

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 SAYEDBASHE SAYEDZADA,)

No. 71731

4 Appellant,)

5 v.)

6 THE STATE OF NEVADA,)

7 Respondent.)

Electronically Filed
May 24 2017 02:09 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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APPELLANT'S APPENDIX – VOL II – PAGES 250-312

11 PHILIP J. KOHN
12 Clark County Public Defender
13 309 South Third Street
14 Las Vegas, Nevada 89155-2610

15 Attorney for Appellant

STEVEN B. WOLFSON
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
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(702) 687-3538

Counsel for Respondent

INDEX
SAYEDBASHE SAYEDZADA
Case No. 71731

	<u>PAGE NO.</u>
Amended Criminal Complaint filed 10/06/15	6-9
Court Exhibit 2 dated 03/23/16	721-737
Criminal Complaint filed 09/25/15	1-4
Defendant's Motion for Discovery Date of Hrg: 03/15/16	148-159
Defendant's Motion for Judgment Of Acquittal Notwithstanding the Verdict or, In the Alternative, for a New Trial Date of Hrg: 04/11/16	656-661
Defendant's Motion to Instruct Jury on Lesser-Related Charge Date of Hrg: 03/15/16	141-144
Defendant's Notice of Witnesses, Pursuant to NRS 174.234 Filed 03/16/16	175-176
Defendant's Proposed Jury Instructions Not Used at Trial Filed 03/23/16	181-187
District Court Minutes from 10/14/15 through 10/10/16	256-275
Information filed 10/13/15	14-18
Instructions to the Jury filed 03/23/16	188-214
Judgment of Conviction (Jury Trial) filed 10/19/16	250-252
Jury List filed 03/22/16	177
Jury List filed 03/23/16	178
Justice Court Minutes from 09/25/15 through 10/12/15	10-13
Motion for Judgment of Acquittal Notwithstanding the Verdict or, In the Alternative, for a New Trial Date of Hrg: 04/11/16	220-227
Motion for Own Recognizance Release, or, in the Alternative, For Setting of Reasonable Bail Date of Hrg: 11/10/15	19-24
Motion to Dismiss Appointed Counsel And Motion to Dismiss Criminal Complaint (sic) And Over turn Conviction Date of Hrg: 07/18/16	233-237
Motion to Run Time Concurrent (sic) Date of Hrg: 09/14/16	242- 245


1	Notice of Appeal filed 11/09/16	253-255
2	Notice of Witnesses filed 03/10/16	173-174
3	Notice to Place on Calendar filed 09/30/15	5
4	Opposition to Defendant's Motion for Judgment of Acquittal Notwithstanding the Verdict or, in the Alternative, for a New Trial	
5	Filed 04/07/16	228-232
6	Peremptory Challenges dated 03/22/16	699
7	Sentencing Memorandum filed 10/09/16	246-249
8	State's Exhibit 1 dated 03/22/16	702
9	State's Exhibit 2 dated 03/22/16	703
10	State's Exhibit 3 dated 03/22/16	704
11	State's Exhibit 4 dated 03/22/16	705
12	State's Exhibit 5 dated 03/22/16	706
13	State's Exhibit 6 dated 03/22/16	707
14	State's Exhibit 7 dated 03/22/16	708
15	State's Exhibit 8 dated 03/22/16	709
16	State's Exhibit 9 dated 03/22/16	710
17	State's Exhibit 10 dated 03/22/16	711
18	State's Exhibit 11 dated 03/22/16	712
19	State's Exhibit 12 dated 03/22/16	713
20	State's Exhibit 13 dated 03/22/16	714
21	State's Exhibit 14 dated 03/22/16	715
22	State's Exhibit 15 dated 03/22/16	716
23	State's Exhibit 16 dated 03/22/16	717
24	State's Exhibit 17 dated 03/22/16	718
25	State's Exhibit 18 dated 03/22/16	719
26	State's Exhibit 19 dated 03/22/16	720
27	State's Exhibit 20 dated 03/22/16	700-701
28	State's Opposition to Defendant's Motion For Discovery filed 03/11/16	160-172

1	State's Opposition to Defendant's Motion To Dismiss Appointed Counsel and Motion	
2	To Dismiss Criminal Complaint and Overturn Conviction	
3	Filed 07/14/16.....	238-241
4	State's Opposition to Defendant's Motion to Instruct Jury on Lesser-Related Charge	
5	Filed 03/11/16.....	145-147
6	State's Proposed Jury Instructions Not Used at Trial filed 03/23/16	179-180
7	Verdict filed 03/23/16	215-219

TRANSCRIPTS

9	<i>Recorder's Transcript</i>	
10	<i>Jury Trial—Day One</i>	
11	<i>Date of Trial: 03/22/16</i>	<i>313-579</i>
12	<i>Recorder's Transcript</i>	
13	<i>Jury Trial—Day Two</i>	
14	<i>Date of Trial: 03/23/16</i>	<i>580-655</i>
15	Recorder's Transcript	
16	Confirmation of Counsel	
17	Date of Hrg: 08/22/16	683-684
18	Recorder's Transcript	
19	Defendant's Pro Per Motion to Dismiss	
20	Appointed Counsel and Motion to Dismiss	
21	Criminal Complaint and Overturn Conviction	
22	Date of Hrg: 07/18/16	669-675
23	Recorder's Transcript	
24	Defendant's Pro Per Motion to	
25	Run Time Concurrent	
26	Date of Hrg: 09/14/16	685-689
27	Recorder's Transcript	
28	Defendant's Pro Per Motion to	
29	Withdraw Counsel (To Be Filed); Sentencing	
30	Date of Hrg: 06/20/16	666-668
31	Recorder's Transcript	
32	Initial Arraignment	
33	Date of Hrg: 10/14/15	276-278
34	Recorder's Transcript	
35	Overflow	
36	Date of Hrg: 03/18/16	310-312
37	Recorder's Transcript	
38	Sentencing (Continued)	
39	Date of Hrg: 06/08/16	662-665

1	Recorder's Transcript	
2	Sentencing (Continued)	
3	Date of Hrg: 09/19/16.....	690-692
4	Recorder's Transcript	
5	Sentencing	
6	Date of Hrg: 10/10/16.....	693-698
7	Recorder's Transcript	
8	Status Check: New Counsel/ Sentencing Date	
9	Date of Hrg: 07/25/16.....	676-682
10	Reporter's Transcript	
11	Defendant's Motion for Own Recognizance Release, or, in The Alternative, for Setting Of Reasonable Bail	
12	Date of Hrg: 11/10/15.....	279-288
13	Reporter's Transcript	
14	Preliminary Hearing	
15	Date of Hrg: 10/12/15.....	25-140
16	Reporter's Transcript	
17	Proceedings	
18	Date of Hrg: 03/15/16.....	289-309
19		
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CLERK OF THE COURT

JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

SAYEDBASHE SAYEDZADA
#1690765

Defendant.

CASE NO. C310000-1

DEPT. NO. XIX

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 – POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT (Category D Felony) in violation of NRS 205.690; and the matter having been tried before a jury and the Defendant having been found guilty of the crimes of COUNTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 – POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT (Category D Felony) in violation of NRS 205.690; thereafter, on the 10th day of October, 2016, the Defendant was present in court for sentencing with counsel JOHN G. GEORGE, ESQ., and good cause appearing.

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

1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in
2 addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee
3 including testing to determine genetic markers plus \$3.00 DNA Collection Fee, the
4 Defendant is SENTENCED to the Nevada Department of Corrections (NDC) as follows:
5
6 **COUNT 1** - a MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole
7 Eligibility of NINETEEN (19) MONTHS; **COUNT 2** - a MAXIMUM of FORTY-EIGHT (48)
8 MONTHS with a MINIMUM Parole Eligibility of NINETEEN (19) MONTHS; **COUNT 3** - a
9 MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of
10 NINETEEN (19) MONTHS; **COUNT 4** - a MAXIMUM of FORTY-EIGHT (48) MONTHS
11 with a MINIMUM Parole Eligibility of NINETEEN (19) MONTHS; **COUNT 5** - a
12 MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of
13 NINETEEN (19) MONTHS; **COUNT 6** - a MAXIMUM of FORTY-EIGHT (48) MONTHS
14 with a MINIMUM Parole Eligibility of NINETEEN (19) MONTHS; **COUNT 7** - a
15 MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of
16 NINETEEN (19) MONTHS; **COUNT 8** - a MAXIMUM of FORTY-EIGHT (48) MONTHS
17 with a MINIMUM Parole Eligibility of NINETEEN (19) MONTHS; **COUNT 9** - a
18 MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of
19 NINETEEN (19) MONTHS; **COUNT 10** - a MAXIMUM of FORTY-EIGHT (48) MONTHS
20 with a MINIMUM Parole Eligibility of NINETEEN (19) MONTHS; **COUNT 11** - a
21 MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of
22 NINETEEN (19) MONTHS; **COUNT 12** - a MAXIMUM of FORTY-EIGHT (48) MONTHS
23 with a MINIMUM Parole Eligibility of NINETEEN (19) MONTHS; and **COUNT 13** - a
24 MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of
25
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1 NINETEEN (19) MONTHS; COUNTS 1, 2, 3, 4, 8, 9, 10, 11 and 12 CONCURRENT
2 with each other; COUNTS 5, 7 and 13 CONCURRENT with each other and
3 CONSECUTIVE to COUNTS 1, 2, 3, 4, 8, 9, 10, 11 and 12; COUNT 6 CONCURRENT
4 with ALL COUNTS; with three hundred eighty-four (384) DAYS credit for time served.
5 The AGGREGATE TOTAL sentence is NINETY-SIX (96) MONTHS MAXIMUM with a
6 MINIMUM PAROLE ELIGIBILITY OF THIRTY-EIGHT (38) MONTHS.
7

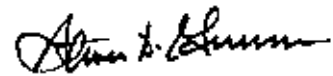
8 DATED this 19th day of October, 2016
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11

12 William D. Kephart
13 WILLIAM D. KEPHART
14 DISTRICT COURT JUDGE 
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1 NOAS

2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR No. 0556
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

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11/09/2016 02:45:38 PM



CLERK OF THE COURT

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,)

11 Plaintiff,)

12 v.)

13 SAYEDBASHE SAYEDZADA,)

14 Defendant.)

CASE NO. C-15-310000-1

DEPT. NO. XIX

NOTICE OF APPEAL

15 TO: THE STATE OF NEVADA

16 STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY,
17 NEVADA and DEPARTMENT NO. XIX OF THE EIGHTH JUDICIAL
18 DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE
19 COUNTY OF CLARK.

20 NOTICE is hereby given that Defendant, Sayedbashe
21 Sayedzada, presently incarcerated in the Nevada State Prison,
22 appeals to the Supreme Court of the State of Nevada from the
23 judgment entered against said Defendant on the 19th day of
24 October, 2016, whereby he was convicted of Cts 1, 2, 3, 4, 5, 6,
25 7, 8, 9, 10, 11, 12, and 13 of Possession of Credit or Debit Card
26 Without Cardholder's Consent (Category D Felony) and sentenced to
27 \$25 Admin. Fee; \$150 DNA analysis fee; genetic testing; \$3 DNA
28 collection fee. Ct. 1 - 19-48 months in prison; Ct. 2 - 19-48
months in prison, CONCURRENT with Ct. 1; Ct. 3 - 19-48 months in
prison, CONCURRENT with Cts. 1 & 2; Ct. 4 - 19-48 months in
prison, CONCURRENT with Cts. 1, 2, & 3; Ct. 5 - 19-48 months in

1 prison, CONSECUTIVE with Cts. 1, 2, 3, & 4; Ct. 6 - 19-48 months
2 in prison, CONCURRENT with all Cts; Ct. 7 - 19-48 months in
3 prison, CONCURRENT with Ct. 5 and CONSECUTIVE with Cts. 1, 2, 3, &
4 4; Ct. 8 - 19-48 months in prison, CONCURRENT with Cts. 1, 2, 3, &
5 4; Ct. 9 - 19-48 months in prison, CONCURRENT with Cts. 1, 2, 3,
6 4, & 8; Ct. 10 - 19-48 months in prison; CONCURRENT with Cts. 1,
7 2, 3, 4, 8, & 9; Ct. 11 - 19-48 months in prison; CONCURRENT with
8 Cts. 1, 2, 3, 4, 8, 9, & 10; Ct. 12 - 19-48 months in prison;
9 CONCURRENT with Cts. 1, 2, 3, 4, 8, 9, 10, & 11; Ct. 13 - 19-48
10 months in prison, CONCURRENT with Cts. 5, & 7,1 and CONSECUTIVE
11 with Cts. 1, 2, 3, 4, 8, 9, 10, 11, & 12. Total aggregate sentence
12 of 38-96 months in prison with 384 days CTS.

13 DATED this 9th day of November, 2016.

14 PHILIP J. KOHN
15 CLARK COUNTY PUBLIC DEFENDER

16
17 By: /s/ Howard S. Brooks
18 HOWARD S. BROOKS, #3374
19 Deputy Public Defender
20 309 S. Third Street, Ste. 226
21 Las Vegas, Nevada 89155
22 (702) 455-4685
23
24
25
26
27
28

1 CERTIFICATE OF ELECTRONIC FILING

2 I hereby certify that service of the above and foregoing
3 was made this 9th day of November, 2016, by Electronic Filing to:

4 District Attorneys Office

5 E-Mail Address:

6 PDMotions@clarkcountyda.com

7 Jennifer.Garcia@clarkcountyda.com

8 Eileen.Davis@clarkcountyda.com

9
10 /s/ Carrie M. Connolly

11 Secretary for the

12 Public Defender's Office
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 14, 2015

C-15-310000-1 State of Nevada
vs
SAYEDBASHE SAYEDZADA

October 14, 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:	Merback, William J.	Attorney
	SAYEDZADA, SAYEDBASHE	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Christopher Peterson assisted Attorney Roger Hillman Bar #3076 with the Public Defender's criminal calendar today. DEFT. SAYEDZADA ARRAIGNED, PLED NOT GUILTY, and WAIVED 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

3/15/16 8:30 A.M. CALENDAR CALL (DEPT. 20)

3/21/16 9:00 A.M. JURY TRIAL (DEPT. 20)

PRINT DATE: 11/10/2016

Page 1 of 20

Minutes Date: October 14, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross MisdemeanorCOURT MINUTESNovember 10, 2015

C-15-310000-1 State of Nevada
 vs
 SAYEDBASHE SAYEDZADA

November 10, 2015 8:30 AM Motion for Own
 Recognizance
 Release/Settling Reasonable
 Bail

HEARD BY: Johnson, Eric

COURTROOM: RJC Courtroom 10D

COURT CLERK: Linda Skinner

RECORDER:

REPORTER: Amber Riggio

PARTIES

PRESENT:	Gaston, Tyler	Attorney
	Public Defender	Attorney
	Rhoades, Kristina A.	Attorney
	SAYEDZADA, SAYEDBASHE	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court advised it did not receive an opposition from the State. Ms. Rhoades requested to respond orally. Statements by Ms. Rhoades and Mr. Gaston in support of their respective positions. COURT ORDERED, Motion DENIED.

CUSTODY

PRINT DATE: 11/10/2016

Page 2 of 20

Minutes Date: October 14, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 15, 2016**

C-15-310000-1

State of Nevada

vs

SAYEDBASHE SAYEDZADA

March 15, 2016**8:30 AM****All Pending Motions****HEARD BY:** Johnson, Eric**COURTROOM:** RJC Courtroom 10D**COURT CLERK:** Linda Skinner**RECORDER:****REPORTER:** Amber Riggio**PARTIES****PRESENT:**

Gaston, Tyler

Attorney

Howell, Christopher T.

Attorney

Jones, Jr., John T.

Attorney

Public Defender

Attorney

SAYEDZADA, SAYEDBASHE

Defendant

State of Nevada

Plaintiff

JOURNAL ENTRIES

- CALENDAR CALL...DEFENDANT'S MOTION FOR DISCOVERY...DEFENDANT'S MOTION TO INSTRUCT JURY ON LESSER-RELATED CHARGE

Upon Court's inquiry, Mr. Jones advised he is prepared to go forward with trial with 4-6 witnesses and taking 2-3 days. Mr. Gaston concurred. As this Court has a trial set, COURT ORDERED, matter REFERRED to the Overflow Calendar.

AS TO MOTION FOR DISCOVERY: Mr. Gaston advised they did a file review yesterday and the only thing still outstanding is the CAD report and 911 calls. Mr. Jones advised he has subpoenaed Metro twice and as he has not received this information, concludes there is none. Additionally, Mr. Gaston requested any reports as to the evidence as the purse and contents were not impounded. Mr. Jones advised all reports have been handed over. COURT ORDERED, Motion RESOLVED in that the State is to provide what they are supposed to as prescribed under case law.

PRINT DATE: 11/10/2016

Page 3 of 20

Minutes Date: October 14, 2015

AS TO MOTION ON LESSER-RELATED CHARGE: Arguments by Mr. Gaston and Mr. Jones in support of their respective positions. Following, Court noted it is the State's responsibility to prove their case and decide what charges to proceed on. Therefore, COURT ORDERED, Motion DENIED.

Mr. Jones advised the offer extended Defendant is now withdrawn. Court so noted.

J. JONES / T. GASTON - C. HOWELL / 4-6 WITNESSES / 2-3 DAYS

CUSTODY

3/18/16 8:30 AM OVERFLOW CALENDAR

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 18, 2016

C-15-310000-1

State of Nevada

vs

SAYEDBASHE SAYEDZADA

March 18, 2016

8:30 AM

Overflow

HEARD BY: Togliatti, Jennifer

COURTROOM: RJC Courtroom 10C

COURT CLERK: Athena Trujillo

RECORDER: Cynthia Georgilas

REPORTER:

PARTIES**PRESENT:**

Dickerson, Michael

Attorney

Gaston, Tyler

Attorney

Jones, Jr., John T.

Attorney

SAYEDZADA, SAYEDBASHE

Defendant

State of Nevada

Plaintiff

JOURNAL ENTRIES

- Counsel confirmed 2 - 3 days for trial and advised there will be 5 - 6 witnesses. COURT ORDERED, matter SET for trial.

CUSTODY

3/22/16 9:00 AM JURY TRIAL (DC 19)

PRINT DATE: 11/10/2016

Page 5 of 20

Minutes Date: October 14, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 22, 2016

C-15-310000-1 State of Nevada
vs
SAYEDBASHE SAYEDZADA

March 22, 2016 9:00 AM Jury Trial

HEARD BY: Kephart, William D. COURTROOM: RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Dickerson, Michael	Attorney
	Gaston, Tyler	Attorney
	Howell, Christopher T.	Attorney
	Jones, Jr., John T.	Attorney
	SAYEDZADA, SAYEDBASHE	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS:

Colloquy regarding voir dire and jury selection. Mr. Gaston objected to State's proposed exhibit 20 as prejudicial. Court stated he will defer ruling until testimony has been presented. Mr. Gaston requested the Court inquire of the prospective jurors if they are a minority and if so how would they self identify. State opposed. Court stated he understands both parties positions and ORDERED, Mr. Gaston's request GRANTED. Additionally, Mr. Gaston requested the battery on the security officer and the tazing of the Defendant by the security officer not be permitted as he believes they are prior bad acts which should have been litigated prior to trial. Mr. Jones advised this was not addressed prior to trial by any pre trial motion and the State does not intend to implicate Defendant in the burglary of the purse and the only testimony the State intends to seek regarding the purse is to ask the victim when was the last time she saw the purse and the cards. Court stated he would be inclined to give a jury instruction if requested by defense. Mr. Gaston advised they will discuss the issue with

PRINT DATE: 11/10/2016

Page 6 of 20

Minutes Date: October 14, 2015

defendant.

PROSPECTIVE JURORS PRESENT;

Voir dire.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS:

Record as to challenges for cause and jurors self-identifying as a minority.

PROSPECTIVE JURORS PRESENT;

Further voir dire.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS:

Record made as to conference at the bench and State's objection. Record made as to challenges for cause. Mr. Gaston invoked the exclusionary rule.

PROSPECTIVE JURORS PRESENT:

Jury selected and sworn. Clerk read the Information to the jury and stated the defendant's plea thereto. Opening statements by counsel. Testimony and exhibits presented. (See worksheets).

OUTSIDE THE PRESENCE OF THE JURY:

Record made as to objections and conference at the bench. Defendant advised of his right not to testify.

Court recessed for the evening.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor COURT MINUTES March 23, 2016

C-15-310000-1 State of Nevada
 vs
 SAYEDBASHE SAYEDZADA

March 23, 2016 10:00 AM Jury Trial

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Dickerson, Michael	Attorney
	Gaston, Tyler	Attorney
	Howell, Christopher T.	Attorney
	Jones, Jr., John T.	Attorney
	SAYEDZADA, SAYEDBASHE	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY:

Colloquy regarding jury instructions and scheduling.

JURY PRESENT:

Testimony and exhibits presented. (See worksheets)

OUTSIDE THE PRESENCE OF THE JURY:

Instructions settled.

JURY PRESENT:

PRINT DATE: 11/10/2016

Page 8 of 20

Minutes Date: October 14, 2015

Court instructed the jury. Closing arguments by counsel. At the hour of 1:49 PM, the jury retired to deliberate. At the hour of 3:56 PM, the jury returned with a verdict of GUILTY OF COUNT 1 - POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT; GUILTY OF COUNT 2 - POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT; GUILTY OF COUNT 3 - POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT; GUILTY OF COUNT 4 - POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT; GUILTY OF COUNT 5 - POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT; GUILTY OF COUNT 6 - POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT; GUILTY OF COUNT 7 - POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT; GUILTY OF COUNT 8 - POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT; GUILTY OF COUNT 9 - POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT; GUILTY OF COUNT 10 - POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT; GUILTY OF COUNT 11 - POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT; GUILTY OF COUNT 12- POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT; and GUILTY OF COUNT 13 - POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT.

Court thanked and excused the jury

OUTSIDE THE PRESENCE OF THE JURY:

COURT ORDERED, Defendant REMANDED WITHOUT BAIL, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing.

Mr. Gaston moved for a directed verdict as to seven (7) of the thirteen (13) counts and enter a verdict of not guilty. Court instructed Mr. Gaston to submit the appropriate written motion in order for State to have an opportunity to respond in writing as well. Further, Mr. Gaston requested bail be set at standard bail. Mr. Jones opposed based on Defendant's criminal history and failures to appear. COURT FURTHER ORDERED, request DENIED.

CUSTODY

6/08/2016 8:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor	COURT MINUTES	April 11, 2016
--------------------------	---------------	----------------

C-15-310000-1	State of Nevada vs SAYEDBASHE SAYEDZADA
---------------	---

April 11, 2016	8:30 AM	Motion
----------------	---------	--------

HEARD BY: Kephart, William D.	COURTROOM: RJC Courtroom 03E
-------------------------------	------------------------------

COURT CLERK: Tia Everett
Kory Schlitz

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Dickerson, Michael	Attorney
	Gaston, Tyler	Attorney
	Howell, Christopher T.	Attorney
	Jones, Jr., John T.	Attorney
	SAYEDZADA, SAYEDBASHE	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Gaston argued in support of motion stating at trial there was no evidence presented that Defendant has the intent to use the credit cards and all of the testimony showed Defendant separated the expired cards from the valid cards which shows there was no intent to defraud as to the expired cards. Mr. Jones argued in opposition stating the jury is permitted to rely on assumptions and inferred the intent of the Defendant. Further arguments by counsel. COURT ORDERED, Motion DENIED. Mr. Gaston renewed his motion for reasonable bail setting. State renewed their objection. COURT FURTHER ORDERED, Motion DENIED.

CUSTODY

PRINT DATE: 11/10/2016

Page 10 of 20

Minutes Date: October 14, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor	COURT MINUTES	June 08, 2016
--------------------------	---------------	---------------

C-15-310000-1	State of Nevada vs SAYEDBASHE SAYEDZADA
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June 08, 2016	8:30 AM	Sentencing
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HEARD BY: Kephart, William D.	COURTROOM: RJC Courtroom 03E
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COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Dickerson, Michael	Attorney
	Howell, Christopher T.	Attorney
	SAYEDZADA, SAYEDBASHE	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Conference at the bench. Court noted counsel has indicated Defendant does not want to proceed today and wishes to file a motion for ineffectiveness of counsel; although the Court believes the motion would be premature. Upon Court's inquiry, Defendant advised he would like to file his motion with exhibits before sentencing. COURT ORDERED, matter CONTINUED and Motion to Withdraw Counsel SET; Defendant to file the motion.

CUSTODY

6/20/2016 8:30 AM SENTENCING ... DEFENDANT'S MOTION TO WITHDRAW COUNSEL (INEFFECTIVENESS)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor	COURT MINUTES	June 20, 2016
--------------------------	---------------	---------------

C-15-310000-1	State of Nevada vs SAYEDBASHE SAYEDZADA
---------------	---

June 20, 2016	8:30 AM	All Pending Motions
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HEARD BY: Kephart, William D.	COURTROOM: RJC Courtroom 03E
-------------------------------	------------------------------

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Dickerson, Michael	Attorney
	Gaston, Tyler	Attorney
	Howell, Christopher T.	Attorney
	SAYEDZADA, SAYEDBASHE	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFENDANT'S PRO PER MOTION TO WITHDRAW COUNSEL (TO BE FILED) ... SENTENCING

Matters TRAILED for Mr. Gaston. RECALLED. Mr. Gaston present. Upon Court's inquiry, Defendant advised he filed the motion on Thursday of last week. CONFERENCE AT THE BENCH. Court stated he would like an opportunity to review Defendant's motion and COURT ORDERED, matters CONTINUED.

CUSTODY

CONTINUED TO: 7/25/2016 8:30 AM

PRINT DATE: 11/10/2016

Page 12 of 20

Minutes Date: October 14, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor COURT MINUTES July 18, 2016

C-15-310000-1 State of Nevada
 vs
 SAYEDBASHE SAYEDZADA

July 18, 2016 8:30 AM Motion to Dismiss

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Gaston, Tyler	Attorney
	Howell, Christopher T.	Attorney
	Jones, Jr., John T.	Attorney
	SAYEDZADA, SAYEDBASHE	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted he has reviewed the motion; although the argument made Defendant address ineffectiveness of counsel which would be better addressed in a post conviction petition. COURT ORDERED, Motion DENIED IN PART as to Defendant's Motion to overturn the conviction. Additionally, Court stated based on the claims made in the petition the Court FINDS counsel has been in no way ineffective; however, based on the break down in communication since the trial, COURT FURTHER ORDERED, Motion GRANTED IN PART as to dismissal of counsel. Upon Court's inquiry, Defendant advised he will get counsel. FURTHER ORDERED, matter SET for Confirmation of Counsel.

CUSTODY

7/25/2016 8:30 AM STATUS CHECK: NEW COUNSEL / SENTENCING DATE

PRINT DATE: 11/10/2016

Page 13 of 20

Minutes Date: October 14, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 25, 2016

C-15-310000-1 State of Nevada
 vs
 SAYEDBASHE SAYEDZADA

July 25, 2016 8:30 AM Status Check

HEARD BY: Kephart, William D. COURTROOM: RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Jones, Jr., John T. SAYEDZADA, SAYEDBASHE State of Nevada	Attorney Defendant Plaintiff
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JOURNAL ENTRIES

- Upon Court's inquiry, Defendant advised he has not had an opportunity to hire new counsel. COURT ORDERED, matter CONTINUED two (2) weeks. Mr. Jones requested the Court appoint counsel at that time if new counsel has not been retained. Court stated he is inclined to appoint counsel at the next date; however, will give Defendant the opportunity to retain counsel.

CUSTODY

CONTINUED TO: 8/08/2016 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 08, 2016

C-15-310000-1 State of Nevada
vs
SAYEDBASHE SAYEDZADA

August 08, 2016 8:30 AM Status Check

HEARD BY: Kephart, William D. COURTROOM: RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Jones, Jr., John T. SAYEDZADA, SAYEDBASHE State of Nevada	Attorney Defendant Plaintiff
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JOURNAL ENTRIES

- Upon Court's inquiry, Defendant advised he was unable to hire counsel. COURT ORDERED, matter Referred to the office of appointed counsel for the appointment of counsel and SET for Confirmation of Counsel.

CUSTODY

8/22/2016 8:30 AM CONFIRMATION OF COUNSEL (DREW CHRISTENSEN'S OFFICE)

PRINT DATE: 11/10/2016

Page 15 of 20

Minutes Date: October 14, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 22, 2016

C-15-310000-1 State of Nevada
vs
SAYEDBASHE SAYEDZADA

August 22, 2016 8:30 AM Confirmation of Counsel

HEARD BY: Kephart, William D. COURTROOM: RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	George, John G.	Attorney
	Jones, Jr., John T.	Attorney
	SAYEDZADA, SAYEDBASHE	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. George confirmed as counsel. COURT ORDERED, matter SET for Sentencing.

CUSTODY

9/19/2016 8:30 AM

PRINT DATE: 11/10/2016

Page 16 of 20

Minutes Date: October 14, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor	COURT MINUTES	September 14, 2016
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C-15-310000-1	State of Nevada vs SAYEDBASHE SAYEDZADA
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September 14, 2016 8:30 AM Motion

HEARD BY: Kephart, William D. COURTROOM: RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	George, John G. SAYEDZADA, SAYEDBASHE Scow, Richard H. State of Nevada	Attorney Defendant Attorney Plaintiff
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JOURNAL ENTRIES

- Mr. George advised he believes this motion was filed prior to his representation of the Defendant. Colloquy Defendant's City case. COURT ORDERED, matter OFF CALENDAR and instructed Mr. George to obtain information which can be argued at sentencing.

CUSTODY

PRINT DATE: 11/10/2016

Page 17 of 20

Minutes Date: October 14, 2015

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross MisdemeanorCOURT MINUTESSeptember 19, 2016

C-15-310000-1 State of Nevada
 vs
 SAYEDBASHE SAYEDZADA

September 19, 2016 8:30 AM Sentencing

HEARD BY: Kephart, William D. COURTROOM: RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:	George, John G.	Attorney
	Rogan, Jeffrey	Attorney
	SAYEDZADA, SAYEDBASHE	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. George requested the matter be continued one week in order to prepare a sentencing memorandum and attempt to reach a global resolution with the Municipal Court case. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 10/10/2016 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross MisdemeanorCOURT MINUTESOctober 10, 2016

C-15-310000-1 State of Nevada
vs
SAYEDBASHE SAYEDZADA

October 10, 2016 8:30 AM Sentencing

HEARD BY: Kephart, William D. COURTROOM: RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT:	Dickerson, Michael	Attorney
	George, John G.	Attorney
	Jones, Jr., John T.	Attorney
	SAYEDZADA, SAYEDBASHE	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT. SAYEDZADA ADJUDGED GUILTY of COUNTS 1 - 13 - POSSESSION OF CREDIT OR DEBIT CARD WITHOUT CARDHOLDER'S CONSENT (F). Matter argued and submitted. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, and a \$3.00 DNA Collection fee; Deft. SENTENCED COUNT 1 - to a MINIMUM of NINETEEN (19) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 2 - to a MINIMUM of NINETEEN (19) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 3 - to a MINIMUM of NINETEEN (19) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 4 - to a MINIMUM of NINETEEN (19) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 5 - to a MINIMUM of NINETEEN (19) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 6 - to a MINIMUM of NINETEEN (19) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of

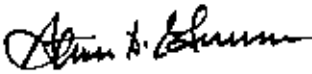
PRINT DATE: 11/10/2016

Page 19 of 20

Minutes Date: October 14, 2015

Corrections (NDC); as to COUNT 7 - to a MINIMUM of NINETEEN (19) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 8 - to a MINIMUM of NINETEEN (19) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 9 - to a MINIMUM of NINETEEN (19) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 10 - to a MINIMUM of NINETEEN (19) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 11 - to a MINIMUM of NINETEEN (19) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 12 - to a MINIMUM of NINETEEN (19) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); as to COUNT 13 - to a MINIMUM of NINETEEN (19) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC); COUNTS 1, 2, 3, 4, 8, 9, 10, 11, & 12 are all CONCURRENT with each other; COUNTS 5, 7 & 13 CONCURRENT with each other and CONSECUTIVE to COUNTS 1, 2, 3, 4, 8, 9, 10, 11, & 12 and COUNT 6 CONCURRENT with all COUNTS. FURTHER ORDERED, TOTAL AGGREGATE sentence of a MINIMUM of THIRTY-EIGHT (38) MONTHS and a MAXIMUM of NINETY-SIX (96) MONTHS in the Nevada Department of Corrections (NDC); with THREE HUNDRED EIGHTY-FOUR (384) DAYS credit for time served.

NDC


CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

SAYEDBRASHE SAYEDZADA,

Defendant.

CASE NO. C-15-310000-1

DEPT. XIX

(ARRAIGNMENT HELD IN DEPT. LLA)

BEFORE THE HONORABLE MELISA DE LA GARZA, HEARING MASTER
WEDNESDAY, OCTOBER 14, 2015

**RECORDER'S TRANSCRIPT OF HEARING RE:
INITIAL ARRAIGNMENT**

APPEARANCES:

For the State:

WILLIAM 'JAKE' MERBACK, ESQ.,
Chief Deputy District Attorney

For the Defendant:

R. ROGER HILLMAN, ESQ.,
Deputy Public Defender
CHRISTOPHER PETERSON,
Student Practice, SCR 49.2

RECORDED BY: KIARA SCHMIDT, COURT RECORDER

1 WEDNESDAY, OCTOBER 14, 2015

2 * * * * *

3 P R O C E E D I N G S
4

5 THE COURT: State of Nevada versus Sayedbashe Sayedzada,
6 C310000. He is present in custody. Mr. Peterson is here on his behalf.
7 Counsel?

8 MR. PETERSON: Mr. Sayed [sic] would be pleading not guilty today.
9 He would waive the reading of the Information. He would also waive his right to
10 speedy trial.

11 THE COURT: Sir, you received a copy of the Information stating the
12 charges against you?

13 THE DEFENDANT: I did.

14 THE COURT: You read through it and understood it?

15 THE DEFENDANT: I did.

16 THE COURT: You want to waive a formal reading of the charges?

17 THE DEFENDANT: Correct.

18 THE COURT: How do you plead?

19 THE DEFENDANT: Not guilty.

20 THE COURT: You do have a right to a trial within 60 days. It's my
21 understanding you want to waive that also.

22 THE DEFENDANT: Correct.

23 THE COURT: Ordinary course.

24 THE CLERK: Calendar call, March 15th, 2016, 8:30 a.m. Trial date,
25 March 21st, 2016, 9:00 a.m., Department 20.

1 THE COURT: Counsel, pursuant to statute you have 21 days from
2 today for the filing of any writs. If the transcript has not been filed as of today, you
3 have 21 days from the filing.

4 MR. PETERSON: Your Honor, we request any discovery pursuant to
5 statute.

6 THE COURT: Discovery is granted pursuant to NRS 174.235.

7 MR. MERBACK: And the State requests reciprocal discovery.

8 THE COURT: And that is also granted. Thank you, sir.

9 THE DEFENDANT: Uh-huh.

10 (Whereupon, the proceedings concluded.)

11 * * * * *

12 ATTEST: I do hereby certify that I have truly and correctly transcribed the
13 audio/video proceedings in the above-entitled case to the best of my ability.

14 

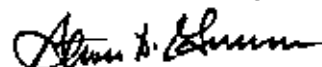
15 Kiara Schmidt, Court Recorder/Transcriber
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1 TRAN

Electronically Filed
02/04/2017 08:00:15 AM

2 DISTRICT COURT

3 CLARK COUNTY, NEVADA



CLERK OF THE COURT

4 THE STATE OF NEVADA,)

5 Plaintiff,)

6 vs.)

CASE NO.: C-15-310000-1

DEPT. NO.: XX

7 SAYEDBASHE SAYEDZADA,)

8 Defendant.)

9
10
11 REPORTER'S TRANSCRIPT OF DEFENDANT'S MOTION FOR OWN
12 RECOGNIZANCE RELEASE, OR, IN THE ALTERNATIVE, FOR
13 SETTING OF REASONABLE BAIL,

14 BEFORE THE HONORABLE JUDGE ERIC JOHNSON

15 DEPARTMENT XX

16 TUESDAY, NOVEMBER 10, 2015

17 11:26 A.M.

18 For the State: KRISTINA A. RHOADES, ESQ.
19 Deputy District Attorney

20 For the Defendant: TYLER GASTON, ESQ.
21 Deputy Public Defender

22
23
24
25 Reported by: Amber M. McClane, NV CCR No. 914

Amber M. McClane, CCR No. 914

(702)927-1206 • ambermcclaneccr@gmail.com

Pursuant to NRS 239.053, illegal to copy without payment.

1 LAS VEGAS, NEVADA; TUESDAY, NOVEMBER 10, 2015
2 11:26 A.M.
3 * * * * *
4 P R O C E E D I N G S
5 * * * * *
6

7 MR. GASTON: I have one more it's on Page 6.

8 THE COURT: Okay. Calling State of Nevada
9 versus Sayedbashe Sayedzada. I tried my best.

10 Counsel, please note your appearances for the
11 record.

12 MS. RHOADES: Kristina Rhoades on behalf of
13 the State, Your Honor.

14 MR. GASTON: Tyler Gaston from the Public
15 Defender's Office on behalf of Mr. Sayedzada.

16 THE COURT: All right. I'm showing this as
17 the time set for consideration of the motion for own
18 recognizance release or alternative for setting
19 reasonable bail.

20 I don't show this as being opposed.

21 MS. RHOADES: We would ask to respond orally
22 pursuant to EDCR 3.20, Your Honor.

23 MR. GASTON: Defense has no objection.

24 THE COURT: Okay. You don't want to file
25 anything in writing?

MS. RHOADES: I'm more than happy to.

THE COURT: I just want to make sure.

1 All right. Go ahead.

2 MS. RHOADES: I believe it's his motion.

3 THE COURT: I've got his paperwork. Why
4 don't you go ahead and fire up and it will be easier
5 than just hearing him repeat what he's already written.

6 MS. RHOADES: Thank you, Your Honor.

7 This is the defendant's fourth motion to
8 reduce bail. They've tried three times in Justice
9 Court to do this same exact thing, and it has been
10 denied all three times in Justice Court. So first at
11 her initial arraignment on September 28th -- his
12 initial arraignment. I'm sorry. September 28th there
13 was an OR motion or a bail reduction motion. The
14 justice of the peace denied that.

15 Second, when an amended criminal complaint
16 was filed adding additional charges, there was another
17 oral own recognizance motion. The justice of the peace
18 denied that.

19 After preliminary hearing, after the justice
20 of the peace sat through the hearing and heard all of
21 the facts, there was another motion to release this
22 defendant on \$10,000 bail with house arrest, and the
23 justice of the peace denied that, too.

24 So now they're on their fourth try. Bail was
25 set at \$3,000 per count. He is charged with 13 counts

1 of possession of credit card without card holder's
2 consent, 39,000-dollar bail. That's more than
3 reasonable considering the facts of this case.

4 He had several credit cards on him. He is a
5 two-time convicted felon. One for 2003 coercion with
6 force. It was originally a sexual assault case. And
7 2004, reckless driving, felony conviction. There's no
8 verified address. There's an intake services sheet
9 that was filled out down in Justice Court with no
10 verified address. He has seven misdemeanor
11 convictions, including three convictions for battery
12 domestic violence. He has 19 failures to appear.

13 In the instant case, he was caught in an
14 apartment complex by a security officer. The security
15 officer ran after him. He -- the defendant struggled
16 with the security officer, punched him in the face
17 trying to get away. Based on that behavior, based on
18 his 19 failures to appear, based on his violent
19 criminal history, the State would submit that \$39,000
20 is more than reasonable considering how many charges he
21 has in this case.

22 **THE COURT:** Okay.

23 **MR. GASTON:** If I may respond briefly?

24 **THE COURT:** You can respond briefly, yes.

25 **MR. GASTON:** I can.

1 **THE COURT:** I will give you an opportunity to
2 respond.

3 **MR. GASTON:** It's not exactly that I have
4 failed to get a bail reduction for Mr. Sayedzada four
5 times or three times. It's more I've just learned
6 three ways to not succeed at getting a bail reduction
7 for Mr. Sayedzada, but I have not advanced the same
8 arguments every time. And there's a new argument that
9 I didn't make at any of the prior times that was
10 suggested to me. And that's specifically the facts of
11 this case are that he had a purse with credit cards in
12 it; 13 counts. Now, in that, 13 credit card has
13 resulted in 13 counts. The bail was stacked together
14 from this one incident to be a 39,000-dollar bail. If
15 there was no only one credit card in the purse, he
16 would have done the exact same things the State's
17 alleged but his bail would be 13 times lower than what
18 it is now. He's indigent. He can't afford \$39,000
19 bail, and based on this, I don't think it's
20 appropriate, given the facts of this case, that bail
21 should be stacked all the way to \$39,000.

22 If the Court's not inclined to grant straight
23 house release to house arrest, I would ask that bail be
24 reduced to \$3,000.

25 **THE COURT:** Okay. I tend not to change bail

1 that's been set by the lower court absent some change
2 in circumstances. And, I mean, I appreciate you have
3 what you feel is a new -- new argument, but there
4 really hasn't been a change in circumstances for when
5 the court below set the bail in this case.

6 And I do focus quite heavily on the issue of
7 the 19 failures to appear. I appreciate your point,
8 which is that most of those are from traffic tickets,
9 and it's unclear how many of them came from criminal
10 cases. But nonetheless, the failure to appear is a
11 failure to comply with -- with the expectations of the
12 court. And 19, whether it's for traffic tickets or
13 something else, is a lot.

14 So, at this point in time, I'm going to deny
15 the motion.

16 **MR. GASTON:** Thank you, Your Honor.

17 *(Whereupon, the proceedings concluded at*
18 *11:32 a.m.)*

19 -c0o-

20 ATTEST: FULL, TRUE, AND ACCURATE TRANSCRIPT OF
21 PROCEEDINGS.

22

23

24

25

Amber M. McClane
/s/ Amber M. McClane, NV CCR No. 914

Amber M. McClane, CCR No. 914

(702)927-1206 • ambermcclaneccr@gmail.com

Pursuant to NRS 239.053, illegal to copy without payment.

MR. GASTON: [7]	3/20 5/21	can [2] 4/24 4/25
MS. RHOADES: [5] 2/9	alleged [1] 5/17	can't [1] 5/18
2/18 2/23 3/1 3/5	already [1] 3/5	card [4] 4/1 4/1 5/12
THE COURT: [9]	alternative [2] 1/11	5/15
\$	2/16	cards [2] 4/4 5/11
\$10,000 [1] 3/22	Amber [2] 1/25 6/24	case [8]
\$3,000 [2] 3/25 5/24	amended [1] 3/15	cases [1] 6/10
\$39,000 [3] 4/19 5/18	another [2] 3/16 3/21	caught [1] 4/13
5/21	any [1] 5/9	CCR [2] 1/25 6/24
-	anything [1] 2/23	change [3] 5/25 6/1
-o0o [1] 6/19	apartment [1] 4/14	6/4
/	appear [4] 4/12 4/18	charged [1] 3/25
/S [1] 6/24	6/7 6/10	charges [2] 3/16 4/20
1	appearances [1] 2/8	circumstances [2] 6/2
10 [2] 1/15 2/1	appreciate [2] 6/2	6/4
11:26 [2] 1/16 2/1	6/7	CLARK [1] 1/3
11:32 [1] 6/18	appropriate [1] 5/20	coercion [1] 4/5
13 [5] 3/25 5/12 5/12	are [2] 5/11 6/8	complaint [1] 3/15
5/13 5/17	argument [2] 5/8 6/3	complex [1] 4/14
19 [4] 4/12 4/18 6/7	arguments [1] 5/8	comply [1] 6/11
6/12	arraignment [2] 3/11	concluded [1] 6/17
2	3/12	consent [1] 4/2
2003 [1] 4/5	arraignment on [1]	consideration [1]
2004 [1] 4/7	3/11	2/15
2015 [2] 1/15 2/1	arrest [2] 3/22 5/23	considering [2] 4/3
28th [2] 3/11 3/12	as [2] 2/14 2/18	4/20
3	ask [2] 2/19 5/23	convicted [1] 4/5
3.20 [1] 2/20	assault [1] 4/6	conviction [1] 4/7
39,000-dollar [2] 4/2	ATTEST [1] 6/20	convictions [2] 4/11
5/14	Attorney [1] 1/18	4/11
9	away [1] 4/17	Counsel [1] 2/8
914 [2] 1/25 6/24	B	count [1] 3/25
A	bail [17]	counts [3] 3/25 5/12
a.m [3] 1/16 2/1 6/18	based [4] 4/17 4/17	5/13
absent [1] 6/1	4/18 5/19	COUNTY [1] 1/3
ACCURATE [1] 6/20	battery [1] 4/11	court [7]
adding [1] 3/16	be [5] 3/4 5/14 5/17	Court's [1] 5/22
additional [1] 3/16	5/21 5/23	credit [5] 4/1 4/4
address [2] 4/8 4/10	been [3] 3/9 6/1 6/4	5/11 5/12 5/15
advanced [1] 5/7	BEFORE [1] 1/13	criminal [3] 3/15
afford [1] 5/18	behalf [2] 2/10 2/13	4/19 6/9
after [3] 3/19 3/19	behavior [1] 4/17	D
4/15	being [1] 2/18	defendant [4] 1/8
ahead [2] 3/1 3/4	believe [1] 3/2	1/20 3/22 4/15
all [5] 2/14 3/1 3/10	below [1] 6/5	defendant's [2] 1/11
	best [1] 2/7	3/7
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	C	Defender's [1] 2/13
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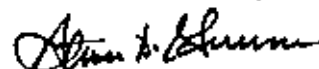
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DISTRICT COURT

CLARK COUNTY, NEVADA



CLERK OF THE COURT

THE STATE OF NEVADA,

Plaintiff,

vs.

SAYEDBASHE SAYEDZADA,

Defendant.

CASE NO.: C-15-310000-1

DEPT. NO.: XX

REPORTER'S TRANSCRIPT OF PROCEEDINGS

BEFORE THE HONORABLE JUDGE ERIC JOHNSON

DEPARTMENT XX

TUESDAY, MARCH 15, 2016

10:17 A.M.

For the State: JOHN T. JONES, JR., ESQ.
Chief Deputy District AttorneyFor the Defendant: TYLER GASTON, ESQ.
CHRISTOPHER HOWELL, ESQ.
Deputy Public Defenders

Reported by: Amber M. McClane, NV CCR No. 914

Amber M. McClane, CCR No. 914

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1 LAS VEGAS, NEVADA; TUESDAY, MARCH 15, 2016

10:17 A.M.

2 * * * * *

3 P R O C E E D I N G S

* * * * *

4
5 THE COURT: State of Nevada versus Sayedbashe
6 Sayedzada, Case No. C310000.

7 Counsel, please note your appearances for the
8 record.

9 MR. JONES: John Jones on behalf of the
10 State.

11 MR. GASTON: Tyler Gaston from the Public
12 Defender's Office.

13 MR. HOWELL: Chris Howell from the Public
14 Defender's Office.

15 THE COURT: Okay. I'm showing this as the
16 time set for calendar call.

17 Where do we stand with that?

18 MR. JONES: I believe the parties are ready
19 to proceed, Your Honor.

20 MR. GASTON: That is correct.

21 THE COURT: All right. How many days is this
22 going to take?

23 MR. JONES: Depending on the setting, the
24 State anticipates between four and six witnesses.
25 I'm -- defense has yet to file a notice of witness. I

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1 did speak with them yesterday. They did indicated
2 they'd have one person on that notice. So we might be
3 able to get this done in two days.

4 **THE COURT:** Okay. Well, this may need to go
5 to overflow, so we'll -- we'll do that. One of them is
6 going to need to go over to flow.

7 I've also got defendant's motion for
8 discovery, and defendant's motion to instruct the jury
9 on lesser-related charges.

10 Where do we have an issue on the motion for
11 discovery?

12 **MR. JONES:** Your Honor, to make a --

13 **THE COURT:** I want a specific issue, not just
14 a general issue.

15 **MR. JONES:** Well, I'll let defense -- it's
16 their motion.

17 **THE COURT:** Yeah, where do we -- where do I
18 need to make a decision, Mr. Gaston?

19 **MR. GASTON:** Court's indulgence. I'm sorry.

20 We did a file review yesterday, so some of
21 the information that we were debating was turned over
22 to us.

23 There was an issue we wanted to litigate, but
24 it might be moot.

25 So I guess a side issue I was going to bring

1 up -- I'll bring it up now and just make sure we get it
2 out, because it reflects on the discovery motion -- we
3 spoke to the district attorney yesterday. We were
4 going to orally bring up the fact that there's been no
5 bad act motion filed, and so we were going to ask the
6 Court to preclude the State from going into my client's
7 alleged prior relationship with this family, which the
8 details of that would all be bad acts. The State has
9 agreed that they are not going to be bringing any of
10 that evidence into trial unless it's to rebut a defense
11 on our behalf that, because of the prior relationship,
12 he had consent to have the purse. So they will bring
13 it in to rebut that defense, but absent that, the
14 State's indicated they are not going to bring any of
15 that evidence in.

16 **THE COURT:** Okay.

17 **MR. GASTON:** So on -- relying on those
18 representations, I believe we have everything that I've
19 asked for except maybe CADs and a 911 call, but my
20 understanding is the State isn't sure if that even
21 exists.

22 **MR. JONES:** I have said that, Your Honor, on
23 two different occasions -- oh, not me, but our office
24 has subbed in on two different occasions, and we've
25 received nothing back. So I'm not sure. I will

1 inquire with the -- with Metro again just to make sure,
2 but I've issued -- our office -- I keep saying "me."
3 Our office has issued two subpoenas in this case, and
4 we have not received a CAD or a 911 call back.

5 **THE COURT:** All right. Well, I'll enter an
6 order, then, that Metro provide any CAD or 911 call
7 reference the -- this event, if it exists.

8 **MR. GASTON:** And I guess one final issue.
9 I'm sorry. The contents of the purse I believe all
10 except the credit cards were returned to the family
11 without -- no photos were taken of the contents of the
12 purse. Nothing in the purse was stored in any way, and
13 the only thing we have left are the credit cards that
14 purportedly were in the purse. So if the State or
15 Metro has any reports relating to the chain of custody
16 of this or relating to the loss of this evidence or
17 turning it back over to the victims, I would ask that
18 that be disclosed as well.

19 **MR. JONES:** And those have all -- I did turn
20 over copies of Metro's reports. They do indicate
21 the -- they do indicate that the purse was returned and
22 that the third -- there is an impound report stating
23 that 13 cards were impounded.

24 **THE COURT:** Okay. Sounds good.

25 **MR. GASTON:** I believe those are the only

1 specific issues we still have, other than what's just
2 general terms of the motion.

3 **THE COURT:** All right. Good deal, then.

4 Let's turn to the motion for -- to instruct
5 jury on lesser-related charge.

6 **MR. GASTON:** Sorry. Those -- not to be a
7 stickler, but will the Court still rule generally on
8 the discovery motion?

9 **THE COURT:** Yeah. That's all I'm going to
10 do, is I'm going to order the State to comply with its
11 obligations for discovery under Nevada Revised Statute,
12 under United States Supreme Court case law, and under
13 Nevada Supreme Court case law, including *Brady*.

14 **MR. GASTON:** Thank you.

15 **THE COURT:** So your motion for the jury
16 instruction.

17 **MR. GASTON:** Yes, Your Honor.

18 **THE COURT:** I've read it.

19 **MR. GASTON:** So there's -- basically we're
20 having an issue of interpretation with *Peck v. State*.
21 It's a Nevada Supreme Court case that overturned the
22 previous way that courts handled defendants' requests
23 for instructing the jury on lesser-related.

24 **THE COURT:** Is the only that we had is
25 whether it's discretionary or precluded?

1 **MR. GASTON:** Correct.

2 **THE COURT:** Okay.

3 **MR. GASTON:** Certain language in the case
4 suggests that it's precluded and that the court -- and
5 this is how the State wants the Court to interpret the
6 case, is that we're absolutely precluded,
7 lesser-relateds, by definition, just automatically cast
8 doubt on the validity of a verdict and, therefore, we
9 can never do it.

10 But if we look at the actual facts of
11 that case -- if we look at the language of that case of
12 how they use their analysis, they overturn the prior
13 way that we used to figure out whether to do
14 lesser-relateds or not. That's pretty explicit.

15 When they're talking about it casting doubt
16 on the validity of the verdict, what they're really
17 saying is it's unfair to the State to have to come in
18 to trial, similarly as it would be to the defendant,
19 and defend against charges that haven't actually been
20 charged. So the defendant knows what he's charged
21 with, so it's fair that, at trial, he would defend
22 against that conduct. The State has the same
23 advantages. They should know what they're charged with
24 and know what they have to go into trial and defend.
25 However, to categorically say that lesser-relateds are

1 not okay is absolutely unfair. What the -- the Court
2 indicated that its -- its concern also was that the
3 defendant is going to force a jury to compromise.
4 Well, it's the exact opposite concern that happens a
5 lot of times too, is that the jury's not allowed to
6 compromise.

7 If the defense is successful in this case,
8 almost certainly Mr. Sayedzada -- the jury will be
9 convinced that Mr. Sayedzada committed some wrongdoing.
10 So to not give them the option to actually find him
11 guilty of a wrongdoing, the lesser-related here, and
12 forcing them in the all-or-nothing position of letting
13 a person who undoubtedly did something wrong go with a
14 not guilty verdict or, instead, compromising and being
15 like, Yes, maybe we're not convinced beyond a
16 reasonable doubt that he committed this one, we're also
17 not going to let him go, we're -- it's the exact
18 opposite. It's the flip side of the coin that *Peck* was
19 concerned with, the court in *Peck* was concerned with,
20 and that's what we're worried about here. So we do
21 think a lesser-related is appropriate.

22 As far as notice issues, those -- those
23 concerns are obviated by the fact that we have filed
24 this motion in advance. The State is well aware in
25 advance of trial whether the jury will be instructed on

1 this lesser-related or not. So a lot of the concerns
2 that *Peck* has aren't applicable in this case. And I do
3 think that's it's such a wide, sweeping conclusion to
4 just categorically bar lesser-relateds, that *Peck*
5 shouldn't be read in such a broad, sweeping manner.

6 **THE COURT:** All right.

7 **MR. JONES:** I think the language in *Peck*,
8 Your Honor, was pretty unequivocal with respect to
9 lesser-related offenses. I mean, allowing instructions
10 on merely related offenses makes the fairness of the
11 verdict questionable.

12 They then go on to state basically regarding
13 the overruling of the *Moore* test, how basically all
14 arguable federal support has been withdrawn and
15 unequivocally repudiated by the United States Supreme
16 Court. And basically what *Moore* did was allow for the
17 lesser-related instructions to come in. Quite frankly,
18 Your Honor, reading *Peck v. State*, I don't think you
19 can come to any other conclusion.

20 That being said, let's pretend -- let's set
21 *Peck* aside and say you do want to entertain a
22 lesser-related in this case. Having gone through
23 discovery, having prepared for this trial, there is
24 absolutely no evidence that defendant took these cards.
25 None. Zip. Zero. Nada. So I don't even understand

1 where the basis of support for this charge is.

2 I want to read to you defendant's motion
3 for -- to instruct the jury on a lesser-related charge,
4 and this comes directly from their statement of facts.

5 "Mr. Sayedzada was stopped for trespassing,
6 seized, and subsequently searched in an
7 apartment complex known as Scottsdale Place.
8 He a purse under his shirt at the time of the
9 stop, and a search of the purse revealed a
10 number of credit cards belonging to other
11 individuals. He was charged with 13 counts
12 of possession of credit or debit card without
13 cardholder's consent."

14 That is literally all the evidence the State
15 has with respect to this case. There is no evidence
16 the defendant took these cards. There's no evidence,
17 at least at this point that I'm aware of, that he's
18 admitted to taking these cards. So even if we say that
19 you can instruct on a lesser-related in this case, Your
20 Honor, it's inappropriate here because there's no
21 evidence supporting it.

22 **THE COURT:** All right. I'm not going to find
23 today that I'm absolutely precluded from instructing on
24 lesser-related, but I think that the case law suggests
25 that it's only in a very extreme situation that the

1 Court would be permitted to do that. And my general
2 inclination, even assuming I have the discretion, is
3 that the State is the one who's responsible for
4 approving the case on behalf of the People and have the
5 burden of proving the case beyond a reasonable doubt.
6 So the State gets to choose what it wants to charge.
7 In this case, it charged this crime, and that's what
8 I -- the State's going to get the chance to prove.

9 MR. JONES: Thank you.

10 THE COURT: So I will deny motion.

11 MR. GASTON: Thank you.

12 MR. JONES: And, Your Honor, before we
13 officially get sent to overflow, I do want to make a
14 record. I have tendered an offer to defendant which
15 has been rejected. I would like to make a record of
16 that offer. The offer was to plead to one count of
17 possession of credit card or debit card without
18 cardholder's consent. I would give the defendant two
19 options. One, to accept a no opposition to probation
20 deal with the only condition being 364 days in the
21 Clark County Detention Center, or he can accept a
22 minimum of 12 to 30 months in the Nevada Department of
23 Corrections.

24 MR. GASTON: Court's indulgence. I'm sorry.
25 Court's indulgence.

1 **MR. JONES:** Your Honor, I did as well --
2 Mr. Gaston is correct. We had a discussion. I did
3 agree that I would have a no opp. to probation deal
4 with basically credit for time served at rendition of
5 sentence, so let me rephrase the deal. It was plead
6 guilty to one count of possession of credit or debit
7 card without cardholder's consent. The first option is
8 no opposition to probation with the only condition
9 being basically credit for time served at rendition of
10 sentence. The second option is a 12 to 30 months in
11 the Nevada Department of Corrections.

12 It is my understanding that the deal and both
13 of those offers were rejected.

14 **MR. GASTON:** If I can have one moment to just
15 confirm with my client and make sure that he's actually
16 officially rejecting those.

17 **THE COURT:** Sure. Take your time. Let's
18 make sure we have a clean record.

19 If you need a little bit more time to talk
20 with him, I'll give you a little bit more time and
21 we'll continue this.

22 **MR. GASTON:** It's okay, Your Honor. My
23 client's pretty clear.

24 **THE COURT:** Okay. That's fine.

25 All right. So that offer has been rejected.

1 **MR. JONES:** It is withdrawn, Your Honor.

2 **THE COURT:** All right.

3 **MR. JONES:** Now, I do know that you do have a
4 week-long case going that might negotiate. If that
5 does negotiate, there's another case before us. But do
6 you think you'd be able to take us both back?

7 **THE COURT:** I can take a look. Because
8 that -- the other case was only going to go maybe three
9 days, two to three days?

10 **THE CLERK:** Two to three days.

11 **THE COURT:** Yeah, I might take you both back
12 if we -- if the other case goes away, but right now I'm
13 going to have to kick you over to overflow.

14 **THE CLERK:** Which is Friday, March 18th, at
15 8:30 in Department 18, which is next door in 10C.

16 Mr. Jones, are you the DA on the case?

17 **MR. JONES:** I am the DA.

18 **THE COURT:** And Mr. Howell, can I have your
19 Bar number?

20 **MR. HOWELL:** 13504.

21 **THE CLERK:** Thank you.

22 **MR. GASTON:** Thank you.

23 *(Whereupon, the proceedings concluded at*
24 *10:30 a.m.)*

25 **ATTEST:** FULL, TRUE, AND ACCURATE TRANSCRIPT OF

1 PROCEEDINGS.

2
3 *Amber M. McClane*

4 /s/ Amber M. McClane, NV CCR No. 914

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2016 [2] 1/14 2/1	Amber [2] 1/25 14/4	belonging [1] 10/10
3	analysis [1] 7/12	between [1] 2/24
30 [2] 11/22 12/10	another [1] 13/5	beyond [2] 8/15 11/5
364 [1] 11/20	anticipates [1] 2/24	bit [2] 12/19 12/20
8	any [6] 4/9 4/14 5/6	both [3] 12/12 13/6
8:30 in [1] 13/15	5/12 5/15 9/19	13/11
9	apartment [1] 10/7	Brady [1] 6/13
911 [3] 4/19 5/4 5/6	appearances [1] 2/7	bring [5] 3/25 4/1
914 [2] 1/25 14/4	applicable [1] 9/2	4/4 4/12 4/14
A	appropriate [1] 8/21	bringing [1] 4/9
a.m [3] 1/15 2/1	approving [1] 11/4	broad [1] 9/5
13/24	are [8] 2/18 4/9 4/14	burden [1] 11/5
able [2] 3/3 13/6	5/13 5/25 7/25 8/23	C
about [2] 7/15 8/20	13/16	C-15-310000-1 [1] 1/5
absent [1] 4/13	aren't [1] 9/2	C310000 [1] 2/6
absolutely [4] 7/6	arguable [1] 9/14	CAD [2] 5/4 5/6
8/1 9/24 10/23	as [7] 2/15 5/18 7/18	CADs [1] 4/19
accept [2] 11/19	8/22 8/22 10/7 12/1	calendar [1] 2/16
11/21	aside [1] 9/21	call [4] 2/16 4/19
ACCURATE [1] 13/25	ask [2] 4/5 5/17	5/4 5/6
act [1] 4/5	asked [1] 4/19	can [7] 7/9 9/19
	assuming [1] 11/2	10/19 11/21 12/14
	ATTEST [1] 13/25	13/7 13/18
	attorney [2] 1/17 4/3	card [4] 10/12 11/17
	automatically [1] 7/7	11/17 12/7
	aware [2] 8/24 10/17	cardholder's [3]
	away [1] 13/12	10/13 11/18 12/7

C	consent [4] 4/12 10/13 11/18 12/7	definition [1] 7/7
cards [7] 5/10 5/13 5/23 9/24 10/10 10/16 10/18	contents [2] 5/9 5/11	deny [1] 11/10
case [24]	continue [1] 12/21	DEPARTMENT [4] 1/13 11/22 12/11 13/15
cast [1] 7/7	convinced [2] 8/9 8/15	Depending [1] 2/23
casting [1] 7/15	copies [1] 5/20	DEPT [1] 1/6
categorically [2] 7/25 9/4	correct [3] 2/20 7/1 12/2	Deputy [2] 1/17 1/20
CCR [2] 1/25 14/4	Corrections [2] 11/23 12/11	details [1] 4/8
Center [1] 11/21	Counsel [1] 2/7	Detention [1] 11/21
Certain [1] 7/3	count [2] 11/16 12/6	did [8] 3/1 3/1 3/20 5/19 8/13 9/16 12/1 12/2
certainly [1] 8/8	counts [1] 10/11	different [2] 4/23 4/24
chain [1] 5/15	COUNTY [2] 1/3 11/21	directly [1] 10/4
chance [1] 11/8	court [12] 1/2 4/6 6/7 6/12 6/13 6/21 7/4 7/5 8/1 8/19 9/16 11/1	disclosed [1] 5/18
charge [4] 6/5 10/1 10/3 11/6	Court's [3] 3/19 11/24 11/25	discovery [6] 3/8 3/11 4/2 6/8 6/11 9/23
charged [5] 7/20 7/20 7/23 10/11 11/7	courts [1] 6/22	discretion [1] 11/2
charges [2] 3/9 7/19	credit [8] 5/10 5/13 10/10 10/12 11/17 12/4 12/6 12/9	discretionary [1] 6/25
Chief [1] 1/17	crime [1] 11/7	discussion [1] 12/2
choose [1] 11/6	custody [1] 5/15	district [3] 1/2 1/17 4/3
Chris [1] 2/13	D	do [18]
CHRISTOPHER [1] 1/20	DA [2] 13/16 13/17	does [1] 13/5
CLARK [2] 1/3 11/21	days [6] 2/21 3/3 11/20 13/9 13/9 13/10	don't [2] 9/18 9/25
clean [1] 12/18	deal [5] 6/3 11/20 12/3 12/5 12/12	done [1] 3/3
clear [1] 12/23	debating [1] 3/21	door [1] 13/15
client [1] 12/15	debit [3] 10/12 11/17 12/6	doubt [4] 7/8 7/15 8/16 11/5
client's [2] 4/6 12/23	decision [1] 3/18	E
coin [1] 8/18	defend [3] 7/19 7/21 7/24	enter [1] 5/5
come [3] 7/17 9/17 9/19	defendant [9] 1/8 1/19 7/18 7/20 8/3 9/24 10/16 11/14 11/18	entertain [1] 9/21
comes [1] 10/4	defendant's [3] 3/7 3/8 10/2	ERIC [1] 1/12
committed [2] 8/9 8/16	defendants' [1] 6/22	ESQ [3] 1/17 1/19 1/20
complex [1] 10/7	Defender's [2] 2/12 2/14	even [4] 4/20 9/25 10/18 11/2
comply [1] 6/10	Defenders [1] 1/20	event [1] 5/7
compromise [2] 8/3 8/6	defense [5] 2/25 3/15 4/10 4/13 8/7	everything [1] 4/18
compromising [1] 8/14		evidence [8] 4/10 4/15 5/16 9/24 10/14 10/15 10/16 10/21
concern [2] 8/2 8/4		exact [2] 8/4 8/17
concerned [2] 8/19 8/19		except [2] 4/19 5/10
concerns [2] 8/23 9/1		exists [2] 4/21 5/7
concluded [1] 13/23		explicit [1] 7/14
conclusion [2] 9/3 9/19		extreme [1] 10/25
condition [2] 11/20 12/8		
conduct [1] 7/22		
confirm [1] 12/15		

F	9/2 9/14 10/15 11/15 12/25	10/3 10/19
facts [2]	7/10 10/4	instructed [1] 8/25
fair [1]	7/21	instructing [2] 6/23 10/23
fairness [1]	9/10	instruction [1] 6/16
family [2]	4/7 5/10	instructions [2] 9/9 9/17
far [1]	8/22	interpret [1] 7/5
federal [1]	9/14	interpretation [1] 6/20
figure [1]	7/13	is [30]
file [2]	2/25 3/20	isn't [1] 4/20
filed [2]	4/5 8/23	issue [7] 3/10 3/13 3/14 3/23 3/25 5/8 6/20
final [1]	5/8	issued [2] 5/2 5/3
find [2]	8/10 10/22	issues [2] 6/1 8/22
fine [1]	12/24	it [17]
first [1]	12/7	it's [14] 3/15 4/10 6/21 6/25 7/4 7/17 7/21 8/4 8/17 8/18 9/3 10/20 10/25 12/22
flip [1]	8/18	its [3] 6/10 8/2 8/2
flow [1]	3/6	J
force [1]	8/3	JOHN [2] 1/17 2/9
forcing [1]	8/12	JOHNSON [1] 1/12
four [1]	2/24	JONES [3] 1/17 2/9 13/16
frankly [1]	9/17	JR [1] 1/17
Friday [1]	13/14	JUDGE [1] 1/12
FULL [1]	13/25	jury [8] 3/8 6/5 6/15 6/23 8/3 8/8 8/25 10/3
G		jury's [1] 8/5
GASTON [4]	1/19 2/11 3/18 12/2	just [7] 3/13 4/1 5/1 6/1 7/7 9/4 12/14
general [3]	3/14 6/2 11/1	K
generally [1]	6/7	keep [1] 5/2
get [4]	3/3 4/1 11/8 11/13	kick [1] 13/13
gets [1]	11/6	know [3] 7/23 7/24 13/3
give [3]	8/10 11/18 12/20	known [1] 10/7
go [7]	3/4 3/6 7/24 8/13 8/17 9/12 13/8	knows [1] 7/20
goes [1]	13/12	L
going [17]		language [3] 7/3 7/11 9/7
gone [1]	9/22	LAS [1] 2/1
good [2]	5/24 6/3	law [3] 6/12 6/13 10/24
got [1]	3/7	least [1] 10/17
guess [2]	3/25 5/8	
guilty [3]	8/11 8/14 12/6	
H		
had [3]	4/12 6/24 12/2	
handled [1]	6/22	
happens [1]	8/4	
has [11]	2/25 4/8 4/24 5/3 5/15 7/22	
	9/2 9/14 10/15 11/15 12/25	
have [21]		
haven't [1]	7/19	
having [3]	6/20 9/22 9/23	
he [6]	4/12 7/21 8/16 10/8 10/11 11/21	
he's [3]	7/20 10/17 12/15	
here [3]	8/11 8/20 10/20	
him [3]	8/10 8/17 12/20	
his [1]	10/8	
Honor [11]	2/19 3/12 4/22 6/17 9/8 9/18 10/20 11/12 12/1 12/22 13/1	
HONORABLE [1]	1/12	
how [4]	2/21 7/5 7/12 9/13	
HOWELL [3]	1/20 2/13 13/18	
However [1]	7/25	
I		
I'll [4]	3/15 4/1 5/5 12/20	
I'm [12]	2/15 2/25 3/19 4/25 5/9 6/9 6/10 10/17 10/22 10/23 11/24 13/12	
I've [4]	3/7 4/18 5/2 6/18	
impound [1]	5/22	
impounded [1]	5/23	
inappropriate [1]	10/20	
inclination [1]	11/2	
including [1]	6/13	
indicate [2]	5/20 5/21	
indicated [3]	3/1 4/14 8/2	
individuals [1]	10/11	
indulgence [3]	3/19 11/24 11/25	
information [1]	3/21	
inquire [1]	5/1	
instead [1]	8/14	
instruct [4]	3/8 6/4	

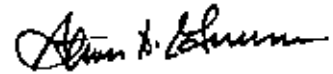
L	moot [1] 3/24	offers [1] 12/13
left [1] 5/13	more [2] 12/19 12/20	office [5] 2/12 2/14 4/23 5/2 5/3
lesser [16]	motion [13] 3/7 3/8 3/10 3/16 4/2 4/5 6/2 6/4 6/8 6/15 8/24 10/2 11/10	officially [2] 11/13 12/16
lesser-related [12] 3/9 6/5 6/23 8/11 8/21 9/1 9/9 9/17 9/22 10/3 10/19 10/24	Mr. [7] 3/18 8/8 8/9 10/5 12/2 13/16 13/18	oh [1] 4/23
lesser-relateds [4] 7/7 7/14 7/25 9/4	Mr. Gaston [2] 3/18 12/2	okay [8] 2/15 3/4 4/16 5/24 7/2 8/1 12/22 12/24
let [3] 3/15 8/17 12/5	Mr. Howell [1] 13/18	one [9] 3/2 3/5 5/8 8/16 11/3 11/16 11/19 12/6 12/14
let's [4] 6/4 9/20 9/20 12/17	Mr. Jones [1] 13/16	only [7] 5/13 5/25 6/24 10/25 11/20 12/8 13/8
letting [1] 8/12	Mr. Sayedzada [3] 8/8 8/9 10/5	opp [1] 12/3
like [2] 8/15 11/15	my [6] 4/6 4/19 11/1 12/12 12/15 12/22	opposite [2] 8/4 8/18
literally [1] 10/14	N	opposition [2] 11/19 12/8
litigate [1] 3/23	Nada [1] 9/25	option [3] 8/10 12/7 12/10
little [2] 12/19 12/20	need [4] 3/4 3/6 3/18 12/19	options [1] 11/19
long [1] 13/4	negotiate [2] 13/4 13/5	orally [1] 4/4
look [3] 7/10 7/11 13/7	NEVADA [9] 1/3 1/4 2/1 2/5 6/11 6/13 6/21 11/22 12/11	order [2] 5/6 6/10
loss [1] 5/16	never [1] 7/9	other [5] 6/1 9/19 10/10 13/8 13/12
lot [2] 8/5 9/1	next [1] 13/15	our [4] 4/11 4/23 5/2 5/3
M	no [14] 1/5 1/6 1/25 2/6 4/4 5/11 9/24 10/15 10/16 10/20 11/19 12/3 12/8 14/4	out [2] 4/2 7/13
make [8] 3/12 3/18 4/1 5/1 11/13 11/15 12/15 12/18	None [1] 9/25	over [5] 3/6 3/21 5/17 5/20 13/13
makes [1] 9/10	not [16]	overflow [3] 3/5 11/13 13/13
manner [1] 9/5	note [1] 2/7	overruling [1] 9/13
many [1] 2/21	nothing [3] 4/25 5/12 8/12	overturn [1] 7/12
MARCH [3] 1/14 2/1 13/14	notice [3] 2/25 3/2 8/22	overturned [1] 6/21
March 18th [1] 13/14	now [3] 4/1 13/3 13/12	P
may [1] 3/4	number [2] 10/10 13/19	parties [1] 2/18
maybe [3] 4/19 8/15 13/8	NV [2] 1/25 14/4	Peck [8] 6/20 8/18 8/19 9/2 9/4 9/7 9/18 9/21
McClane [2] 1/25 14/4	O	People [1] 11/4
me [3] 4/23 5/2 12/5	obligations [1] 6/11	permitted [1] 11/1
mean [1] 9/9	obviated [1] 8/23	person [2] 3/2 8/13
merely [1] 9/10	occasions [2] 4/23 4/24	photos [1] 5/11
Metro [3] 5/1 5/6 5/15	offenses [2] 9/9 9/10	Place [1] 10/7
Metro's [1] 5/20	offer [4] 11/14 11/16 11/16 12/25	Plaintiff [1] 1/5
might [4] 3/2 3/24 13/4 13/11		plead [2] 11/16 12/5
minimum [1] 11/22		please [1] 2/7
moment [1] 12/14		point [1] 10/17
months [2] 11/22 12/10		position [1] 8/12
Moore [2] 9/13 9/16		

P	9/9 9/10 9/17 9/22 10/3 10/19 10/24	setting [1] 2/23 shirt [1] 10/8 should [1] 7/23 shouldn't [1] 9/5 showing [1] 2/15 side [2] 3/25 8/18 similarly [1] 7/18 situation [1] 10/25 six [1] 2/24 so [22] some [2] 3/20 8/9 something [1] 8/13 sorry [4] 3/19 5/9 6/6 11/24 Sounds [1] 5/24 speak [1] 3/1 specific [2] 3/13 6/1 spoke [1] 4/3 stand [1] 2/17 state [20] State's [2] 4/14 11/8 statement [1] 10/4 States [2] 6/12 9/15 stating [1] 5/22 Statute [1] 6/11 stickler [1] 6/7 still [2] 6/1 6/7 stop [1] 10/9 stopped [1] 10/5 stored [1] 5/12 subbed [1] 4/24 subpoenas [1] 5/3 subsequently [1] 10/6 successful [1] 8/7 such [2] 9/3 9/5 suggests [2] 7/4 10/24 support [2] 9/14 10/1 supporting [1] 10/21 Supreme [4] 6/12 6/13 6/21 9/15 sure [7] 4/1 4/20 4/25 5/1 12/15 12/17 12/18 sweeping [2] 9/3 9/5
possession [3] 10/12 11/17 12/6 preclude [1] 4/6 precluded [4] 6/25 7/4 7/6 10/23 prepared [1] 9/23 pretend [1] 9/20 pretty [3] 7/14 9/8 12/23 previous [1] 6/22 prior [3] 4/7 4/11 7/12 probation [3] 11/19 12/3 12/8 proceed [1] 2/19 proceedings [3] 1/11 13/23 14/1 prove [1] 11/8 provide [1] 5/6 proving [1] 11/5 Public [3] 1/20 2/11 2/13 purportedly [1] 5/14 purse [8] 4/12 5/9 5/12 5/12 5/14 5/21 10/8 10/9	relateds [4] 7/7 7/14 7/25 9/4 relating [2] 5/15 5/16 relationship [2] 4/7 4/11 relying [1] 4/17 rendition [2] 12/4 12/9 rephrase [1] 12/5 report [1] 5/22 Reported [1] 1/25 REPORTER'S [1] 1/11 reports [2] 5/15 5/20 representations [1] 4/18 repudiated [1] 9/15 requests [1] 6/22 respect [2] 9/8 10/15 responsible [1] 11/3 returned [2] 5/10 5/21 revealed [1] 10/9 review [1] 3/20 Revised [1] 6/11 right [8] 2/21 5/5 6/3 9/6 10/22 12/25 13/2 13/12 rule [1] 6/7	T take [5] 2/22 12/17 13/6 13/7 13/11 taken [1] 5/11 taking [1] 10/18 talk [1] 12/19
Q	questionable [1] 9/11 Quite [1] 9/17	
R	said [2] 4/22 9/20 same [1] 7/22 say [3] 7/25 9/21 10/18 SAYEDBASHE [2] 1/7 2/5 SAYEDZADA [5] 1/7 2/6 8/8 8/9 10/5 saying [2] 5/2 7/17 Scottsdale [1] 10/7 search [1] 10/9 searched [1] 10/6 second [1] 12/10 seized [1] 10/6 sent [1] 11/13 sentence [2] 12/5 12/10 served [2] 12/4 12/9 set [2] 2/16 9/20	
read [3] 6/18 9/5 10/2 reading [1] 9/18 ready [1] 2/18 really [1] 7/16 reasonable [2] 8/16 11/5 rebut [2] 4/10 4/13 received [2] 4/25 5/4 record [4] 2/8 11/14 11/15 12/18 reference [1] 5/7 reflects [1] 4/2 regarding [1] 9/12 rejected [3] 11/15 12/13 12/25 rejecting [1] 12/16 related [13] 3/9 6/5 6/23 8/11 8/21 9/1		

T	trespassing [1] 10/5	week [1] 13/4
talking [1] 7/15	trial [6] 4/10 7/18	week-long [1] 13/4
tendered [1] 11/14	7/21 7/24 8/25 9/23	well [7] 3/4 3/15 5/5
terms [1] 6/2	TRUE [1] 13/25	5/18 8/4 8/24 12/1
test [1] 9/13	TUESDAY [2] 1/14 2/1	were [8] 3/21 4/3 4/5
than [1] 6/1	turn [2] 5/19 6/4	5/10 5/11 5/14 5/23
Thank [5] 6/14 11/9	turned [1] 3/21	12/13
11/11 13/21 13/22	turning [1] 5/17	what [9] 7/16 7/20
that [67]	two [7] 3/3 4/23 4/24	7/23 7/24 8/1 8/20
that case [1] 7/11	5/3 11/18 13/9 13/10	9/16 11/6 11/7
that's [6] 6/9 7/14	TYLER [2] 1/19 2/11	what's [1] 6/1
8/20 9/3 11/7 12/24		When [1] 7/15
their [3] 3/16 7/12	U	where [5] 2/17 3/10
10/4	under [4] 6/11 6/12	3/17 3/17 10/1
them [4] 3/1 3/5 8/10	6/12 10/8	Whereupon [1] 13/23
8/12	understand [1] 9/25	whether [3] 6/25 7/13
then [3] 5/6 6/3 9/12	understanding [2]	8/25
there [4] 3/23 5/22	4/20 12/12	which [4] 4/7 11/14
9/23 10/15	undoubtedly [1] 8/13	13/14 13/15
there's [5] 4/4 6/19	unequivocal [1] 9/8	who [1] 8/13
10/16 10/20 13/5	unequivocally [1]	who's [1] 11/3
therefore [1] 7/8	9/15	wide [1] 9/3
these [3] 9/24 10/16	unfair [2] 7/17 8/1	will [6] 4/12 4/25
10/18	United [2] 6/12 9/15	6/7 8/8 8/25 11/10
they [11] 3/1 4/9	unless [1] 4/10	withdrawn [2] 9/14
4/12 4/14 5/20 5/21	up [3] 4/1 4/1 4/4	13/1
7/12 7/12 7/23 7/24	us [3] 3/22 13/5 13/6	without [4] 5/11
9/12	use [1] 7/12	10/12 11/17 12/7
they'd [1] 3/2	used [1] 7/13	witness [1] 2/25
they're [3] 7/15 7/16	V	witnesses [1] 2/24
7/23	validity [2] 7/8 7/16	worried [1] 8/20
thing [1] 5/13	VEGAS [1] 2/1	would [8] 4/8 5/17
think [6] 8/21 9/3	verdict [4] 7/8 7/16	7/18 7/21 11/1 11/15
9/7 9/18 10/24 13/6	8/14 9/11	11/18 12/3
third [1] 5/22	versus [1] 2/5	wrong [1] 8/13
this [25]	very [1] 10/25	wrongdoing [2] 8/9
those [8] 4/17 5/19	victims [1] 5/17	8/11
5/25 6/6 8/22 8/22		
12/13 12/16	W	X
three [3] 13/8 13/9	want [4] 3/13 9/21	XX [2] 1/6 1/13
13/10	10/2 11/13	
through [1] 9/22	wanted [1] 3/23	Y
time [7] 2/16 10/8	wants [2] 7/5 11/6	Yeah [3] 3/17 6/9
12/4 12/9 12/17 12/19	was [15]	13/11
12/20	way [3] 5/12 6/22	Yes [2] 6/17 8/15
times [1] 8/5	7/13	yesterday [3] 3/1
today [1] 10/23	we [27]	3/20 4/3
too [1] 8/5	we'll [3] 3/5 3/5	yet [1] 2/25
took [2] 9/24 10/16	12/21	you [16]
TRAN [1] 1/1	we're [6] 6/19 7/6	you'd [1] 13/6
TRANSCRIPT [2] 1/11	8/15 8/16 8/17 8/20	your [15]
13/25	we've [1] 4/24	

Z

zip [1] 9/25



CLERK OF THE COURT

1 PTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
7

8 THE STATE OF NEVADA,)
9 Plaintiff,) CASE NO. C-15-310000-1
10 vs.) DEPT. XVIII
11 SAYEDBASHE SAYEDZADA,)
12 Defendant.)
13)

14 BEFORE THE HONORABLE JENNIFER TOGLIATTI, DISTRICT COURT JUDGE

15 FRIDAY, MARCH 18, 2016

16 TRANSCRIPT OF PROCEEDINGS RE:

17 OVERFLOW
18

19 APPEARANCES:

20 For the State: JOHN TO. JONES, JR., ESQ.,
21 MICHAEL DICKERSON, ESQ.,
22 Deputy District Attorneys

23 For the Defendant: TYLER GASTON, ESQ.,
24 Deputy Public Defender

25 RECORDED BY: CYNTHIA GEORGILAS, COURT RECORDER

1 LAS VEGAS, NEVADA; FRIDAY, MARCH 18, 2016

2 [Proceeding commenced at 8:58 a.m.]

3
4 THE COURT: Sayedbashe Sayedzada, sorry. I did the best I can
5 there. C310000-1. But you can call me Judge T.

6 THE DEFENDANT: Okay.

7 THE COURT: Counsel, will you state your appearances for the
8 record?

9 MR. JONES: Good morning, Your Honor. John Jones on behalf of
10 the State. Present with me is Deputy DA Michael Dickerson.

11 MR. GASTON: Tyler Gaston from the Public Defender's office on
12 behalf of Mr. Sayedzada.

13 THE COURT: Okay. So I'm told that this is a two to three day
14 trial with four to six witnesses; true?

15 MR. JONES: It'll be four -- five to six, Your Honor. But
16 yes, that is correct.

17 THE COURT: Okay. One second.

18 [Colloquy between the Court and the JEA]

19 THE COURT: Can I see counsel at the bench?

20 [Off-record Bench Conference]

21 THE COURT: All right. This matter is assigned to District
22 Court Department 19 for trial to start at 9 a.m. That's Tuesday, 9
23 a.m. which would be March 22nd in District Court 19 at 9 a.m. to
24 pick a jury.

25 MR. GASTON: Thank you.

1 MR. JONES: Thank you, Your Honor.

2 MR. DICKERSON: Thank you, Your Honor.

3 [Proceeding concluded at 9:01 a.m.]

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20 ATTEST: I hereby certify that I have truly and correctly
21 transcribed the audio/video proceedings in the above-entitled case
22 to the best of my ability.

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Michelle Ramsey
Court Recorder/Transcriber

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No. 71731

VS.

Respondent.

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 21st day of May, 2017. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

DEBORAH L. WESTBROOK
HOWARD S. BROOKS

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

SAYEDBASHE SAYEDZADA
NDOC # 79356
c/o SO. DESERT CORR. CTR.
PO Box 208
Indian Springs, NV 89018

BY

Employee, Clark County Public Defender's Office