

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

Electronically Filed
May 19 2016 02:26 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

**DISTRICT COURT
CLARK COUNTY, NEVADA**

7 THE STATE OF NEVADA,)
8)
9 Plaintiff,) CASE NO. C-14-302450-1
10 v.) DEPT. NO. XXII
11 JOHN MORGAN,)
12 Defendant.)

NOTICE OF APPEAL

13 **TO: THE STATE OF NEVADA**
14 **STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY,**
15 **NEVADA and DEPARTMENT NO. XXII OF THE EIGHTH JUDICIAL**
16 **DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE**
17 **COUNTY OF CLARK.**

18 NOTICE is hereby given that Defendant, John Morgan,
19 presently incarcerated in the Nevada State Prison, appeals to the
20 Supreme Court of the State of Nevada from the judgment entered
21 against said Defendant on the 19th day of April, 2016, whereby he
22 was convicted of Ct. 1 - Robbery; Ct. 2 - Battery and sentenced to
23 \$25 Admin. Fee; \$250 Indigent Defense Civil Assessment fee; \$150
24 DNA analysis fee; genetic markers plus \$3 DNA collection fee; Ct.
25 1 - 26-120 months in prison; Ct. 2 - 6 months in CCDC; Ct. 2 to
26 run concurrent with Ct. 1 - 533 days CTS.

DATED this 17th day of May, 2016.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

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

DECLARATION OF MAILING

1
2 Carrie Connolly, an employee with the Clark County
3 Public Defender's Office, hereby declares that she is, and was
4 when the herein described mailing took place, a citizen of the
5 United States, over 21 years of age, and not a party to, nor
6 interested in, the within action; that on the 17th day of May,
7 2016, declarant deposited in the United States mail at Las Vegas,
8 Nevada, a copy of the Notice of Appeal in the case of the State of
9 Nevada v. John Morgan, Case No. C-14-302450-1, enclosed in a
10 sealed envelope upon which first class postage was fully prepaid,
11 addressed to John Morgan, c/o High Desert State Prison, P.O. Box
12 650, Indian Springs, NV 89018. That there is a regular
13 communication by mail between the place of mailing and the place
14 so addressed.

15 I declare under penalty of perjury that the foregoing is
16 true and correct.

17 EXECUTED on the 17th day of May, 2016.
18
19

20 /s/ Carrie M. Connolly
21 An employee of the Clark County
22 Public Defender's Office
23
24
25
26
27
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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing
was made this 17th day of May, 2016, by Electronic Filing to:

District Attorneys Office
E-Mail Address:

PDMotions@clarkcountya.com

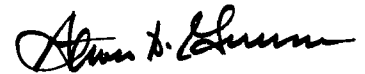
Jennifer.Garcia@clarkcountya.com

Eileen.Davis@clarkcountya.com

/s/ Carrie M. Connolly
Secretary for the
Public Defender's Office

1 **aCAS**

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



CLERK OF THE COURT

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

10	THE STATE OF NEVADA,)	
)	
11	Plaintiff,)	CASE NO. C-14-302450-1
)	
12	v.)	DEPT. NO. XXII
)	
13	JOHN MORGAN,)	
)	
	Defendant.)	
)	

14 **CASE APPEAL STATEMENT**

- 15 1. Appellant filing this case appeal statement:
- 16 John Morgan.
- 17 2. Judge issuing the decision, judgment, or order
- 18 appealed from: Susan Johnson.
- 19 3. All parties to the proceedings in the district
- 20 court (the use of et al. To denote parties is prohibited): The
- 21 State of Nevada, Plaintiff; John Morgan, Defendant.
- 22 4. All parties involved in this appeal (the use of
- 23 et. al. to denote parties is prohibited): John Morgan,
- 24 Appellant; The State of Nevada, Respondent.
- 25
- 26
- 27
- 28

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
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
16 order 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 11/25/14.

20 DATED this 17th day of May, 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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CERTIFICATE OF ELECTRONIC FILING

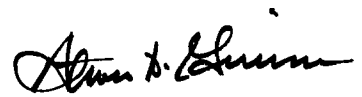
I hereby certify that service of the above and foregoing was made this 17th day of May, 2016, by Electronic Filing to:

District Attorneys Office
E-Mail Address:
PDMotions@ccdavn.com

Jennifer.Garcia@ccdavn.com

Eileen.Davis@ccdavn.com

/s/ Carrie M. Connolly
Secretary for the
Public Defender's Office



CLERK OF THE COURT

1 **REQT**
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 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 THE STATE OF NEVADA,)
11)
12 Plaintiff,) CASE NO. C-14-302450-1
13 vs.) DEPT. NO: XXII
14 JOHN MORGAN,)
15)
16 Defendant.)
17)

18 **REQUEST FOR ROUGH DRAFT TRANSCRIPT**

19 TO: Kiara Schmidt, Court Recorder
20 District Court, Department No. AA
21 Renee Vincent, Court Recorder
22 District Court, Department VII
23 Sara Richardson, Court Recorder
24 District Court, Department III
25 Yvette G. Sison, Court Recorder
26 District Court, Department IX
27 Cynthia Georgilas, Court Recorder
28 District Court, Department XVIII
Norma Ramirez, Court Recorder
District Court, Department XXII
JOHN MORGAN, 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: 12/01/14, 12/26/14,
01/16/15, 02/06/15, 02/12/15, 04/16/15, 05/15/15, 12/11/15,

1 12/18/15, 01/07/16, 01/21/16, 02/18/16, 02/19/16, 02/22/16,
2 02/23/16, 02/24/16, and 04/14/16.

3 **Portion of the transcript requested: 12/01/14 (Kiara**
4 **Schmidt)** - Any and all proceedings, all transcripts to include
5 word index; **12/26/14, 01/16/15, 02/06/15 (Renee Vincent)** - Any and
6 all proceedings, all transcripts to include word index; **02/12/15,**
7 **04/16/15, 01/07/16, 01/21/16, 02/18/16 (Sara Richardson)** - Any and
8 all proceedings, all transcripts to include word index; **05/15/15,**
9 **12/11/15, 12/18/15, (Yvette Sison)** - Any and all proceedings, all
10 transcripts to include word index; **02/19/16 (Cynthia Georgilas)** -
11 Any and all proceedings, all transcripts to include word index;
12 **02/22/16, 02/23/16, 02/24/16 (Norma Ramirez)** - Trial transcripts -
13 All transcripts, include word index - Any and all proceedings,
14 **jury selection, jury voir dire,** opening statements, testimony,
15 matters heard outside the presence of the jury, settling of
16 instructions, closing arguments, verdict, any and all bench
17 conferences; **04/14/16 (Norma Ramirez)** - Any and all proceedings,
18 all transcripts to include word index.

19
20
21 This Notice requests a transcript of only those portions
22 of the District Court proceedings which counsel reasonably and in
23 good faith believes are necessary to determine whether appellate
24 issues are present. Voir dire examination of jurors, opening
25 statements and closing arguments of trial counsel and the reading
26 of jury instructions shall not be transcribed unless specifically
27 requested above.
28

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

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

8 Further, pursuant to NRAP 3C(d)(3)(iii), **the court**
9 **reporter shall also deliver copies of the rough draft transcript**
10 **to appellant's counsel and respondent counsel** no more than twenty
11 (20) days after the date of the appellant's request.

12 DATED this 17th day of May, 2016.

13
14 PHILIP J. KOHN
15 CLARK COUNTY PUBLIC DEFENDER

16 By: /s/ Howard S. Brooks
17 HOWARD S. BROOKS, #3374
18 Deputy Public Defender
19 309 S. Third Street, Ste. #226
20 Las Vegas, Nevada 89155
21 (702) 455-4685
22
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1 CERTIFICATE OF SERVICE

2 I hereby certify that on the 17th day of May, 2016, I
3 served a true and correct copy of the foregoing Request for Rough
4 Draft Transcripts on:

5 Kiara Schmidt, Court Recorder
6 District Court, Department No. AA
7 200 Lewis Avenue
Las Vegas, NV 89101

8 Renee Vincent, Court Recorder
9 District Court, Department VII
10 200 Lewis Avenue
Las Vegas, NV 89101

11 Sara Richardson, Court Recorder
12 District Court, Department III
13 200 Lewis Avenue
Las Vegas, NV 89101

14 Yvette G. Sison, Court Recorder
15 District Court, Department IX
16 200 Lewis Avenue
Las Vegas, NV 89101

17 Cynthia Georgilas, Court Recorder
18 District Court, Department XVIII
19 200 Lewis Avenue
Las Vegas, NV 89101

20 Norma Ramirez, Court Recorder
21 District Court, Department XXII
22 200 Lewis Avenue
Las Vegas, NV 89101

23
24
25 /s/ Carrie M. Connolly
26 An employee of the Clark County
27 Public Defender's Office
28

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District Attorneys Office
E-Mail Address:

PDMotions@clarkcountyda.com

Jennifer.Garcia@clarkcountyda.com

Eileen.Davis@clarkcountyda.com

/s/ Carrie M. Connolly
Secretary for the
Public Defender's Office

DEPARTMENT 22
CASE SUMMARY
CASE NO. C-14-302450-1

State of Nevada
vs
John Morgan

§ Location: **Department 22**
§ Judicial Officer: **Johnson, Susan**
§ Filed on: **11/19/2014**
§ Case Number History:
§ Cross-Reference Case **C302450**
§ Number:
§ Defendant's Scope ID #: **1965837**
§ ITAG Booking Number: **1400056410**
§ ITAG Case ID: **1744079**
§ Lower Court Case # Root: **14F17110**
§ Lower Court Case Number: **14F17110X**

CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. ROBBERY	F	10/30/2014	Case Flags:	Appealed to Supreme Court Custody Status - Nevada Department of Corrections Charge Description Updated In Custody - CCDC
<i>Filed As:</i> BATTERY WITH INTENT TO COMMIT A CRIME	F	11/25/2014		
Arrest: 10/30/2014				
2. BATTERY	M	10/30/2014		
<i>Filed As:</i> ROBBERY	F	11/25/2014		

Statistical Closures
04/26/2016 Jury Trial - Conviction - Criminal

DATE CASE ASSIGNMENT






Current Case Assignment

Case Number	C-14-302450-1
Court	Department 22
Date Assigned	02/19/2016
Judicial Officer	Johnson, Susan


PARTY INFORMATION


Defendant	Morgan, John Demon	<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

11/19/2014	 Criminal Bindover <i>Criminal Bindover</i>	
11/25/2014	 Information <i>Information</i>	
12/01/2014	 Initial Arraignment (9:30 AM) (Judicial Officer: De La Garza, Melisa) Events: 11/19/2014 Criminal Bindover	
12/11/2014	 Transcript of Proceedings <i>Reporter's Transcript of Preliminary Hearing 11/18/14</i>	
12/26/2014	 Further Proceedings: Competency (9:00 AM) (Judicial Officer: Bonaventure, Joseph T.)	

DEPARTMENT 22
CASE SUMMARY
CASE NO. C-14-302450-1


01/16/2015  **Further Proceedings: Competency** (9:00 AM) (Judicial Officer: Bonaventure, Joseph T.)


02/06/2015  **Challenge Hearing (Competency Court)** (10:00 AM) (Judicial Officer: Bonaventure, Joseph T.)

02/12/2015  **Further Proceedings** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)
Further Proceedings: Return from Competency

02/12/2015 **Plea** (Judicial Officer: Johnson, Susan)
1. ROBBERY
Not Guilty
PCN: Sequence:


2. BATTERY
Not Guilty
PCN: Sequence:

04/01/2015  Notice of Witnesses and/or Expert Witnesses
Notice of Witnesses


04/07/2015  Motion for Discovery
Motion For Discovery


04/16/2015 **Calendar Call** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)


04/16/2015 **Motion for Discovery** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)


04/16/2015  **All Pending Motions** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)


04/20/2015 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Herndon, Douglas W.)
Vacated


05/05/2015  Request
Request to File Order Under Seal


05/06/2015  Order to Release Medical Records
Filed By: Defendant Morgan, John Demon
Order

05/15/2015  **Further Proceedings: Competency** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)






05/22/2015  Order
Order of Commitment

07/07/2015  Motion to Dismiss
Motion To Dismiss


07/27/2015  Opposition
State's Opposition to Defendant's Motion to Dismiss


07/31/2015  **Motion to Dismiss** (1:30 PM) (Judicial Officer: Togliatti, Jennifer)
Defendant's Motion to Dismiss


DEPARTMENT 22
CASE SUMMARY
CASE NO. C-14-302450-1


- 08/06/2015  **Motion to Dismiss** (9:00 AM) (Judicial Officer: Barker, David)
Defendant's Motion to Dismiss
- 08/11/2015  Recorders Transcript of Hearing
Recorder's Transcript of Proceedings: Motion to Dismiss, heard August 6, 2015
- 08/13/2015  Order
Order
- 08/19/2015  Media Request and Order
Media Request And Order Allowing Camera Access To Court Proceedings
- 08/25/2015  Ex Parte Order
Ex Parte Order For Expedited Transcript
- 08/25/2015  Ex Parte Order
Ex Parte Order For Expedited Transcript
- 09/04/2015  **Status Check** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)
Status Check: Competency
- 09/04/2015  Recorders Transcript of Hearing
Recorder's Transcript Re: Defendant's Motion to Dismiss - Friday, July 31, 2015
- 12/02/2015  Order to Transport Defendant
Order To Transport Defendant From Lake's Crossing
- 12/11/2015  **Further Proceedings: Competency-Return From Lakes Crossing** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)
- 12/18/2015  Finding of Fact and Conclusions of Law
Findings of Competency
- 12/18/2015  **Further Proceedings: Competency-Return From Lakes Crossing** (9:00 AM) (Judicial Officer: Togliatti, Jennifer)
- 12/31/2015  Motion
Motion for Own Recognizance Release
- 01/05/2016  Opposition
State's Opposition to Defendant's Motion for Own Recognizance Release
- 01/07/2016 **Further Proceedings** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)
Further Proceedings: Return From Competency Court
- 01/07/2016 **Motion for Own Recognizance Release/Setting Reasonable Bail** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)
Defendant's Motion for Own Recognizance Release
- 01/07/2016  **All Pending Motions** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)


DEPARTMENT 22
CASE SUMMARY
CASE NO. C-14-302450-1


01/21/2016  **Motion for Discovery** (10:30 AM) (Judicial Officer: Herndon, Douglas W.)


01/21/2016  Opposition to Motion
State's Opposition to Defendant's Motion for Discovery


02/05/2016  Motion
Motion for Dismissal Or, In the Alternative A Bill of Particulars

02/05/2016  Motion
Motion to Compel Counts 1 and 2 to be Pled in the Alternative

02/09/2016  Motion in Limine
Motion In Limine

02/11/2016  Opposition
State's Opposition to Defendant's Motion in Limine

02/16/2016  Opposition
State's Opposition to Defendant's Motion For Dismissal Or, In The Alternative, A Bill Of Particulars


02/16/2016  Opposition
State's Opposition to Defendant's Motion to Compel Counts 1 & 2 to Be Pled in the Alternative


02/18/2016 **Calendar Call** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)


02/18/2016 **Motion to Dismiss** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)
Defendant's Motion for Dismissal or in the Alternative, a Bill of Particulars

02/18/2016 **Motion to Compel** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)
Defendant's Motion to Compel Counts1 and 2 to be Pled in the Alternative


02/18/2016 **Motion in Limine** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)
Defendant's Motion in Limine


02/18/2016  **All Pending Motions** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)


02/19/2016  **Overflow** (8:30 AM) (Judicial Officer: Barker, David)
OVERFLOW (3) E. GRAHAM/N. HOJJAT; 5-7 WITNESSES, 2-3 DAYS


02/22/2016  **Jury Trial** (8:30 AM) (Judicial Officer: Johnson, Susan)
02/22/2016-02/24/2016

02/22/2016 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Herndon, Douglas W.)
Vacated - per Judge


02/22/2016  Jury List


02/23/2016  Amended Information


02/24/2016  Verdict


02/24/2016  Amended Jury List

DEPARTMENT 22
CASE SUMMARY
CASE NO. C-14-302450-1

02/24/2016  Instructions to the Jury
Instructions to the Jury (Instruction No.1) Members of the Jury

02/24/2016  Proposed Jury Instructions Not Used At Trial
Defense Proposed Jury Instructions

04/06/2016  PSI

04/14/2016  **Sentencing** (9:00 AM) (Judicial Officer: Johnson, Susan)

04/14/2016 **Disposition** (Judicial Officer: Johnson, Susan)

1. ROBBERY
Guilty
PCN: Sequence:
2. BATTERY
Guilty
PCN: Sequence:

04/14/2016 **Sentence** (Judicial Officer: Johnson, Susan)


1. ROBBERY
Adult Adjudication
Sentenced to Nevada Dept. of Corrections
Term: Minimum:26 Months, Maximum:120 Months


04/14/2016 **Sentence** (Judicial Officer: Johnson, Susan)

2. BATTERY
Adult Adjudication
Sentenced to CCDC
Term: 6 Months
Concurrent: Charge 1
Credit for Time Served: 533 Days
Fee Totals:

Administrative Assessment Fee	25.00
\$25 DNA Analysis Fee	150.00
\$150 Genetic Marker Analysis AA Fee	3.00
\$3 Indigent Defense Civil Assessment	250.00
Fee - ASK	
Fee Totals \$	428.00

04/19/2016  Judgment of Conviction
JUDGMENT OF CONVICTION (JURY TRIAL)

05/17/2016  Notice of Appeal (criminal)
Notice of Appeal

05/17/2016  Request
Request for Rough Draft Transcripts

05/17/2016  Case Appeal Statement

DEPARTMENT 22
CASE SUMMARY
CASE NO. C-14-302450-1

Case Appeal Statement

DATE

FINANCIAL INFORMATION

Defendant Morgan, John Demon
Total Charges
Total Payments and Credits
Balance Due as of 5/18/2016

428.00
0.00
428.00

CLERK OF THE COURT

JOC

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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JOHN DEMON MORGAN
aka John Morgan
#1965837

Defendant.

CASE NO. C302450-1

DEPT. NO. XXII

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 – ROBBERY (Category B Felony) in violation of NRS 200.380, COUNT 2 – BATTERY WITH INTENT TO COMMIT A CRIME (Category B Felony) in violation of NRS 200.400.2; and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNT 1 – ROBBERY (Category B Felony) in violation of NRS 200.380; and COUNT 2 – BATTERY (Misdemeanor) in violation of NRS 200.481; thereafter, on the 14th day of April, 2016, the Defendant was present in court for sentencing with his counsel NADIA HOJJAT, Deputy Public Defender, and good cause appearing,

//

<input type="checkbox"/> Nolle Prosequi (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial	<input type="checkbox"/> Jury Trial
<input type="checkbox"/> Dismissed (after diversion)	<input type="checkbox"/> Dismissed (during trial)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquittal	<input type="checkbox"/> Acquittal
<input type="checkbox"/> Guilty Plea with Sent. (before trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input type="checkbox"/> Conviction	<input checked="" type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition		

1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
2 addition to the \$25.00 Administrative Assessment Fee, \$250.00 Indigent Defense Civil
3 Assessment Fee, and \$150.00 DNA Analysis Fee including testing to determine genetic
4 markers, plus a \$3.00 DNA Collection Fee, the Defendant is SENTENCED as follows:
5 AS TO COUNT 1 - TO A MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with
6 a MINIMUM parole eligibility of TWENTY-SIX (26) MONTHS in the Nevada Department
7 of Corrections (NDC); and AS TO COUNT 2 – SIX (6) MONTHS in the Clark County
8 Detention Center (CCDC), Count 2 to run CONCURRENT with Count 1; with FIVE
9 HUNDRED THIRTY-THREE (533) DAYS credit for time served.
10
11

12
13 DATED this 18th day of April, 2016.

14
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16 
17 SUSAN JOHNSON DB
18 DISTRICT COURT JUDGE
19
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DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

December 01, 2014

C-14-302450-1 State of Nevada
 vs
 John Morgan

December 01, 2014 9:30 AM Initial Arraignment

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

COURT CLERK: Monique Alberto
 Anntoinette Naumec-Miller
 Treva Palmer
 Adrienne Theeck
 Delma Sobers

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT: Hojjat, Nadia Attorney
 Miller, James J. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Defendant not present. Correctional Officer advised the Court Defendant was returned to his cell due to misconduct. Ms. Hojjat requested matter be referred to Competency Court. COURT SO ORDERED.

CUSTODY

12/26/14 9:00 A.M. FURTHER PROCEEDINGS; COMPETENCY HEARING (DEPT 7)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

December 26, 2014

C-14-302450-1 State of Nevada
 vs
 John Morgan

December 26, 2014 9:00 AM

Further Proceedings:
Competency

HEARD BY: Bonaventure, Joseph T.

COURTROOM: RJC Courtroom 03F

COURT CLERK: Emma Knauss

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: Harris, Belinda T. Attorney
 Morgan, John Demon Defendant
 Pace, Barter G Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- C.J. Yao of the Specialty Courts present.

Ms. Harris advised Doctor reports were split and requested matter be continued for third evaluation.
COURT SO ORDERED.

CUSTODY

CONTINUED TO: 1/16/15 9:00 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

January 16, 2015

C-14-302450-1 State of Nevada
vs
John Morgan

January 16, 2015 9:00 AM Further Proceedings:
Competency

HEARD BY: Bonaventure, Joseph T. COURTROOM: RJC Courtroom 03F

COURT CLERK: Sylvia Perez

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: Morgan, John Demon Defendant

JOURNAL ENTRIES

- Appearances Continued: Bart Pace, Deputy District Attorney, Belinda Harris and Claudia Romney, Deputy Public Defenders with Christina Greene of the Specialty Courts.

Court noted, Drs Colosimo and Kapel find the Defendant meets the criteria to be considered competent to proceed with adjudication, however Dr. Slagle finds the Defendant incompetent. Ms. Romney requested a challenge hearing be set. There being no opposition by the State, COURT ORDERED, a CHALLENGE HEARING to be SET.

CUSTODY

2/6/15 10:00 AM CHALLENGE HEARING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 06, 2015

C-14-302450-1 State of Nevada
 vs
 John Morgan

**February 06, 2015 10:00 AM Challenge Hearing
(Competency Court)**

HEARD BY: Bonaventure, Joseph T. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Sylvia Perez

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: Morgan, John Demon Defendant

JOURNAL ENTRIES

- Appearances Continued: Bart Pace, Deputy District Attorney, Nadia Hojjat, Deputy Public Defenders with Christina Greene of the Specialty Courts.

Mr. Pace advised the State was not prepared for witnesses but will proceed.

Dr. Dodge Slagle sworn and testified.

Court noted, Drs. Colosimo and Kapel find that Defendant meets the criteria to be considered competent to proceed with adjudication, however Dr. Slagle finds the Defendant incompetent. Arguments by Ms. Hojjat requesting the Court to find the Defendant incompetent or to send the Defendant to Lake's Crossing pursuant to NRS 178.415 for further evaluation. Ms. Hojjat further advised Defendant who does not have appropriate courtroom behavior, does not understand his charges and will not enter a plea and stated as per Dr. Slagle, Defendant could be returned to competent after a medication regimen. Arguments by Mr. Pace in support of the Court finding the Defendant competent and sending him back to the originating department. Further arguments by Counsel. Court NOTED Drs. Colosimo and Kapel indicate competent; therefore, FINDS Defendant COMPETENT pursuant to the Dusky Standard as Defendant is capable of understanding the nature

of the charges against him/her and is able to assist counsel in his/her defense and ORDERED, matter TRANSFERRED back to the originating court for further proceedings.

CUSTODY

2/12/15 9:00 AM FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT (DEPT. 3)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 12, 2015

C-14-302450-1 State of Nevada
 vs
 John Morgan

February 12, 2015 9:00 AM Further Proceedings

HEARD BY: Herndon, Douglas W. **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Tia Everett
 Deborah Miller

RECORDER: Sara Richardson

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Hilary Heap, Deputy District Attorney, present on behalf of the State. Defendant present in custody and represented by Nadia Hojjat, Deputy Public Defender.

Ms. Hojjat noted her concerns with the finding of competency and maintains her belief that Defendant is not competent. Further, Ms. Hojjat advised Defendant refuses to plead not guilty today. Court noted based upon the findings by Competency Court last week the Court Finds Defendant to be competent; although advised counsel if she believes anything has changed she may request to have Defendant referred back to Competency Court. Statement by Defendant. DEFT. MORGAN ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. Defendant requested to be released on his own recognizance. Court stated Defendant needs to speak with counsel and a written motion will need to be filed. Further Defendant stated he would like to represent himself. Court informed Defendant that he will need to file a written motion stating why he would like to dismiss counsel and why he would like to represent himself. Defendant additionally requested the tape recording. Court stated he will instruct counsel to have her investigator meet with Defendant to discuss the discovery. Upon Court s inquiry, Ms. Hojjat advised the transcript has not been filed. COURT FURTHER ORDERED, counsel shall have twenty-one (21) days from the filing of the transcript to file any writs deemed necessary.

CUSTODY

4/16/2015 9:00 AM CALENDAR CALL

4/20/2015 10:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

April 16, 2015

C-14-302450-1 State of Nevada
vs
John Morgan

April 16, 2015 9:00 AM All Pending Motions

HEARD BY: Herndon, Douglas W. COURTROOM: RJC Courtroom 16C

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Heap, Hilary	Attorney
	Hojjat, Nadia	Attorney
	Morgan, John Demon	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- CALENDAR CALL...DEFENDANT'S MOTION FOR DISCOVERY

Court noted that Ms. Hojjat had contacted the Court advising that she would be requesting a competency evaluation. Ms. Hojjat provided court with form and advised she has spoken to the State regarding competency. Upon Court's inquiry, Defendant wishes to represent himself. Court noted representation may be discussed after determination in Competency Court is made. COURT ORDERED, Trial Date VACATED and Matter REFERRED to Competency Court; Defendant's Motion for Discover OFF CALENDAR.

CUSTODY

5/15/15 9:00 AM FURTHER PROCEEDINGS: COMPETENCY COURT (DEPT. 9)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

May 15, 2015

C-14-302450-1 State of Nevada
vs
John Morgan

May 15, 2015 9:00 AM Further Proceedings:
Competency

HEARD BY: Togliatti, Jennifer COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES
PRESENT:

JOURNAL ENTRIES

- Barter Pace, Chief Deputy District Attorney, present for the State of Nevada.
Claudia Romney, Deputy Public Defender, present on behalf of Defendant Morgan.
Defendant Morgan present in custody.
Also present: Christina Greene of the Specialty Courts.

Court NOTED Drs. Chambers and Lenkeit indicate not competent; therefore, pursuant to the doctors' reports and the Dusky Standard, FINDS Defendant NOT COMPETENT as he/she is not capable of understanding the charges against him/her and is unable to assist counsel in his/her defense. Pursuant to NRS 178.425, COURT ORDERED, Defendant is REMANDED to the custody of the Administrator of the Division of Mental Health Development Services for the Department of Human Resources for detention and treatment at a secure facility operated by that Division. Once competency has been established, Defendant will be returned to this court for findings and referred back to the originating department for further proceedings.

CUSTODY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

July 31, 2015

C-14-302450-1 State of Nevada
vs
John Morgan

July 31, 2015 1:30 PM Motion to Dismiss

HEARD BY: Togliatti, Jennifer COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Craig-Rohan, Christy L.	Attorney
	Pace, Barter G	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant not present.

COURT ORDERED, Defendant's presence WAIVED for the purposes of this hearing. Court noted it has spoken to counsel and advised that Chief Judge Barker has advised these motions are not for this Court to decide and that it is confined to matters of the Dusky Standard and challenges associated thereto. Ms. Craig disagreed and argued that the motions are squarely a competency matter and requested a decision. State advised it understands the Court's ruling. Court noted Ms. Craig's objection to the reassignment. COURT ORDERED, matter REFERRED to the originating department for argument on the motion. Court further advised that the Defendants are to remain on the transport list for Lakes Crossing and if transported, their appearances will be waived in the originating department.

CUSTODY

08/06/15 9:00 AM MOTION TO DISMISS

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

August 06, 2015

C-14-302450-1 State of Nevada
vs
John Morgan

August 06, 2015 9:00 AM Motion to Dismiss

HEARD BY: Barker, David COURTROOM: RJC Courtroom 16C

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Craig-Rohan, Christy L.	Attorney
	Lalli, Christopher J	Attorney
	Morgan, John Demon	Defendant
	Sliwa, Susanne M	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Craig stated the history of the case, noting Competency Court ordered Defendant to be transferred to Lake's Crossing on May 22, 2015. Further, counsel argued Defendant's due process rights have been violated, therefore, requested court dismiss charges and release him from custody. Ms. Sliwa noted there is a Federal lawsuit and a consent decree was entered, and efforts have been made on the process. Upon court's inquiry, Ms. Sliwa acknowledged they are not in compliance, however, dismissal is not the appropriate remedy. Ms. Lalli argued as to the lack of legal authority to dismiss, consent decree, and the substantial steps that have been done to alleviate the waiting period. Further arguments by Ms. Craig. Court stating FINDINGS, and ORDERED, Motion DENIED, noting dismissal is extreme and appropriated remedy is for State to comply with the order. Ms. Craig to provide an order to transport Defendant within seven (7) days.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 04, 2015

C-14-302450-1 State of Nevada
 vs
 John Morgan

September 04, 2015 9:00 AM Status Check

HEARD BY: Togliatti, Jennifer **COURTROOM:** RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT: Harris, Belinda T. Attorney
 Pace, Barter G Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- COURT noted the Defendant was transported to Lakes Crossing on 09/03/15 and ORDERED, matter OFF CALENDAR.

CUSTODY (L. C.)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 11, 2015

C-14-302450-1 State of Nevada
vs
John Morgan

**December 11, 2015 9:00 AM Further Proceedings:
Competency-Return From
Lakes Crossing**

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Morgan, John Demon	Defendant
	Pace, Barter G	Attorney
	Romney, Claudia	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Also present: Christina Greene of the Specialty Courts. Defendant not present.

Ms. Romney advised she will not be making a challenge. COURT ORDERED, matter CONTINUED for the Defendant's presence.

CUSTODY

CONTINUED TO: 12/18/15 9:00 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

December 18, 2015

C-14-302450-1 State of Nevada
vs
John Morgan

December 18, 2015 9:00 AM **Further Proceedings:
Competency-Return From
Lakes Crossing**

HEARD BY: Togliatti, Jennifer COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo
Skye Endresen

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Morgan, John Demon	Defendant
	Pace, Barter G	Attorney
	Romney, Claudia	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Also present: Christina Greene of the Specialty Courts.

There being no challenge by Defense Counsel, COURT FINDS Defendant COMPETENT pursuant to the Dusky Standard as Defendant is capable of understanding the nature of the charges against him and is able to assist counsel in his defense and ORDERED, pursuant to 178.420, matter TRANSFERRED back to the originating court for further proceedings.

CUSTODY

1/7/16 9:00 AM FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT - DC 3

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 07, 2016

C-14-302450-1 State of Nevada
 vs
 John Morgan

January 07, 2016 9:00 AM All Pending Motions

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Elana Graham, Deputy District Attorney, present on behalf of the State.
Defendant Morgan present, in custody, represented by Nadia Hojjat, Deputy Public Defender.

FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT...DEFENDANT'S MOTION FOR OWN RECOGNIZANCE RELEASE.

Ms. Hojjat advised that she also filed a motion for discovery and requested it be heard today. State requested time to file an opposition. COURT ORDERED, motion SET for hearing. Ms. Hojjat noted the bail was not reinstated after returning from Lake's Crossing and submitted on the motion. Ms. Graham argued in opposition, requesting bail be set at \$40,000. Ms. Hojjat further argued as to Defendant taking his medications, requesting reinstatement of the original bail of \$20,000. COURT ORDERED, Bail SET at \$50,000, noting amount is appropriate after reviewing all documents.

CUSTODY

1/21/16 9:00 AM MOTION TO DISCOVERY

2/18/16 9:00 AM CALENDAR CALL

2/22/16 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 21, 2016

C-14-302450-1 State of Nevada
 vs
 John Morgan

January 21, 2016 10:30 AM Motion for Discovery

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Elana Graham, Deputy District Attorney, present on behalf of the State.
Defendant Morgan present, in custody, represented by Nadia Hojjat, Deputy Public Defender.

STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR DISCOVER FILED IN OPEN COURT.

Arguments by Ms. Hojjat and Ms. Graham. regarding Motion for Discovery. COURT ORDERED, as to

- # 1 - Benefits - GRANTED as to any fees paid to witnesses.
- # 2 - Notes and videos - GRANTED if exists.
- # 3 - Criminal History - GRANTED if exculpatory.
- # 4 - Notes and statements by Defendant - GRANTED if exist.
- # 5 - Chain of Custody Reports - GRANTED.
- # 6 - Statements - GRANTED.
- # 7 - Contact Lists - GRANTED.
- # 8 - Documents or photos - GRANTED, excluding AMR Medical Reports. Counsel may prepare order.
- # 9 - Electronic Communications - GRANTED.

10 - Video - GRANTED.

11- Documents and notes pertaining to the identification of Defendant - GRANTED, if exists.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 18, 2016

C-14-302450-1 State of Nevada
 vs
 John Morgan

February 18, 2016 9:00 AM All Pending Motions

HEARD BY: Herndon, Douglas W. **COURTROOM:** RJC Courtroom 16C

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Elana Graham, Deputy District Attorney, present on behalf of the State.
Defendant Morgan present, in custody, represented by Nadia Hojjat, Deputy Public Defender.

CALENDAR CALL....DEFENDANT'S MOTION FOR DISMISSAL OR, IN THE ALTERNATIVE, A
BILL OF PARTICULARS...DEFENDANT'S MOTION TO COMPEL COUNTS 1 AND 2 TO BE PLED
IN THE ALTERNATIVE...DEFENDANT'S MOTION IN LIMINE

State provided photos of the court documents that fell out of the Defendant's bag. As to the
Defendant's Motion to Compel Counts 1 and 2 to be Pled in the Alternative, Ms. Hojjat submitted on
the motion. State submitted. COURT ORDERED, motion DENIED, noting charges can exist
separately.

As to Defendant's Motion in Limine. Arguments by Ms. Hojjat as to Defendant's identity is not being
disputed, therefore, documents should be excluded. Ms. Graham argued identity is an issue, noting
papers are proof of identity. COURT ORDERED, motion GRANTED as to any court related
paperwork.

As to Defendant's Motion for Dismissal or, in the Alternative, a Bill of Particulars, Arguments by counsel. COURT ORDERED, motion DENIED, noting pleadings are sufficient.

Ms. Hojjat announced ready. State announced ready, noting 5-7 witnesses and 2-3 days for trial. COURT ORDERED, trial VACATED; matter REFERRED to Overflow.

CUSTODY

2/19/16 8:30 AM OVERFLOW (DEPT. 18 10-C) (GRAHAM/HOJJAT/2-3 DAYS/5-7 WITNESSES)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 19, 2016

C-14-302450-1 State of Nevada
 vs
 John Morgan

February 19, 2016 8:30 AM Overflow

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

COURT CLERK: Billie Jo Craig

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES

PRESENT: Hojjat, Nadia Attorney
 Morgan, John Demon Defendant

JOURNAL ENTRIES

- Deputy District Attorney Elana Graham present. Deputy Public Defender Arlene Heshmati present with Ms. Hojjat.

COURT ORDERED, matter REFERRED to Dept. 22, Judge Susan Johnson, for a 2 to 3-day Jury Trial. Ms. Hojjat advised defendant's head was partially shaved and she would submit an Order to have defendant cleaned up for Trial. COURT SO ORDERED to have defendant presentable for Trial.

CUSTODY

2/22/16 8:30 AM JURY TRIAL - DEPT. 22

E. GRAHAM/N. HOJJAT

2-3 DAYS

5-7 WITNESSES

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

February 22, 2016

C-14-302450-1 State of Nevada
vs
John Morgan

February 22, 2016 8:30 AM Jury Trial

HEARD BY: Johnson, Susan COURTROOM: RJC Courtroom 15D

COURT CLERK: Melissa Murphy
Skye Endresen

RECORDER: Norma Ramirez

REPORTER:

PARTIES

PRESENT:	Craggs, Genevieve C.	Attorney
	Graham, Elana L.	Attorney
	Heshmati, Arlene	Attorney
	Hojjat, Nadia	Attorney
	Morgan, John Demon	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Ms. Hojjat summarized a procedural overview of the case and noted the Deft will concede to identity at the start of trial. Mr. Graham added to the procedural overview of the case and noted the witness regarding the documents dropped at the scene is going to state they were documents with the Deft s name on it. Court advised it would like the parties to have a written stipulation regarding the piece of evidence. Court gave instructions regarding the Jury selection process. Blind Alternate selected (Seat # 13). Ms. Hojjat requested to pass 23 Jurors for cause. COURT ORDERED, request DENIED. Colloquy regarding potential Juror questions, scheduling and State s exhibits. Ms. Hojjat placed her objections with respects to State s Exhibits 1 and 8; however stipulated to foundation and authentication. Ms. Graham noted the photographs were relevant to the case and not prejudicial. Court advised it didn t see a problem with the photographs so as long as there weren t any authentication issues; however counsel can lodge their objections during trial.

PROSPECTIVE JURY PANEL PRESENT: Introduction by the Court and counsel. CONFERENCE AT BENCH. Prospective Jury panel sworn. Voir dire of panel.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Ms. Hojjat placed her objections on the record with respects to challenges made at the bench and requested a new Jury panel. COURT stated FINDINGS and FURTHER ORDERED, request for new panel DENIED. Colloquy regarding challenges for cause.

PROSPECTIVE JURY PANEL PRESENT: Voir dire continued.

OUTSIDE THE PRESENCE OF JURY PANEL: Renewed motion by Ms. Hojjat requesting a hearing with the Jury commissioner on how the panel was put together. Opposition by Ms. Graham. COURT FURTHER ORDERED, oral Motion DENIED. Continued arguments regarding the method and resources of how the Jury is selected by the Commissioner. Court advised the Jury is not asked about race, creed or national origin and therefore will inquire whether the Jury Commissioner is available at 4:45 p.m. to testify.

PROSPECTIVE JURY PANEL PRESENT: Voir dire continued. CONFERENCES AT BENCH.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JYURY PANEL: Court advised Jury Commissioner Witt would be available to come in at 4:30 p.m. Ms. Hojjat placed her Batson challenge on the record made at the bench conference in which the court denied. Further argued the Deft s right to Voir dire had been restricted. Ms. Graham placed her opposition on the record and noted objections were properly sustained by the Court. COURT SO NOTED.

PROSPECTIVE JURY PANEL PRESENT: Voir dire continued. CONFERENCES AT BENCH. Twelve Jurors and one Alternate selected and sworn. Jury list FILED IN OPEN COURT. Court instructed the Jury regarding trial procedures and parameter. Clerk read the Information and stated Deft s plea thereto. Court admonished the Jury for evening recess and FURTHER ORDERED, Trial CONTINUED at the given time.

OUTSIDE THE PRESENCE OF THE JURY: Mariah Witt SWORN and TESTIFIED. Following arguments by counsel, COURT stated FINDINGS and ADDITIONALLY ORDERED, Motion to Disqualify panel DENIED.

CUSTODY

CONTINUED TO: 02/23/16 1:00 PM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

February 23, 2016

C-14-302450-1 State of Nevada
vs
John Morgan

February 23, 2016 1:00 PM Jury Trial

HEARD BY: Johnson, Susan COURTROOM: RJC Courtroom 15D

COURT CLERK: Melissa Murphy
Skye Endresen

RECORDER: Norma Ramirez

REPORTER:

PARTIES

PRESENT:	Craggs, Genevieve C.	Attorney
	Graham, Elana L.	Attorney
	Heshmati, Arlene	Attorney
	Hojjat, Nadia	Attorney
	Morgan, John Demon	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- JURY PRESENT: Parties stipulated to State s Exhibits on the record. Testimony and exhibits presented (see worksheet). CONFERENCES AT BENCH.

OUTSIDE THE PRESENCE OF THE JURY: Ms. Hojjat moved for a mistrial without prejudice based upon the testimony given by Officer Law as to other bad acts. Opposition by Ms. Craggs. COURT stated FINDINGS and ORDERED, Motion for Mistrial DENIED. Ms. Graham requested to file an Amended Information to flip the order of the counts and to update the department number. Ms. Hojjat noted she had no objection to the department change; however argued switching the counts would be prejudicial to the Deft. COURT advised it didn t see it being prejudicial. Amended Information FILED IN OPEN COURT.

JURY PRESENT: Testimony presented (see worksheet). Magdalena Becerra, Spanish Interpreter

present. CONFERENCES AT BENCH. Juror question asked by the Court, marked and admitted.

OUTSIDE THE PRESENCE OF THE JURY: Discussions regarding objections made at the bench conference regarding testimony of Maria Verduzco, perception of the officers as to what the charges were, and the 911 call by Mr. Gonzales. Court advised motions for mistrial regarding alleged 911 call and allegation on resisting arrest were denied at the bench. Further advised the Deft of his right not to testify under the constitution. Ms. Hojjat requested for the State s opening power point presentation be printed and admitted as a courts exhibit. Ms. Graham stated no opposition. COURT SO ORDERED. Ms. Graham requested to have the State s investigator testify about his efforts in obtaining a witness. Objection by Ms. Hojjat. Court advised the investigator will be allowed to testify. Colloquy regarding scheduling, witnesses remaining and preparation of Jury instructions.

JURY PRESENT: Testimony continued (see worksheet). CONFERENCES AT BENCH. COURT admonished the Jury for evening recess and ORDERED, Trial CONTINUED at the given time.

OUTSIDE THE PRESENCE OF THE JURY: Ms. Hojjat moved for mistrial regarding efforts to obtain witness Rubi Cruz and information that was not provided by the State. Opposition by Ms. Graham. COURT stated FINDINGS and ORDERED, Request for Mistrial DENIED. Ms. Hojjat requested Deft s investigator be allowed to testify. COURT SO NOTED. Further colloquy regarding Jury Instructions.

CUSTODY

CONTINUED TO: 02/24/16 9:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

February 24, 2016

C-14-302450-1 State of Nevada
vs
John Morgan

February 24, 2016 9:30 AM Jury Trial

HEARD BY: Johnson, Susan COURTROOM: RJC Courtroom 15D

COURT CLERK: Melissa Murphy
Skye Endresen

RECORDER: Norma Ramirez

REPORTER:

PARTIES

PRESENT:	Craggs, Genevieve C.	Attorney
	Graham, Elana L.	Attorney
	Heshmati, Arlene	Attorney
	Hojjat, Nadia	Attorney
	Morgan, John Demon	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defense Proposed Jury Instruction FILED IN OPEN COURT.

OUTSIDE THE PRESENCE OF THE JURY: Jury instruction and Verdict form, argued and settled on the record.

JURY PRESENT: Exhibits presented (see worksheet). State and Defense rested. Court instructed the Jury on the law. CONFERENCES AT BENCH. Jury Instructions FILED IN OPEN COURT. Parties stipulated to the documents that fell out of the Deft s bag containing his name on it. Closing arguments by Ms. Craggs and Ms. Hojjat.

OUTSIDE THE PRESENCE OF THE JURY: Following argument by Ms. Hojjat, COURT stated FINDINGS and ORDERED, oral Motion for Mistrial DENIED.

JURY PRESENT: Rebuttal argument by Ms. Graham. CONFERENCES AT BENCH. Court thanked and admonished Alternate Juror. Amended Jury List FILED IN OPEN COURT. At the hour of 12:17 p.m. the Jury retired to deliberate. At the hour of 2:50 p.m. the Jury returned with a written Verdict FILED IN OPEN COURT. JURY FOUND Deft GUILTY OF COUNT 1 - ROBBERY and of COUNT 2 - BATTERY. Jury polled, thanked and excused.

OUTSIDE THE PRESENCE OF THE JURY: Ms. Graham requested the Deft be remanded without bail or have Deft s bail increased. Opposition by Ms. Hojjat. COURT ORDERED, State s Request DENIED; Deft s bail to REMAIN at \$50,000.00. COURT FURTHER ORDERED, matter REFERRED to the Division of Parole and Probation and SET for Sentencing.

CUSTODY

04/14/16 9:00 AM - SENTENCING

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

April 14, 2016

C-14-302450-1 State of Nevada
vs
John Morgan

April 14, 2016 9:00 AM Sentencing

HEARD BY: Johnson, Susan COURTROOM: RJC Courtroom 15D

COURT CLERK: Melissa Murphy
Olivia Black

RECORDER: Norma Ramirez

REPORTER:

PARTIES

PRESENT:	Campbell, Cara L.	Attorney
	Heshmati, Arlene	Attorney
	Hojjat, Nadia	Attorney
	Morgan, John Demon	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Arguments by counsel and statement by Defendant. DEFT MORGAN ADJUDGED GUILTY of COUNT 1 - ROBBERY (F) and COUNT 2 - BATTERY (M). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$3.00 DNA Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, and a \$250.00 Indigent Defense Civil Assessment fee; Deft. SENTENCED on COUNT 1 - to a MINIMUM of TWENTY-SIX (26) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC), and on COUNT 2 -SIX (6) MONTHS in the Clark County Detention Center, COUNT 2 CONCURRENT WITH COUNT 1, with FIVE HUNDRED THIRTY-THREE (533) DAYS credit for time served.

NDC

STATE'S EXHIBITS

CASE NO. C-14-302450-1

		Date Offered	Objection	Date Admitted
1	Photo: Victim's face and chest	2/23/16	Yes	2/23/16
2	Photo: Victim's chest close-up	2/23/16	STIP	2/23/16
3	Photo: Victim's chest close-up to marks	2/23/16	STIP	2/23/16
4	Photo: Victim's chest close-up to marks	2/23/16	STIP	2/23/16
5	Photo: Victim's left elbow	2/23/16	STIP	2/23/16
6	Photo: Victim's left elbow close-up	2/23/16	STIP	2/23/16
7	Photo: Victim's left elbow scrape close-up	2/23/16	STIP	2/23/16
8	Photo: Victim's face	2/23/16	Yes	2/23/16
9	Photo: Victim from behind in AMPM	2/23/16	STIP	2/23/16
10	Photo: Victim from the front in AMPM	2/23/16	STIP	2/23/16
11	Photo: Victim from the left side in AMPM	2/23/16	STIP	2/23/16
12	Photo: AMPM front of store	2/23/16	STIP	2/23/16
13	Photo: Chip rack used by victim to hit Δ	2/23/16	STIP	2/23/16
14	Photo: Close up of chip rack	2/23/16	STIP	2/23/16
15	Photo: Map # 1 Larger View	2/23/16	STIP	2/23/16
16	Photo: Map # 2 Closer View of AMPM	2/23/16	STIP	2/23/16
17	Photo: Map #3 Closer View of El Moor Way	2/23/16	STIP	2/23/16
18	Photo: Map #4 Zoomed in AMPM	2/23/16	STIP	2/23/16
19	Media: AMPM Video	2/23/16	STIP	2/23/16
20				

DEFENDANT'S EXHIBITS

CASE NO. C302450-1

		Date Offered	Objection	Date Admitted
A	PHOTO (SHELVES WITH PRODUCE)	02/23/16	NO	02/23/16
B	PHOTO (SHELF WITH CHIPS, COOKIES, NUTS)	02/23/16	NO	02/23/16
C	PHOTO (INSTANT LUNCH, CHEF BOYARDEE)	02/23/16	NO	02/23/16
D	PHOTO (CHEETOS, MUNCHIES)	02/23/16	NO	02/23/16
E	PHOTO (ISLE RACK)	02/23/16	NO	02/23/16
F	ENVELOPE CONTAINING 911 CALL (DISK)	02/24/16	STIP	02/24/16
G				
H				
I				
J				
K				
L				
M				
N				
O				
P				
Q				
R				
S				
T				
U				
V				
W				

COURT'S EXHIBITS

CASE NO. C302450-1

		Date Offered	Objection	Date Admitted
1	JUROR QUESTION SEAT # 4	02/23/16	-	02/23/16
2	JUROR QUESTION SEAT # 2	02/23/16	-	02/23/16
3	JUROR QUESTION SEAT #10	02/23/16	-	02/23/16
4	JUROR QUESTION SEAT # 6	02/23/16	-	02/23/16
5	JUROR QUESTION SEAT # 9 (asked)	02/23/16	-	02/23/16
6	JUROR QUESTION SEAT # 2	02/23/16	-	02/23/16
7	JUROR QUESTION SEAT # 5	02/23/16	-	02/23/16
8	STATE'S OPENING POWER POINT PRESENTATION	02/23/16	-	02/23/16
9	JUROR QUESTION SEAT # 6	02/24/16	-	02/24/16
10	JUROR QUESTION SEAT # 5	02/24/16	-	02/24/16
11	JUROR QUESTION SEAT # 2	02/24/16	-	02/24/16
12	JUROR QUESTION SEAT # 3	02/24/16	-	02/24/16
13	DEFENSE CLOSING POWER POINT PRESENTATION	02/24/16	-	02/24/16
14	STATE'S CLOSING POWER POINT PRESENTATION	02/24/16	-	02/24/16
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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; 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.

JOHN DEMON MORGAN,

Defendant(s).

Case No: C-14-302450-1

Dept No: XXII

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 18 day of May 2016.

Steven D. Grierson, Clerk of the Court

Chaunte Pleasant

Chaunte Pleasant, Deputy Clerk

