Marchese, hereby declares that he is, and was when the herein described mailing
10 took place, a citizen of the United States , over 21 years of age, and not a party to, nor interested
11 in, the within action; that on the 18th day of May 2016, declarant deposited in the United States
12 mail at Las Vegas, Nevada, a copy the Notice of Appeal in the case of the State of Nevada vs
13 Tommy Stewart, Case No. C305984, enclosed in a sealed envelope upon which first class
14 postage was fully prepaid, addressed to Tommy Stewart #2731067, PO Box 650, Indian Springs,
15 Nevada 89070. That there is regular communication by mail between the place of mailing and
16 the place so addressed. I declare under penalty of perjury that the foregoing is true and correct.

17 EXECUTED on the 18th day of May, 2016.

18
19 
20 Jess R. Marchese, Esq.
21 Nevada Bar #8175

22 **RECEIPT OF COPY**

23 RECEIPT OF COPY of the foregoing Notice of Appeal is hereby acknowledged this

24 19 day of MAY 2016.

25 STEVEN B. WOLFSON
26 CLARK COUNTY DISTRICT ATTORNEY
27 

28 By: _____

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK

Electronically Filed
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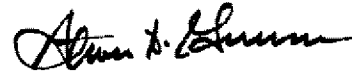
THE STATE OF NEVADA,

Plaintiff,

-VS-

TOMMY STEWART,

Defendant.



CLERK OF THE COURT

CASE APPEAL STATEMENT

1. **Appellant filing this case appeal statement:** Tommy Stewart.

2. **Judge issuing the decision, judgment, or order appealed from:**
Honorable Valerie Adair.

3. **Identify each Appellant and their name and address:** Louis Taylor,
Defendant/Appellant.

JESS R. MARCHESE for Appellant
601 S. Las Vegas Blvd.
Las Vegas, NV 89101
702-385-5377

STEVEN B. WOLFSON for Respondent
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155
702-671-2700

4. **Identify each Respondent and their name and address:** The State of
Nevada, Plaintiff/Respondent.

STEVEN B. WOLFSON for Respondent
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155
702-671-2700

5. **Indicate whether any attorney identified in above response to
question 3 or 4 is not licensed to practice law in Nevada:** All parties are licensed to practice
law in Nevada.

1 6. **Whether appellant was represented by appointed or retained counsel**
2 **in the district court:** Appointed.

3 7. **Whether appellant is represented by appointed or retained counsel**
4 **on appeal:** Appointed.

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

7 9. **Date proceedings commenced in the district court (e.g., date**
8 **complaint, indictment, information, or petition was filed):** Information 4/24/15.

9 10. **Brief description of the action:** Criminal appeal from a jury verdict.

10 11. **Indicate whether the case has previously been the subject of an appeal**
11 **or original writ in the Supreme Court:** No, it has not.

12 12. **Indicate whether this appeal involves child custody or visitation:** No.

13 13. **This is not a civil case.**

14
15 DATED this 18th day of May, 2016.

16
17
18 By: 

19 JESS R. MARCHESE, ESQ.
20 Nevada Bar #8175
21 601 S. Las Vegas Blvd.
22 Las Vegas, Nevada 89101
23 702-385-5377
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DEPARTMENT 21
CASE SUMMARY
CASE NO. C-15-305984-1

State of Nevada
vs
Tommy Stewart

§	Location:	Department 21
§	Judicial Officer:	Adair, Valerie
§	Filed on:	04/17/2015
§	Case Number History:	
§	Cross-Reference Case	C305984
§	Number:	
§	Defendant's Scope ID #:	2731067
§	ITAG Case ID:	1668281
§	Lower Court Case # Root:	15F02411
§	Lower Court Case Number:	15F02411X
§	Supreme Court No.:	70069

CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. CONSPIRACY TO COMMIT ROBBERY	F	01/20/2015		
Arrest: 02/14/2015			Case Flags:	Appealed to Supreme Court
2. BURGLARY WHILE IN POSSESSION OF A FIREARM	F	01/20/2015		Custody Status - Nevada
3. ROBBERY WITH USE OF A DEADLY WEAPON	F	01/20/2015		Department of Corrections
4. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON	F	01/20/2015		Charge Description Updated
				Bail Setting
				<i>\$1,000,000 Cash or \$1,000,000 Surety</i>
				In Custody - CCDC

Statistical Closures
05/13/2016 Jury Trial - Conviction - Criminal

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	C-15-305984-1
Court	Department 21
Date Assigned	03/14/2016
Judicial Officer	Adair, Valerie





PARTY INFORMATION

Defendant	Stewart, Tommy	<i>Lead Attorneys</i> Marchese, Jess R. <i>Retained</i> 702-385-5377(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

















DATE

EVENTS & ORDERS OF THE COURT

INDEX

04/17/2015	 Criminal Bindover <i>Criminal Bindover</i>
04/24/2015	 Information <i>Information</i>
05/04/2015	 Initial Arraignment (9:30 AM) (Judicial Officer: De La Garza, Melisa)
05/05/2015	 Transcript of Proceedings <i>Reporter's Transcript of Preliminary Hearing 04/16/15</i>
05/20/2015	












DEPARTMENT 21
CASE SUMMARY
CASE NO. C-15-305984-1

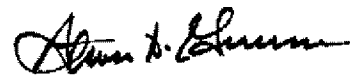
	 Motion to Compel <i>Defendant's Motion to Compel Disclosure of Brady Material</i>
05/22/2015	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Expert Witnesses</i>
05/26/2015	 Response <i>State's Response to Defendant's Motion to Compel Disclosure of Brady Material</i>
05/26/2015	 Motion to Continue <i>Notice of Motion and Motion to Continue</i>
05/29/2015	 Opposition <i>Opposition to State's Motion to Continue</i>
06/01/2015	 Motion to Compel (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Defendant's Motion to Compel Disclosure of Brady Material</i>
06/03/2015	 Notice <i>Notice of Intent to Seek Punishment as a Habitual Criminal</i>
06/03/2015	 Motion to Continue (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>State's Motion to Continue</i>
06/05/2015	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses</i>
06/08/2015	 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus ad Subjugation</i>
06/09/2015	 Motion <i>Motion to Exclude Irrelevant and Prejudicial Evidence</i>
06/10/2015	 Ex Parte <i>Ex Parte Motion and Order for Release of Evidence</i>
06/10/2015	 Calendar Call (8:00 AM) (Judicial Officer: Becker, Nancy)
06/15/2015	CANCELED Jury Trial (9:30 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated</i>
06/17/2015	 Order for Petition for Writ of Habeas Corpus
06/22/2015	 Motion (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Motion to Exclude Irrelevant and Prejudicial Evidence</i>
06/22/2015	 Minute Order (9:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Order for Petition for Writ of Habeas Courpus</i>
06/25/2015	CANCELED Jury Trial (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated</i>

DEPARTMENT 21
CASE SUMMARY
CASE NO. C-15-305984-1

07/29/2015	 Calendar Call (8:00 AM) (Judicial Officer: Smith, Douglas E.)
08/03/2015	CANCELED Jury Trial (9:30 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated</i>
08/10/2015	CANCELED Petition for Writ of Habeas Corpus (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated</i>
08/12/2015	 Status Check (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>STATUS CHECK: APPOINTMENT OF COUNSEL / RESET TRIAL</i>
03/02/2016	 Calendar Call (8:00 AM) (Judicial Officer: Smith, Douglas E.)
03/07/2016	 Motion to Suppress <i>Motion to Suppress Defendant's Statement</i>
03/08/2016	 Opposition <i>State's Opposition to Defendant's Motion to Suppress Defendant's Statement</i>
03/09/2016	 At Request of Court (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Motion to Suppress Defendant's Statement</i>
03/09/2016	 Opposition to Motion <i>State's Opposition to Defendant's Motion to Suppress Defendant's Statement</i>
03/11/2016	 Overflow (8:30 AM) (Judicial Officer: Barker, David) <i>OVERFLOW IN DC 18 (8): ALEXIS/JMARCHESE / 4 TRIAL DAYS / 5-8 WITNESSES, ONE OUT OF STATE</i>
03/14/2016	CANCELED Jury Trial (9:00 AM) (Judicial Officer: Adair, Valerie) <i>Vacated - per Secretary</i>
03/14/2016	 Jury Trial (9:00 AM) (Judicial Officer: Adair, Valerie) 03/14/2016-03/16/2016
03/14/2016	CANCELED Jury Trial (9:30 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - per Judge</i>
03/14/2016	 Jury List
03/16/2016	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Adair, Valerie) <i>Vacated - per Secretary</i>
03/17/2016	 Jury Trial (9:00 AM) (Judicial Officer: Adair, Valerie)
03/17/2016	 Order <i>Order Denying Defendant's Motion to Suppress Defendant's Statement</i>
03/17/2016	 Instructions to the Jury
03/17/2016	 Verdict

DEPARTMENT 21
CASE SUMMARY
CASE NO. C-15-305984-1

03/17/2016	 Amended Jury List
03/28/2016	CANCELED Motion to Suppress (8:00 AM) (Judicial Officer: Smith, Douglas E.) <i>Vacated - Duplicate Entry</i> <i>Motion to Suppress Defendant's Statement</i>
03/28/2016	 Notice of Appeal (criminal)
03/30/2016	 Case Appeal Statement <i>Case Appeal Statement</i>
04/21/2016	 Notice of Rescheduling <i>Notice of Rescheduling of Hearing</i>
04/27/2016	 Application to Proceed in Forma Pauperis Filed By: Defendant Stewart, Tommy
05/02/2016	 PSI
05/02/2016	 PSI - Victim Impact Statements
05/10/2016	 Sentencing (9:30 AM) (Judicial Officer: Adair, Valerie)
05/12/2016	 Criminal Order to Statistically Close Case <i>Criminal Order to Statistically Close Case</i>
05/17/2016	 Judgment of Conviction <i>JUDGMENT OF CONVICTION (JURY TRIAL)</i>
05/19/2016	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
05/19/2016	 Case Appeal Statement <i>Case Appeal Statement</i>



CLERK OF THE COURT

JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

TOMMY STEWART aka
Tommy Laquade Stewart
#2731067

Defendant.

CASE NO. C305984-1

DEPT. NO. XXI

JUDGMENT OF CONVICTION
(JURY TRIAL)



The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 – CONSPIRACY TO COMMIT ROBBERY (Category B Felony) in violation of NRS 200.380, 199.480, COUNT 2 – BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony) in violation of NRS 205.060, COUNT 3 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.165, and COUNT 4 – FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.310, 200.320, 193.165; and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNT 1 – CONSPIRACY TO COMMIT ROBBERY (Category B Felony) in

1 violation of NRS 200.380, 199.480, COUNT 2 – BURGLARY (Category B Felony) in
2 violation of NRS 205.060, COUNT 3 – ROBBERY (Category B Felony) in violation of
3 NRS 200.380, and COUNT 4 – FIRST DEGREE KIDNAPPING (Category A Felony) in
4 violation of NRS 200.310, 200.320; thereafter, on the 10th day of May, 2016, the
5 Defendant was present in court for sentencing with counsel JESS R. MARCHESE,
6 ESQ., and good cause appearing,
7

8 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
9 addition to the \$25.00 Administrative Assessment Fee, \$2,875.00 Restitution plus \$3.00
10 DNA Collection Fee, the Defendant is SENTENCED to the Nevada Department of
11 Corrections (NDC) as follows: **COUNT 1** - to a MAXIMUM of SIXTY (60) MONTHS with
12 a MINIMUM parole eligibility of THIRTEEN (13) MONTHS; **COUNT 2** - to a MAXIMUM
13 of NINETY-SIX (96) MONTHS with a MINIMUM parole eligibility of TWENTY-TWO (22)
14 MONTHS, CONCURRENT with COUNT 1; **COUNT 3** - to a MAXIMUM of TWENTY
15 (20) YEARS with a MINIMUM parole eligibility of EIGHT (8) YEARS, CONCURRENT
16 with COUNT 2; and **COUNT 4** - LIFE with the eligibility for parole after serving a
17 MINIMUM parole eligibility of FIVE (5) YEARS, CONCURRENT with COUNT 3; with
18 FOUR HUNDRED FIFTY-TWO (452) DAYS credit for time served. As the \$150.00
19 DNA Analysis Fee and Genetic Testing have been previously imposed, the Fee and
20 Testing in the current case are WAIVED.
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22 DATED this 16th day of May, 2016
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VALERIE P. ADAIR 
DISTRICT COURT JUDGE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 04, 2015

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

May 04, 2015 9:30 AM Initial Arraignment

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

COURT CLERK: Monique Alberto
 Anntoinette Naumec-Miller
 Robin Thomas
 Natalie Ortega

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT: Ross, Katrina Attorney
 Stewart, Tommy Defendant

JOURNAL ENTRIES

- Genevieve Craggs, Certified Law Student, present for the State of Nevada.

DEFT. STEWART ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript.

CUSTODY

6/10/15 8:00 A.M. CALENDAR CALL (DEPT 8)

6/15/15 9:30 A.M. JURY TRIAL (DEPT 8)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 01, 2015

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

June 01, 2015 8:00 AM Motion to Compel

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Louisa Garcia

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Jones, Tierra D.	Attorney
	Ross, Katrina	Attorney
	State of Nevada	Plaintiff
	Stewart, Tommy	Defendant

JOURNAL ENTRIES

- COURT ORDERED, Brady and statutory GRANTED. Ms. Ross stated there were two specific items she requested. Ms. Ross stated she received the photographs used during the interview on Friday. However, she was still waiting for the lift card of the fingerprint. State advised she would issue an administrative subpoena for the lift card. Ms. Ross stated she would meet with State to do a file review if there was anything outstanding. COURT SO NOTED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 03, 2015**

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

June 03, 2015 8:00 AM Motion to Continue

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Louisa Garcia

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Lexis, Agnes	Attorney
	Ross, Katrina	Attorney
	State of Nevada	Plaintiff
	Stewart, Tommy	Defendant

JOURNAL ENTRIES

- COURT ORDERED, Motion to Continue DENIED; trial date extended as Court's calendar was full between now and the 24th. Ms. Ross stated Defendant invoked his speedy trial rights and she was in the process of hiring an expert witness. If Defendant waived his speedy trial right she would be requesting a continuance. Upon Court's inquiry, Defendant stated he does not wish to waive his right to a speedy trial. COURT ORDERED, trial date VACATED and RESET; counsel to start picking a jury on the 25th.

CUSTODY

6/25/15 8:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 10, 2015

C-15-305984-1

State of Nevada

vs

Tommy Stewart

June 10, 2015

8:00 AM

Calendar Call

HEARD BY: Becker, Nancy

COURTROOM: RJC Courtroom 16D

COURT CLERK: Louisa Garcia

RECORDER: Jill Jacoby

REPORTER:

PARTIES**PRESENT:**

Lexis, Agnes

Attorney

Ross, Katrina

Attorney

State of Nevada

Plaintiff

Stewart, Tommy

Defendant

JOURNAL ENTRIES

- Court noted this matter has a firm setting of June 25, 2015. Ms. Ross stated she was not ready to proceed; the State just filed a Notice of Habitual Criminal Treatment and she still had outstanding evidence. Ms. Ross further stated Defendant has not waived his right to a speedy trial. Ms. Lexis stated the Court informed Defendant that his lawyer was not ready to proceed to trial; the Court asked Defendant if he would waive his right to a speedy trial and he refused. Ms. Lexis stated as to the Motion in Limine she was not planning on introducing that evidence at this point; therefore, it was moot. State advised it was her understanding counsel has everything except the fingerprint lift card; it was subpoenaed and she will make it available as soon as possible. Court advised the Information was filed in April; clearly that would not be a speedy right violation. Court informed the Defendant a speedy trial does not mean he can go to trial in 60 days. It means he can go to trial in a reasonable amount of time based upon each case. Court advised there was no requirement Defendant be required to waive his speedy trial rights to continue the trial; the only issue was if the continuance was warranted. Based on representations, COURT ORDERED, trial date VACATED and RESET. Court advised the State if their officer was not available to place the matter back on calendar within the next week.

CUSTODY

7/29/15 8:00 AM CALENDAR CALL

8/3/15 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 22, 2015

C-15-305984-1 State of Nevada
vs
Tommy Stewart

June 22, 2015

8:00 AM

Motion

Defendant's Motion to Exclude Irrelevant and Prejudicial Evidence

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Tena Jolley

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Lexis, Agnes	Attorney
	Ross, Katrina	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Ross advised State indicated they are not opposing the motion and do not intend to illicit testimony regarding pawn shops and requested motion be granted. Ms. Lexis concurred. COURT ORDERED, Motion GRANTED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 22, 2015

C-15-305984-1

State of Nevada

vs

Tommy Stewart

June 22, 2015

9:00 AM

Minute Order

Order Re: June 17,
2015 Order for
Petition for Writ of
Habeas Corpus

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 16D

COURT CLERK: Louisa Garcia

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Defendant in this case filed a Petition for Writ of Habeas Corpus. The Court signed an order that ordered the State to respond to Defendant s petition and set a hearing. However, after speaking to counsel for both parties, it is the Court s understanding that Defendant is currently represented by the Public Defender s Office and yet filed the petition himself without going through counsel. Therefore, the Court finds the petition was improperly filed and Defendant needs to file motions through his attorney. Defendant s counsel now has a copy of the petition and will decide how the defense will choose to proceed with the petition. COURT ORDERED, its June 17, 2015 order requiring the State to respond to Defendant s petition VACATED. Furthermore, COURT ORDERED, the August 10, 2015 hearing VACATED.

CLERK'S NOTE: The above minute order has been distributed to: Tierra Jones at tierra.jones@clarkcountynv.gov; Katrina Ross at katrina.ross@clarkcountynv.gov. /lg 6-22-15

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 29, 2015

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

July 29, 2015 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Louisa Garcia

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:	Jones, Tierra D.	Attorney
	Ross, Katrina	Attorney
	State of Nevada	Plaintiff
	Stewart, Tommy	Defendant

JOURNAL ENTRIES

- Following Conference at the Bench, COURT ORDERED, Public Defender WITHDRAWN due to a conflict of interest. State advised they would have been ready to go to trial. COURT ORDERED, trial date VACATED and matter SET for status check.

CUSTODY

8/12/15 8:00 AM STATUS CHECK: APPOINTMENT OF COUNSEL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 12, 2015

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

August 12, 2015 8:00 AM Status Check

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Louisa Garcia

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Marchese, Jess R.	Attorney
	State of Nevada	Plaintiff
	Stewart, Tommy	Defendant
	Thomson, Megan	Attorney

JOURNAL ENTRIES

- Mr. Marchese accepted appointment of counsel; Public Defender WITHDRAWN. Ms. Ross provided a copy of the file to Mr. Marchese. COURT ORDERED, trial date VACATED and RESET.

CUSTODY

3/2/16 8:00 AM CALENDAR CALL

3/14/16 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 02, 2016

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

March 02, 2016 8:00 AM Calendar Call

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11B

COURT CLERK: Tena Jolley

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Lexis, Agnes	Attorney
	Marchese, Jess R.	Attorney
	State of Nevada	Plaintiff
	Stewart, Tommy	Defendant

JOURNAL ENTRIES

- The State announced ready for no more than four Trial days and five to eight witnesses (one out of state). Mr. Marchese agreed. COURT ORDERED, Trial date VACATED and matter REFERRED to OVERFLOW.

CUSTODY

3/11/16 8:30 AM OVERFLOW IN DC 18 (8) / 4 TRIAL DAYS / 5-8 WITNESSES, ONE OUT OF STATE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 09, 2016

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

March 09, 2016 8:00 AM At Request of Court

HEARD BY: Smith, Douglas E. **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Keri Cromer

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	Jones, Tierra D.	Attorney
	State of Nevada	Plaintiff
	Stewart, Tommy	Defendant

JOURNAL ENTRIES

- State's Opposition to Defendant's Motion to Suppress Defendant's Statement FILED IN OPEN COURT

Ms. Jones advised Mr. Marchese was in Henderson. COURT ORDERED, Motion DENIED; Overflow date of 3/11/2016 STANDS. State to prepare findings of fact and conclusions of law consistent with their opposition.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 11, 2016

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

March 11, 2016 8:30 AM Overflow

HEARD BY: Barker, David **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT:	Lexis, Agnes	Attorney
	Marchese, Jess R.	Attorney
	State of Nevada	Plaintiff
	Stewart, Tommy	Defendant

JOURNAL ENTRIES

- Court confirmed trial will take 4 days with 5 - 8 witnesses, one out of state. COURT ORDERED, matter SET for trial.

CUSTODY

3/14/16 9:00 AM JURY TRIAL - DC 21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 14, 2016

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

March 14, 2016 9:00 AM Jury Trial

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER:

REPORTER:

PARTIES

PRESENT:	Jones, Tierra D.	Attorney
	Lexis, Agnes	Attorney
	Marchese, Jess R.	Attorney
	State of Nevada	Plaintiff
	Stewart, Tommy	Defendant

JOURNAL ENTRIES

- IN THE PRESENCE OF THE JURY. Introductions by counsel. Roll of jurors called by the clerk. Jury selected and SWORN. Information read by the clerk. Opening statements by Ms. Tierra. Mr. Marchese WAIVED opening statements. Testimony and exhibits presented per worksheet. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 15, 2016

C-15-305984-1 State of Nevada
vs
Tommy Stewart

March 15, 2016 10:45 AM Jury Trial

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Jones, Tierra D.	Attorney
	Lexis, Agnes	Attorney
	Marchese, Jess R.	Attorney
	State of Nevada	Plaintiff
	Stewart, Tommy	Defendant

JOURNAL ENTRIES

- Testimony and exhibits presented per worksheet. The Stated RESTED. OUTSIDE THE PRESENCE OF THE JURY. The Court admonished the defendant regarding his constitutional right to not be compelled to testify on his own behalf. Argument by Mr. Marchese regarding the weapon in the Corolla. Ms. Jones stated it goes to identification and is absolutely relevant. COURT FINDS, it ties the defendant in with the gun used in the crime. Jury instructions settled on the record. Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 16, 2016

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

March 16, 2016 10:00 AM Jury Trial

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Jones, Tierra D.	Attorney
	Lexis, Agnes	Attorney
	Marchese, Jess R.	Attorney
	State of Nevada	Plaintiff
	Stewart, Tommy	Defendant

JOURNAL ENTRIES

- IN THE PRESENCE OF THE JURY. Defense RESTED. The Court instructed the jury on the law of the case. Closing arguments by Ms. Jones. Closing arguments by Mr. Marchese. Closing arguments by Ms. Lexis.

At the hour of 11:55 AM the jury retired to deliberate.

Evening recess. MATTER CONTINUED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 17, 2016

C-15-305984-1 State of Nevada
 vs
 Tommy Stewart

March 17, 2016 9:00 AM Jury Trial

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Denise Husted

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Jones, Tierra D.	Attorney
	Lexis, Agnes	Attorney
	Marchese, Jess R.	Attorney
	State of Nevada	Plaintiff
	Stewart, Tommy	Defendant

JOURNAL ENTRIES

- At the hour of 12:10 PM the jury returned with the following verdict.

Count 1 - Guilty of Conspiracy to Commit Robbery;
Count 2 - Guilty of Burglary;
Count 3 - Guilty of Robbery;
Count 4 - Guilty of First Degree Kidnapping.

COURT ORDERED, matter referred to the Division of Parole and Probation for a presentence investigation report and SET for SENTENCING. FURTHER, defendant REMANDED without bail.

CUSTODY

5/5/16 9:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 10, 2016

C-15-305984-1 State of Nevada
vs
Tommy Stewart

May 10, 2016

9:30 AM

Sentencing

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Shelley Boyle

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Lexis, Agnes	Attorney
	Marchese, Jess R.	Attorney
	State of Nevada	Plaintiff
	Stewart, Tommy	Defendant

JOURNAL ENTRIES

- Colloquy regarding Deft's Pre-Sentence Investigation (PSI) Report. Arguments by counsel. Certified copies of Judgments of Conviction given to the Court by Ms. Lexis were marked and admitted as a State's Exhibit. DEFT STEWART ADJUDGED GUILTY of COUNT 1 - CONSPIRACY TO COMMIT ROBBERY (F), COUNT 2 - BURGLARY (F), COUNT 3 - ROBBERY (F), and COUNT 4 - FIRST DEGREE KIDNAPPING (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and \$3.00 DNA Collection fee, Deft. SENTENCED on COUNT 1 to a MINIMUM of THIRTEEN (13) MONTHS and MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC), on COUNT 2 to a MINIMUM of TWENTY-TWO (22) MONTHS and MAXIMUM of NINETY-SIX (96) MONTHS in the NDC, COUNT 2 shall run CONCURRENT WITH COUNT 1, on COUNT 3 under the Small Habitual Criminal Statute to a MINIMUM of EIGHT (8) YEARS and MAXIMUM of TWENTY (20) YEARS in the NDC, COUNT 3 shall run CONCURRENT WITH COUNT 2, and on COUNT 4 to LIFE with a MINIMUM parole eligibility after FIVE (5) YEARS in the NDC, COUNT 4 shall run CONCURRENT WITH COUNT 3, with FOUR HUNDRED FIFTY-TWO (452) DAYS credit for time served. COURT FURTHER ORDERED, the \$150.00 DNA Analysis fee including testing to determine genetic markers WAIVED, if previously collected. BOND, if any,

C-15-305984-1

EXONERATED.

NDC

	Date Offered	Objection	Date Admitted
1. Photo - 911 Call eD	3/14/16	Stip	3/14/16
2. Photo - Bells Market	3/15/16	Stip	3/15/16
3. Photo - White vehicle	3/15/16	Stip	3/15/16
4. Photo - Nevada license 667-LPK	3/15/16	Stip	3/15/16
5. Photo - White Corolla	3/15/16	Stip	3/15/16
6. Photo - White Corolla	3/15/16	Stip	3/15/16
7. Photo - VIN Number	3/15/16	Stip	3/15/16
8. Photo - Newport cig./marijuana/white purse	Withdrawn		
9. Photo - White purse and contents	Withdrawn		
10. Photo - Purse and contents/weapon	3/15/16	Obj	3/15/16
11. Photo - White purse	3/15/16	Obj	3/15/16
12. Photo - White purse	3/15/16	Obj	3/15/16
13. Photo - White purse	3/15/16	Obj	3/15/16
14. Photo - White purse/black garbage bag	3/15/16	Obj	3/15/16
15. Photo - Weapon	3/15/16	Obj	3/15/16
16. Photo - Weapon	3/15/16	Obj	3/15/16
17. Photo - Weapon/Ruger P95DC	3/15/16	Obj	3/15/16
18. Photo - Weapon/Ruger/316-20373	3/15/16	Obj	3/15/16
19. Photo - Weapon/Ruger	3/15/16	Obj	3/15/16
20. Photo - Weapon	3/15/16	Obj	3/15/16
21. Photo - Weapon	3/15/16	Obj	3/15/16
22. Photo - Weapon	3/15/16	Obj	3/15/16
23. Photo - Weapon/Ruger	3/15/16	Obj	3/15/16
24. Photo - Weapon and bullets	3/15/16	Obj	3/15/16
25. Photo - Weapon	3/15/16	Obj	3/15/16
26. Photo - Gun handle	3/15/16	Obj	3/15/16

27. Photo – Weapon/Bullet and Cartridge	3/15/16	Obj	3/15/16
28. Photo – Weapon/Bullet and Cartridge	3/15/16	Obj	3/15/16
29. Photo – Patio	3/15/16	Obj	3/15/16
30. Photo – Patio #101	3/14/16	Stip	3/14/16
31. Photo – Post/101	3/15/16	Stip	3/15/16
32. Photo – Patio gate	3/15/16	Stip	3/15/16
33. Photo – Entry	3/15/16	Stip	3/15/16
34. Photo – Door jamb	3/15/16	Stip	3/15/16
35. Photo – Door	3/15/16	Stip	3/15/16
36. Photo – Living Room	3/15/16	Stip	3/15/16
37. Photo – Living Room	3/14/16	Stip	3/14/16
38. Photo – Living Room	3/15/16	Stip	3/15/16
39. Photo – Living Room	3/14/16	Stip	3/14/16
40. Photo – Living Room	3/15/16	Stip	3/15/16
41. Photo – Living Room	3/15/16	Stip	3/15/16
42. Photo – Facing kitchen area	3/14/16	Stip	3/14/16
43. Photo – Facing kitchen area	3/15/16	Stip	3/15/16
44. Photo – Dresser	3/15/16	Stip	3/15/16
45. Photo – Items on floor	3/14/16	Stip	3/14/16
46. Photo – Items on floor	3/14/16	Stip	3/14/16
47. Photo – Dining area/kitchen	3/15/16	Stip	3/15/16
48. Photo – Dining area	3/15/16	Stip	3/15/16
49. Photo – Kitchen	3/15/16	Stip	3/15/16
50. Photo – Kitchen	3/15/16	Stip	3/15/16
51. Photo – Kitchen	3/15/16	Stip	3/15/16
52. Photo – Kitchen	3/15/16	Stip	3/15/16
53. Photo – Living room looking into another room	3/15/16	Stip	3/15/16

54. Photo – Beaded doorway	3/14/16	Stip	3/14/16
55. Photo – Washer and dryer	3/14/16	Stip	3/14/16
56. Photo – Washer and dryer	3/14/16	Stip	3/14/16
57. Photo – Step stool	3/15/16	Stip	3/15/16
58. Photo – Bedroom	3/15/16	Stip	3/15/16
59. Photo – Dresser	3/15/16	Stip	3/15/16
60. Photo – Bed	3/15/16	Stip	3/15/16
61. Photo – Floor of bedroom	3/14/16	Stip	3/14/16
62. Photo – Bedroom	3/14/16	Stip	3/14/16
63. Photo- Bedroom	3/14/16	Stip	3/14/16
64. Photo – Closet	3/14/16	Stip	3/14/16
65. Photo – Bedroom	3/15/16	Stip	3/15/16
66. Photo – Closet	3/14/16	Stip	3/14/16
67. Photo – Closet	3/14/16	Stip	3/14/16
68. Photo – Bed	3/15/16	Stip	3/15/16
69. Photo – Nightstand	3/15/16	Stip	3/15/16
70. Photo – Doorway	3/15/16	Stip	3/15/16
71. Photo – Looking into bathroom	3/14/16	Stip	3/14/16
72. Photo – Mirror	3/15/16	Stip	3/15/16
73. Photo – Jewelry stand	3/14/16	Stip	3/14/16
74. Photo – Clothes rack/desk	3/14/16	Stip	3/14/16
75. Photo – Shoes on floor	3/15/16	Stip	3/15/16
76. Photo – Clothes rack/desk	3/15/16	Stip	3/15/16
77. Photo – Trunk	3/15/16	Stip	3/15/16
78. Photo – Bathroom	3/15/16	Stip	3/15/16
79. Photo – Bathroom	3/15/16	Stip	3/15/16
80. Photo – Wood door	3/15/16	Stip	3/15/16

81. Photo – Wood door	3/15/16	Stip	3/15/16
82. Photo – Wood door	3/15/16	Stip	3/15/16
83. Photo – Wood door	3/15/16	Stip	3/15/16
84. Photo – Box	3/14/16	Stip	3/14/16
85. Photo – Box	3/14/16	Stip	3/14/16
86. Photo – Ceramic Coin Bank	3/14/16	Stip	3/14/16
87. Photo - Line Up Witness Instructions	3/14/16	Stip	3/14/16
88. LVMPD Report of Examination	3/14/16	Obj	
89. Finger prints	3/15/16	Obj	3/15/16
90. CD Tommy Stewart calls	3/15/16	Stip	3/15/16
91. Photo – Parking Lot	3/15/16	Stip	3/15/16
92. Photo – Market and gas station	3/15/16	Stip	3/15/16
93. Photo –View of parking lot	3/15/16	Stip	3/15/16
94. Photo – View of parking lot	3/15/16	Stip	3/15/16
95. Photo – Latent prints	3/15/16	Obj.	3/15/16
96. Photo – Latent prints	3/15/16	Obj.	3/15/16
97. Photo – Latent prints	3/15/16	Obj.	3/15/16
98. Photo – Chart of prints	3/15/16	Stip	3/15/16

Court's EXHIBITS

CASE NO. C305984

[illegible]

EXHIBIT(S) LIST

Case No.: C305984

Hearing / Trial Date: 5/10/16

Dept. No.: 21

Judge: VALARIE ADAIR

Plaintiff: STATE OF NEVADA

Court Clerk: SHELLEY BOYLE

Recorder / Reporter: SUSIE SCHOFIELD

Counsel for Plaintiff: AGNES LEXIS

VS.

Defendant: TOMMY STEWART

Counsel for Defendant: JESS MARCHESE

SENTENCING

STATE'S EXHIBITS

[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; DISTRICT COURT
DOCKET ENTRIES; JUDGMENT OF CONVICTION (JURY TRIAL); DISTRICT COURT
MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

TOMMY STEWART aka TOMMY LAQUADE
STEWART,

Defendant(s).

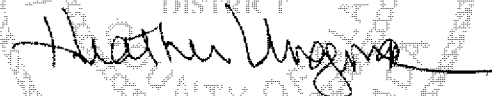
Case No: C-15-305984-1

Dept No: XXI

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 23 day of May 2016.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk