

CLERK OF THE COURT

Electronically Filed  
Jun 21 2016 11:05 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

NOTC  
BRENT D. PERCIVAL, ESQ.  
Nevada Bar No. 3656  
BRENT D. PERCIVAL, ESQ., P.C.  
630 South Third Street  
Las Vegas, Nevada 89101  
(702) 868-5650

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA

Plaintiff,

vs.

DVONTAE DEALVONE RICHARD, a/k/a  
Dvontae Dshawn Richard  
#2806958

Defendant.

Case No. C308258-1  
Dept. No. XXVIII

DEFENDANT'S NOTICE OF APPEAL  
FROM AMENDED JUDGMENT OF CONVICTION

COMES NOW, Defendant, DVONTAE RICHARD, by and through his attorney of record, BRENT D. PERCIVAL, ESQ., and the law office of BRENT D. PERCIVAL, ESQ., P.C., and hereby gives notice of his taking a criminal appeal to the Nevada Supreme Court from that Amended Judgment of Conviction entered the 7<sup>th</sup> day of June, 2016. The Judgment of Conviction was served upon counsel for the Defendant, via electronic filing and service on the 9<sup>th</sup> day of June, 2016.

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Law Office of Brent D. Percival, Esq.

630 South Third Street

Las Vegas, Nevada 89101

(702) 868-5650 • Fax (702) 385-3823

1  
2 A copy of the Judgment of Conviction appealed from is attached to this Notice of  
3 Appeal as Exhibit 1 hereto.

4 RESPECTFULLY SUBMITTED this 9th day of June, 2016.

5 BRENT D. PERCIVAL, ESQ. P.C.

6  
7  
8   
BRENT D. PERCIVAL, ESQ.

9 Nevada Bar No. 3656

10 630 South Third Street

11 Las Vegas, Nevada 89101

12 (702) 868-5650

13 Attorney for Defendant

14 DVONTAE RICHARD

Law Office of Brent D. Percival, Esq.

630 South Third Street

Las Vegas, Nevada 89101

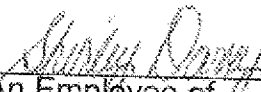
(702) 868-5650 • Fax (702) 385-3823

**CERTIFICATE OF MAILING**

I hereby certify that on the 9th day of June, 2016, I served the foregoing **Notice of Appeal from Amended Judgment of Conviction** by depositing a true and correct copy in the U.S. Mail, first-class postage affixed, addressed as follows:

Clark County District Attorney's Office  
STEVEN B. WOLFSON, ESQ.  
Nevada State Bar No. 001565  
200 East Lewis Avenue  
Las Vegas, Nevada 89101  
**ATT'N: APPELLATE DIVISION**

And by electronic filing and service upon the Clark County District Attorney's office.

  
An Employee of  
Brent D. Percival, Esq., P.C.

1 **REQT**  
2 BRENT D. PERCIVAL, ESQ.  
3 Nevada Bar #3656  
4 **BRENT D. PERCIVAL, ESQ. P.C.**  
5 630 South Third Street  
6 Las Vegas, Nevada 89101  
7 (702) 868-5650  
8 Attorney for Defendant

Electronically Filed  
06/09/2016 05:11:51 PM



CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA

Plaintiff,

vs.

DVONTAE DEALVONE RICHARD, a/k/a  
Dvontae Dshawn Richard  
#2806958

Defendant.

Case No. C308258-1  
Dept. No. XXVIII

REQUEST FOR ROUGH DRAFT TRANSCRIPTS

TO: KIARA SCHMIDT, Court Recorder, Lower Level Arraignment

Defendant named above requests preparation of the rough draft transcripts of the proceedings before the district court, as follows:

Judge or officer hearing the proceeding: HONORABLE MELISSA DE LA GARZA

Date or dates of proceedings:

Initial Arraignment - Transcript of Proceedings - 07/27/15

Portions of the transcript requested: Entire Transcript

Number of copies required: Original and three (3) certified copies

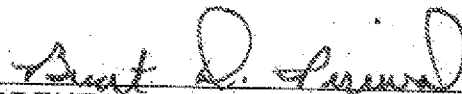
I hereby certify that on this date I ordered this transcript from the court recorder named above, that Defendant is court-appointed and is indigent and

///

1 proceeding in forma pauperis and is otherwise exempt from payment of the required  
2 deposit.

3  
4 Dated this 9th day of June, 2016.

5 BRENT D. PERCIVAL, ESQ., P.C.

6 

7 BRENT D. PERCIVAL, ESQ.

8 Nevada Bar #3656

9 630 South Third Street

10 Las Vegas, NV 89101

11 (702) 868-5650

12 Attorney for Defendant

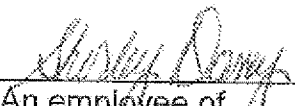
CERTIFICATE OF SERVICE

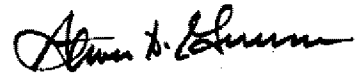
I hereby certify that on the 9<sup>th</sup> day of June, 2016, I served the foregoing  
REQUEST FOR TRANSCRIPT OF PROCEEDINGS by hand-delivery to the parties  
listed below:

Kiara Schmidt, Court Recorder  
Lower Level "A"  
Eighth Judicial District Court  
State of Nevada  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, NV 89155

Clark County District Attorney's Office  
STEVEN B. WOLFSON, ESQ.  
Nevada State Bar No. 001565  
200 East Lewis Avenue  
Las Vegas, Nevada 89101  
**ATT'N: APPELLATE DIVISION**

And by electronic filing and service upon the Clark County District Attorney's office.

  
An employee of  
**Brent D. Percival, Esq., P.C.**



CLERK OF THE COURT

1 **REQT**  
2 **BRENT D. PERCIVAL, ESQ.**  
3 Nevada Bar #3656  
4 **BRENT D. PERCIVAL, ESQ. P.C.**  
5 630 South Third Street  
6 Las Vegas, Nevada 89101  
7 (702) 868-5650  
8 Attorney for Defendant

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

8 **THE STATE OF NEVADA**

9 Plaintiff,

10 vs.

11 **DVONTAE DEALVONE RICHARD, a/k/a**  
12 **Dvontae Dshawwn Richard**  
13 **#2806958**

14 Defendant.

Case No. C308258-1  
Dept. No. XXVIII

15 **REQUEST FOR ROUGH DRAFT TRANSCRIPTS**

16 **TO: SHARON HOWARD, Court Reporter, Department XXV**

17 Defendant named above requests preparation of the rough draft transcripts of  
18 the proceedings before the district court, as follows:

19 Judge or officer hearing the proceeding: **HONORABLE KATHLEEN DELANEY**

20 Date or dates of proceedings:

21 Transcript of Proceedings of Hearings – 08/03/15, 08/05/15, 08/12/15, 08/19/15,  
22 09/02/15, 02/18/16

23 Portions of the transcript requested: Entire Transcript

24 Number of copies required: Original and three (3) certified copies

25 I hereby certify that on this date I ordered this transcript from the court recorder  
26 named above, that Defendant is court-appointed and is indigent and  
27  
28

///

Law Office of Brent D. Percival, Esq.  
630 South Third Street  
Las Vegas, Nevada 89101  
(702) 868-5650 • Fax (702) 385-3823

Law Office of Brent D. Percival, Esq.  
630 South Third Street  
Las Vegas, Nevada 89101  
(702) 868-5650 • Fax (702) 385-3823

1 proceeding in forma pauperis and is otherwise exempt from payment of the required  
2 deposit.

3  
4 Dated this 9th day of June, 2016.

5 BRENT D. PERCIVAL, ESQ., P.C.

6 

7 BRENT D. PERCIVAL, ESQ.

8 Nevada Bar #3656

9 630 South Third Street

10 Las Vegas, NV 89101

11 (702) 868-5650

12 Attorney for Defendant

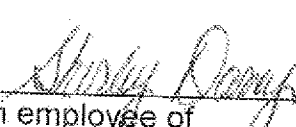
CERTIFICATE OF SERVICE

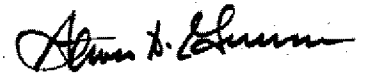
I hereby certify that on the 9th day of June, 2016, I served the foregoing  
REQUEST FOR TRANSCRIPT OF PROCEEDINGS by hand-delivery to the parties  
listed below:

Sharon Howard, Court Reporter  
Department XXV  
Eighth Judicial District Court  
State of Nevada  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, NV 89155

Clark County District Attorney's Office  
STEVEN B. WOLFSON, ESQ.  
Nevada State Bar No. 001565  
200 East Lewis Avenue  
Las Vegas, Nevada 89101  
ATTN: APPELLATE DIVISION

And by electronic filing and service upon the Clark County District Attorney's office.

  
An employee of  
Brent D. Percival, Esq., P.C.



CLERK OF THE COURT

1 REQT  
2 BRENT D. PERCIVAL, ESQ.  
3 Nevada Bar #3656  
4 BRENT D. PERCIVAL, ESQ. P.C.  
5 630 South Third Street  
6 Las Vegas, Nevada 89101  
7 (702) 868-5650  
8 Attorney for Defendant

6 DISTRICT COURT  
7 CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA

9 Plaintiff,

10 vs.

11 DVONTAE DEALVONE RICHARD, a/k/a  
12 Dvontae Dshawn Richard  
13 #2806958

14 Defendant.

Case No. C308258-1  
Dept. No. XXVIII

15 REQUEST FOR ROUGH DRAFT TRANSCRIPTS

16 TO: BRENDA SCHROEDER, Court Reporter, Department XXV

17 Defendant named above requests preparation of the rough draft transcripts of  
18 the proceedings before the district court, as follows:

19 Judge or officer hearing the proceeding: HONORABLE KATHLEEN DELANEY

20 Date or dates of proceedings:

21 Transcript of Proceedings of Hearing – 08/12/15

22 Portions of the transcript requested: Entire Transcript

23 Number of copies required: Original and three (3) certified copies

24 I hereby certify that on this date I ordered this transcript from the court recorder  
25 named above, that Defendant is court-appointed and is indigent and  
26

27 ///

1 proceeding in forma pauperis and is otherwise exempt from payment of the required  
2 deposit.

3  
4 Dated this 9th day of June, 2016.

5 BRENT D. PERCIVAL, ESQ., P.C.

6  
7 

8 BRENT D. PERCIVAL, ESQ.

9 Nevada Bar #3656

10 630 South Third Street

11 Las Vegas, NV 89101

12 (702) 868-5650

13 Attorney for Defendant


CERTIFICATE OF SERVICE

I hereby certify that on the 24 day of June, 2016, I served the foregoing  
REQUEST FOR TRANSCRIPT OF PROCEEDINGS by hand-delivery to the parties  
listed below:

Brenda Schroeder, Court Reporter  
Department XXV  
Eighth Judicial District Court  
State of Nevada  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, NV 89155

Clark County District Attorney's Office  
STEVEN B. WOLFSON, ESQ.  
Nevada State Bar No. 001565  
200 East Lewis Avenue  
Las Vegas, Nevada 89101  
**ATT'N: APPELLATE DIVISION**

And by electronic filing and service upon the Clark County District Attorney's office.

  
An employee of  
**Brent D. Percival, Esq., P.C.**

  
CLERK OF THE COURT

1 **REQT**  
2 BRENT D. PERCIVAL, ESQ.  
3 Nevada Bar #3656  
4 **BRENT D. PERCIVAL, ESQ. P.C.**  
5 630 South Third Street  
6 Las Vegas, Nevada 89101  
7 (702) 868-5650  
8 Attorney for Defendant

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

8 THE STATE OF NEVADA

9 Plaintiff,

10 vs.

11 DVONTAE DEALVONE RICHARD, a/k/a  
12 Dvontae Dshawn Richard  
13 #2806958

14 Defendant.

Case No. C308258-1  
Dept. No. XXVIII

15 **REQUEST FOR ROUGH DRAFT TRANSCRIPTS**

16 TO: JUDY CHAPPELL, Court Reporter, Department XXVIII

17 Defendant named above requests preparation of the rough draft transcripts of  
18 the proceedings before the district court, as follows:

19 Judge or officer hearing the proceeding: HONORABLE RONALD J. ISRAEL  
20 Date or dates of proceedings:

21 Transcript of Proceedings of Jury Trial – 02/22/16, 02/23/16, 02/24/16,  
22 02/25/16, 02/26/16, 02/31/16

23 Transcript of Proceedings of Sentencing – 05/04/16, 05/25/16

24 Portions of the transcript requested: Entire Transcript

25 Number of copies required: Original and three (3) certified copies

26 I hereby certify that on this date I ordered this transcript from the court recorder  
27 named above, that Defendant is court-appointed and is indigent and  
28

///

Law Office of Brent D. Percival, Esq.  
630 South Third Street  
Las Vegas, Nevada 89101  
(702) 868-5650 • Fax (702) 385-3823

proceeding in forma pauperis and is otherwise exempt from payment of the required deposit.

Dated this 9th day of June, 2016.

BRENT D. PERCIVAL, ESQ., P.C.



BRENT D. PERCIVAL, ESQ.

Nevada Bar #3656

630 South Third Street

Las Vegas, NV 89101

(702) 868-5650

Attorney for Defendant

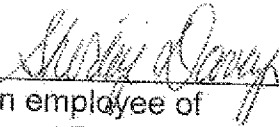
CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of June, 2016, I served the foregoing  
REQUEST FOR TRANSCRIPT OF PROCEEDINGS by hand-delivery to the parties  
listed below:

Judy Chappell, Court Reporter  
Department XXVIII  
Eighth Judicial District Court  
State of Nevada  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, NV 89155

Clark County District Attorney's Office  
STEVEN B. WOLFSON, ESQ.  
Nevada State Bar No. 001565  
200 East Lewis Avenue  
Las Vegas, Nevada 89101  
**ATT'N: APPELLATE DIVISION**

And by electronic filing and service upon the Clark County District Attorney's office.

  
An employee of  
**Brent D. Percival, Esq., P.C.**

DEPARTMENT 28  
**CASE SUMMARY**  
**CASE NO. C-15-308258-1**

**State of Nevada**  
**vs**  
**Dvontae Richard**

§ Location: **Department 28**  
§ Judicial Officer: **Israel, Ronald J.**  
§ Filed on: **07/23/2015**  
§ Case Number History:  
§ Cross-Reference Case **C308258**  
§ Number:  
§ Defendant's Scope ID #: **2806958**  
§ ITAG Booking Number: **1500023403**  
§ ITAG Case ID: **1693644**  
§ Lower Court Case # Root: **15F07854**  
§ Lower Court Case Number: **15F07854X**  
§ Metro Event Number: **1505242660**

**CASE INFORMATION**

<b>Offense</b>	<b>Deg</b>	<b>Date</b>	<b>Case Type:</b>	<b>Felony/Gross Misdemeanor</b>
<b>Jurisdiction: District Court</b>				
1. CONSPIRACY TO COMMIT ROBBERY PCN: 0025564904 ACN: 1505242660 Arrest: 05/24/2015 MET - Metro	F	05/20/2015	Case Flags:	<b>Appealed to Supreme Court</b>
2. BURGLARY WHILE IN POSSESSION OF A FIREARM	F	05/20/2015		<b>Custody Status - Nevada</b>
3. GRAND LARCENY OF FIREARM	F	05/20/2015		<b>Department of Corrections</b>
4. GRAND LARCENY	F	05/20/2015		<b>Charge Description Updated</b>
5. ROBBERY WITH USE OF A DEADLY WEAPON	F	05/20/2015		<b>JC Custody Status at Time of</b>
6. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON	F	05/24/2015		<b>B/O</b>
7. CONSPIRACY TO COMMIT ROBBERY	F	05/24/2015		<i>JUL 27 2015 10:00AM: IN</i>
8. ATTEMPT ROBBERY	F	05/24/2015		<i>CUSTODY</i>
<i>Filed As:</i> ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON	F	7/24/2015		<b>Bail Setting</b>
9. BATTERY WITH INTENT TO COMMIT A CRIME	F	05/24/2015		<i>\$195,000 Cash or \$195,000</i>
10. OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON	F	05/20/2015		<i>Surety</i>
				<b>In Custody - CCDC</b>

**Statistical Closures**

05/27/2016 Jury Trial - Conviction - Criminal

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

Case Number C-15-308258-1  
Court Department 28  
Date Assigned 02/19/2016  
Judicial Officer Israel, Ronald J.

**PARTY INFORMATION**

**Defendant** **Richard, Dvontae**

*Lead Attorneys*

**Percival, Brent D.**

*Retained*

7028685650(W)

**Plaintiff** **State of Nevada**

**Wolfson, Steven B**

702-671-2700(W)

**DATE**

**EVENTS & ORDERS OF THE COURT**














**INDEX**

07/23/2015



















Criminal Bindover Packet Las Vegas Justice Court





DEPARTMENT 28  
**CASE SUMMARY**  
**CASE NO. C-15-308258-1**

07/24/2015	 Information <i>Information</i>
07/27/2015	 <b>Initial Arraignment</b> (10:00 AM) (Judicial Officer: De La Garza, Melisa)
07/27/2015	 Information <i>Information</i>
07/28/2015	 Motion <i>Motion for Setting of Reasonable Bail</i>
07/29/2015	 Motion <i>Motion to Withdraw Due to Conflict</i>
07/31/2015	 Opposition to Motion <i>State's Opposition to Defendant's Motion for Setting of Reasonable Bail and State's Countermotion to Increase Bail to \$350,000.00</i>
08/03/2015	<b>Appointment of Counsel</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <b>08/03/2015, 08/05/2015</b> <i>Appointment of Counsel (B. Percival, Esq.)</i>
08/03/2015	<b>Motion</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <b>08/03/2015, 08/05/2015, 08/12/2015, 08/19/2015, 09/02/2015</b> <i>Defendant's Motion for Setting of Reasonable Bail</i>
08/03/2015	<b>Motion</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <b>08/03/2015, 08/05/2015</b> <i>Public Defender's Motion to Withdraw Due to Conflict</i>
08/03/2015	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Barker, David)
08/03/2015	 Media Request and Order <i>Media Request And Order Allowing Camera Access To Court Proceedings.</i>
08/05/2015	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
08/12/2015	<b>Status Check</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.) <b>08/12/2015, 08/19/2015, 09/02/2015</b> <i>Status Check: Trial Readiness</i>
08/12/2015	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
08/13/2015	 Supplemental <i>State's Supplement to Opposition to Defendant's "Motion for Setting of Reasonable Bail" and State's Countermotion to Increase Bail to \$350,000</i>
08/14/2015	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses and/or Expert Witnesses</i>
08/17/2015	 Transcript of Proceedings <i>Reporters' Transcript of Preliminary Hearing, 7/23/2015</i>

DEPARTMENT 28  
**CASE SUMMARY**  
**CASE NO. C-15-308258-1**

08/19/2015	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
09/02/2015	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Delaney, Kathleen E.)
09/14/2015	<b>CANCELED Calendar Call</b> (9:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Judge</i>
09/21/2015	<b>CANCELED Jury Trial</b> (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Judge</i>
01/05/2016	 Supplemental Witness List <i>Supplemental Notice of Witnesses and/or Expert Witnesses</i>
02/10/2016	 Order for Production of Inmate <i>Order for Production of Inmate</i>
02/17/2016	 <b>Calendar Call</b> (9:30 AM) (Judicial Officer: Delaney, Kathleen E.)
02/17/2016	 Motion to Suppress <i>Defendant Dvontae Richard's Motion to Suppress Custodial Statements</i>
02/18/2016	 <b>Jackson v Denno Hearing</b> (1:30 PM) (Judicial Officer: Delaney, Kathleen E.)
02/18/2016	 <b>Minute Order</b> (5:01 PM) (Judicial Officer: Delaney, Kathleen E.)
02/19/2016	 <b>Overflow</b> (8:30 AM) (Judicial Officer: Barker, David) <i>Overflow (25)//DA: J. Giordani &amp; B. Percival//13 Witnesses//5 days</i>
02/22/2016	 <b>Jury Trial</b> (9:00 AM) (Judicial Officer: Israel, Ronald J.) <b>02/22/2016-02/26/2016</b>
02/22/2016	<b>CANCELED Jury Trial</b> (10:30 AM) (Judicial Officer: Delaney, Kathleen E.) <i>Vacated - per Judge</i>
02/22/2016	 Jury List
02/22/2016	 Amended Information
02/22/2016	<b>Disposition</b> (Judicial Officer: Israel, Ronald J.) 10. OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON Amended Information Filed/Charges Not Addressed PCN: Sequence:
02/25/2016	 Amended Jury List
02/26/2016	 Amended Information <i>Second Amended Information</i>
02/26/2016	 Verdict
02/26/2016	 Instructions to the Jury

DEPARTMENT 28  
**CASE SUMMARY**  
**CASE NO. C-15-308258-1**

02/26/2016	<b>Amended Disposition</b> (Judicial Officer: Israel, Ronald J.) 10. OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON Charge Reinstated PCN: Sequence:
02/26/2016	Jury Verdict
03/25/2016	 PSI
03/31/2016	 <b>Sentencing</b> (8:30 AM) (Judicial Officer: Israel, Ronald J.) <b>03/31/2016, 05/04/2016, 05/25/2016</b> <i>Sentencing (Jury Verdict/Counts 1-5, 7-9, Guilty Plea Count 10)</i>
04/09/2016	 PSI - Supplemental PSI
05/17/2016	 PSI - Supplemental PSI
05/18/2016	<b>Sentence</b> (Judicial Officer: Israel, Ronald J.) 9. BATTERY WITH INTENT TO COMMIT A CRIME Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum: 48 Months, Maximum: 120 Months Concurrent: Case Number with all other counts
05/25/2016	<b>Disposition</b> (Judicial Officer: Israel, Ronald J.) 6. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON Not Guilty PCN: Sequence:
05/25/2016	<b>Disposition</b> (Judicial Officer: Israel, Ronald J.) 1. CONSPIRACY TO COMMIT ROBBERY Guilty PCN: 0025564904 Sequence:  2. BURGLARY WHILE IN POSSESSION OF A FIREARM Guilty PCN: Sequence:  3. GRAND LARCENY OF FIREARM Guilty PCN: Sequence:  4. GRAND LARCENY Guilty PCN: Sequence:  5. ROBBERY WITH USE OF A DEADLY WEAPON Guilty PCN: Sequence:  7. CONSPIRACY TO COMMIT ROBBERY Guilty PCN: Sequence:  8. ATTEMPT ROBBERY Guilty

DEPARTMENT 28  
**CASE SUMMARY**  
**CASE NO. C-15-308258-1**

PCN: Sequence:

9. BATTERY WITH INTENT TO COMMIT A CRIME

Guilty

PCN: Sequence:

05/25/2016

**Amended Disposition** (Judicial Officer: Israel, Ronald J.)

10. OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

Guilty

PCN: Sequence:

05/25/2016

**Sentence** (Judicial Officer: Israel, Ronald J.)

1. CONSPIRACY TO COMMIT ROBBERY

Adult Adjudication

Sentenced to Nevada Dept. of Corrections

Term: Minimum:12 Months, Maximum:72 Months

05/25/2016

**Sentence** (Judicial Officer: Israel, Ronald J.)

2. BURGLARY WHILE IN POSSESSION OF A FIREARM

Adult Adjudication

Sentenced to Nevada Dept. of Corrections

Term: Minimum:36 Months, Maximum:180 Months

Consecutive: Charge 1

05/25/2016

**Sentence** (Judicial Officer: Israel, Ronald J.)

3. GRAND LARCENY OF FIREARM

Adult Adjudication

Sentenced to Nevada Dept. of Corrections

Term: Minimum:24 Months, Maximum:120 Months

Consecutive: Charge 2

05/25/2016

**Sentence** (Judicial Officer: Israel, Ronald J.)

4. GRAND LARCENY

Adult Adjudication

Sentenced to Nevada Dept. of Corrections

Term: Minimum:24 Months, Maximum:60 Months

Concurrent: Charge 3

05/25/2016

**Sentence** (Judicial Officer: Israel, Ronald J.)

5. ROBBERY WITH USE OF A DEADLY WEAPON

Adult Adjudication

Sentenced to Nevada Dept. of Corrections

Term: Minimum:72 Months, Maximum:180 Months

Consecutive Enhancement:Use of Deadly Wepon, Minimum:48 Months,

Maximum:180 Months

Consecutive: Charge 1, 2 & 3

05/25/2016

**Sentence** (Judicial Officer: Israel, Ronald J.)

7. CONSPIRACY TO COMMIT ROBBERY

Adult Adjudication

Sentenced to Nevada Dept. of Corrections

Term: Minimum:28 Months, Maximum:72 Months

Concurrent: Case Number with all other counts

05/25/2016

**Sentence** (Judicial Officer: Israel, Ronald J.)

8. ATTEMPT ROBBERY










Adult Adjudication

Sentenced to Nevada Dept. of Corrections

Term: Minimum:48 Months, Maximum:120 Months

Concurrent: Case Number all other counts

DEPARTMENT 28  
**CASE SUMMARY**  
**CASE NO. C-15-308258-1**

05/25/2016	<b>Sentence</b> (Judicial Officer: Israel, Ronald J.) 10. OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:28 Months, Maximum:72 Months Concurrent: Case Number to all other counts Credit for Time Served: 367 Days Comments: Aggregate Term 16-61 Years Fee Totals: Administrative Assessment Fee 25.00 \$25 DNA Analysis Fee 150.00 \$150 Genetic Marker Analysis AA Fee 3.00 \$3 Fee Totals \$ 178.00 Other Fees 1. , \$201.24 VC2234128 2. , \$1,130.00 VC2234125
05/26/2016	Judgment of Conviction <i>(Jury Trial) // cc (5/26/16 - signed and gave to Kathy)</i>
05/27/2016	 Judgment of Conviction <i>JUDGMENT OF CONVICTION (JURY TRIAL)</i>
06/01/2016	 Notice of Appeal (criminal) <i>Defendant's Notice of Appeal</i>
06/01/2016	 Case Appeal Statement <i>Case Appeal Statement</i>
06/07/2016	 Amended Judgment of Conviction <i>AMENDED JUDGMENT OF CONVICTION (JURY TRIAL)</i>
06/09/2016	 Notice of Appeal (criminal) <i>Defendant's Notice of Appeal From Amended Judgment of Conviction</i>
06/09/2016	 Request <i>Request For Rough Draft Transcripts</i>
06/09/2016	 Request <i>Request For Rough Draft Transcripts</i>
06/09/2016	 Request <i>Request For Rough Draft Transcripts</i>
06/09/2016	 Request <i>Request For Rough Draft Transcripts</i>

**DATE**

**FINANCIAL INFORMATION**

**Defendant** Richard, Dvontae  
Total Charges  
Total Payments and Credits

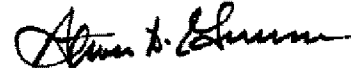
178.00  
0.00

DEPARTMENT 28  
**CASE SUMMARY**  
CASE NO. C-15-308258-1

Balance Due as of 6/13/2016

178.00

1 AJOC



CLERK OF THE COURT

2  
3  
4 DISTRICT COURT

5 CLARK COUNTY, NEVADA

6  
7  
8 THE STATE OF NEVADA,

9 Plaintiff,

CASE NO. C308258-1

10 -vs-

DEPT. NO. XXVIII

11 DVONTAE RICHARD aka  
12 Dvontae Dshawn Richard  
13 #2806958

14 Defendant.

15  
16 AMENDED JUDGMENT OF CONVICTION

17 (JURY TRIAL)

18  
19 The Defendant previously entered a plea of not guilty to the crimes of COUNTS 1  
20 and 7 – CONSPIRACY TO COMMIT ROBBERY (Category B Felony) in violation of  
21 NRS 200.380, 199.480; COUNT 2 – BURGLARY WHILE IN POSSESSION OF A  
22 FIREARM (Category B Felony) in violation of NRS 205.060; COUNT 3 – GRAND  
23 LARCENY OF FIREARM (Category B Felony) in violation of NRS 205.226; COUNT 4 –  
24 GRAND LARCENY (Category C Felony) in violation of NRS 205.220.1, 205.222.2;  
25 COUNT 5 – ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in  
26 violation of NRS 200.380, 193.165; COUNT 6 – FIRST DEGREE KIDNAPPING WITH  
27  
28



1 USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.310,  
2 200.320, 193.165; COUNT 8 – ATTEMPT ROBBERY (Category B Felony) in violation  
3 of NRS 200.380, 193.330; COUNT 9 – BATTERY WITH INTENT TO COMMIT A  
4 CRIME (Category B Felony) in violation of NRS 200.400.2; and entered a plea of guilty  
5 to the crime of COUNT 10 – OWNERSHIP OR POSSESSION OF FIREARM BY  
6 PROHIBITED PERSON (Category B Felony) in violation of NRS 202.360; and the  
7 matter having been tried before a jury and the Defendant having been found guilty of  
8 the crimes of COUNTS 1 and 7 – CONSPIRACY TO COMMIT ROBBERY (Category B  
9 Felony) in violation of NRS 200.380, 199.480; COUNT 2 – BURGLARY WHILE IN  
10 POSSESSION OF A FIREARM (Category B Felony) in violation of NRS 205.060;  
11 COUNT 3 – GRAND LARCENY OF FIREARM (Category B Felony) in violation of NRS  
12 205.226; COUNT 4 – GRAND LARCENY (Category C Felony) in violation of NRS  
13 205.220.1, 205.222.2; COUNT 5 – ROBBERY WITH USE OF A DEADLY WEAPON  
14 (Category B Felony) in violation of NRS 200.380, 193.165; COUNT 8 – ATTEMPT  
15 ROBBERY (Category B Felony) in violation of NRS 200.380, 193.330; and COUNT 9 –  
16 BATTERY WITH INTENT TO COMMIT A CRIME (Category B Felony) in violation of  
17 NRS 200.400.2; thereafter, on the 25<sup>th</sup> day of May, 2016, the Defendant was present in  
18 court for sentencing with counsel BRENT PERCIVAL, ESQ., and good cause  
19 appearing,  
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24 THE DEFENDANT WAS THEREBY ADJUDGED guilty of said offense(s) and, in  
25 addition to the \$25.00 Administrative Assessment Fee, \$1,130.00 Restitution to  
26 VC2234125 and \$201.24 Restitution to VC2234128 and \$150.00 DNA Analysis Fee  
27  
28

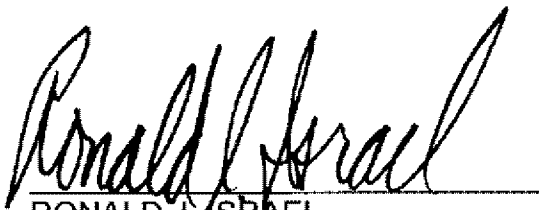
1 including testing to determine genetic markers plus \$3.00 DNA Collection Fee the  
2 Defendant is SENTENCED to the Nevada Department of Corrections (NDC) as follows:

3 **COUNT 1** – a MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM Parole  
4 Eligibility of TWELVE (12) MONTHS; **COUNT 2** - a MAXIMUM of ONE HUNDRED  
5 EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of THIRTY-SIX (36)  
6 MONTHS, CONSECUTIVE to COUNT 1; **COUNT 3** - a MAXIMUM of ONE HUNDRED  
7 TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24)  
8 MONTHS, CONSECUTIVE to COUNT 2; **COUNT 4** – a MAXIMUM of SIXTY (60)  
9 MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS,  
10 CONCURRENT with COUNT 3; **COUNT 5** - a MAXIMUM of ONE HUNDRED EIGHTY  
11 (180) MONTHS with a MINIMUM Parole Eligibility of SEVENTY-TWO (72) MONTHS  
12 plus a CONSECUTIVE term of ONE HUNDRED EIGHTY (180) MONTHS with a  
13 MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly  
14 Weapon, CONSECUTIVE to COUNTS 1, 2 and 3; **COUNT 7** – a MAXIMUM of  
15 SEVENTY-TWO (72) MONTHS with a MINIMUM Parole Eligibility of TWENTY-EIGHT  
16 (28) MONTHS, CONCURRENT with ALL OTHER COUNTS; **COUNT 8** - a MAXIMUM  
17 of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of  
18 FORTY-EIGHT (48) MONTHS, CONCURRENT with ALL OTHER COUNTS; **COUNT 9**  
19 - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole  
20 Eligibility of FORTY-EIGHT (48) MONTHS, CONCURRENT with ALL OTHER  
21 COUNTS; and COUNT 10 – a MAXIMUM of SEVENTY-TWO (72) MONTHS with a  
22 MINIMUM Parole Eligibility of TWENTY-EIGHT (28) MONTHS, CONCURRENT with  
23 ALL OTHER COUNTS; with THREE HUNDRED SIXTY-SEVEN (367) DAYS credit for  
24  
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1 time served. The AGGREGATE TOTAL sentence is SIXTY-ONE (61) YEARS  
2 MAXIMUM with a MINIMUM PAROLE ELIGIBILITY OF SIXTEEN (16) YEARS.

3 THEREAFTER, a clerical error having been discovered, the Amended Judgment  
4 of Conviction reflects the following correction: COUNT 5 - CONSECUTIVE to COUNTS  
5 1, 2 and 3 not COUNTS 1, 3 and 3.  
6

7 DATED this 6 day of June, 2016

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10  
11   
12 RONALD J. ISRAEL  
13 DISTRICT COURT JUDGE  
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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 27, 2015**

C-15-308258-1      State of Nevada  
                                 vs  
                                 Dvontae Richard

**July 27, 2015      10:00 AM      Initial Arraignment**

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

**COURT CLERK:** Roshonda Mayfield

**RECORDER:** Kiara Schmidt

**REPORTER:**

**PARTIES**

**PRESENT:** Richard, Dvontae      Defendant

**JOURNAL ENTRIES**

- Information FILED IN OPENC COURT.

DEFT. RICHARD ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, counsel has 21 days from the filing of the preliminary transcript to file any writs. The discovery motion requested by defense is GRANTED pursuant to NRS 174.235.

**CUSTODY**

9/14/15 9:30 A.M. CALENDAR CALL (DEPT. 25)

9/21/15 10:30 A.M. JURY TRIAL (DEPT. 25)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 03, 2015**

C-15-308258-1      State of Nevada  
                                 vs  
                                 Dvontae Richard

**August 03, 2015      9:00 AM      All Pending Motions**

**HEARD BY:** Barker, David      **COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Dania Batiste

**RECORDER:**

**REPORTER:** Sharon Howard

**PARTIES**

<b>PRESENT:</b>	Burns, J Patrick	Attorney
	Richard, Dvontae	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- APPOINTMENT OF COUNSEL.....DEFENDANT'S MOTION FOR SETTING OF REASONABLE BAIL.....PUBLIC DEFENDER'S MOTION TO WITHDRAW DUE TO CONFLICT

Brent Percival, Esq., not present to accept appointment; therefore, COURT ORDERED, matter CONTINUED to the next criminal session.

CUSTODY

Continued to: 8/5/2015      9:00 am

CLERK'S NOTE: A copy of this Minute Order was faxed to Mr. Percival. /db 8.3.2015

PRINT DATE: 06/13/2016

Page 2 of 33

Minutes Date: July 27, 2015



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 05, 2015

C-15-308258-1      State of Nevada  
                                 vs  
                                 Dvontae Richard

**August 05, 2015      9:00 AM      All Pending Motions**

**HEARD BY:** Delaney, Kathleen E.      **COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Dania Batiste

**RECORDER:**

**REPORTER:** Sharon Howard

**PARTIES**

<b>PRESENT:</b>	Burns, J Patrick	Attorney
	Percival, Brent D.	Attorney
	Richard, Dvontae	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- APPOINTMENT OF COUNSEL (B. PERCIVAL, ESQ.).....DEFENDANT'S MOTION FOR SETTING OF REASONABLE BAIL.....PUBLIC DEFENDER'S MOTION TO WITHDRAW DUE TO CONFLICT

Deputy Public Defender Tyler Gaston provided Mr. Percival with discovery in open court. Mr. Percival advised the Court if he sees any conflicts, he will place the matter on calendar. COURT SO NOTED, and ORDERED, Public Defender's Motion to Withdraw Due to Conflict GRANTED; Mr. Percival APPOINTED as counsel for Defendant.

COURT FURTHER ORDERED, bail motion CONTINUED one (1) week to give Mr. Percival an opportunity to determine if any supplementation is necessary, or if the motion is well-founded. FURTHER ORDERED, Mr. Percival to provide enough time for the State to respond if he chooses to file a supplement to the motion; parties to discuss calendar call and trial date at the next hearing.

**C-15-308258-1**

CUSTODY

8/12/2015      9:00 am      Defendant's Motion for Reasonable Bail....Status Check: Trial Readiness

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 12, 2015**

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C-15-308258-1      State of Nevada  
                                 vs  
                                 Dvontae Richard

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**August 12, 2015      9:00 AM      All Pending Motions**

**HEARD BY:** Delaney, Kathleen E.      **COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Dania Batiste

**RECORDER:**

**REPORTER:** Brenda Schroeder

**PARTIES**

**PRESENT:**      Overly, Sarah      Attorney  
                         Percival, Brent D.      Attorney  
                         State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION FOR SETTING OF REASONABLE BAIL.....STATUS CHECK: TRIAL  
READINESS

Defendant not present, hospitalized at University Medical Center (UMC).

Mr. Percival advised the Court that Defendant was shot in the leg at the scene of one the robberies; further, counsel has done a cursory review of the file and reviewed the bail motion. As to trial readiness, Mr. Percival stated it will be difficult for him to announce ready, as he recently obtained this case, and he has several other trials set that he does not anticipate resolving.

Upon the Court's inquiry, Mr. Percival requested a continuance to better familiarize himself Defendant's file and motion. COURT NOTED, Defendant invoked his right to a speedy trial; and ORDERED, matter CONTINUED one (1) week; Ms. Overly to advise assigned Deputy D.A. Patrick Burns.

**C-15-308258-1**

CUSTODY

Continued to: 8/19/2015      9:00 am

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 19, 2015**

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C-15-308258-1      State of Nevada  
                                 vs  
                                 Dvontae Richard

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**August 19, 2015      9:00 AM      All Pending Motions**

**HEARD BY:** Delaney, Kathleen E.      **COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Dania Batiste

**RECORDER:**

**REPORTER:** Sharon Howard

**PARTIES**

**PRESENT:**      Moskal, Thomas J.      Attorney  
                         Percival, Brent D.      Attorney  
                         State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION FOR SETTING OF REASONABLE BAIL.....STATUS CHECK: TRIAL READINESS

Mr. Percival advised the Court he unsuccessfully attempted to visit Defendant, who is still hospitalized at University Medical Center (UMC); however, counsel will try again this week. Mr. Percival further advised the Preliminary Hearing transcript was filed on Monday; additionally, he does not wish to argue the bail motion in Defendant's absence. No objection by the State.

COURT NOTED, no inclination to change the trial date at this time, as Defendant must be present, and this case needs more stability. COURT ORDERED, matters CONTINUED two (2) weeks.

CUSTODY

**C-15-308258-1**

Continued to: 9/2/2015 9:00 am

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 02, 2015**

C-15-308258-1      State of Nevada  
                                 vs  
                                 Dvontae Richard

**September 02, 2015      9:00 AM      All Pending Motions**

**HEARD BY:** Delaney, Kathleen E.      **COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Dania Batiste

**RECORDER:**

**REPORTER:** Sharon Howard

**PARTIES**

<b>PRESENT:</b>	Overly, Sarah	Attorney
	Percival, Brent D.	Attorney
	Richard, Dvontae	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION FOR SETTING OF REASONABLE BAIL.....STATUS CHECK: TRIAL READINESS

As to Defendant's Motion for Setting of Reasonable Bail:

Mr. Percival advised the Court that he was unable to visit Defendant last night, as his client was under a medical quarantine due to an infection from the gunshot wound; and argued that if Defendant is released from custody, he will have easier access to his client. Mr. Percival further argued that Defendant will receive medical attention if released, he is a lifetime resident of the area, he has family support and employment; and will not be a flight risk.

Opposition by Ms. Overly, requesting Defendant's bail be increased to \$350,000.00, arguing he received his gunshot wound while committing the crime, he is a confirmed gang member, and the likelihood of a conviction in this case is high.

COURT NOTED the totality of the circumstances, there is no basis to increase or reduce the bail at this time; and ORDERED, bail STANDS.

As to the Status Check: Trial Readiness:

Upon the Court's inquiry, and after conferring with Mr. Percival, Defendant advised he waives his right to a speedy trial. COURT ACCEPTED Defendant's waiver, and ORDERED, trial VACATED and RESET in the ordinary course.

CUSTODY

2/17/2016	9:30 am	Calendar Call
2/22/2016	10:30 am	Jury Trial

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 17, 2016**

C-15-308258-1      State of Nevada  
                                 vs  
                                 Dvontae Richard

**February 17, 2016      9:30 AM      Calendar Call**

**HEARD BY:** Delaney, Kathleen E.

**COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Dania Batiste

**RECORDER:**

**REPORTER:** Sharon Howard

**PARTIES**

<b>PRESENT:</b>	Burns, J Patrick	Attorney
	Percival, Brent D.	Attorney
	Richard, Dvontae	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Defendant Dvontae Richard's Motion to Suppress Custodial Statements FILED IN OPEN COURT

Upon the Court's inquiry, Mr. Percival advised that he served the State with a copy of the Motion to Suppress. Mr. Burns agreed, and noted that he concedes to the need for a Jackson v. Denno hearing regarding the statements in question; additionally, the State will be calling 1 witness. Mr. Burns further advised that Deputy D.A. Mr. Giordani will be trying this case, and it is overflow eligible.

Mr Percival stated that he has been summoned for jury duty and must be present Thursday morning at Jury Services for further direction. COURT SO NOTED, and ORDERED, matter SET for hearing; and REFERRED to Overflow; trial

**CUSTODY**

**PRINT DATE:** 06/13/2016

**Page** 12 of 33

**Minutes Date:** July 27, 2015

2/18/2016	1:30 pm	Jackson v. Denno Hearing
2/19/2016	8:30 am	Overflow (Dept. 18)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 18, 2016**

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C-15-308258-1      State of Nevada  
                                 vs  
                                 Dvontae Richard

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**February 18, 2016      1:30 PM      Jackson v Denno Hearing**

**HEARD BY:** Delaney, Kathleen E.      **COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Dania Batiste

**RECORDER:**

**REPORTER:** Sharon Howard

**PARTIES**

<b>PRESENT:</b>	Giordani, John	Attorney
	Percival, Brent D.	Attorney
	Richard, Dvontae	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Opening remarks by the State. Upon the Court's inquiry, Mr. Percival advised he wishes to reserve his remarks to the end of this hearing. COURT SO NOTED.

Theodore Weirauch, Lance Spiotto, and Defendant Dvontae Dashawn Richard sworn and testified.

Mr. Giordani cited case law and argued that at the time the statements were made, Defendant was coherent, recounted the incident in two separate interviews, and he was able to recall the facts; therefore, the standard has been met, and both statements should be admitted.

Opposition by Mr. Percival, arguing that the detective had with him at the time of the interview, a department issued recorder intended to memorialize conversations with witnesses and suspects; additionally, the detective is aware of the importance of a person's rights being given up. Mr. Percival questioned why the detective did not record the Miranda Rights; and further argued that the State has failed to meet its burden to show Defendant knowingly and voluntarily surrendered those rights when he made statements that went against his own interests. Further argument by Mr.

Giordani.

COURT ORDERED, matter briefly taken UNDER ADVISEMENT; the Court will review the recordings, transcripts, case law, and argument before issuing its Minute Order by the end of today.

CUSTODY

2/19/2016                      8:30 am                      Overflow (Dept. 18 - Courtroom 10C)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 18, 2016**

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C-15-308258-1      State of Nevada  
                                 vs  
                                 Dvontae Richard

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**February 18, 2016      5:01 PM      Minute Order**

**HEARD BY:** Delaney, Kathleen E.      **COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Dania Batiste

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- This matter, having come before the Court on February 18, 2016 for a hearing on Defendant s Motion to Suppress pursuant to Jackson v. Denno, and after review and consideration of the written motion, testimony elicited and arguments of counsel at the time of the hearing, and review of a recording and transcripts of the statements in question, as well as all relevant case law, the Court FINDS, for the reasons stated below, that the State has met its burden to show by a preponderance of the evidence that (1) the statements in question made by the Defendant were voluntary, and (2) the statements were given after the Defendant was properly Mirandized. Accordingly, Defendant s Motion to Suppress is DENIED, and the State may use the statements made by Defendant may be used at trial.

In the instant case, the evidence produced at the time of the hearing supports the State s contention that the Defendant was properly Mirandized by officers before being questioned on the two occasions at issue. Defendant testified he did not recall his interview with Detective Weirauch, but the audio recording reviewed by the Court, as well as Detective Weirauch s testimony, are sufficient for the State to meet its burden to show Defendant was properly Mirandized on the first occasion in the Emergency Room. As regards the second interview with Detective Spiotto in Defendant s hospital room, both the Defendant s testimony that he recalls being given warnings like those required by Miranda, and Detective Spiotto s testimony, even absent an audio recording of the

warnings being given, are also sufficient for the State to meet its burden to show Defendant was properly Mirandized.

Further in the instant case, under the totality of the circumstances surrounding the statements in question, there is not sufficient evidence to question the voluntariness of Defendant's statements to either Detective Weirauch or Detective Spiotto. While it is uncontested that Defendant was given medication to control his pain prior to both statements being given, the testimony of the Detectives, as well as the Defendant as regards the second interview in the hospital room, gives no indication that the Defendant was uncomfortable or incoherent, or unable to understand the meaning of the statements he made or the context in which he made them. Neither interview was of prolonged duration, and the substance of each interview was substantially similar. In light of these findings, and in the absence of any evidence that the statements were otherwise obtained by any physical or psychological coercion or improper inducement such that the will of the Defendant was overcome, the State has also met its burden to show the voluntariness of Defendant's statements by a preponderance of the evidence.

#### CUSTODY

2/19/2016      8:30 am      Overflow (Dept. 18 - Courtroom 10C)

CLERK'S NOTE: A copy of this Minute Order has been electronically mailed to Deputy D.A. John Giordani, Esq.; and faxed to Defendant's counsel, Brent Percival, Esq. / db 2.18.2016

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 19, 2016**

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C-15-308258-1      State of Nevada  
                                 vs  
                                 Dvontae Richard

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**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**

<b>PRESENT:</b>	Giordani, John	Attorney
	Percival, Brent D.	Attorney
	Richard, Dvontae	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- COURT ORDERED, matter REFERRED to Dept. 28, Judge Ron Israel, for a 5-day Jury Trial.

CUSTODY

2/22/16 9:00 AM JURY TRIAL - DEPT. 28

J. GIORDANI/B.. PERCIVAL

5 DAYS

11-13 WITNESSES

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 22, 2016

C-15-308258-1      State of Nevada  
                                 vs  
                                 Dvontae Richard

February 22, 2016      9:00 AM      Jury Trial

HEARD BY: Israel, Ronald J.      COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Giordani, John	Attorney
	Lexis, Chad N.	Attorney
	Percival, Brent D.	Attorney
	Richard, Dvontae	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: State submitted an Amended Information dropping the enhancement, with use of a deadly weapon in Count 8- Attempt Robbery (F) and for trial purposes, removed Count 10-, Ownership or Possession of Firearm by Prohibited Person, (F). Amended Information, FILED IN OPEN COURT. Colloquy regarding jury trial protocol. Mr. Percival noted there was an offer two weeks ago, Defendant would have plead guilty to one count with an 8 to 20 year sentence. Mr. Percival stated the offer on the record, to which Defendant rejected the offer. Mr. Percival further noted the State offered a second offer and the Defendant rejected this offer. State noted there are no longer any offers.

PROSPECTIVE JURY PANEL PRESENT: Voir Dire. Arguments by Counsel at the bench.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: At the request of the Court, Ms. Witt, Jury Commissioner appeared, sworn and gave testimony regarding the summons of potential jurors. Mr. Percival argued the limited number of African Americans in the jury pool. Arguments by the State

regarding the case law. Court stated its findings and noted the jury selection system is random and ORDERED, Defendant's Motion, DENIED.

PROSPECTIVE JURY PANEL PRESENT: Voir Dire continued.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: State Challenged for Cause Juror 145. Mr. Percival traversed Juror 145 outside the presence of the jury. Arguments by Counsel, Court GRANTED Challenge for cause pursuant to Jitnan.

PROSPECTIVE JURY PANEL PRESENT: Voir Dire continued. Counsel passed for cause. Jury and two secret alternates selected and sworn. The last two seats being the secret alternates.

Clerk read the Information to the jury and stated the Defendant's plea thereto. Opening statements by the state. Opening statement reserved by Mr. Percival.

EXCLUSIONARY RULE INVOKED.

Evening recess.

CUSTODY

02/23/16 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 23, 2016**

C-15-308258-1      State of Nevada  
                                 vs  
                                 Dvontae Richard

**February 23, 2016      10:00 AM      Jury Trial**

**HEARD BY:** Israel, Ronald J.      **COURTROOM:** RJC Courtroom 15C

**COURT CLERK:** Kathy Klein

**RECORDER:** Judy Chappell

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Giordani, John	Attorney
	Lexis, Chad N.	Attorney
	Percival, Brent D.	Attorney
	Richard, Dvontae	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Spanish Interpreter, Richardo Pico, present for State's witness, Horacio Herman Dez-Lopez.

OUTSIDE THE PRESENCE OF THE JURY: EXCLUSIONARY RULE INVOKED. Defendant stated he was not ready for trial, stating he did not receive all the pictures or transcript and further had no time to speak with his counsel. Mr. Percival noted he was appointed in August and had given the Deft. everything he had except the pictures were on a CD and the Deft. told him he saw the photos at the preliminary injunction. Defendant requested new counsel. Court noted this is now in the middle of trial and Deft. could proceed with this matter post trial and ORDERED, Deft's Motion for New Counsel, DENIED. Court gave Defendant time to review the transcripts provided.

JURY PRESENT: Clerk took the roll of the Jury. Testimony and exhibits presented (see worksheets.)

Evening recess.

**C-15-308258-1**

CUSTODY

02/24/16 9:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 24, 2016**

C-15-308258-1      State of Nevada  
                                 vs  
                                 Dvontae Richard

**February 24, 2016      9:00 AM      Jury Trial**

**HEARD BY:** Israel, Ronald J.      **COURTROOM:** RJC Courtroom 15C

**COURT CLERK:** Kathy Klein

**RECORDER:** Judy Chappell  
Sandra Pruchnic

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Giordani, John	Attorney
	Lexis, Chad N.	Attorney
	Percival, Brent D.	Attorney
	Richard, Dvontae	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding proposed jury instructions.

JURY PRESENT: Clerk took the roll of the jury. Testimony and exhibits presented (see worksheets.)

OUTSIDE THE PRESENCE OF THE JURY: Arguments regarding case U.S. America v. Larry Louscious 2:15-cr-00106-JAD-VCF. Court noted case noted was an unpublished Federal Court opinion overrule in Nevada. Mr. Percival requested the Court reconsider the Motion from last Wednesday, Motion to Suppress pursuant to Jackson V. Denno Hearing and not allow the State's witnesses, the Officers, to testify regarding the Deft's testimony in the hospital. Arguments by the State. Court noted it reviewed the decision and the minutes from the Jackson V. Denno Hearing conducted by Judge Delaney and the miranda warning was voluntary and appropriate, Judge Delaney ruled "Deft. was properly mirandized" and further noted this Court will not hold a second hearing based on Larry Louscious to overturn Judge Delaney's decision, Court DENIED, Motion to

reconsider.

JURY PRESENT: Further testimony and exhibits presented (see worksheets.)

OUTSIDE THE PRESENCE OF THE JURY: Mr. Percival stated arguments to preserve his right to challenge the miranda warning. Court noted the warning the Officer read to the Deft. regarding his rights was before questioning and not during questioning.

JURY PRESENT: Further testimony and exhibits presented (see worksheets.) State rests.

OUTSIDE THE PRESENCE OF THE JURY: Court advised Defendant of his/her right not to testify. Colloquy regarding jury instructions.

Evening recess.

CUSTODY

02/25/16 11:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 25, 2016**

C-15-308258-1      State of Nevada  
                                 vs  
                                 Dvontae Richard

**February 25, 2016      11:30 AM      Jury Trial**

**HEARD BY:** Israel, Ronald J.      **COURTROOM:** RJC Courtroom 15C

**COURT CLERK:** Kathy Klein

**RECORDER:** Judy Chappell

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Giordani, John	Attorney
	Lexis, Chad N.	Attorney
	Percival, Brent D.	Attorney
	Richard, Dvontae	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding scheduling issues. Counsel finalized instructions. Mr. Percival stated the Defendant will not be testifying. Upon Court's inquiry, Defendant stated he would not testify. Instructions settled. Colloquy regarding the State's 2nd Amended Information to be filed to include the 10th count that was removed prior to trial.

JURY PRESENT: Clerk took the roll of the Jury. Court instructed the jury. Closing arguments. Marshal and Judicial Executive Assistant (JEA) sworn and given charge of the jury. Court Thanked and released the two alternate jurors.

At the hour of 3:16 P.M. the jury retired to deliberate.

OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding scheduling issues. Defendant agreed to plead guilty to the Count 10, Ownership or Possession of Firearm by Prohibited Person, within the 2nd Amended Information to be filed after the jury verdict. Amended Jury List, FILED IN OPEN

**C-15-308258-1**

COURT.

Evening recess.

CUSTODY

02/26/16 9:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 26, 2016**

C-15-308258-1      State of Nevada  
vs  
Dvontae Richard

**February 26, 2016      9:00 AM      Jury Trial**

**HEARD BY:** Israel, Ronald J.      **COURTROOM:** RJC Courtroom 15C

**COURT CLERK:** Kathy Klein

**RECORDER:** Judy Chappell

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Giordani, John	Attorney
	Lexis, Chad N.	Attorney
	Percival, Brent D.	Attorney
	Richard, Dvontae	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- JURY PRESENT: 9:15 A.M. Jury returned to deliberation.

At the hour of 11:12 A.M. the jury returned with a Verdict:

COUNT 1 - CONSPIRACY TO COMMIT ROBBERY - GUILTY  
COUNT 2 - BURGLARY WHILE IN POSSESSION OF A FIREARM - GUILTY  
COUNT 3 - GRAND LARCENY OF FIREARM - GUILTY  
COUNT 4 - GRAND LARCENY - GUILTY  
COUNT 5 - ROBBERY WITH USE OF A DEADLY WEAPON - GUILTY  
COUNT 6 - NOT GUILTY  
COUNT 7 - CONSPIRACY TO COMMIT ROBBERY - GUILTY  
COUNT 8 - ATTEMPT ROBBERY - GUILTY  
COUNT 9 - BATTERY WITH INTENT TO COMMIT A CRIME

Counsel agreed not to poll the Jury. Verdict and Instructions, FILED IN OPEN COURT. Jury returned

to the deliberation room for a temporary break.

OUTSIDE THE PRESENCE OF THE JURY: COURT ORDERED, Deft. remanded into custody, WITHOUT BAIL, and matter referred to the Division of Parole and Probation (P & P) and set for sentencing.

State provided the second amended information to include count 10. Second Amended Information FILED IN OPEN COURT. No Guilty Plea Agreement provided. Court and Counsel noted this charge carries a ONE (1) to SIX (6) Year sentence in the Nevada Department of Corrections, this charge is a probational offence and no one can stipulate or promise Deft. a particular sentence and the sentencing is up to the Court. Court further canvassed Deft of his rights. DEFT. RICHARD ARRAIGNED AND PLED GUILTY TO COUNT 10, OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (F). Court ACCEPTED plea and, ORDERED, Matter referred to (P & P) to include this charge within the Pre-Sentence Investigation (PSI) Report and SET for sentencing.

JURY PRESENT: Court Thanked and excused the Jury.

Court adjourned.

CUSTODY

03/31/16 8:30 AM SENTENCING (CTS 1-5 & 7-10) DEPT. 28

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 31, 2016

C-15-308258-1      State of Nevada  
vs  
Dvontae Richard

March 31, 2016	8:30 AM	Sentencing	Sentencing (Jury Verdict/Counts 1-5, 7- 9, Guilty Plea Count 10)
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HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Giordani, John	Attorney
	Percival, Brent D.	Attorney
	Richard, Dvontae	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Deft. present and in custody. Mr. Percival not present. State noted the Pre-Investigation (PSI) Report had errors and Counsel agreed it would be appropriate to correct the PSI and requested matter be continued. COURT ORDERED, Matter CONTINUED.  
Mr. Percival present and was given the continued date.

**CUSTODY**

05/04/16 9:00 AM SENTENCING (JURY VERDICT COUNTS 1-5 7-9//GUILTY PLEA COUNT 10)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 04, 2016

C-15-308258-1      State of Nevada  
vs  
Dvontae Richard

May 04, 2016	9:00 AM	Sentencing	Sentencing (Jury Verdict/Counts 1-5, 7- 9, Guilty Plea Count 10)
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HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Giordani, John	Attorney
	Percival, Brent D.	Attorney
	Richard, Dvontae	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Deft. present and in custody. Mr. Percival noted the Pre-Investigation (PSI) Report had another error regarding count 5, the enhancement not listed. State noted the PSI listed the enhancement in their recommendations and the Court proceed and note it on the record. Court noted in the abundance of caution, it would be appropriate to correct the PSI and ORDERED, Matter CONTINUED for the PSI correction.

**CUSTODY**

05/25/16 9:00 AM SENTENCING (JURY VERDICT COUNTS 1-5 7-9/ /GUILTY PLEA COUNT 10)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 25, 2016

C-15-308258-1      State of Nevada  
vs  
Dvontae Richard

May 25, 2016

9:00 AM

Sentencing

Sentencing (Jury  
Verdict/Counts 1-5, 7-  
9, Guilty Plea Count  
10)

HEARD BY: Israel, Ronald J.

COURTROOM: RJC Courtroom 15C

COURT CLERK: Kathy Klein

RECORDER: Judy Chappell

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Giordani, John	Attorney
	Lexis, Chad N.	Attorney
	Percival, Brent D.	Attorney
	Richard, Dvontae	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- PURSUANT TO JURY VERDICTS, DEFT. RICHARD ADJUDGED GUILTY of COUNTS 1 & 7 - CONSPIRACY TO COMMIT ROBBERY (F); COUNT 2 - BURGLARY WHILE IN POSSESSION OF A FIREARM (F); COUNT 3 - GRAND LARCENY OF FIREARM (F); COUNT 4 - GRAND LARCENY (F); COUNT 5 - ROBBERY WITH USE OF A DEADLY WEAPON (F); COUNT 8 - ATTEMPT ROBBERY (F); COUNT 9 - BATTERY WITH INTENT TO COMMIT A CRIME (F). COUNT 6- FOUND NOT GUILTY AND DEFT. PLEAD GUILTY to COUNT 10 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (F). Colloquy regarding the Second Supplemental Pre-Sentencing Report (PSI) and Court made record of changes received. Both the State and Counsel agreed the Second Supplemental PSI was correct and were ready to proceed with sentencing. Arguments by the State and Counsel. Statement by Deft. Letter provided to the Court, from Counsel, reviewed and marked as a Courts exhibit.

COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA Collection fee, and \$1130.00 to VC2234125 and \$201.24 to VC2234128 Restitution, Deft. SENTENCED as to;

COUNT 1 - To a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC),

COUNT 2 - To a MINIMUM of THIRTY-SIX (36) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), CONSECUTIVE to Count 1;

COUNT 3 - To a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC), CONSECUTIVE to Count 2;

COUNT 4 - To a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT with Count 3;

COUNT 5 - To a MINIMUM of SEVENTY-TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE term of a MINIMUM of FORTY-EIGHT (48) and a MAXIMUM of ONE HUNDRED EIGHTY (180), for use of a deadly weapon, CONSECUTIVE to Counts, 1, 2 & 3;

COUNT 7 - To a MINIMUM of TWENTY-EIGHT (28) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT with all other counts;

COUNT 8 - To a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT with all other counts;

COUNT 9 - To a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT with all other counts;

COUNT 10 - To a MINIMUM of TWENTY-EIGHT (28) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT with all other counts, with 367 DAYS credit for time served. The AGGREGATE TOTAL sentence is a MINIMUM of SIXTEEN (16) YEARS and MAXIMUM of FIFTEEN (15) YEARS.

BOND, if any, EXONERATED.

NDC

CLERK'S NOTE: Court Clerk corrected; Count 5 Consecutive to Counts, 2, 3 & 3 to Count 5 Consecutive to Counts 1, 2 & 3. kk 06/06/16.

DEFENDANT'S EXHIBITS

CASE NO. C308258

[illegible]

State EXHIBITS

CASE NO. C308258

		Date Offered	Objection	Date Admitted
1)	CD - Orig. Phone (407) — <del>Withdrawn</del>			
2)	CD - Bank Video Surv.	2/23/16	STP	2/23/16
3)	Photo			
4)	" "			
5)	" "			
6)	" "			
7)	" "			
8)	" "			
9)	" "			
10)	" "			
11)	" "			
12)	" "			
13)	" "			
14)	" "			
15)	" "			
16)	" "	2/23/16	STP	2/23/16
17)	" Photo line up instruction	2/23/16	NO obj	2/23/16
18)	" Photo line up	2/23/16	NO obj	2/23/16
19)	" Photo Line up ID #s	2/23/16	NO obj	2/23/16
20)	Investigation Report	2/24/16	STP	2/24/16
21)	LVMPD Lab - DNA Forensic 12/7/15	2/24/16	NO	2/24/16
22)	" Report " " 9/17/15	2/24/16	NO	2/24/16
23)	CD Orig Phone	2-23-16	STP	2/23/16

State EXHIBITS

CASE NO. C308258

	Date Offered	Objection	Date Admitted
24) CD - Terrible Herbst Video	2/24/16	stp	2/24/16
25) Photo Street View	2/23/16	stp	2/23/16
26) "			
27) "			
28) "			
29) "			
30) "		stp	2/23/16
31) Bag (Contents - Gun & Ammo)		stp	2/23/16
31A) Gun		stp	2/23/16
31b) Ammo	2-23-16	stp	2/23/16
32) Bag - (Contents - hoodie) (not opened)	2/24/16	NO	2/24/16
A)			
33) Photos	2-23-16	stp	2/23/16
34) "			
35) "			
36) "			
37) "			
38) "			
39) "			
40) "			
41) "			
42) "			
43) "		2-23-16 stp	2/23/16

State's EXHIBITS

CASE NO. C308258

	Date Offered	Objection	Date Admitted
44) Photos	2-23-16	stop	2/23/16
45) "			
46)			
47)			
48)			
49)			
50)			
51)			
52)			
53)			
54)			
55)			
56)			
57)			
58)			
59)			
60)			
61)			
62)			
63)			
64)			
65)			
66)	2-23-16	stop	2/23/16

State's EXHIBITS

CASE NO. C308258

	Date Offered	Objection	Date Admitted
67)	2-23-16	Stp	2/23/16
68)			
69)			
70)			
71)			
72)			
73)			
74)			
75)			
76)			
77)			
78)			
79)			
80)			
81)			
82)		Stp	2/23/16
83)		Stp	2/23/16
84)			
85)			
86)			
87)			
88)			
89)	2-23-16	Stp	2/23/16

State's EXHIBITS

CASE NO. C 308258

	Date Offered	Objection	Date Admitted
90)	2-23-16	stp	2/23/16
91)			
92)			
93)			
94)			
95)			
96)			
97)			
98)			
99)			
100)			
101)			
102)			
103)			
104)			
105)			
106)			
107)			
108)			
109)			
110)			
111)			
112)	2-23-16	stp	2/23/16

	Date Offered	Objection	Date Admitted
113. Photo	2-23-16	stop	2/23/16
114. Photo			
115. Photo			
116. Photo			
117. Photo			
118. Photo			
119. Photo			
120. Photo			
121. Photo			
122. Photo			
123. Photo			
124. Photo			
125. Photo			
126. Photo			
127. Photo			
128. Photo			
129. Photo			
130. Photo			
131. Photo			
132. Photo			
133. Photo			
134. Photo			
135. Photo			
136. Photo	2-23-16	stop	2/23/16

137. Photo	2-23-16	stp	2/23/16
138. Photo			
139. Photo			
140. Photo			
141. Photo			
142. Photo			
143. Photo			
144. Photo			
145. Photo			
146. Photo			
147. Photo			
148. Photo			
149. Photo	2-23-16	stp	2/23/16
150. Photo	2/23/16	obj	2/23/16
151. Photo	2/23/16	obj	2/23/16
152. Photo	2-23-16	stp	2/23/16
153. Photo			
154. Photo			
155. Photo			
156. Photo		stp	2/23/16
157. Photo			
158. Photo			
159. Photo			
160. Photo			
161. Photo	2-23-16	stp	2/23/16

162. Photo	2-23-16	stp	2/23/16
163. Photo			
164. Photo			
165. Photo			
166. Photo			
167. Photo			
168. Photo			
169. Photo			
170. Photo			
171. Photo			
172. Photo			
173. Photo	2-23-16	stp	2/23/16
174. Photo	2/23/16	obj	2/23/16
175. Photo	Withdrawn		
176. Photo	2/23/16	obj	2/23/16
177. Photo	2/23/16	obj	
178. Photo	2/23/16	obj	2/23/16
179. Photo	2/24/16	obj	2/24/16
180. Photo			
181. Photo			
182. Photo	2/24/16	obj	2/24/16
183. Photo	2/23/16	stp	2/23/16
184. Photo			
185. Photo			
186. Photo	2/23/16	stp	2/23/16

187. Photo		2/23/16	Stp	2/23/16
188. Photo		2/23/16	obj	2/23/16
189. Photo				
190. Photo				
191. Photo				
192. Photo				
193. Photo				
194. Photo		2/23/16	obj	2/23/16
195. "		2/23/16	Stp	2/24/16
196. " Diagram - made by Investigator		2/24/16	NO	2/24/16
197. " DNA tests		2/24/16	NO	2/24/16
198. "		2/24/16	NO	2/24/16
199. " not used				
200. "		2/24/16	NO	2/24/16
201. "				
202. "				
203. "				
204. "				
205. "				
206. "				
207. "				
208. "				
209. "				
210. "				
211. "		2/24/16	NO	2/24/16

## EXHIBITS

CASE NO. C308258

[illegible]

## EXHIBITS

CASE NO. C 308758

[illegible]

## EXHIBIT(S) LIST

Case No.: C308258

Hearing Date:

Dept. No.: Dept. XXVIII

Judge:

**Court Clerk:**

Recorder:

**Counsel for Plaintiff:**

**Counsel for Defendant:**

STATE'S: THE STATE OF NEVADA

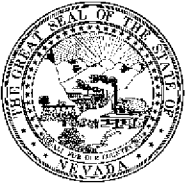
vs.

DEFENDANTS: DVONTAE RICHARD

## HEARING BEFORE THE COURT

## COURT'S EXHIBITS

[illegible]



**EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE**  
**NOTICE OF DEFICIENCY**  
**ON APPEAL TO NEVADA SUPREME COURT**

**BRENT D. PERCIVAL, ESQ.**  
**630 S. THIRD ST.**  
**LAS VEGAS, NV 89101**

**DATE: June 13, 2016**  
**CASE: C-15-308258-1**

**RE CASE: STATE OF NEVADA vs. DVONTAE RICHARD**

NOTICE OF APPEAL FILED: June 9, 2016

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:



Case Appeal Statement

- NRAP 3 (a)(1), Form 2



Order



Notice of Entry of Order

---

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

# 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):

DEFENDANT'S NOTICE OF APPEAL FROM AMENDED JUDGMENT OF CONVICTION; REQUEST FOR ROUGH DRAFT TRANSCRIPTS; REQUEST FOR ROUGH DRAFT TRANSCRIPTS; REQUEST FOR ROUGH DRAFT TRANSCRIPTS; REQUEST FOR ROUGH DRAFT TRANSCRIPTS; DISTRICT COURT DOCKET ENTRIES; AMENDED JUDGMENT OF CONVICTION (JURY TRIAL); DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

DVONTAE RICHARD aka DVONTAE  
DSHAWN RICHARD,

Defendant(s).

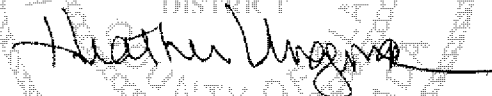
Case No: C-15-308258-1

Dept No: XXVIII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 13 day of June 2016.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk