

IN THE SUPREME COURT OF THE STATE OF NEVADA

TOMMY STEWART

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

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)
)

Case No. 70069

Electronically Filed
Sep 15 2016 04:26 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

RESPONDENT'S APPENDIX

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on September 15, 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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BY /s/ E.Davis
Employee, District Attorney's Office

JEV/Michael Schwartz/ed

LAS VEGAS JUSTICE COURT
FILED IN OPEN COURT

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

FEB 18 2015

THE STATE OF NEVADA,

Plaintiff,

-vs-

TOMMY STEWART, aka,
Tommy Laquade Stewart #2731067,

Defendant.

BY: 

CASE NO: 15F02411X

DEPT NO: 11

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147); BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - NOC 50426); ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138); FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.310, 200.320, 193.165 - NOC 50055) and OPEN OR GROSS LEWDNESS (Gross Misdemeanor - NRS 201.210 - NOC 50971), in the manner following, to-wit: That the said Defendant, on or about the 20th day of January, 2015, at and within the County of Clark, State of Nevada,

COUNT 1 - CONSPIRACY TO COMMIT ROBBERY

did wilfully, unlawfully, and feloniously conspire with an unknown individual to commit a robbery.

COUNT 2 - BURGLARY WHILE IN POSSESSION OF A FIREARM

did then and there wilfully, unlawfully, and feloniously enter, with intent to commit larceny and/or robbery, that certain structure occupied by NATASHA LUMBA, located at 805 Rock Springs, Apartment No. 101, Las Vegas, Clark County, Nevada, said Defendant did possess and/or gain possession of a firearm during the commission of the crime and/or before leaving the structure.

COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON

did wilfully, unlawfully, and feloniously take personal property, to-wit: a laptop

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Criminal Complaint
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1 computer and/or a cellular telephone and/or lawful money of the United States, from the
2 person of NATASHA LUMBA, or in her presence, by means of force or violence, or fear of
3 injury to, and without the consent and against the will of NATASHA LUMBA, with use of a
4 deadly weapon, to-wit: a firearm, the Defendant being criminally liable under one or more of
5 the following principles of criminal liability, to-wit: (1) by directly committing this crime
6 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime
7 be committed, by providing counsel and/or encouragement and by entering into a course of
8 conduct whereby Defendant and/or an unknown co-conspirator approached Victim from
9 behind, one of the Defendant and unknown co-conspirator was armed with a handgun,
10 demanded that NATASHA LUMBA open the door to her residence, when the Defendant and
11 an unknown co-conspirator and NATASHA LUMBA entered the said NATASHA LUMBA'S
12 residence, one or more of the Defendant and unknown co-conspirator forced the said
13 NATASHA LUMBA to go to her bedroom and lie on the floor, one of the Defendant and
14 unknown co-conspirator stayed with NATASHA LUMBA while the other went through
15 NATASHA LUMBA'S personal property and/or ransacked her residence, thereafter one of
16 the Defendant and unknown co-conspirator demanded to know if the said NATASHA
17 LUMBA was hiding money in her bra or panties and groped NATASHA LUMBA'S breasts
18 and/or genital area while searching for money, thereafter Defendant and unknown co-
19 conspirator fled the scene together; and/or (3) pursuant to a conspiracy to commit this crime..

20 COUNT 4 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

21 did wilfully, unlawfully, and feloniously, seize, confine, inveigle, entice, decoy,
22 abduct, conceal, kidnap, or carry away NATASHA LUMBA, a human being, with the intent
23 to hold or detain the said NATASHA LUMBA against her will, and without her consent, for
24 the purpose of committing robbery, with use of a deadly weapon, to-wit: a firearm, the
25 Defendant being criminally liable under one or more of the following principles of criminal
26 liability, to-wit: (1) by directly committing this crime and/or (2) by aiding or abetting in the
27 commission of this crime, with the intent that this crime be committed, by providing counsel
28 and/or encouragement and by entering into a course of conduct whereby Defendant and/or an

1 unknown co-conspirator approached Victim from behind, one of the Defendant and unknown
2 co-conspirator was armed with a handgun, demanded that NATASHA LUMBA open the door
3 to her residence, when the Defendant and an unknown co-conspirator and NATASHA
4 LUMBA entered the said NATASHA LUMBA'S residence, one or more of the Defendant
5 and unknown co-conspirator forced the said NATASHA LUMBA to go to her bedroom and
6 lie on the floor, one of the Defendant and unknown co-conspirator stayed with NATASHA
7 LUMBA while the other went through NATASHA LUMBA'S personal property and/or
8 ransacked her residence, thereafter one of the Defendant and unknown co-conspirator
9 demanded to know if the said NATASHA LUMBA was hiding money in her bra or panties
10 and groped NATASHA LUMBA'S breasts and/or genital area while searching for money,
11 thereafter Defendant and unknown co-conspirator fled the scene together; and/or (3) pursuant
12 to a conspiracy to commit this crime.

13 COUNT 5 - OPEN OR GROSS LEWDNESS

14 did wilfully and unlawfully commit an act of open or gross lewdness by fondling
15 NATASHA LUMBA'S breasts and/or genital area, the Defendant being criminally liable
16 under one or more of the following principles of criminal liability, to-wit: (1) by directly
17 committing this crime and/or (2) by aiding or abetting in the commission of this crime, with
18 the intent that this crime be committed, by providing counsel and/or encouragement and by
19 entering into a course of conduct whereby Defendant and/or an unknown co-conspirator
20 approached Victim from behind, one of the Defendant and unknown co-conspirator was armed
21 with a handgun, demanded that NATASHA LUMBA open the door to her residence, when
22 the Defendant and an unknown co-conspirator and NATASHA LUMBA entered the said
23 NATASHA LUMBA'S residence, one or more of the Defendant and unknown co-conspirator
24 forced the said NATASHA LUMBA to go to her bedroom and lie on the floor, one of the
25 Defendant and unknown co-conspirator stayed with NATASHA LUMBA while the other
26 went through NATASHA LUMBA'S personal property and/or ransacked her residence,
27 thereafter one of the Defendant and unknown co-conspirator demanded to know if the said
28 NATASHA LUMBA was hiding money in her bra or panties and groped NATASHA

1 LUMBA'S breasts and/or genital area while searching for money, thereafter Defendant and
2 unknown co-conspirator fled the scene together; and/or (3) pursuant to a conspiracy to commit
3 this crime.

4 All of which is contrary to the form, force and effect of Statutes in such cases made and
5 provided and against the peace and dignity of the State of Nevada. Said Complainant makes
6 this declaration subject to the penalty of perjury.

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(TK11)


CLERK OF THE COURT

INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
AGNES M. LEXIS
Chief Deputy District Attorney
Nevada Bar #011064
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

I.A. 05/04/2015
9:30 A.M.
PD ROSS

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

TOMMY STEWART, aka,
Tommy Laquade Stewart, #2731067
Defendant.

CASE NO: C-15-305984-1

DEPT NO: VIII

INFORMATION

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

STEVEN B. WOLFSON, Clark County District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That TOMMY STEWART, aka, Tommy Laquade Stewart, the Defendant(s) above named, having committed the crimes of **CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147); BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - NOC 50426); ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138) and FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.310, 200.320, 193.165 - NOC 50055)**, on or about the 20th day of January, 2015, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and

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dignity of the State of Nevada,

COUNT 1 - CONSPIRACY TO COMMIT ROBBERY

Did wilfully, unlawfully, and feloniously conspire with an unknown individual to commit a robbery.

COUNT 2 - BURGLARY WHILE IN POSSESSION OF A FIREARM

Did then and there wilfully, unlawfully, and feloniously enter, with intent to commit larceny and/or robbery, that certain structure occupied by NATASHA LUMBA, located at 805 Rock Springs, Apartment No. 101, Las Vegas, Clark County, Nevada, said Defendant did possess and/or gain possession of a firearm during the commission of the crime and/or before leaving the structure.

COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON

Did wilfully, unlawfully, and feloniously take personal property, to-wit: a laptop computer and/or a cellular telephone and/or lawful money of the United States and/or a camera, from the person of NATASHA LUMBA, or in her presence, by means of force or violence, or fear of injury to, and without the consent and against the will of NATASHA LUMBA, with use of a deadly weapon, to-wit: a firearm, the Defendant being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by providing counsel and/or encouragement and by entering into a course of conduct whereby Defendant and/or an unknown co-conspirator approached Victim from behind, one of the Defendant and unknown co-conspirator was armed with a handgun, demanded that NATASHA LUMBA open the door to her residence, when the Defendant and an unknown co-conspirator and NATASHA LUMBA entered the said NATASHA LUMBA'S residence, one or more of the Defendant and unknown co-conspirator forced the said NATASHA LUMBA to go to her bedroom and lie on the floor, one of the Defendant and unknown co-conspirator stayed with NATASHA LUMBA while the other went through NATASHA LUMBA'S personal property and/or ransacked her residence, thereafter one of the Defendant and unknown co-conspirator demanded to know if the said NATASHA

1 LUMBA was hiding money in her bra or panties and groped NATASHA LUMBA'S breasts
2 and/or genital area while searching for money, thereafter Defendant and unknown co-
3 conspirator fled the scene together; and/or (3) pursuant to a conspiracy to commit this crime..

4 COUNT 4 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

5 Did wilfully, unlawfully, and feloniously, seize, confine, inveigle, entice, decoy,
6 abduct, conceal, kidnap, or carry away NATASHA LUMBA, a human being, with the intent
7 to hold or detain the said NATASHA LUMBA against her will, and without her consent, for
8 the purpose of committing robbery, with use of a deadly weapon, to-wit: a firearm, the
9 Defendant being criminally liable under one or more of the following principles of criminal
10 liability, to-wit: (1) by directly committing this crime and/or (2) by aiding or abetting in the
11 commission of this crime, with the intent that this crime be committed, by providing counsel
12 and/or encouragement and by entering into a course of conduct whereby Defendant and/or an
13 unknown co-conspirator approached Victim from behind, one of the Defendant and unknown
14 co-conspirator was armed with a handgun, demanded that NATASHA LUMBA open the door
15 to her residence, when the Defendant and an unknown co-conspirator and NATASHA
16 LUMBA entered the said NATASHA LUMBA'S residence, one or more of the Defendant and
17 unknown co-conspirator forced the said NATASHA LUMBA to go to her bedroom and lie on
18 the floor, one of the Defendant and unknown co-conspirator stayed with NATASHA LUMBA
19 while the other went through NATASHA LUMBA'S personal property and/or ransacked her
20 residence, thereafter one of the Defendant and unknown co-conspirator demanded to know if
21 the said NATASHA LUMBA was hiding money in her bra or panties and groped NATASHA
22 LUMBA'S breasts and/or genital area while searching for money, thereafter Defendant and

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26 ///

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unknown co-conspirator fled the scene together; and/or (3) pursuant to a conspiracy to commit this crime.

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

BY /s/ Agnes M. Lexis
AGNES M. LEXIS
Chief Deputy District Attorney
Nevada Bar #011064

Names of witnesses known to the District Attorney's Office at the time of filing this information are as follows:

<u>NAME</u>	<u>ADDRESS</u>
ABELL, Jeffery	LVMPD # 8744
CHARLTON, Noreen B.	LVMPD # 13572
CUSTODIAN OF RECORDS OR DESIGNEE	Clark County Detention Center, 330 S. Casino Center Blvd., Las Vegas, NV
CUSTODIAN OF RECORDS OR DESIGNEE	Clark County Detention Center, Communications 330 S. Casino Center Blvd., Las Vegas, NV
CUSTODIAN OF RECORDS OR DESIGNEE	LVMPD Communications, 400 E. Stewart Las Vegas, NV
CUSTODIAN OF RECORDS OR DESIGNEE	LVMPD Records, 400 E. Stewart Las Vegas, NV
DOUGHERTY, Ed OR DESIGNEE	INVESTIGATOR C.C. DISTRICT ATTORNEY
GOULDTHORPE, Heather	LVMPD # 8646
HAGER, David	LVMPD # 8716
JACKSON, Brian	LVMPD # 9690
LUMBA, Natasha	C/O District Attorney's Office

///

1 **DO NOT READ TO THE JURY**

2
3 **UNDER NO CIRCUMSTANCES IS THE LANGUAGE CONTAINED**
4 **HEREINAFTER TO BE READ TO A JURY HEARING THE PRIMARY OFFENSE**
5 **FOR WHICH THE DEFENDANT IS PRESENTLY CHARGED.**

6 **NOTICE OF INTENT TO SEEK PUNISHMENT AS A HABITUAL**
7 **CRIMINAL**

8 The State of Nevada hereby places Defendant TOMMY STEWART, aka, Tommy
9 Laquade Stewart on notice of the State's intent to seek punishment of Defendant TOMMY
10 STEWART, aka, Tommy Laquade Stewart pursuant to the provisions of NRS 207.010 and
11 207.012 as a violent habitual criminal in the event of a felony conviction in the above-entitled
12 action.

13 The State will seek punishment as a habitual criminal based upon the following felony
14 convictions, to wit:

15 1. That in 2012, the Defendant was convicted in the Eighth Judicial District
16 Court, County of Clark, State of Nevada, for the crime of VOLUNTARY MANSLAUGHTER
(Category B Felony - NRS 200.040, 200.050, 200.080 - NOC 50020), in Case No. C275532.

17 2. That in 2009, the Defendant was convicted in the Eighth Judicial District
18 Court, County of Clark, State of Nevada, for the crime of BATTERY WITH SUBSTANTIAL
19 BODILY HARM (Category C Felony - NRS 200.481 - NOC 50214), in Case No. C257625.

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

22 BY /s/ Agnes M. Lexis
23 AGNES M. LEXIS
24 Chief Deputy District Attorney
Nevada Bar #011064

25
26 **DO NOT READ TO THE JURY**

27 DA#15F02411X/saj/L-1
28 LVMPD EV#1501204490
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FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

MAR 17 2016

12:10 pm

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA BY, Denise Husted
DENISE HUSTED, DEPUTY

7 THE STATE OF NEVADA,

8 Plaintiff,

9 -vs-

10 TOMMY STEWART, aka
11 Tommy Laquade Stewart,

12 Defendant.

CASE NO: C-15-305984-1

DEPT NO: XXI

13 VERDICT

14 We, the jury in the above entitled case, find the Defendant TOMMY STEWART, as
15 follows:

16
17 COUNT 1 – CONSPIRACY TO COMMIT ROBBERY

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

19 ☒ Guilty of Conspiracy to Commit Robbery

20 ☐ Not Guilty

21 COUNT 2 – BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

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

23 ☐ Guilty of Burglary while in Possession of a Deadly Weapon

24 ☒ Guilty of Burglary

25 ☐ Not Guilty
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COUNT 3 – ROBBERY WITH USE OF A DEADLY WEAPON

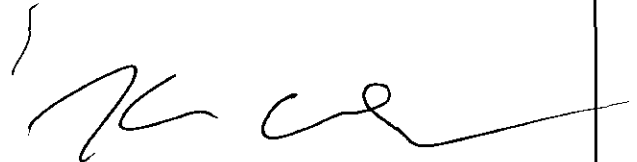
- ☐ Guilty of Robbery with Use of a Deadly Weapon
☒ Guilty of Robbery
☐ Not Guilty

COUNT 4 – FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

(please check the appropriate box, select only one)

- ☐ Guilty of First Degree Kidnapping with Use of a Deadly Weapon
☒ Guilty of First Degree Kidnapping
☐ Not Guilty

DATED this 17 day of March, 2016



FOREPERSON