Donovine Mathews #1161064
In Proper Person
P.O. Box 650 H.D.S.P.
Indian Springs, Nevada 89018

FILED
MAR 23 2017
CLERK OF COURT
Electronically Filed
Mar 30 2017 02:55 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

8th DISTRICT COURT
clark COUNTY NEVADA

C-16-313047-1
NOASC
Notice of Appeal (criminal)
4634211



Donovine Mathews,
Defendant,
-v-
State of Nevada,
Plantiff,

Case No. C-16-313047-1
Dept.No. 12
Docket

NOTICE OF APPEAL

Notice is hereby given that the Defendant, Donovine Mathews, by and through himself in proper person, does now appeal to the Supreme Court of the State of Nevada, the decision of the District Court in this action, on 7th day of march, 2017, from the final Judgement, from the order being found guilty on, 1 count child abuss w/(SBH (f)

Dated this date, 17th of march, 2017.

Respectfully Submitted,

Donovine M.

In Proper Person

RECEIVED
MAR 23 2017
CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

I, Donovine Mathews, hereby certify, pursuant to NRCP 5(b), that on this 17th day of march, 2017, I mailed a true and correct copy of the foregoing, "Notice of Appeal"

by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid, addressed as follows:

Kristy Holiday
309 S. 3rd St
Las vegas, NV 89155

clark county court house
200 Lewis Ave 3rd floor
Las vegas, NV 89101 ATTN: DA

clark county court house
200 Lewis Ave 3rd floor
Las vegas, NV 89101 ATTN: court clerk

DATED: this 17th day of march, 2017.

Donovine Mathews #1161064
/In Propria Persona
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Notice of Appeal
(Title of Document)

filed in District Court Case number C-16-313047-1

☑ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application for a federal or state grant.

Donovan M.
Signature

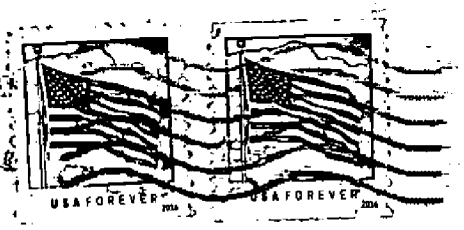
03-17-2017
Date

Donovine Mathews
Print Name

In proper person
Title

Donovine Matthews #1161064
H.D.S.P
P.O box 650
Indian springs, NV 89070.

LAS VEGAS NV 890
20 MAR 2017 PM 4 L



Clark county court clerk
200 lewis Ave, 3rd Floor
Las vegas, NV 89101

89101-630000

HIGH DESERT STATE PRISON
MAR 19 2017
UNIT 10

ASTA

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

STATE OF NEVADA, Plaintiff(s), vs. DONOVINE MATHEWS aka DONOVIAN MATHEWS, Defendant(s),	Case No: C-16-313047-1 Dept No: XII

CASE APPEAL STATEMENT

1. Appellant(s): Donovine Mathews

2. Judge: Michelle Leavitt

3. Appellant(s): Donovine Mathews

Counsel:

Donovine Mathews #1161064
P.O. Box 650
Indian Springs, NV 89070

4. Respondent: The State of Nevada

Counsel:

Steven B. Wolfson, District Attorney
200 Lewis Ave.

Las Vegas, NV 89101
(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
   Permission Granted: N/A

   Respondent(s)'s Attorney Licensed in Nevada: Yes
   Permission Granted: N/A

6. Appellant Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: March 1, 2016

10. Brief Description of the Nature of the Action: Criminal

    Type of Judgment or Order Being Appealed: Judgment of Conviction

11. Previous Appeal: No

    Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

Dated This 24 day of March 2017.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton
Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Donovine Mathews

DEPARTMENT 12

CASE SUMMARY

CASE NO. C-16-313047-1

State of Nevada	§ Location:	**Department 12**
vs	§ Judicial Officer:	**Leavitt, Michelle**
DONOVINE MATHEWS	§ Filed on:	**03/01/2016**
	§ Cross-Reference Case Number:	**C313047**
	§ Defendant's Scope ID #:	**5910369**
	§ ITAG Booking Number:	**0**
	§ ITAG Case ID:	**1844881**
	§ Lower Court Case # Root:	**16F01295**
	§ Lower Court Case Number:	**16F01295X**
	§ Metro Event Number:	**1601051552**

CASE INFORMATION

Offense	Deg	Date		
Jurisdiction: **District Court**			Case Type:	**Felony/Gross Misdemeanor**
1. CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM PCN: 0025604187 ACN: 1601051552 Arrest: 01/26/2016 MET - Metro	F	01/05/2016	Case Flags:	**Appealed to Supreme Court** **Custody Status - Nevada Department of Corrections** **Charge Description Updated** **JC Custody Status at Time of B/O** *MAR 3 2016 10:00AM: IN CUSTODY* **Bail Setting** *$20,000 Cash or $20,000 Surety*

Statistical Closures
03/16/2017 Jury Trial - Conviction - Criminal

DATE — CASE ASSIGNMENT

Current Case Assignment

Case Number	C-16-313047-1
Court	Department 12
Date Assigned	03/01/2016
Judicial Officer	Leavitt, Michelle

PARTY INFORMATION

		Lead Attorneys
Defendant	**MATHEWS, DONOVINE**	**Public Defender** *Retained* 702-455-4685(W)
Plaintiff	**State of Nevada**	**Wolfson, Steven B** 702-671-2700(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
03/01/2016	Criminal Bindover Packet Las Vegas Justice Court	
03/03/2016	**Initial Arraignment** (10:00 AM) (Judicial Officer: De La Garza, Melisa)	
03/03/2016	Information	
03/08/2016	**Arraignment Continued** (10:00 AM) (Judicial Officer: De La Garza, Melisa) **03/08/2016, 03/15/2016**	
03/15/2016	**Confirmation of Counsel** (10:00 AM) (Judicial Officer: De La Garza, Melisa) *Confirmation of Counsel (PD's Office)*	

CASE SUMMARY

CASE NO. C-16-313047-1

03/15/2016	**All Pending Motions** (10:00 AM) (Judicial Officer: De La Garza, Melisa)
03/18/2016	Reporters Transcript *Reporter's Transcript of Proceedings Preliminary Hearing 03/01/16*
03/24/2016	Notice of Witnesses and/or Expert Witnesses *Notice of Witnesses and/or Expert Witnesses*
03/30/2016	Ex Parte Motion *Ex Parte Motion and Order for Release of Medical Records*
03/30/2016	Ex Parte Motion *Ex Parte Motion and Order for Release of Medical Records*
03/31/2016	**Status Check: Reset Trial Date** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
04/19/2016	*CANCELED* **Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle) *Vacated*
04/26/2016	*CANCELED* **Jury Trial** (10:30 AM) (Judicial Officer: Leavitt, Michelle) *Vacated*
05/16/2016	Supplemental Witness List *Supplemental Notice of Witnesses and/or Expert Witnesses*
05/23/2016	Motion for Discovery *Defendant's Motion for Discovery*
05/24/2016	**Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
05/31/2016	**Motion for Discovery** (8:30 AM) (Judicial Officer: Leavitt, Michelle) **05/31/2016, 06/30/2016, 07/26/2016** *Defendant's Motion for Discovery*
06/07/2016	*CANCELED* **Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle) *Vacated - per Judge*
06/20/2016	Order for Production of Inmate *Order for Production of Inmates*
07/14/2016	Opposition to Motion *State's Opposition to Defendant's Motion for Discovery*
08/03/2016	Order *Order for Release of CPS/DFS Records*
08/09/2016	*CANCELED* **Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle) *Vacated - per Judge*
08/16/2016	*CANCELED* **Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle) *Vacated - per Judge*

10/03/2016	Notice of Witnesses and/or Expert Witnesses *Defendant's Notice Of Expert Witnesses, Pursuant To NRS 174.234(2)*
10/17/2016	Notice of Witnesses and/or Expert Witnesses *Defendant's Notice of Witness, Pursuant to NRS 174.234*
10/18/2016	**Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
10/18/2016	Supplemental Witness List *Second Supplemental Notice of Witnesses and/or Expert Witnesses [NRS 174.234]*
10/19/2016	Notice of Motion *Notice of Motion and Motion to Continue Trial Based on Outstanding Expert Discovery*
10/20/2016	Recorders Transcript of Hearing *Recorder's Transcript of Calendar Call, Ocotber 18, 2016*
10/20/2016	**Motion to Continue Trial** (8:30 AM) (Judicial Officer: Leavitt, Michelle) **10/20/2016-10/21/2016** *State's Notice Of Motion And Motion To Continue Trial Based On Outstanding Expert Discovery*
10/20/2016	Order for Production of Inmate
10/21/2016	*CANCELED* **All Pending Motions** (10:00 AM) (Judicial Officer: Leavitt, Michelle) *Vacated - On in Error*
10/21/2016	Opposition to Motion *Defense Opposition to State's Motion to Continue*
10/24/2016	*CANCELED* **Jury Trial** (10:30 AM) (Judicial Officer: Leavitt, Michelle) *Vacated*
10/25/2016	*CANCELED* **Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle) *Vacated - per Judge*
10/26/2016	Order *Order For Discovery*
12/16/2016	Notice of Motion *Notice of Motion and Motion in Limine to Strike of Limit the Testimony of Defendant's Expert Dr. Lindsey "Dutch" Johnson or in the Alternative a Request for an Evidentiary Hearing*
12/30/2016	Notice of Witnesses and/or Expert Witnesses *Third Supplemental Notice of Witnesses and/or Expert Witnesses*
12/30/2016	Opposition to Motion *Opposition To State's Motion In Limine To Strike or Limit the Testimony of Defendant's Expert Dr. Lindsey "Dutch" Johnson and Defense Request for An Evidentiary Hearing*
01/03/2017	**Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)
01/06/2017	Supplement

	Supplement To Defense's Opposition To State's Motion In Limine To Strike Or Limit The Testimony Of Defendant's Expert And Defense Request For An Evidentiary Hearing
01/09/2017	*CANCELED* **Jury Trial** (10:30 AM) (Judicial Officer: Leavitt, Michelle) *Vacated - per Judge*
01/09/2017	**Jury Trial** (10:30 AM) (Judicial Officer: Leavitt, Michelle) **01/09/2017-01/13/2017**
01/09/2017	Motion to Amend Information *State's Notice of Motion and Motion to Amend the Criminal Information to Conform to the Testimony at the Preliminary Hearing*
01/09/2017	Amended Information *Amended Information*
01/10/2017	**Motion in Limine** (10:30 AM) (Judicial Officer: Leavitt, Michelle) *State's Motion in Limine to Strike or Limit the Testimony of Defendant's Expert, Dr. Lindsey "Dutch" Johnson, or, in the Alternative, a Request for an Evidentiary Hearing*
01/10/2017	**All Pending Motions** (10:30 AM) (Judicial Officer: Leavitt, Michelle)
01/10/2017	Jury List
01/11/2017	*CANCELED* **Jury Trial** (8:30 AM) (Judicial Officer: Leavitt, Michelle) *Vacated - per Attorney or Pro Per*
01/12/2017	Instructions to the Jury
01/12/2017	Amended Jury List
01/12/2017	Supplement to Opposition *Defendant's Second Supplement to Defense's Opposition to State's Motion In Limine to Strike or Limit the Testimony of Defendant's Expert and Defense Request for Evidentiary Hearing*
01/13/2017	Verdict
02/17/2017	PSI
03/07/2017	**Sentencing** (8:00 AM) (Judicial Officer: Leavitt, Michelle) *Sentencing (Jury Verdict)*
03/10/2017	Judgment of Conviction *JUDGMENT OF CONVICTION (JURY TRIAL)*
03/16/2017	Criminal Order to Statistically Close Case *Criminal Order To Statistically Close Case*
03/23/2017	Notice of Appeal (criminal) Party: Defendant MATHEWS, DONOVINE

Electronically Filed
03/10/2017 09:36:25 AM

JOC

CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DONOVINE MATHEWS aka
Donovian Mathews
#5910369

Defendant.

CASE NO. C313047-1

DEPT. NO. XII

JUDGMENT OF CONVICTION

(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crime of CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL HARM (Category B Felony) in violation of NRS 200.508(1); and the matter having been tried before a jury and the Defendant having been found guilty of the crime of CHILD ABUSE, NEGLECT OR ENDANGERMENT WITH SUBSTANTIAL HARM (Category B Felony) in violation of NRS 200.508(1); thereafter, on the 7th day of March, 2017, the Defendant was present in court for sentencing with counsel KRISTY HOLIDAY, Deputy Public Defender, and good cause appearing,

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MAR 08 ...
DEPT. 12

THE DEFENDANT IS HEREBY ADJUDGED guilty of said crime as set forth in the jury's verdict and, in addition to the $25.00 Administrative Assessment Fee plus $3.00 DNA Collection Fee, the Defendant is SENTENCED as follows: a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC); CONSECUTIVE to C304254-1, with ZERO (0) DAYS credit for time served. As the $150.00 DNA Analysis Fee and Genetic Testing have been previously imposed, the Fee and Testing in the current case are WAIVED.

DATED this 9 day of March, 2017.

MICHELLE LEAVITT
DISTRICT COURT JUDGE

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 03, 2016**

C-16-313047-1 State of Nevada
vs
DONOVINE MATHEWS

March 03, 2016 **10:00 AM** **Initial Arraignment**

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

COURT CLERK: Kristen Brown

RECORDER: Kiara Schmidt

REPORTER:

PARTIES PRESENT:

Greve, Christine	Attorney
MATHEWS, DONOVINE	Defendant

JOURNAL ENTRIES

- Deputized Law Clerk, Vivian Luong appearing for the State.

Ms. Greve requested matter be CONTINUED to confirm as counsel, COURT SO ORDERED.

CUSTODY (COC)

3/08/16 10:00 AM ARRAIGNMENT CONTINUED (LLA)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 08, 2016**

C-16-313047-1 State of Nevada
vs
DONOVINE MATHEWS

March 08, 2016 **10:00 AM** **Arraignment Continued**

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

COURT CLERK: Kory Schlitz
Kristen Brown

RECORDER: Kiara Schmidt

REPORTER:

PARTIES PRESENT:

Greve, Christine	Attorney
MATHEWS, DONOVINE	Defendant

JOURNAL ENTRIES

- Deputized Law Clerk, Kelsey Einhorn appearing for the State.

Ms. Greve stated that the deft. was not able to retain her office and requested to WITHDRAW, COURT SO ORDERED. Court FINDS that the deft. qualifies for the Public Defender and ORDERED, matter CONTINUED for the Public Defender's office to run a conflicts check and to confirm as counsel.

CUSTODY (COC)

3/15/16 10:00 AM ARRAIGNMENT CONTINUED...CONFIRMATION OF COUNSEL (KOHN) (LLA)

DISTRICT COURT
CLARK COUNTY, NEVADA

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

C-16-313047-1 State of Nevada
vs
DONOVINE MATHEWS

March 15, 2016 **10:00 AM** **All Pending Motions**

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

COURT CLERK: Kristen Brown
Kory Schlitz

RECORDER: Kiara Schmidt

REPORTER:

PARTIES PRESENT:

Hillman, Ralph R.	Attorney
MATHEWS, DONOVINE	Defendant
Public Defender	Attorney

JOURNAL ENTRIES

- ARRAIGNMENT CONTINUED...CONFIRMATION OF COUNSEL (KOHN)

Deputized Law Clerk, Vivian Luong appearing for the State.

Mr. Hillman CONFIRMED AS COUNSEL on behalf of the Public Defender's office. DEFT. MATHEWS ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript.

CUSTODY (COC)

4/19/16 8:30 AM CALENDAR CALL (DEPT. 12)

4/26/16 1:30 PM JURY TRIAL (DEPT. 12)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 31, 2016**

C-16-313047-1 State of Nevada
vs
DONOVINE MATHEWS

March 31, 2016 **8:30 AM** **Status Check: Reset Trial Date**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Billie Jo Craig

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT: MATHEWS, DONOVINE Defendant

JOURNAL ENTRIES

- Deputy District Attorney Chris Hamner and Deputy Public Defender Anna Clark present.

Ms. Clark requested Trial date be reset and advised defendant did not want to Waive his speedy Trial rights. However, he will Waive them today. Upon inquiry of the Court, defendant WAIVED the 60-day rule today. COURT ORDERED, Trial date is VACATED and RESET.

CUSTODY (COC)

5/24/16 8:30 AM CALENDAR CALL

6/7/16 1:30 PM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **May 24, 2016**

C-16-313047-1 State of Nevada
vs
DONOVINE MATHEWS

May 24, 2016 **8:30 AM** **Calendar Call**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Anderlik, Elizabeth J.	Attorney
Clark, Kristy	Attorney
Jobe, Michelle Y.	Attorney
MATHEWS, DONOVINE	Defendant
Public Defender	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Anderlik indicated another deputy will be coming to Court to handle Calendar Call. Ms. Clark advised defense is going to ask for a trial continuance. Ms. Jobe requested to trail the matter to obtain the State's trial calendar. COURT TRAILED AND RECALLED matter. Ms. Clark apologized to State, and indicated she did not speak with Deft. until yesterday, and Deft. was revoked in his other case yesterday as well. Thereafter, counsel requested trial be continued due to further investigation needing to be done. Ms. Jobe made no objection, and advised State would have been ready. COURT ORDERED, Deft's Motion to continue trial date GRANTED; trial date VACATED AND RESET.

CUSTODY (COC)

8/09/16 8:30 A.M. CALENDAR CALL

8/16/16 1:39 P.M. TRIAL BY JURY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **May 31, 2016**

C-16-313047-1 State of Nevada
vs
DONOVINE MATHEWS

May 31, 2016 **8:30 AM** **Motion for Discovery**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Debbie Winn

REPORTER:

PARTIES PRESENT:

Anderlik, Elizabeth J.	Attorney
Devaney, Kelli M.	Attorney
MATHEWS, DONOVINE	Defendant
Public Defender	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- At request of State and there being no objection by defense, COURT ORDERED, matter CONTINUED thirty days.

CUSTODY (COC)

6/30/16 8:30 A.M. DEFT'S MOTION FOR DISCOVERY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **June 30, 2016**

C-16-313047-1 State of Nevada
vs
DONOVINE MATHEWS

June 30, 2016 **8:30 AM** **Motion for Discovery**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Clark, Kristy	Attorney
Hamner, Christopher	Attorney
MATHEWS, DONOVINE	Defendant
Public Defender	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- At request of State due to scheduling conflicts, and there being no objections, COURT ORDERED, matter CONTINUED.

NIC (COC-NDC)

7/26/16 8:30 A.M. DEFT'S MOTION FOR DISCOVERY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **July 26, 2016**

C-16-313047-1 State of Nevada
vs
DONOVINE MATHEWS

July 26, 2016 **8:30 AM** **Motion for Discovery**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Hamner, Christopher	Attorney
Holiday, Kristy	Attorney
Jobe, Michelle Y.	Attorney
MATHEWS, DONOVINE	Defendant
Public Defender	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- COURT ORDERED, as follows:

1. Statements of the Defendant and Any Potential Co-Defendant(s) - MOTION GRANTED pursuant to NRS 174.235.

2. Statements of Potential Witnesses - MOTION GRANTED pursuant to NRS 174.235.

3. Crime Scene Analysis, Evidence Collection, and Forensic Testing - MOTION GRANTED as required by nevada revised statute.

4. Preservation of, and Access to, Raw Evidence - MOTION DENIED WITHOUT PREJUDICE. Court advised defense counsel if there is something defense believes they do not have, that the State has and defense is entitled to it, this motion can be brought back to the Court for consideration.

5. Electronic Communications and Associated Warrants - MOTION DENIED as being too broad. Ms. Holiday advised defense can narrow this request. Court noted if there is a wiretap, defense would be entitled to that. Ms. Holiday advised there was no wiretap in this case. Court stated if there is something more narrowed defense can bring back, which meets the definition, Court will consider it.

6. Alternate Suspect and Other Exculpatory Evidence - MOTION GRANTED pursuant to Brady material definition.

7. Monitoring, Tracking, and Associated Warrants - MOTION OFF CALENDAR as there were no warrants issued in the case.

8. Chain of Custody - MOTION GRANTED as to chain of custody regarding evidence.

9. Documents, Notes, and Reports Used by Witnesses to Prepare for Testimony - MOTION GRANTED to extent they are photographs and medical records. Ms. Holiday advised there is a burn expert who made statements to officers and who never examined or treated the victim, and a doctor who never treated or examined the victim. Ms. Jobe advised the information is in the photographs the defense already has.

10. Witness Contact Information - MOTION GRANTED to extent it is required by NRS 174.234 Subsection 4.

11. Notes and Reports Related to Police Investigation - MOTION DENIED as being too broad. Court noted if defense wants to get more specific on this request, it can be resubmitted for Court's consideration.

12. Use of Police Informants - OFF CALENDAR as not being applicable to this case.

13. Identity of Police Informants - OFF CALENDAR as not being applicable to this case.

14. Audio, Video, and Photographs - MOTION GRANTED as to any audio, video and photographs taken.

15. Witness Compensation - OFF CALENDAR as there was nothing applicable, except for statutory fees.

16. Prior Statements - MOTION GRANTED to extent it is required by statute.

17. Impeachment Information - MOTION DENIED.

18. Criminal Histories - MOTION GRANTED to extent of prior felonies and crimes of dishonesty.

19. Any and all books, papers, documents, and tangible objects related to the case not covered by the previous requests - MOTION DENIED.

20. All 911 and 311 Calls, Including Recordings, Reports & Transcripts - MOTION GRANTED.

21. Medical Records - MOTION GRANTED as to medical records related to specific instance of this case.

Discussions as to CPS investigation having occurred in this case and a file being in existence.

22. Child Protective Services Records - State to submit an order as to records, limited to this case, being turned over sealed, to Court in-camera, for Court to determine whether information is relevant pursuant to Brady.

23. Expert Material - MOTION GRANTED as to information expert relied upon when forming opinion.

Ms. Holiday advised defense believes State and CPS are communicating with each other and passing information back and forth as to Deft's communication with the child's mother; and defense is seeking this information. Ms. Jobe argued State represents Department of Family Services, the mother has proven herself untrustworthy and not protected, by showing up and taking the Stand on behalf of Deft. at the Preliminary Hearing, while her permanency worker Nancy Doyle was sitting outside. Court stated it suggests the victim's mother does what she is being told by Family Services, to protect her children. Arguments by Ms. Holiday. Court stated it is not the department's job to tell the victim she cannot testify. Ms. Holiday argued she is just trying to get information to see if there is a possibility that Family Services is telling her not to testify. Court stated if there is evidence that someone is trying to sway her, dissuade her, or persuade her how to testify, that would be very concerning to Court, and it sounds like defense is making this allegation on the victim's behalf. Ms. Holiday argued she would just like to see the basis for that allegation.

24. E-Mail Communications - MOTION DENIED as being too broad.

CONFERENCE AT BENCH as to Request No. 24.

25. General Correspondence - MOTION DENIED as being overly broad, with exception of CAD reports.

State to prepare the order regarding CPS records. COURT FURTHER ORDERED, State's Motion for reciprocal discovery is also GRANTED.

Ms. Clark requested trial be continued for further investigation to be done. State made no objections. COURT ORDERED, trial date VACATED AND RESET.

CUSTODY (COC-NDC)

10/18/16 8:30 A.M. CALENDAR CALL

10/25/16 1:30 P.M. TRIAL BY JURY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **October 18, 2016**

C-16-313047-1 State of Nevada
vs
DONOVINE MATHEWS

October 18, 2016 **8:30 AM** **Calendar Call**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Hamner, Christopher	Attorney
Holiday, Kristy	Attorney
Kierny, Carli L.	Attorney
MATHEWS, DONOVINE	Defendant
Public Defender	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Hamner not present. Ms. Holiday requested to trail the case to speak with Deft. further about Calendar Call; and COURT SO ORDERED. CASE RECALLED. All parties are present. Upon Court's inquiry, Ms. Holiday advised the matter is not resolved, and defense is ready, however, there are problems. Ms. Holiday added parties are estimating five days or more for trial, Nevada Day is next Friday, she understands this Court may be starting a death penalty trial on October 31, 2016, she is concerned about scheduling, and it is probable this case may bleed over into week of October 31, 2016. Court advised counsel to let the Court worry about the schedule. Discussions as to this matter not being Overflow eligible. Upon Court's inquiry, Mr. Hamner confirmed State is ready, this will be a five day trial, and parties can start trial next week on Monday, before this Court. Following discussions as to scheduling, Ms. Holiday advised defense can proceed next week.

Mr. Hamner advised defense noticed an expert, and provided photographs to State, which includes a graph with mathematical formulas, numbers and figures, plus a snapshot of a child running,

however, no report has been prepared. Additionally, State will be requesting any handwritten notes from defense expert that were relied upon, to be provided to State, before trial starts. Ms. Holiday noted there were no notes prepared, however, State has the address and phone number of defense's expert, and she will not object to State calling the expert on the phone regarding this information. Thereafter, Ms. Holiday argued State would not be entitled to any notes even if there are notes, State noticed three experts, where notes or reports were not provided; and defense will request State's expert to provide notes, if defense has to turn over their expert's notes. Arguments by Mr. Hamner as to the photographs provided by defense, and the child and location depicted not being the child in this case, nor the same location of where the event happened.

Court stated a hypothetical child might be irrelevant. Discussions as to there being no other reports, State's experts being medical doctors who examined the injuries or photos of injuries, and medical reports having been provided to defense. Court asked defense counsel if the expert is planning to do a simulation or recreation, like a reconstruction of allegations. Ms. Kierny stated the expert did do analysis and calculations of some hypothetical's, the expert could have contemplated an omnibus report, however, it would have required multiple hours of work, defense did not have a budget for it, the expert explained this to defense orally, she also has no objection to State calling their expert on the phone, and defense can be billed for additional and available hours. Court suggested both sides to turn over anything required by statute to be turned over by law, or run the risk of it being excluded. Ms. Kierny advised defense turned over everything that was provided. Court stated it does not know what it is, and parties need to make a decision on what they think they need to turn over. Mr. Hamner stated he was hoping defense would provide something substantive, and he will put in a phone call to defense s expert today.

COURT ORDERED, trial date SET.

CUSTODY (COC-NDC)

10/24/16 10:30 A.M. TRIAL BY JURY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **October 20, 2016**

C-16-313047-1 State of Nevada
vs
DONOVINE MATHEWS

October 20, 2016 **8:30 AM** **Motion to Continue Trial**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Debbie Winn

REPORTER:

PARTIES PRESENT:

Hamner, Christopher	Attorney
Holiday, Kristy	Attorney
Jobe, Michelle Y.	Attorney
Public Defender	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court TRAILED and RECALLED matter for all parties to appear.

Deft. not present; not transported from Nevada Department of Corrections (NDC).

Ms. Holiday advised her client was not transported for this hearing. Ms. Jobe advised she thought Deft. was remanded into custody at CCDC. Ms. Holiday requested a continuance, further noting her client is not here, this is a significant proceeding, and it was important for Deft. not to have the trial continued next week. Court asked if defense was not going to have an expert; and stated the expert is trying to do a reconstruction. Court asked if the State cannot get ready. Ms. Jobe advised she spoke with defense's expert briefly, and this expert did 20 videos, the expert is trying to recreate Metro's reenactment video, and a comparison was made. Ms. Jobe argued State does not have measurements or photographs. Upon Court's inquiry, Ms. Jobe advised the motion had still frames from a video but not sure which one. Ms. Jobe argued State has no basis to cross examine defense expert, and defense has video which was not provided to State. Mr. Hamner argued the expert said

he had notes and had destroyed notes when preparing a report, which was not provided. Further arguments as to expert having claimed to have vast information which was sent to defense counsel and State's experts seeking to get the information from defense's expert for review and analysis. Mr. Hamner requested a trial continuance, or in alternative, for the information to be stricken, further noting State may present a motion to exclude at a later date, or defense can provide the information from their expert. Ms. Holiday objected due to Deft. not being present; and argued it is not his fault he was not transported here. Court stated a defendant does not have to be present on a motion to continue trial, but go ahead. Ms. Holiday argued she did not get a hard copy of the motion, until she walked into Court this morning. Ms. Jobe stated she asked her secretary to send the motion to defense, and it was confirmed she did send it. Court stated it was hoping defense had received the motion the same time the Court did. Both sides disputed about defense s claim of not receiving the motion. Upon Court's inquiry, Ms. Holiday stated she skimmed through the motion while sitting in the corner earlier this morning. Court stated it needs to know by tomorrow about the trial date, and parties need to make sure Deft. is transported for this hearing. COURT ORDERED, matter CONTINUED for Deft's presence.

LATER, State's Order For Production Of Inmate Donovine Michael Mathews, BAC #1161064 SIGNED AND FILED IN OPEN COURT.

CUSTODY (COC-NDC)

10/21/16 10:00 A.M. STATE'S MOTION TO CONTINUE TRIAL BASED ON OUTSTANDING EXPERT DISCOVERY

10/24/16 1:30 P.M. TRIAL BY JURY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **October 21, 2016**

C-16-313047-1 State of Nevada
vs
DONOVINE MATHEWS

October 21, 2016 **10:00 AM** **Motion to Continue Trial**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Carole D'Aloia

RECORDER: Debbie Winn

REPORTER:

PARTIES PRESENT:

Hamner, Christopher	Attorney
Holiday, Kristy	Attorney
Jobe, Michelle Y.	Attorney
MATHEWS, DONOVINE	Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted the absence of the Defendant and, ORDERED, Defendant's presence WAIVED this date. Defense Opposition to State's Motion to Continue FILED IN OPEN COURT. Following arguments by counsel in support of their pleadings, COURT ORDERED, State's Notice of Motion and Motion to Continue Trial Based on Outstanding Expert Discovery GRANTED over the objection of Ms. Holiday; State to prepare and submit appropriate Order; Calendar Call and Jury Trial dates VACATED and RESET.

1/3/17 8:30 AM CALENDAR CALL

1/9/17 1:30 PM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 03, 2017**

C-16-313047-1 State of Nevada
vs
DONOVINE MATHEWS

January 03, 2017 **8:30 AM** **Calendar Call**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Debbie Winn

REPORTER:

PARTIES PRESENT:

Hamner, Christopher	Attorney
Jobe, Michelle Y.	Attorney
MATHEWS, DONOVINE	Defendant
Public Defender	Attorney
Rusley, Eric W	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Rusley informed Court Ms. Holiday is out sick today, and had filed a response to State's Motion in Limine to Strike, last Friday. Additionally, Ms. Holiday has more information from expert to supplement in the response; and parties will request trial to start on Wednesday, January 11, 2017, and to have the hearing on State's motion prior to trial. Mr. Rusley added the response will be filed within two days and defense will be ready for trial next week. Mr. Hamner requested trial to start Wednesday of next week, due to currently being in a murder trial in another department. Mr. Rusley confirmed Ms. Holiday was fine with the Wednesday start date. COURT ORDERED, trial date SET. CASE RECALLED. At request of Mr. Rusley, COURT ADDITIONALLY ORDERED, Deft. REMANDED into CUSTODY in this matter pending trial.

CUSTODY (COC-NDC)

1/10/17 8:30 A.M. STATE'S MOTION IN LIMINE TO STRIKE OR LIMIT THE TESTIMONY OF

DEFT'S EXPERT DR. LINDSEY "DUTCH" JOHNSON, OR, IN THE ALTERNATIVE, A REQUEST FOR AN EVIDENTIARY HEARING

1/11/17 8:30 A.M. TRIAL BY JURY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 09, 2017**

C-16-313047-1 State of Nevada
vs
DONOVINE MATHEWS

January 09, 2017 **10:30 AM** **Jury Trial**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Burton, Chris	Attorney
Holiday, Kristy	Attorney
Jobe, Michelle Y.	Attorney
Kierny, Carli L.	Attorney
MATHEWS, DONOVINE	Defendant
Public Defender	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE PRESENCE OF THE PROSPECTIVE JURY PANEL: State's Notice Of Motion And Motion To Amend The Criminal Information To Conform To The Testimony At The Preliminary Hearing FILED IN OPEN COURT. Following discussions, COURT ORDERED, State's Motion GRANTED. Amended Information FILED IN OPEN COURT.

PROSPECTIVE JURY PANEL PRESENT: Introductory statements by Court and by counsel. Clerk called roll. Prospective Jury Panel SWORN. Voir Dire commenced. Court admonished and excused the prospective jury panel for the evening, to return tomorrow morning at 10:30 A.M.

OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Ms. Jobe advised as a juror was leaving the Courtroom, this juror had asked to speak with Court, and she had told the juror State was not permitted to speak with the juror. SO NOTED. Ms. Holiday inquired if parties should go forward

with State's Motion tomorrow morning. Court advised counsel parties should be ready to pick the jury first.

Evening recess. TRIAL CONTINUES.

CUSTODY

1/10/17 10:30 A.M. TRIAL BY JURY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 10, 2017**

C-16-313047-1 State of Nevada
vs
DONOVINE MATHEWS

January 10, 2017 **10:30 AM** **All Pending Motions**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Holiday, Kristy	Attorney
Jobe, Michelle Y.	Attorney
Kierny, Carli L.	Attorney
MATHEWS, DONOVINE	Defendant
Public Defender	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- TRIAL BY JURY...STATE'S MOTION IN LIMINE TO STRIKE OR LIMIT TESTIMONY OF DEFT'S EXPERT DR. LINDSAY "DUTCH" JOHNSON, OR, IN THE ALTERNATIVE, A REQUEST FOR EVIDENTIARY HEARING

PROSPECTIVE JURY PANEL PRESENT: Voir Dire commenced. CONFERENCE AT BENCH. During Bench Conference, a Batson challenge was raised, and parties made further arguments to Court. Court OVERRULED objection; and ORDERED, the Jury List provided by Jury Commissioner is ADMITTED as Court's Exhibit (See Worksheets.).

OUTSIDE PRESENCE OF PROSPECTIVE JURY PANEL: Ms. Holiday advised if there is an evidentiary hearing on defense expert, it can take three hours. Court stated to lay foundation, there is no way it will take three hours, further noting defense is entitled to have an evidentiary hearing, and Court knows who biomechanical experts are.

JURY PRESENT: JURY SELECTED. Court thanked and excused the remaining prospective jury panel members. JURY SWORN by Clerk. Court instructed and excused Jury for lunch recess until 2:30 p.m.

OUTSIDE PRESENCE OF JURY: Parties requested an evidentiary hearing on State's Motion. COURT SO ORDERED.

EVIDENTIARY HEARING

Testimony presented (See Worksheets.). During testimony, Court asked the expert witness to step down and exit the Courtroom. Expert witness not present. Court stated it did not know how far the expert was going to go during questioning, and Court did not want the expert to get mad at defense counsel. Thereafter, Court advised defense counsel they cannot just have the expert testimony on things that are not in evidence in this case. Ms. Holiday argued in support of using this expert Lindsay Dutch Johnson; and further argued as to State's theory and allegations. Court stated nobody is going to recreate something not in evidence. Discussions as to testing and geometric view patterns. Ms. Holiday provided one of the tests conducted by expert; and argued as to position of mug tipping and rolling over. Court clarified State is not bringing an expert to say how the incident happened. Ms. Holiday stated the theory defense expert is presenting could have happened. Court stated the problem here is if , there has to be factual foundation, and there is nobody to testify on those state of facts. Further arguments by counsel. Court stated it is all based on burn patterns, and it appears defense wants to bring in someone to create a factual scenario, being defense expert, and there is no evidence to support it. Further arguments by Ms. Holiday. Discussions as to medical testimony being based on experts' flawed assumption. Court NOTED it is not allowing either side's expert to make statements of what could have happened or create scenarios, based on creating a situation; and the expert cannot create a scenario, based on nothing in evidence and no foundation laid. Ms. Jobe moved to strike defense expert; and argued as to the expert's testimony not satisfying the requirements, State disputing qualifications, and there being lack of expertise. Further arguments as to video presentation provided to State, the surrogate child in the video, there being no measurements of the child, State taking issue with the video, the movements not being realistic or scientific, number of assumptions presented, the charges, and there being no support from it on any facts. Further arguments by Ms. Holiday as to direct rebuttal to State's theory. Court stated this does not prevent counsel from arguing if it was accidental or asking if it was in accidental in nature, however, defense cannot create something not supported by the evidence with no foundation. COURT ORDERED, it will leave this open for parties to revisit during trial as evidence is coming out. Ms. Holiday requested Court to consider limiting the expert s testimony to a specific area in lieu of excluding him; and argued as to defense having no knowledge of the alleged victim's arm length measurement. Court advised counsel defense could have asked the pediatrician this information. Ms. Jobe provided the measurement to defense counsel. Following further arguments, Ms. Jobe objected to lack of foundation. Discussions as to testimony about the counter, coffee cup and water pattern. Further arguments by counsel. COURT ORDERED, the defense expert will not testify based on no foundation laid. Court advised counsel the motion can be renewed by defense on allowing

defense expert to testify on a specific area of testimony, as evidence is coming out during trial, and Court will consider it. Ms. Holiday requested to make a proffer; and COURT SO ORDERED. Ms. Holiday provided proffer on expert testimony. COURT ORDERED, State's Motion GRANTED.

Lunch recess.

JURY PRESENT: Court instructed Jury Clerk read Amended Information. Further instructions were provided to Jury by Court. EXCLUSIONARY RULE INVOKED. Testimony and Exhibits presented (See Worksheets.).

OUTSIDE PRESENCE OF JURY: Ms. Jobe advised there are people here in the Courtroom to support Deft, and earlier, those people surrounded child's mother outside the Courtroom, communicating with her, and jurors had seen this. Additionally, some information from the Courtroom was conveyed to the child victim's mother. Ms. Kierny clarified Deft's family members spoke with the child's mother and had told her about Deft's clothes she bought for him, that he is wearing in Court today, and defense counsel has told Deft's family to stop the talking to each other. Ms. Kierny further stated Deft's family and the child victim's mother are friendly with each other. SO NOTED.

JURY PRESENT: Further testimony and Exhibits presented (See Worksheets.). Court admonished and excused Jury for the evening, to return tomorrow morning at 10:30 a.m.

OUTSIDE PRESENCE OF JURY: Court admonished witness Jasmin Cathcart not to speak with anybody or with any witnesses in this case, or with family members regarding her trial testimony, except with the prosecutors. Ms. Jobe confirmed State will not be discussing anything with this witness.

Evening recess. TRIAL CONTINUES.

CUSTODY

1/11/17 8:30 A.M. TRIAL BY JURY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 11, 2017**

C-16-313047-1 State of Nevada
vs
DONOVINE MATHEWS

January 11, 2017 **8:30 AM** **Jury Trial**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Burton, Chris	Attorney
Holiday, Kristy	Attorney
Jobe, Michelle Y.	Attorney
Kierny, Carli L.	Attorney
MATHEWS, DONOVINE	Defendant
Public Defender	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE PRESENCE OF JURY: Various exhibits were admitted by stipulation (See Worksheets.).

JURY PRESENT: Testimony and Exhibits presented (See Worksheets.). CONFERENCE AT BENCH.

OUTSIDE PRESENCE OF JURY: Ms. Holiday requested to make a record. Court advised counsel defense does not have to make a record that was already made at the Bench. Ms. Holiday clarified defense is renewing Deft's request to allow expert to testify. Court stated this can be handled before the lunch recess, but not during cross examination. Ms. Holiday argued in support of relief requested, including testimony to be offered by expert. State opposed the request; and argued the testimony should be excluded as there is no foundation and it would not assist this Jury. Further arguments by counsel as to reasons behind the experiments. Court noted a lay person can testify about water and Court is not sure why defense would need an expert for common sense things.

COURT ORDERED, the objection is NOTED and OVERRULED; the previous ruling as to defense expert not testifying STANDS. Ms. Holiday requested to stay the case to file a writ based on this Court's decision; and argued defense believes it is such importance on getting Deft. a fair trial and it would be appropriate to stay the trial, for the writ to be filed. Court DENIED the stay; and advised counsel defense can do what is appropriate. Discussions as to trial schedule, length of time for cross examination, and witness line up.

JURY PRESENT: Further testimony and Exhibits presented (See Worksheets.).

Lunch recess.

OUTSIDE PRESENCE OF JURY: Ms. Kierny advised defense just received notes from State regarding Dr. Peltier; and argued defense had requested these notes beforehand, and just received them. Further arguments as to NRS 174.234 (2), and written notice. Court stated these notes do not have to be turned over. Ms. Kierny argued as to case review and thoughts being in Dr. Peltier's notes, this being trial by ambush, due process violations, and defense not being prepared to cross examine the witness based on these notes. Further arguments as to Kyles vs. Whitley case law. Ms. Kierny moved for a mistrial; and argued defense cannot proceed and would be ineffective. Ms. Jobe opposed; and argued there are numerous assumptions being made by defense, these are just notes, State just received these notes and did not had these notes either, and this is not a trial by ambush, nor a failure to turn over that is owed to defense. Ms. Kierny argued the witness was contacted by detective to give an expert opinion, defense expert could have rebutted, and defense did not have these notes for the expert to rebut. Court stated these are just notes of facts everybody knew about. Further arguments by counsel as to burn pattern. Ms. Kierny moved to strike Dr. Peltier if Court is not inclined to grant a motion for mistrial, or, defense be allowed to call defense expert to rebut what defense has learned in the notes. Ms. Jobe argued State does not have any notes as to information of possible conclusions, further noting the officer who prepared the reports talks about the burn patterns. COURT ORDERED, Deft's Motion for mistrial DENIED. Court made findings that these are notes that did not have to be turned over, and not a report. Discussions as to testimony from Dr. Peltier. Further arguments by parties as to Dr. Peltier's qualification on burns. COURT ORDERED, Dr. Peltier will be permitted to testify for State.

JURY PRESENT: Testimony presented (See Worksheets.).

OUTSIDE PRESENCE OF JURY: Defense counsel moved to renew Deft's Motion to allow Lindsay Dutch Johnson to testify; and argued as to expert testimony from State, dyes, defense's theory, and defense seeking to call the expert to defend the theory adequately. Further arguments by parties. COURT ORDERED, Deft's Motion DENIED. Discussions as to trial scheduling. Ms. Holiday requested notes and records from the CPS case be provided, if State is seeking to call the CPS worker. Court stated it orders the records to be provided to Court for in-camera review and then the Court decides whether or not the information can be turned over; and this Court just does not have these records turned over, as counsel is not entitled to them. Court confirmed it did not receive any records for this case. Arguments by counsel. Court asked Ms. Holiday if defense wants Court to stop

the case for CPS records, and if State brings the witness in for trial, is defense asking to see the CPS records as to a particular day in question. Ms. Holiday clarified defense is requesting Court to review the records in-camera first; and argued somebody has to go through them to find the note defense is seeking information about. COURT ORDERED, it will review the records in-camera when provided. Ms. Jobe advised State is doing their best on getting records, there were discussions, and defense chose to go forward with trial knowing records from Department of Family Services were not provided. Thereafter, Ms. Jobe argued defense made a strategic decision to push this trial, defense chose to open the door; therefore, defense had some information. Ms. Jobe argued she finds this offensive as to actions by defense counsel.

JURY PRESENT: Further testimony and Exhibits presented (See Worksheets.). State's Exhibit No. 1 PUBLISHED to Jury in open Court. Transcript of the recording was provided to Jury. Court admonished and excused the Jury for the evening, to return tomorrow morning at 10:30 a.m.

OUTSIDE PRESENCE OF JURY: Discussions as to witness line up and trial schedule for tomorrow. Deft. not present. Ms. Holiday advised defense will waive Deft's presence at this time. COURT SO ORDERED. Ms. Jobe advised State received notes from CPS and the notes will be provided to Court for in-camera review. Ms. Jobe requested Court to have the transcripts collected from the Jury box, and for the Jury not to rely on them for trial. COURT SO ORDERED. Court's Exhibit ADMITTED (See Worksheets.). Ms. Holiday requested expedited transcript of today's proceedings be provided to defense, in order for a writ to be filed. Thereafter, Ms. Holiday provided the proposed order to Court. Court advised counsel to be prepared for cross examination tomorrow. Court further stated it will sign the order for the expedited transcript; however, Court is not sure when defense needs the transcript. Discussions. Court stated it will make a request to have the transcript of these proceedings typed and made available. Ms. Holiday clarified defense just needs the expert testimony provided today transcribed. SO NOTED.

Evening recess. TRIAL CONTINUES.

CUSTODY

1/12/17 10:30 A.M. TRIAL BY JURY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 12, 2017**

C-16-313047-1 State of Nevada
vs
DONOVINE MATHEWS

January 12, 2017 **10:30 AM** **Jury Trial**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Burton, Chris	Attorney
Holiday, Kristy	Attorney
Jobe, Michelle Y.	Attorney
Kierny, Carli L.	Attorney
MATHEWS, DONOVINE	Defendant
Public Defender	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE PRESENCE OF JURY: Ms. Holiday advised her mother has been present sitting in Court during trial, she was waiting earlier this morning outside the Courtroom, further noting two named trial witnesses were outside talking about the case, and her mother had overheard one of the witnesses, who referenced about a doctor and child s treatment for the alleged incident. Additionally, the exclusionary rule was invoked. Ms. Holiday requested Court to ask what was said to the witness. Ms. Jobe informed Court Dr. Olson does not want to be here this morning, further noting he was the first physician, who had treated the alleged child victim, and the detectives may have challenged the witness and may have gone to Dr. Cetl for opinions. Court asked who cares. Ms. Jobe stated Dr. Olson is hostile with State and he had said Dr. Cetl had seen the child. Ms. Kierny moved to strike. Arguments by counsel. Ms. Jobe argued she spoke with Dr. Olson and she had not said anything about Dr. Cetl's role in the case, further noting Dr. Olson was upset this morning about coming in to testify. Court stated it will be happy to have Dr. Olson appear in the Courtroom.

Dr. Olson is now present in Court in front of the podium. Court canvassed Dr. Olson asking whether he spoke to the detective outside about the case. Dr. Olson stated he was aware Dr. Cetl had seen the child. Further discussions between Court and Dr. Olson regarding Dr. Cetl's statements. Court advised Dr. Olson the exclusionary rule was invoked, and Court is just informing him that he is not permitted to discuss his testimony or about the case with anyone, with exception of the trial lawyers. Ms. Holiday requested to speak to him. Dr. Olson stated he just spoke with the State. Discussions as to State seeking to call another witness who is an abuse specialist. Court reminded Dr. Olson not to discuss this case with anybody. Dr. Olson stated he is going on the stand and has to be at the ER. Court thanked Dr. Olson for being here; and advised Dr. Olson to wait outside the Courtroom, and Court will let him know when he will be called to testify. Dr. Olson not present. Ms. Jobe advised it was State's understanding that Dr. Celt was not the first doctor to see the child, and State would have called this doctor instead of Dr. Olson if State was able to. Court noted for the record State has provided notes from the CPS records. Court's Exhibit ADMITTED AND SEALED (See Worksheets.). Discussions as to no corroboration of information being available in the notes defense was seeking information on. Ms. Jobe advised State will not be calling the additional witness from CPS to testify.

JURY PRESENT: Testimony and Exhibits presented (See Worksheets.).

OUTSIDE PRESENCE OF JURY: Ms. Kierny advised parties are going to get into jail calls, and defense had requested the jail calls to be provided. Additionally, defense received the jail call recordings Friday of last week, and the door was opened when Jasmin had talked about the family being a happy family. Court advised counsel State can get into it; and asked if defense had objections to the jail calls. Ms. Kierny advised defense was waiting for what State was going to introduce. Ms. Jobe confirmed State is not planning to bring information in from the jail calls. Arguments by Ms. Kierny as to prejudice issue. Court stated the witness testified, the witness was told not to have contact with Deft, and this witness did anyway and admitted to it. Further arguments by Ms. Kierny as to no transcript of the calls being made, and defense not having had time to get the calls transcribed. Further arguments by parties were made, and objections were made due to collateral matter not being relevant. Ms. Kierny also argued regarding discovery violation due to defense receiving the calls late. Court NOTED the objection; and FURTHER NOTED, State is not going to present the phone calls; however, State can ask the detective about the substance. Ms. Kierny argued transcripts of the phone calls are needed, and defense cannot follow along with the conversation in the calls. Ms. Jobe reminded Court State does not have a transcript either. Ms. Kierny argued how can she review and understand the calls. Ms. Jobe suggested defense to listen to the calls during the break, and thereafter, make objections to Court. Further arguments. Court NOTED the objection.

JURY PRESENT: Further testimony and Exhibits presented (See Worksheets.).

OUTSIDE PRESENCE OF JURY: Court advised parties it received a note from Juror No. 6 through the Court Marshal, and the note says the juror had asked to the see the coffee cup. Court's Exhibit ADMITTED (See Worksheets.). Ms. Jobe advised there are pictures of the cup in evidence. Discussions. Ms. Holiday requested the cup from the Metro vault be brought to the Courtroom by

Metro. State objected. Court advised counsel defense has to establish chain of custody. Discussions as to proposed jury instructions and witness line up. Ms. Kierny advised Ms. Holiday wants to use a demonstrative. Ms. Holiday advised she has a large easel with white note paper; and requested she be allowed to use this during trial. COURT SO ORDERED.

Lunch recess.

JURY PRESENT: Further testimony and Exhibits presented (See Worksheets.).

OUTSIDE PRESENCE OF JURY: State rested. Deft. was admonished of his right not to testify. Upon Court's inquiry, Deft. acknowledged; and stated he will not be testifying. SO NOTED. Ms. Holiday advised she will prepare to do closings, but she would like to incorporate the jury instructions in her closing arguments and also incorporate testimony from Dr. Cetl.

Parties exited the Courtroom to settle proposed Jury instructions with the Court informally, in Chambers. MATTER TRAILED.

CASE RECALLED. JURY INSTRUCTIONS SETTLED. VERDICT FORM APPROVED. Objections were made by defense counsel regarding proposed instructions rejected by Court. Following further arguments by parties, Court OVERRULED the objections. Court's Exhibits ADMITTED (See Worksheets.).

Deft's Second Supplement To Defense's Opposition To State's Motion In Limine To Strike Or Limit The Testimony Of Defendant's Expert And Defense Request For An Evidentiary Hearing FILED IN OPEN COURT. Ms. Holiday moved to renew Deft's request to allow Lindsay Dutch Johnson to provide expert testimony; and argued in support of relief requested. Exhibits presented (See Worksheets.). Arguments by parties. Ms. Jobe requested Court to maintain its decision on not allowing the defense expert to testify; and argued regarding the Hallmark decision, and this defense expert failing to meet requirements. COURT ORDERED, it will maintain the decision on this issue. Ms. Holiday requested Court not to have closings done today; and stated she can go forward if needed, further noting things in the case have changed quickly, things have come in, defense did not expect the jail calls to not come in, and another witness was not going to testify. Ms. Holiday requested time to prepare and for the trial to resume sometime in the afternoon. Court stated it is prepared to go forward. Ms. Jobe advised State will be ready, however, if defense wants time, State will allow 20 minutes. COURT SO ORDERED. Matter TRAILED.

CASE RECALLED at 4:07 p.m. Mr. Burton noted for the record defense did not ask for a lesser included on the Verdict Form, with the consent from Deft. on trial strategy. SO NOTED.

JURY PRESENT: State and defense rested. Court instructed Jury on the law. Closing arguments by counsel. Marshal and Matron were sworn to take charge of the Jury. At the hour of 6:15 p.m., the Jury retired to deliberate.

Jury deliberating.

Evening recess. TRIAL CONTINUES.

CUSTODY

1/13/17 8:00 A.M. TRIAL BY JURY

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **January 13, 2017**

C-16-313047-1 State of Nevada
vs
DONOVINE MATHEWS

January 13, 2017 **8:00 AM** **Jury Trial**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Phyllis Irby

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Burton, Chris	Attorney
Holiday, Kristy	Attorney
Jobe, Michelle Y.	Attorney
Kierny, Carli L.	Attorney
MATHEWS, DONOVINE	Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

- JURY PRESENT at 8:05 am, deliberations continued. JURY PRESENT, Verdict reached at 11:40 am. The Court thanked and excused jurors. The State requested Deft be remanded without bail. COURT ORDERED, DEFT REMANDED pending sentencing. SENTENCING SET.

CUSTODY

3-07-17 8:30 AM SENTENCING (DEPT. XII)

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor **COURT MINUTES** **March 07, 2017**

C-16-313047-1 State of Nevada
vs
DONOVINE MATHEWS

March 07, 2017 **8:00 AM** **Sentencing**

HEARD BY: Leavitt, Michelle **COURTROOM:** RJC Courtroom 14D

COURT CLERK: Susan Jovanovich

RECORDER: Kristine Santi

REPORTER:

PARTIES PRESENT:

Holiday, Kristy	Attorney
Jobe, Michelle Y.	Attorney
MATHEWS, DONOVINE	Defendant
Public Defender	Attorney
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Upon Court's inquiry, both counsel confirmed no evaluation was required, unless Deft. was receiving probation. By virtue of Jury Verdict returned in this matter, DEFT. MATHEWS ADJUDGED GUILTY OF CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH SUBSTANTIAL BODILY HARM (F). Arguments by parties. Ms. Jobe provided information from Deft's juvenile and criminal history. Court stated it reviewed this information. COURT ORDERED, in addition to the $25.00 Administrative Assessment fee, DNA Fee WAIVED, and $3.00 DNA Collection fee, Deft. SENTENCED to a MINIMUM of THIRTY SIX (36) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Corrections (NDC), to run CONSECUTIVE to Case C304254-1, with ZERO (0) DAYS CREDIT FOR TIME SERVED. BOND, if any, EXONERATED.

NDC (COC-NDC)

C313047 State of Nevada v. Donovine Mathews

State's Exhibit List

No.	Item	Offered	Objection	Admitted
1.	D. Mathews Recorded Statement	1-11-17	no	1-11-17
2.	D. Mathews Reenactment video	1-11-17	no	1-11-17
3.	Photo 1 – Chance	1-10-17	stip	1-10-17
4.	Photo 2 – Chance r hand with dressing	1-10-17	stip	1-10-17
5.	Photo 3 – Chance L hand with dressing	1-10-17	stip	1-10-17
6.	Photo 4 – Chance right palm	1-10-17	stip	1-10-17
7.	Photo 5 – Chance L palm	1-10-17	stip	1-10-17
8.	Photo 7 – Top R hand	1-10-17	stip	1-10-17
9.	Photo 8 – Top R with measurement	1-10-17	stip	1-10-17
10.	Photo 10 – Top L hand, (fingers right)	1-10-17	stip	1-10-17
11.	Photo 9 – Top L hand	1-10-17	stip	1-10-17
12.	Photo 11 – L hand side thumb	1-10-17	stip	1-10-17
13.	Photo 12 – L hand with measurement	1-10-17	stip	1-10-17
14.	Photo – UMC R hand 1/6/16	1-10-17	yes	1-10-17
15.	Photo – UMC R hand 1/6/16	1-10-17	yes	1-10-17
16.	Photo – UMC L hand 1/6/16 w blister	1-10-17	yes	1-10-17
17.	Photo – UMC L hand 1/6/16, side	1-10-17	yes	1-10-17
18.	Photo – UMC L hand, thumb side 1/6/16	1-10-17	yes	1-10-17
19.	Photo – UMC L hand, 1/6/16 top	1-10-17	yes	1-10-17

C313047 State of Nevada v. Donovine Mathews

			offered	objection	Admitted
20.	Photo – UMC R hand 1/7/15 top		1-10-17	yes	1-10-17
21.	Photo – UMC R hand, thumb 1/7/15		1-10-17	yes	1-10-17
22.	Photo – UMC R hand 1/7/15, top fingers		1-10-17	yes	1-10-17
23.	Photo – UMC L hand, pinkie side 1/7/15		1-10-17	yes	1-10-17
24.	Photo – UMC Top Left 1/7/15		1-10-17	yes	1-10-17
25.	Photo – UMC L hand thumb 1/7/15		1-10-17	yes	1-10-17
26.	Photo 1 – Chance at UMC		1-11-17	Stip	1-11-17
27.	Photo 2 – Right hand w/ dressing		1-11-17	Stip	1-11-17
28.	Photo 5 – R hand with dressing, fingers		1-11-17	Stip	1-11-17
29.	Photo 12 – R hand with dressing/wrist		1-11-17	Stip	1-11-17
30.	Photo 9 – L hand/wrist		1-11-17	Stip	1-11-17
31.	Photo 10 – Left hand, fingers down		1-11-17	Stip	1-11-17
32.	Photo 56 - #5 of apt		1-11-17	Stip	1-11-17
33.	Photo 13 – overall of kitchen		1-10-17	no	1-10-17
34.	Photo 14 – oven/counter to L		1-10-17	no	1-10-17
35.	Photo 15 – oven/counter to R		1-11-17	Stip	1-11-17
36.	Photo 62 – microwave		1-11-17	Stip	1-11-17
37.	Photo 16 – sink		1-11-17	Stip	1-11-17
38.	Photo 17 – sink/pot		1-11-17	Stip	1-11-17
39.	Photo 20 – cup in sink		1-11-17	Stip	1-11-17
40.	Photo 21 – close up of cup in sink		1-11-17	Stip	1-11-17
41.	Photo 54 – cup from sink on counter		1-11-17	Stip	1-11-17

C313047 State of Nevada v. Donovine Mathews

			offered	objection	Admitted
42.	Photo 55 – inside of cup on counter	1-11-17		Stip	1-11-17
43.	Photo 26 – stovetop	1-11-17		Stip	1-11-17
44.	Photo 22 – close up of stovetop	1-11-17		Stip	1-11-17
45.	Photo 23 – close up of pot	1-11-17		Stip	1-11-17
46.	Photo 19 – close up of counter	1-11-17		Stip	1-11-17
47.	Photo 26 – Overall cupboards above stove	1-11-17		Stip	1-11-17
48.	Photo 27 – L cupboard	1-11-17		Stip	1-11-17
49.	Photo 28 – middle cupboard above stove	1-11-17		Stip	1-11-17
50.	Photo 29 – Cupboard to R of stove	1-11-17		Stip	1-11-17
51.	Photo 30 – cupboard over microwave	1-11-17		Stip	1-11-17
52.	Photo 31 – cupboard over sink	1-11-17		Stip	1-11-17
53.	Photo 32 – cupboard to far R of sink	1-10-17		no	1-10-17
54.	Photo 33 – drawers/cupboard under counter to L of stove	1-11-17		Stip	1-11-17
55.	Photo 34 – drawer to L of stove	1-11-17		Stip	1-11-17
56.	Photo 35 – cupboards under sink	1-11-17		Stip	1-11-17
57.	Photo 42 – Fridge overall	1-11-17		Stip	1-11-17
58.	Photo 43 – freezer door	1-11-17		Stip	1-11-17
59.	Photo 44 – fridge door	1-11-17		Stip	1-11-17
60.	Photo 45 – fridge contents	1-11-17		Stip	1-11-17
61.	Photo 46 – freezer contents	1-11-17		Stip	1-11-17
62.	Photo 25 – Trash	1-11-17		Stip	1-11-17
63.	Photo 57 – counter measure	1-11-17		Stip	1-11-17

C313047 State of Nevada v. Donovine Mathews

		offered	objection	Admitted
64.	Photo 58 – close up counter measure	1-11-17	Stip	1-11-17
65.	Photo 59 – high chair	1-11-17	Stip	1-11-17
66.	Photo 60 – Neosporin	1-11-17	Stip	1-11-17
67.	Photo 36 – overall bathroom	1-11-17	Stip	1-11-17
68.	Photo 37 – bathroom sink	1-11-17	Stip	1-11-17
69.	Photo 39 – toilet	1-11-17	Stip	1-11-17
70.	Photo 41 – shower	1-11-17	Stip	1-11-17
71.	Photo 40 – bathtub with hairbrush	1-11-17	Stip	1-11-17
72.	Photo 49 – overall of bedroom	1-11-17	Stip	1-11-17
73.	Photo 50 – bedroom, shirt on top of drawers	1-11-17	Stip	1-11-17
74.	Photo 51 – close up of shirt on drawers	1-11-17	Stip	1-11-17
75.	Photo 53 – tshirt	1-11-17	Stip	1-11-17
76.	Consent to Search Card	1-10-17	no	1-10-17
77.	Photo - Counter	1-11-17	Stip	1-11-17
78.	Photo - Counter	1-11-17	Stip	1-11-17
79.	Photo - Counter and cup	1-11-17	Stip	1-11-17
80.	Photo - cup	1-11-17	Stip	1-11-17
81.	Photo - cup	1-11-17	Stip	1-11-17
82.	Photo - Counter & hands	1-11-17	Stip	1-11-17
83.				
84.				
85.				
86.				
87.				
88.				

EXHIBIT(S) LIST

Case No.: C313047-1

Dept. No.: XII

Plaintiff: State of Nevada

vs.

Defendant: Donovine Mathews

Hearing Date: 1-9-17

Judge: Michelle Leavitt

Court Clerk: Susan Jovanovich

Recorder: Kristine Cornelius

Counsel for Plaintiff: Chris Burton
Michelle Jobe

Counsel for Defendant: Carli Kierny
Kristy Holiday

Trial **BEFORE THE COURT**

Court's **EXHIBITS**

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1.	Voir Dire Jury List	1-9-17	no	1-9-17
2.	Juror Notebook	1-9-17	no	1-9-17
3.	Jury List from Commissioner	1-10-17	no	1-10-17
4.	Notes from Dr. Pettier	1-11-17	no	1-11-17
5.	Voluntary Statement Transcript	1-11-17	no	1-11-17
6.	Case notes from DFS (sealed)	1-12-17	no	1-12-17
7.	Note from Juror No. 6	1-12-17	no	1-12-17
8	Proposed Instruction by Defense	1-12-17	no	1-12-17
9	Proposed Instruction by Defense	1-12-17	no	1-12-17
10	Proposed Instruction by Defense	1-12-17	no	1-12-17
11.	Proposed Instruction by Defense	1-12-17	no	1-12-17
12.	Note from Juror foreperson	1-12-17	no	1-12-17
13.	Note from Juror foreperson	1-12-17	no	1-12-17
14.	State's powerpoint - openings	1-12-17	no	1-12-17
15.	State's power point - rebuttal	1-12-17	no	1-12-17

EXHIBIT(S) LIST State's motion in Limine

Case No.: C-16-313047-1

Dept. No.: XII

Hearing Date: 1-10-17 & 1-12-17

Judge: Michelle Leavitt

Court Clerk: Susan Jovanovich

Recorder: Kristine Santi

Plaintiff: State of Nevada

Counsel for Plaintiff: Michelle Joke
Chris Burton

vs.

Defendant: Donovine Mathews

Counsel for Defendant: Kristy Holiday
Carli Kierny

Motion **BEFORE THE COURT**

Court's **EXHIBITS**

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1.	Photo of hands	1-12-17	yes	1-12-17
2.	Photo of hands	1-12-17	yes	1-12-17

Certification of Copy

State of Nevada
County of Clark } **SS:**

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; JUDGMENT OF CONVICTION (JURY TRIAL); DISTRICT COURT MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

DONOVINE MATHEWS aka DONOVIAN MATHEWS,

Defendant(s).

Case No: C-16-313047-1

Dept No: XII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 24 day of March 2017.

Steven D. Grierson, Clerk of the Court

Amanda Hampton, Deputy Clerk