

1 NOAS
2 MORGAN D. HARRIS
3 CLARK COUNTY PUBLIC DEFENDER
4 Nevada Bar #1879
5 309 South Third Street, Suite 226
6 Las Vegas, Nevada 89155
7 (702) 455-4685
8 Attorney for Defendant

FILED

JUN 8 9 56 AM '01

Shirley S. ...
CLERK **FILED**

JUN 13 2001

DISTRICT COURT
CLARK COUNTY, NEVADA

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *Janasado*
DEPUTY CLERK

No. 38058

Case No. C167783

Dept. No. IV

NOTICE OF APPEAL

10 THE STATE OF NEVADA,)
11)
12 Plaintiff,)
13 vs.)
14 ROBERT JAMES DAY,)
15 Defendant.)

16 TO: THE STATE OF NEVADA

17 STEWART BELL, DISTRICT ATTORNEY, CLARK COUNTY, NEVADA and
18 DEPARTMENT IV OF THE EIGHTH JUDICIAL DISTRICT COURT OF THE
19 STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK.

20 NOTICE is hereby given that ROBERT JAMES DAY, presently
21 incarcerated in the Nevada State Prison, appeals to the Supreme
22 Court of the State of Nevada from the judgment entered against said
23 Defendant on the 9th day of May, 2001, whereby he was convicted of
24 Count I--Robbery With Use of a Deadly Weapon and Count II--Burglary
25 While in Possession of a Deadly Weapon, sentenced to a maximum of
26 three hundred months and a minimum of one hundred (120) months in
27 the Nevada Department of Prisons, with 382 days credit for time
28 served; pay \$25 Administrative Assessment Fee and \$250 DNA Analysis

RECEIVED

JUN 13 2001

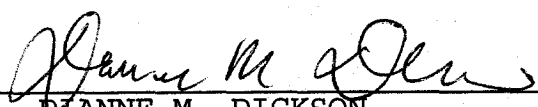
JANETTE M. BLOOM
CLERK OF SUPREME COURT

1 Fee; submit to a blood and/or saliva test to determine genetic
2 markers or secretor status; Defendant adjudged a habitual offender.

3 DATED this 8th day of June, 2001.

4 MORGAN D. HARRIS
5 CLARK COUNTY PUBLIC DEFENDER


6
7 By


8 DIANNE M. DICKSON
9 NEVADA BAR #5620
10 DEPUTY PUBLIC DEFENDER
11 309 SOUTH THIRD STREET, SUITE #226
12 LAS VEGAS, NEVADA 89155-2610
13 (702) 455-4685
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14 I declare under penalty of perjury that the foregoing is
15 true and correct.

1 day of June, 2001.


Deena Daniel

24 STEWART L. BELL
CLARK COUNTY DISTRICT ATTORNEY

By _____

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CAS
MORGAN D. HARRIS
CLARK COUNTY PUBLIC DEFENDER
Nevada Bar #1879
309 South Third Street, Suite #226
Las Vegas, Nevada 89155-2610
(702) 455-4685
Attorney for Defendant

FILED
JUN 8 9 53 AM '01
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	Case No. C167783
)	
Plaintiff,)	Dept. No. IV
)	
vs.)	
)	
ROBERT JAMES DAY,)	
)	
Defendant.)	

CASE APPEAL STATEMENT

1. Appellant filing this case appeal statement: Robert James Day.
 2. Judge issuing the decision, judgment, or order appealed from: Kathy A. Hardcastle.
 3. All parties to the proceedings in the district court (the use of et al. To denote parties is prohibited): The State of Nevada, Plaintiff; Robert James Day, Defendant.
 4. All parties involved in this appeal (the use of et al. To denote parties is prohibited): Robert James Day, Appellant; The State of Nevada, Respondent.
- . . .
. . .

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

3 MORGAN D. HARRIS
4 Clark County Public Defender
5 309 South Third Street, #226
6 Las Vegas, Nevada 89155-2610

STEWART L. BELL
Clark County District Attorney
200 South Third Street
Las Vegas, Nevada 89155

Attorney for Appellant

FRANKIE SUE DEL PAPA
Attorney General
Nevada Bar No. 000192
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

Counsel for Respondent

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

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


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

17 9. Date proceedings commenced in the district court
18 (e.g., date complaint, indictment, information, or petition was
19 filed): Information filed June 9, 2000; Information filed
20 December 7, 2000; Amended Information filed February 21, 2001;
21 Second Amended Information filed March 26, 2001.

22 DATED this 8th day of June, 2001.

23 MORGAN D. HARRIS
24 CLARK COUNTY PUBLIC DEFENDER

25
26 By


DIANNE M. DICKSON
NEVADA BAR #5620
DEPUTY PUBLIC DEFENDER
309 SOUTH THIRD STREET, SUITE 226
LAS VEGAS, NEVADA 89155-2610
(702) 455-4685

1 RECEIPT OF COPY of the foregoing CASE APPEAL STATEMENT is
2 hereby acknowledged this 8th day of May, 2001.

3 STEWART L. BELL
4 CLARK COUNTY DISTRICT ATTORNEY

5 **NADINE MULKEY**
6 By _____
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DATE: 06/08/01
CASE NO. 00-C-167783-C

I N D E X

TIME 6:29 PM
JUDGE:Hardcastle, Kathy

STATE OF NEVADA

[] vs Day, Robert J

[]

001 D1 Robert J Day

Pro Se

NO.	FILED/REC	CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0001	06/08/00	CBO	/CRIMINAL BINDOVER Fee \$0.00				
0002	06/08/00	ARRN	/INITIAL ARRAIGNMENT	001		06/13/00	
0003	06/09/00	INFO	/INFORMATION	001		06/09/00	
0004	06/19/00	ORDR	/ORDER COMMITMENT	001			
0005	06/21/00	TRAN	/REPORTER'S TRANSCRIPT OF PROCEEDINGS - CONDITIONAL WAIVER OF PRELIMINARY	001 001		06/21/00	Y
HEARING							
0006	08/25/00	ORDR	/ORDER	001			
0007	09/21/00	OCAL	/COURT ADMINISTRATIONS' REQUEST FOR STATUS CHECK	001 001	RE	11/14/00	
0008	09/27/00	ORDR	/ORDER	001			
0009	10/04/00	OTTE	/ORDER TO TRANSPORT DEFENDANT	001		10/04/00	
0010	10/04/00	JUDG	/FINDINGS OF COMPETENCY	001		10/04/00	
0011	11/15/00	RMTJ	/JUSTICE COURT REMITTITUR	001		11/15/00	
0012	11/17/00	ORDR	/ORDER REMAND	001		11/17/00	
0013	12/06/00	CASO	/CASE (RE)ACTIVATED ON				
0014	12/06/00	CBO	/CRIMINAL BINDOVER	001			
0015	12/06/00	ARRN	/INITIAL ARRAIGNMENT	001		12/11/00	
0016	12/07/00	INFO	/INFORMATION	001		12/07/00	
0017	12/11/00	CALC	/CALENDAR CALL	001		02/21/01	
0018	12/11/00	JURY	/TRIAL BY JURY VJ 2/23	001	VC	02/26/01	
0019	01/09/01	TRAN	/REPORTER'S TRANSCRIPT OF PRELIMINARY HEARING	001 001		12/04/00	
0020	01/23/01	LIST	/NOTICE OF WITNESSES	001			
0021	02/21/01	OCAL	/STATUS CHECK: FINAL TRIAL ORDER	001		02/23/01	
0022	02/21/01	INFO	/AMENDED INFORMATION	001		02/21/01	
0023	02/21/01	REQT	/MOTION AND NOTICE OF MOTION TO AMEND INFORMATION	001 001			
0024	02/21/01	ORDR	/ORDER TO AMEND INFORMATION	001			
0025	02/22/01	MOT	/DEFT'S MOTION TO DISMISS INFORMATION	001	DN	03/12/01	
0026	02/23/01	CALC	/CALENDAR CALL	001		02/28/01	
0027	02/23/01	JURY	/TRIAL BY JURY	001		03/15/01	
0028	02/22/01	LIST	/WITNESS LIST	001			
0029	02/27/01	LIST	/NOTICE OF WITNESSES	001			
0030	03/12/01	MOT	/ALL PENDING MOTIONS FOR 3/12/01	001		03/12/01	
0031	03/12/01	TRB	/TRIAL BEGINS	001			
0032	03/15/01	SENT	/SENTENCING	001	GR	05/09/01	
0033	03/15/01	TRE	/TRIAL ENDS	001			
0034	03/09/01	REQT	/MOTION TO DISMISS FOR FAILURE TO PRESERVE EVIDENCE	001 001		03/12/01	
0035	02/21/01	CINF	/INFORMATION CORRECTED IN OPEN COURT	001		03/12/01	
0036	03/14/01	CRJL	/CRIMINAL JURY LIST	001			
0037	02/21/01	CINF	/INFORMATION CORRECTED IN OPEN COURT	001		03/13/01	
0038	03/15/01	VER	/VERDICT	001		03/15/01	
0040	03/20/01	MOT	/STATE'S MOTION TO AMEND INFORMATION	001	GR	03/26/01	
0041	03/20/01	NOEV	/NOTICE OF EXHIBIT(S) IN THE VAULT			03/12/01	
0042	03/15/01	PINU	/PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL	001 001			

NO.	FILED/REC CODE	REASON/DESCRIPTION	FOR	OC	SCH/PER	C
0043	03/15/01	INST/INSTRUCTIONS TO THE JURY	001			
0044	03/26/01	INFO/SECOND AMENDED INFORMATION	001		03/26/01	
0045	03/26/01	ORDR/ORDER TO AMEND INFORMATION	001		03/26/01	
0046	05/11/01	CSCL/CASE CLOSED			05/09/01	
0047	05/15/01	NOEV/NOTICE OF EXHIBIT(S) IN THE VAULT			05/09/01	
0048	05/18/01	JMNT/ADMINISTRATION/ASSESSMENT FEE	0001		05/21/01	
0049	05/18/01	JMNT/GENETIC TESTING FEE	0001		05/21/01	

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ORIGINAL

FILED

1 JOCK
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

MAY 18 2 17 PM '01

Shelly L. Payne
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

Plaintiff,

-vs-

12 ROBERT JAMES DAY,
13 #1679345

Defendant.

Case No. C167783
Dept. No. IV

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

18 The Defendant previously appeared before the Court herein with counsel and entered a
19 plea of guilty to the crime(s) of COUNT I - ROBBERY WITH USE OF A DEADLY WEAPON
20 (Category B Felony) and COUNT II - BURGLARY WHILE IN POSSESSION OF A DEADLY
21 WEAPON (Category B Felony), in violation of NRS 200.380, 193.165, 205.060; thereafter, on
22 the 8th day of May, 2001, the Defendant was present in court for sentencing with his counsel,
23 DIANNE M. DICKSON, Deputy Public Defender, and good cause appearing,

24 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in addition
25 to the \$25.00 Administrative Assessment Fee, and \$250.00 DNA Analysis Fee and defendant
26 to submit to a blood and/or saliva test to determine genetic markers or secretor status,
27 Defendant AJUDGED an HABITUAL OFFENDER. Defendant SENTENCED to a
28 MAXIMUM of THREE HUNDRED (300) MONTHS and a MINIMUM of ONE HUNDRED

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MAY 18 2001
COUNTY CLERK
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MAY 14 2001
COUNTY CLERK

1 TWENTY (120) MONTHS in the Nevada Department of Prisons, with THREE HUNDRED
2 EIGHT-TWO (382) DAYS Credit For Time Served.

3 DATED this 16th day of May, 2001.

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6 DISTRICT JUDGE 
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28 00F06978X/ajc

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA vs Day, Robert J

06/13/00 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk
TINA SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA
002415 Moreo, Thomas J.

001 D1 Day, Robert J
PUBDEF Public Defender
004735 Roundtree, Stacey

Y
Y

Y
Y
Y

Ms. Roundtree advised there were two incompetent reports and submitted the second report from Dr. Paglini. Pursuant to NRS 178.425, COURT ORDERED, defendant REMANDED to the custody of the Administrator of the Mental Hygiene and Mental Retardation Division for the Department of Human Resources for detention and treatment at a secure facility operated by the Mental Hygiene and Mental Retardation Division.

L.C.

10/04/00 09:00 AM 00 COURT ADMINISTRATIONS' REQUEST FOR
STATUS CHECK

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk
TINA SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA
006246 Campbell, Cara L.

001 D1 Day, Robert J
PUBDEF Public Defender
005686 Khamsi, Bitu

Y
Y

N
Y
Y

FINDINGS (OF COMPETENCY) AND ORDER TO TRANSPORT SIGNED AND FILED IN OPEN COURT. Court noted it received the reports. COURT ORDERED, matter CONTINUED for defendant to be present.

L.C.

CONTINUED TO: 10/25/00 09:00 AM 01

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Day, Robert J

CONTINUED FROM PAGE: 001

10/25/00 09:00 AM 01 COURT ADMINISTRATIONS' REQUEST FOR
STATUS CHECK

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: DOROTHY KELLY, Court Clerk
TINA SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA
002804 Villegas, Victoria A.
001 D1 Day, Robert J
PUBDEF Public Defender
004735 Roundtree, Stacey

Y
Y
N
Y
Y

COURT ORDERED, matter CONTINUED for deft's presence. Court instructed
counsel to call Lakes Crossing.

L.C.

COURT'S ADMINISTRATION'S REQUEST FOR STATUS CHECK

CONTINUED TO: 11/08/00 09:00 AM 02

11/08/00 09:00 AM 02 COURT ADMINISTRATIONS' REQUEST FOR
STATUS CHECK

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: DOROTHY KELLY, Court Clerk
TINA SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA
006246 Campbell, Cara L.
001 D1 Day, Robert J
PUBDEF Public Defender
001231 Dejulio, Douglas P.

Y
Y
N
Y
Y

Deft not transported; therefore, COURT ORDERED, matter CONTINUED.

L.C.

COURT ADMINISTRATION'S REQUEST FOR STATUS CHECK

CONTINUED TO: 11/14/00 09:00 AM 03

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Day, Robert J

CONTINUED FROM PAGE: 002

11/14/00 09:00 AM 03 COURT ADMINISTRATIONS' REQUEST FOR
STATUS CHECK

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk
TINA SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA
006246 Campbell, Cara L.
001 D1 Day, Robert J
PUBDEF Public Defender
001231 Dejulio, Douglas P.

Y
Y
Y
Y
Y

Court noted defendant competent. COURT ORDERED, matter REMANDED TO JUSTICE
COURT to start over with a Preliminary Hearing on charges.

CUSTODY

11/20/00 8:00 AM REMANDED TO JUSTICE COURT, DEPT. 1

12/11/00 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: GREER JENNISON, Relief Clerk
TINA SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA
002415 Moreo, Thomas J.
001 D1 Day, Robert J
PUBDEF Public Defender
005620 Dickson, Dianne

Y
Y
Y
Y
Y

DEFENDANT DAY ARRAIGNED, PLED NOT GUILTY and INVOKED THE 60-DAY RULE. COURT
ORDERED, matter set for trial.

CUSTODY

2/21/01 9:00 AM CALENDAR CALL - DEPT. IV

2/26/01 10:30 AM JURY TRIAL - DEPT. IV

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Day, Robert J

CONTINUED FROM PAGE: 003

02/21/01 09:00 AM 00 CALENDAR CALL

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: DOROTHY KELLY, Court Clerk
TINA SMITH, Reporter/RecorderPARTIES: STATE OF NEVADA
006246 Campbell, Cara L.
001 D1 Day, Robert J
PUBDEF Public Defender
005686 Khamsi, BituY
Y
Y
Y
Y

AMENDED INFORMATION, MOTION TO AMEND INFORMATION FILED IN OPEN COURT. ORDER TO AMEND INFORMATION SIGNED AND FILED IN OPEN COURT. Ms. Khamsi stated Ms. Dickson informed her she is ready to proceed to trial; she requested a start date of next Tuesday or later. Ms. Campbell stated this is Mr. Fattig's case; trial should take two days with four to six witnesses. COURT ORDERED, matter CONTINUED for trial order.

CUSTODY

02-23-01 9:00 A.M. STATUS CHECK: FINAL TRIAL ORDER

02/23/01 09:00 AM 00 STATUS CHECK: FINAL TRIAL ORDER

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: DOROTHY KELLY, Court Clerk
TINA SMITH, Reporter/RecorderPARTIES: STATE OF NEVADA
001538 Hehn, William A.
001 D1 Day, Robert J
PUBDEF Public Defender
001231 Dejulio, Douglas P.Y
Y
Y
Y
Y

State announced ready for trial. Due to Court's schedule (murder trial), COURT ORDERED, trial date VACATED and RESET.

CUSTODY

02-28-01 9:00 A.M. CALENDAR CALL

03-12-01 10:30 A.M. TRIAL BY JURY

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Day, Robert J

CONTINUED FROM PAGE: 004

02/28/01 09:00 AM 00 CALENDAR CALL

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: DOROTHY KELLY, Court Clerk
TINA SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA
002804 Villegas, Victoria A.
001 D1 Day, Robert J
PUBDEF Public Defender
005620 Dickson, Dianne

Y
Y
Y
Y
Y

Both sides announced ready for a one-and-one-half day trial. COURT ORDERED, Trial Date Stands, Deft's Motion to Dismiss Information to be heard before trial.

CUSTODY

03-12-01 10:30 A.M. TRIAL BY JURY...DEFT'S MOTION TO DISMISS INFORMATION

03/12/01 09:00 AM 00 ALL PENDING MOTIONS FOR 3/12/01

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk
LIZ GARCIA, Reporter/Recorder

PARTIES: STATE OF NEVADA
001538 Hehn, William A.
006639 Fattig, John T
001 D1 Day, Robert J
PUBDEF Public Defender
005620 Dickson, Dianne

Y
Y
Y
Y
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Y

DEFT'S MOTION TO DISMISS INFORMATION...JURY TRIAL

Court noted there was no legal basis to dismiss Information. A Supplemental Motion submitted to the Court. COURT ORDERED, Motion to Dismiss for Failure to Preserve Evidence is DENIED. Upon Court's inquiry, Ms. Dickson advised there were negotiations pending the outcome of this Motion. Mr. Hehn advised there was a Guilty Plea Agreement and a Second Amended Information in the file. Ms. Dickson requested matter trail to talk with defendant. COURT ORDERED, matter to TRAIL. RECALLED. Ms. Dickson requested additional time for defendant to make a decision. COURT ORDERED, matter to TRAIL until 1:30 PM today.

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Day, Robert J

CONTINUED FROM PAGE: 005

RECALLED. Ms. Dickson advised defendant not arraigned on the Amended Information which included the habitual status. Also, there was a question as to the Amended Information indicating in Count II as Burglary while in Possession of a Firearm in the summary even though it was a knife. COURT ORDERED, the Amended Information AMENDED BY INTERLINEATION to indicate in the summary BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). Arguments regarding defendant taking stand and what prior convictions will be used. COURT ORDERED, this Motion and the Supplemental Motion DENIED as there is no legal basis and the Certified JOC of 1984 can be used and others if certified and the State is prepared to present evidence. Ms. Dickson objected. COURT ORDERED, Trial CONTINUED to next day.

CUSTODY

3/13/01 10:30 AM JURY TRIAL

03/13/01 10:30 AM 01 TRIAL BY JURY

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk
LIZ GARCIA, Reporter/Recorder

PARTIES: STATE OF NEVADA
006639 Fattig, John T
001 D1 Day, Robert J
PUBDEF Public Defender
005620 Dickson, Dianne

Y
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At 11:09 AM, the Jury Panel, counsel and defendant present. At 11:09 AM, Mr. Fattig made his introduction. At 11:10 AM, Ms. Dickson made her introduction. Voir dire oath given at 2:14 PM. Alternate sworn to try the case at 2:16 PM. The Clerk read the Amended Information to the Jury at 2:20 PM. Opening statements by Mr. Fattig. Opening statements by Ms. Dickson. Witnesses sworn and testified. Exhibits (see Worksheets). COURT ORDERED, EVENING RECESS. OUTSIDE THE PRESENCE OF THE JURY, the Court advised defendant of his right to testify on his own behalf. Defendant stated he understood. Colloquy regarding remaining witnesses and additional certified copies of convictions. At 5:10 PM, Court recessed for the evening.

CUSTODY

CONTINUED TO: 03/14/01 10:30 AM 02

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Day, Robert J

CONTINUED FROM PAGE: 006

03/14/01 10:30 AM 02 TRIAL BY JURY

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk
LIZ GARCIA, Reporter/RecorderPARTIES: STATE OF NEVADA
006639 Fattig, John T
001 D1 Day, Robert J
PUBDEF Public Defender
005620 Dickson, DianneY
Y
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Jury Instructions settled in Open Court. Counsel stipulated to the presence of the Jury at 10:40 AM. Witnesses sworn and testified. (See Worksheets.) Exhibits (see Worksheets). At 11:54 AM, the State rests. COURT ORDERED, NOON RECESS. At 1:32 PM, counsel stipulated to the presence of the Jury. Testimony continues. At 2:13 PM, defense rests. The Court instructed the Jury on the laws which applied to the case. Closing arguments by Mr. Fattig at 2:27 PM. Closing arguments by Ms. Dickson at 3:16 PM. Rebuttal argument by Mr. Fattig at 3:38 PM. Bailiff sworn to take charge of the Jury at 3:49 PM. Bailiff sworn to take charge of the Alternate at 3:49 PM. OUTSIDE THE PRESENCE OF THE JURY, Ms. Dickson objected to the hearsay statements by the trucker as inadmissible hearsay, detective failed to look for defendant's shirt, and offer to truck driver of \$100.00 to take defendant to New Orleans. Court stated its findings. COURT ORDERED, objection OVERRULED. COURT ORDERED, EVENING RECESS.

CUSTODY

CONTINUED TO: 03/15/01 10:30 AM 03

CRIMINAL COURT MINUTES

00-C-167783-C

STATE OF NEVADA

vs Day, Robert J

CONTINUED FROM PAGE: 007

03/15/01 10:30 AM 03 TRIAL BY JURY

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk
LIZ GARCIA, Reporter/RecorderPARTIES: STATE OF NEVADA
006639 Fattig, John T
001 D1 Day, Robert J
PUBDEF Public Defender
005620 Dickson, DianneY
Y
Y
Y
Y

At the hour of 2:08 PM, the Jury returned with a verdict finding Defendant Day GUILTY OF COUNT I - ROBBERY WITH USE OF A DEADLY WEAPON (F) AND COUNT II - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). The Court thanked and excused the Jurors. The State will file for habitual offender treatment. COURT ORDERED, matter referred to P&P for a PSI and SET for Sentencing.

CUSTODY

5/2/01 9:00 AM SENTENCING

03/26/01 09:00 AM 00 STATE'S MOTION TO AMEND INFORMATION

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk
TINA SMITH, Reporter/RecorderPARTIES: STATE OF NEVADA
002804 Villegas, Victoria A.
001 D1 Day, Robert J
PUBDEF Public Defender
005620 Dickson, DianneY
Y
Y
Y
Y

COURT ORDERED, State's Motion to Amend Information is GRANTED. Ms. Dickson objected. ORDER TO AMEND INFORMATION AND SECOND AMENDED INFORMATION SIGNED AND FILED IN OPEN COURT.

CUSTODY

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Day, Robert J

CONTINUED FROM PAGE: 008

05/02/01 09:00 AM 00 SENTENCING

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: DOROTHY KELLY, Court Clerk
KEITH REED/kar, Relief Clerk
TINA SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA
006639 Fattig, John T

001 D1 Day, Robert J
PUBDEF Public Defender
005620 Dickson, Dianne

Y
Y

Y
Y
Y

Joy Mundy-Neal of Parole and Probation present. Court noted the Defendant refused to be interviewed for the Pre-Sentence Investigation Report (PSI). Ms. Dickson stated P & P requested the Deft. not make a statement due to his contention he is not guilty of the charges. DEFENDANT DAY ADJUDGED GUILTY of of COUNT I, ROBBERY WITH USE OF A DEADLY WEAPON (F) and COUNT II, BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). COURT ORDERED, matter CONTINUED to review a certified copy of the Judgment of Conviction.

CUSTODY

CONTINUED TO: 05/09/01 09:00 AM 01

05/09/01 09:00 AM 01 SENTENCING

HEARD BY: Kathy Hardcastle, Judge; Dept. 4

OFFICERS: BILLIE JO CRAIG, Relief Clerk
TINA SMITH, Reporter/Recorder

PARTIES: STATE OF NEVADA
006639 Fattig, John T

001 D1 Day, Robert J
PUBDEF Public Defender
005620 Dickson, Dianne

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Y

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Y

Brenda Lewis of the Dept. of P & P present. Ms. Dickson inquired if the Court received the Supplemental PSI. Arguments by counsel regarding habitual treatment. COURT ADJUDGED DEFENDANT DAY GUILTY OF COUNT I - ROBBERY WITH USE OF A DEADLY WEAPON (F) AND CT. II - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F). Parties argued and submitted. Exhibits (see worksheet). COURT ORDERED, in addition to the \$25.00 Administrative Assessment Fee and \$250.00 DNA Analysis Fee and defendant to submit to a blood and/or saliva test to determine genetic markers or secretor status,

CONTINUED ON PAGE: 010

CRIMINAL COURT MINUTES

00-C-167783-C STATE OF NEVADA

vs Day, Robert J

CONTINUED FROM PAGE: 009

Defendant ADJUDGED an HABITUAL OFFENDER. Defendant SENTENCED to a MAXIMUM of THREE HUNDRED (300) MONTHS and a MINIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Prisons, with THREE HUNDRED EIGHT-TWO (382) DAYS Credit For Time Served. RECALLED LATER. Mr. Fattig request defendant be sentenced in CT. II. The Court advised when a defendant is adjudged an habitual offender, sentence applies to both counts.

NDP

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Q:;;;;;;;;;;;;;W
: CASE NO:00-C-167783-C : EXHIBITS : CASE STATUS:CLOSED :
: : A;;;;;;;;;;;;;S :
: STATE OF NEVADA [ ] vs Day, Robert J [ ] :
1;;;;;;;;;;;;;;2
: NO. CODE EXHIBIT DESCRIPTION SUB OF/OB DATE S :
: 0001 P-1 /PHOTO - MCDONALDS, WENDY'S S AD/NO 03/13/01 V :
: 0002 P-2 /PHOTO - PANTS S AD/NO 03/13/01 V :
: 0003 P-3 /PHOTO - WADE OF MONEY S AD/NO 03/13/01 V :
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: FUNCTION:A NO: SUB BY: :
: :
: EXHIBIT CODE: DESCRIPTION: :
: : EXHIBIT ID: :
: OFFERED: OBJECTED: DATE: / / STORAGE: :
A;;;;;;;;;;;;;;S

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Q: /-----W
CASE NO: 00-C-167783-C : EXHIBITS Q: /-----W
: A;-----S
: STATE OF NEVADA [ ] vs Day, Robert J [ ]
1; /-----2
: NO. CODE EXHIBIT DESCRIPTION SUB OF/OB DATE S :
: 0004 P-4 /CHART - AREA S AD/NO 03/13/01 V :
: 0005 P-5 /EVIDENCE ENV W/5A - KNIFE S AD/NO 03/13/01 V :
: 0006 D-A /PHOTO - RBT. JAMES DAY 0001 / 99/99/99 V :
: 0007 P/1 /VIOLATION RPT DTD 3/27/80 S OF/ 05/09/01 V :
: 0008 P/2 /DEPT OF JUSTICE, CERTIFICATE OF REC., S OF/ 05/09/01 V :
: 0009 P/3 /JUDGMT OF COMMITMENT #CRS17416 & 177992 S OF/ 05/09/01 V :
: 0010 P/4 /INDICTMENT 94 CRS 4336 S OF/ 05/09/01 V :
: 0011 D/A /FBI - FORM FD-249 0001 OF/ 05/09/01 V :
: 0012 D/B /NOTICE OF ACTION - 2/7/96 0001 OF/ 05/09/01 V :
: 0013 D/C /NOTICE OF ACTION - 10/25/95 0001 OF/ 05/09/01 V :
1; /-----2
: FUNCTION: A NO: SUB BY:
:
: EXHIBIT CODE: DESCRIPTION:
: EXHIBIT ID:
: OFFERED: OBJECTED: DATE: / / STORAGE:
A; /-----S

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Certification of Copy

STATE OF NEVADA }
COUNTY OF CLARK } SS:

I, SHIRLEY B. PARRAGUIRRE, the duly elected, qualifying and acting Clerk of Clark County, in the State of Nevada, and Ex-Officio Clerk of the District Court, do hereby certify that the foregoing is a true, full and correct copy of the original:

NOTICE OF APPEAL; CASE APPEAL STATEMENT;
DISTRICT COURT DOCKET ENTRIES; JUDGMENT OF CONVICTION (PLEA OF GUILTY); DISTRICT COURT MINUTES; EXHIBIT LISTS;

THE STATE OF NEVADA,)

Plaintiff,)

vs.)

ROBERT JAMES DAY,)

Defendant,)

D.C. CASE **C167783**
DEPARTMENT IV

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, on this 8th day of June, 2001.

SHIRLEY B. PARRAGUIRRE
CLARK COUNTY CLERK


Johnna Walker

Deputy Clerk