


CLERK OF THE COURT

Electronically Filed
Apr 17 2017 02:28 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOAS

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C-16-314260-1
)	
v.)	DEPT. NO. VIII
)	
ALFRED C. HARVEY,)	
)	
Defendant.)	
)	<u>NOTICE OF APPEAL</u>

TO: THE STATE OF NEVADA

STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY,
NEVADA and DEPARTMENT NO. VIII OF THE EIGHTH JUDICIAL
DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE
COUNTY OF CLARK.

NOTICE is hereby given that Defendant, Alfred C. Harvey,
presently incarcerated in the Nevada State Prison, appeals to the
Supreme Court of the State of Nevada from the judgment entered
against said Defendant on the 17th day of March, 2017, whereby he
was convicted of Robbery and sentenced to \$25 Admin. Fee; \$250
Indigent Defense Civil Assessment Fee and \$150 DNA analysis fee
including genetic markers plus \$3 DNA Collection Fee; 36-144
months in prison with 344 days CTS. Correction to the Presentence

1 Investigation (PSI) Report: The Defendant at this point, disavows
2 any gang affiliation.

3 DATED this 10th day of April, 2017.

4 PHILIP J. KOHN
5 CLARK COUNTY PUBLIC DEFENDER

6
7 By: /s/ Howard S. Brooks
8 HOWARD S. BROOKS, #3374
9 Deputy Public Defender
309 S. Third Street, Ste. 226
Las Vegas, Nevada 89155
(702) 455-4685

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1 **CERTIFICATE OF ELECTRONIC FILING**

2 I hereby certify that service of the above and foregoing
3 was made this 10th day of April, 2017, by Electronic Filing to:

4 District Attorneys Office

5 E-Mail Address:

6 PDMotions@clarkcountyda.com

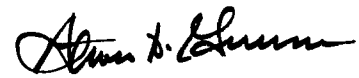
7 Jennifer.Garcia@clarkcountyda.com

8 Eileen.Davis@clarkcountyda.com

9
10 /s/ Carrie M. Connolly

11 Secretary for the

12 Public Defender's Office
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CLERK OF THE COURT

CAS

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

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C-16-314260-1
)	
v,)	DEPT. NO. VIII
)	
ALFRED C. HARVEY,)	
)	
Defendant.)	

CASE APPEAL STATEMENT

1. Appellant filing this case appeal statement:
Alfred C. Harvey.

2. Judge issuing the decision, judgment, or order
appealed from: Douglas E. Smith.

3. All parties to the proceedings in the district
court (the use of et al. To denote parties is prohibited): The
State of Nevada, Plaintiff; Alfred C. Harvey, Defendant.

4. All parties involved in this appeal (the use of
et. al. to denote parties is prohibited): Alfred C. Harvey,
Appellant; The State of Nevada, Respondent.

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

3 PHILIP J. KOHN
4 Clark County Public Defender
309 South Third Street, #226
5 Las Vegas, Nevada 89155-2610

STEVEN B. WOLFSON
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155

6 Attorney for Appellant

ADAM LAXALT
Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717
(702) 687-3538

9 Counsel for Respondent

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

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

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

17 9. Date proceedings commenced in the district court
18 (e.g., date complaint, indictment, information, or petition was
19 filed): Information filed 04/19/16.

20 DATED this 10th day of April, 2017.

21 PHILIP J. KOHN
22 CLARK COUNTY PUBLIC DEFENDER

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

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

Jennifer.Garcia@ccdanhv.com

Eileen.Davis@ccdanhv.com

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DEPARTMENT 8
CASE SUMMARY
CASE NO. C-16-314260-1

State of Nevada
vs
Alfred Harvey

§	Location:	Department 8
§	Judicial Officer:	Smith, Douglas E.
§	Filed on:	04/18/2016
§	Case Number History:	
§	Cross-Reference Case	C314260
§	Number:	
§	Defendant's Scope ID #:	7013098
§	ITAG Booking Number:	0
§	ITAG Case ID:	1786023
§	Lower Court Case # Root:	16F05049
§	Lower Court Case Number:	16F05049X
§	Metro Event Number:	1603303003

CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
Jurisdiction: District Court				
1. ROBBERY	F	03/30/2016	Case Flags:	Appealed to Supreme Court
PCN: 0025615145 ACN: 1603303003				Custody Status - In Custody
Filed As: ROBBERY WITH USE OF A DEADLY WEAPON	F	4/19/2016		Bond/Bail Surrendered
Arrest: 03/30/2016 MET - Metro				Charge Description Updated
				JC Custody Status at Time of B/O
Statistical Closures				<i>APR 20 2016 10:00AM: IN CUSTODY</i>
03/24/2017 Guilty Plea with Sentence (before trial)				
Bonds				
Surety #IS50K-119384 \$40,000.00				
6/1/2016 Surrendered				
5/13/2016 Active				
Counts: 1				

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	C-16-314260-1
Court	Department 8
Date Assigned	11/10/2016
Judicial Officer	Smith, Douglas E.




PARTY INFORMATION

Defendant	Harvey, Alfred C	<i>Lead Attorneys</i> Public Defender <i>Public Defender</i> 702-455-4685(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)














DATE

EVENTS & ORDERS OF THE COURT

INDEX

04/18/2016	 Criminal Bindover Packet Las Vegas Justice Court
04/19/2016	 Information <i>Information</i>
04/19/2016	 Amended Criminal Bindover Packet Las Vegas Justice Court
04/19/2016	


DEPARTMENT 8
CASE SUMMARY
CASE NO. C-16-314260-1

	 Amended Criminal Bindover Packet Las Vegas Justice Court
04/20/2016	 Initial Arraignment (10:00 AM) (Judicial Officer: De La Garza, Melisa)
04/20/2016	Plea (Judicial Officer: Smith, Douglas E.) 1. ROBBERY Not Guilty PCN: 0025615145 Sequence:
04/21/2016	 Motion <i>Motion For Own Recognizance Release Under Intensive Supervision</i>
04/29/2016	 Opposition <i>State's Opposition To Defendant's Motion For Own Recognizance Release Or For Bail Reduction</i>
05/04/2016	 Motion for Own Recognizance Release/Setting Reasonable Bail (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Motion for Own Recognizance Release Under Intensive Supervision</i>
05/10/2016	 Motion <i>Notice Of Motion And Motion To Compel Discovery</i>
05/13/2016	 Bail Bond <i>Bail Bond #IS50K-119384 \$40,000.00</i>
05/13/2016	 Bail Bond Receipt <i>Bail Bond Receipt</i>
05/18/2016	 Reporters Transcript <i>Reporter's Transcript of Preliminary Hearing 4/18/16</i>
06/01/2016	 Response <i>State's Response to Defendant's Motion to Compel Discovery</i>
06/01/2016	Motion to Compel (9:30 AM) (Judicial Officer: Miley, Stefany) 06/01/2016-06/02/2016 <i>Defendant's Motion To Compel Discovery</i>
06/01/2016	Bench Warrant Return (9:30 AM) (Judicial Officer: Miley, Stefany)
06/01/2016	 All Pending Motions (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Bench Warrant Return; Deft's Motion to Compel Discovery</i>
06/02/2016	Status Check (9:15 AM) (Judicial Officer: Miley, Stefany) <i>Status Check: Custody/Bond Status</i>
06/02/2016	 All Pending Motions (9:15 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Motion To Compel Discovery; Status Check: Custody /Bond Status</i>
06/10/2016	 Notice <i>Notice of Intent to Seek Punishment as a Habitual Criminal</i>













DEPARTMENT 8
CASE SUMMARY
CASE NO. C-16-314260-1

06/13/2016	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses</i>
06/14/2016	 Notice <i>Defendant's Notice Of Witnesses, Pursuant To NRS 174.234</i>
06/15/2016	 Calendar Call (9:30 AM) (Judicial Officer: Miley, Stefany)
06/20/2016	CANCELED Jury Trial (1:00 PM) (Judicial Officer: Miley, Stefany) <i>Vacated</i>
06/29/2016	 Status Check (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Status Check: Resetting of Trial / New Counsel</i>
07/28/2016	 Motion <i>Motion For Own Recognizance Release Under Intensive Supervision Or On House Arrest</i>
08/02/2016	 Opposition <i>State's Opposition to Defendant's Motion for O.R. Release or for Bail Reduction</i>
08/03/2016	 Motion for Own Recognizance Release/Setting Reasonable Bail (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Def't's Motion For Own Recognizance Release Under Intensive Supervision Or On House Arrest</i>
10/17/2016	 Notice of Witnesses and/or Expert Witnesses <i>Supplemental Notice of Witnesses</i>
10/19/2016	 Motion <i>Motion to Dismiss or, in the Alternative, for a Curative Jury Instruction on the State's Failure to Gather or Preserve Material Evidence</i>
10/21/2016	 Motion to Suppress <i>Motion To Suppress Show-Up Identification And Subsequent In-Court Identification</i>
10/21/2016	 Addendum <i>Addendum To Motion To Dismiss, OR In The Alternative, For A Curative Jury Instruction On The State's Failure To Gather OR Preserve Material Evidence</i>
10/25/2016	 Motion <i>Motion To Allow Defendant To Cover His Face Tattoo</i>
10/31/2016	 Opposition <i>State's Opposition to Defendant's Motion to Allow Defendant to Cover His Face Tattoos</i>
10/31/2016	 Motion to Dismiss (9:30 AM) (Judicial Officer: Miley, Stefany) 10/31/2016, 11/02/2016, 11/09/2016 <i>Defendant's Motion To Dismiss, Or In The Alternative, For A Curative Jury Instruction On The State's Failure To Gather Or Preserve Material Evidence</i>
10/31/2016	 Opposition <i>State's Opposition to Defendant's Motion to Suppress Show-Up Identification and Subsequent In-Court Identification</i>

DEPARTMENT 8
CASE SUMMARY
CASE NO. C-16-314260-1

11/01/2016	 Response <i>State's Response to Defendant's Motion to Dismiss and/or Sanborn Instruction</i>
11/02/2016	Calendar Call (9:30 AM) (Judicial Officer: Miley, Stefany) 11/02/2016, 11/09/2016
11/02/2016	Motion (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Motion To Suppress Show-Up Identification And Subsequent In-Court Identification</i>
11/02/2016	Motion (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Deft's Motion To Allow Defendant To Cover His Face Tattoo</i>
11/02/2016	 All Pending Motions (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Calendar Call; Defendant's Motion To Dismiss, Or In The Alternative, For A Curative Jury Instruction On The State's Failure To Gather Or Preserve Material Evidence; Defendant's Motion To Suppress Show-Up Identification And Subsequent In-Court Identification; Deft's Motion To Allow Defendant To Cover His Face Tattoo</i>
11/04/2016	 Notice of Witnesses and/or Expert Witnesses <i>Second Supplemental Notice of Witnesses</i>
11/07/2016	CANCELED Jury Trial (1:00 PM) (Judicial Officer: Miley, Stefany) <i>Vacated</i>
11/08/2016	 Motion in Limine <i>Motion in Limine</i>
11/09/2016	Evidentiary Hearing (11:00 AM) (Judicial Officer: Miley, Stefany)
11/09/2016	Motion in Limine (11:00 AM) (Judicial Officer: Miley, Stefany)
11/09/2016	 All Pending Motions (11:00 AM) (Judicial Officer: Miley, Stefany) <i>Calendar Call; Evidentiary Hearing; Defendant's Motion To Dismiss, Or In The Alternative, For A Curative Jury Instruction On The State's Failure To Gather Or Preserve Material Evidence; Deft's Motion in Limine</i>
11/10/2016	 Overflow (8:30 AM) (Judicial Officer: Barker, David) <i>OVERFLOW (23) - S. ROSE/KOHN - J. SPELLS/3-4 DAYS/7-8 WITNESSES/NO OUT OF STATE</i>
11/14/2016	CANCELED Jury Trial (1:00 PM) (Judicial Officer: Miley, Stefany) <i>Vacated</i>
11/15/2016	 Jury Trial (9:30 AM) (Judicial Officer: Bixler, James) 11/15/2016-11/18/2016 <i>Jury Trial - Overflow</i>
11/15/2016	 Jury List
11/16/2016	 Miscellaneous Filing <i>Defendant's Proposed Jury Instructions And Verdict Form</i>
11/16/2016	 Amended Information <i>Amended Information</i>

DEPARTMENT 8
CASE SUMMARY
CASE NO. C-16-314260-1

11/17/2016	 Instructions to the Jury																		
11/17/2016	 Proposed Jury Instructions Not Used At Trial																		
11/17/2016	 Proposed Jury Instructions Not Used At Trial																		
11/18/2016	 Verdict																		
12/15/2016	 PSI																		
01/04/2017	 Sentencing (8:00 AM) (Judicial Officer: Bixler, James) 01/04/2017, 03/08/2017																		
02/17/2017	 PSI - Letters																		
02/24/2017	 PSI - Letters																		
03/06/2017	 Memorandum <i>Sentencing Memorandum</i>																		
03/08/2017	Disposition (Judicial Officer: Smith, Douglas E.) 1. ROBBERY Guilty PCN: 0025615145 Sequence:																		
03/08/2017	Sentence (Judicial Officer: Smith, Douglas E.) 1. ROBBERY Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum: 36 Months, Maximum: 144 Months Credit for Time Served: 344 Days Fee Totals: <table border="0"><tr><td>Administrative Assessment Fee</td><td>25.00</td></tr><tr><td>\$25</td><td></td></tr><tr><td>DNA Analysis Fee</td><td>150.00</td></tr><tr><td>\$150</td><td></td></tr><tr><td>Genetic Marker Analysis AA Fee</td><td>3.00</td></tr><tr><td>\$3</td><td></td></tr><tr><td>Indigent Defense Civil Assessment</td><td>250.00</td></tr><tr><td>Fee - ASK</td><td></td></tr><tr><td>Fee Totals \$</td><td>428.00</td></tr></table>	Administrative Assessment Fee	25.00	\$25		DNA Analysis Fee	150.00	\$150		Genetic Marker Analysis AA Fee	3.00	\$3		Indigent Defense Civil Assessment	250.00	Fee - ASK		Fee Totals \$	428.00
Administrative Assessment Fee	25.00																		
\$25																			
DNA Analysis Fee	150.00																		
\$150																			
Genetic Marker Analysis AA Fee	3.00																		
\$3																			
Indigent Defense Civil Assessment	250.00																		
Fee - ASK																			
Fee Totals \$	428.00																		
03/17/2017	 Judgment of Conviction <i>JUDGMENT OF CONVICTION (PLEA OF GUILTY)</i>																		
04/10/2017	 Notice of Appeal (criminal) <i>Notice of Appeal</i>																		
04/10/2017	 Case Appeal Statement <i>Case Appeal Statement</i>																		

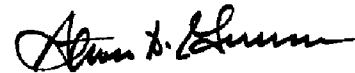
DEPARTMENT 8
CASE SUMMARY
CASE NO. C-16-314260-1
FINANCIAL INFORMATION

DATE

Defendant Harvey, Alfred C
Total Charges
Total Payments and Credits
Balance Due as of 4/12/2017

431.50
3.50
428.00

JOC



CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

ALFRED C. HARVEY
#7013098

Defendant.


CASE NO. C314260-1

DEPT. NO. VIII

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crime of ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.165; and the matter having been tried before a jury and the Defendant having been found guilty of the crime of ROBBERY (Category B Felony) in violation of NRS 200.380; thereafter, on the 8th day of March, 2017, the Defendant was present in court for sentencing with counsel JASMIN SPELLS, Deputy Public Defender, and good cause appearing,

<input type="checkbox"/> Not Prosecuted (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial
<input type="checkbox"/> Dismissed (before sentencing)	<input type="checkbox"/> Unrepresented (during trial)
<input type="checkbox"/> Dismissed (after sentencing)	<input type="checkbox"/> Arraigned
<input checked="" type="checkbox"/> Guilty Plea (with Sent. Waiver) (trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (pre-sentencing trial)	<input type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition	





1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said crime as set forth in
2 the jury's verdict and, in addition to the \$25.00 Administrative Assessment Fee, \$250.00
3 Indigent Defense Civil Assessment Fee and \$150.00 DNA Analysis Fee including
4 testing to determine genetic markers plus \$3.00 DNA Collection Fee, the Defendant is
5 SENTENCED as follows: a MAXIMUM of ONE HUNDRED FORTY-FOUR (144)
6 MONTHS with a MINIMUM parole eligibility of THIRTY-SIX (36) MONTHS in the
7 Nevada Department of Corrections (NDC), with THREE HUNDRED FORTY-FOUR
8 (344) DAYS credit for time served.
9
10

11 Ms. Spells advised that the November 30, 2016, Presentence Investigation (PSI)
12 report indicates on page 3 that the Deft. is a confirmed active member of the "Blood,
13 456 Pomona Island Piru" street gang; however, Defendant has denied any gang
14 membership; colloquy. COURT ORDERED that the following shall be added to the
15 Judgment of Conviction and noted for the PSI.

16 **CORRECTIONS TO THE PRESENTENCE INVESTIGATION (PSI) REPORT:**
17 the Defendant, at this point, disavows any gang affiliation.

18 DATED this 17 day of March, 2017
19
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21 
22 DOUGLAS E. SMITH
23 DISTRICT COURT JUDGE 
24
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 20, 2016

C-16-314260-1 State of Nevada
vs
Alfred Harvey

April 20, 2016 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:	Bunnett, Matthew T.	Attorney
	HARVEY, ALFRED C	Defendant
	Hillman, Ralph R.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

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

CUSTODY

6/15/16 9:30 A.M. CALENDAR CALL (DEPT. 23)

6/20/16 1:00 P.M. JURY TRIAL (DEPT. 23)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 04, 2016

C-16-314260-1	State of Nevada vs Alfred Harvey
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May 04, 2016	9:30 AM	Motion for Own Recognizance Release/Setting Reasonable Bail	Defendant's Motion for Own Recognizance Release Under Intensive Supervision
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HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	HARVEY, ALFRED C Spells, Jasmin	Defendant Attorney
-----------------	------------------------------------	-----------------------

JOURNAL ENTRIES

- Licensed Deputy District Attorney Jory Scarborough present. Statement by Deft. Argument by counsel. Argument by the State. Further argument by counsel. COURT ORDERED, motion DENIED. FURTHER, request for bail reduction DENIED. Trial date STANDS.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 01, 2016

C-16-314260-1 State of Nevada
 vs
 Alfred Harvey

**June 01, 2016 9:30 AM All Pending Motions Bench Warrant
Return; Deft's
Motion to Compel
Discovery**

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	HARVEY, ALFRED C	Defendant
	Holthus, Mary Kay	Attorney
	Leven, Pandora L.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft. present in custody on the returned warrant. Counsel noted State requested additional time to file Response. Matter recalled. COURT ORDERED, motion CONTINUED and matter SET for status check.

CUSTODY

06-02-16 9:15 AM DEFT'S MOTION TO COMPEL DISCOVERY; STATUS CHECK:
CUSTODY/BOND STATUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 02, 2016**

C-16-314260-1 State of Nevada
vs
Alfred Harvey

June 02, 2016	9:15 AM	All Pending Motions	Defendant's Motion To Compel Discovery; Status Check: Custody /Bond Status
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HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

PRESENT:	HARVEY, ALFRED C	Defendant
	Schwartz, Bryan A.	Attorney
	Spells, Jasmin	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Counsel advised she had spoken with bail bond company, noted she was told Deft. paid \$1,600, however, total bond was \$4,400.00 and stated Deft. was to make payments. Counsel then noted Deft. did not have any collateral as he would not put his vehicle as collateral, therefore, he was take into custody on a bail bond surrender. Colloquy regarding premium. Counsel advised Deft. lost \$1,600.00. Argument by the State noting Deft's criminal history. Upon Court's inquiry regarding Deft's attendance, counsel advised Deft. had no court appearances while out of custody and noted Deft. stayed out of trouble. Further argument by the State. Argument by counsel. State opposed own recognizance release. Argument by counsel. Statement by Deft. COURT ORDERED, Deft. to be RELEASED on his Own Recognizance (O.R.) with House Arrest. Argument by counsel. Court admonished the State. Colloquy regarding Deft's Motion to Compel Discovery. COURT ORDERED, motion GRANTED under Brady. Colloquy regarding reciprocal discovery. Counsel advised they

C-16-314260-1

would comply.

O.R./H.A.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 15, 2016

C-16-314260-1 State of Nevada
 vs
 Alfred Harvey

June 15, 2016 9:30 AM Calendar Call

HEARD BY: Miley, Stefany **COURTROOM:** RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	HARVEY, ALFRED C	Defendant
	Schwartz, Bryan A.	Attorney
	Spells, Jasmin	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Counsel advised Deft. will waive speedy trial right and noted Deft. wanted to retain Caesar Almase Esq. State advised they were prepared for trial. Deft. WAIVED speedy trial right. COURT ORDERED, trial date VACATED and matter SET for status check.

O.R./H.A.

06-29-16 9:30 AM STATUS CHECK: RESETTING OF TRIAL / NEW COUNSEL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 29, 2016

C-16-314260-1 State of Nevada
 vs
 Alfred Harvey

June 29, 2016

9:30 AM

Status Check

**Status Check:
Resetting of Trial/
New Counsel**

HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	HARVEY, ALFRED C	Defendant
	Rose, Robert E.	Attorney
	Schwartz, Bryan A.	Attorney
	Spells, Jasmin	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Counsel advised Deft. was unable to retain private counsel and requested trial date be set. State advised all discovery had been provided. COURT ORDERED, matter SET for trial.

O.R./H.A.

11-02-16 9:30 AM CALENDAR CALL

11-07-16 1:00 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 03, 2016

C-16-314260-1 State of Nevada
 vs
 Alfred Harvey

August 03, 2016	9:30 AM	Motion for Own Recognizance Release/Setting Reasonable Bail	Deft's Motion For Own Recognizance Release Under Intensive Supervision Or On House Arrest
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HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	HARVEY, ALFRED C	Defendant
	Rose, Robert E.	Attorney
	Schwartz, Bryan A.	Attorney
	Spells, Jasmin	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Matter recalled. Argument by counsel. Argument by the State. Court stated its findings and ORDERED, motion DENIED. trial date STANDS.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 31, 2016

C-16-314260-1 State of Nevada
 vs
 Alfred Harvey

October 31, 2016	9:30 AM	Motion to Dismiss	Defendant's Motion To Dismiss, OR In The Alternative, For A Curative Jury Instruction On The State's Failure To Gather Or Preserve Material Evidence
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HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	HARVEY, ALFRED C	Defendant
	Spells, Jasmin	Attorney
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

JOURNAL ENTRIES

- State advised they needed to file an Opposition. COURT ORDERED, matter CONTINUED.

CUSTODY

11-02-16 9:30 AM Defendant's Motion To Dismiss, Or In The Alternative, For A Curative Jury Instruction On The State's Failure To Gather Or Preserve Material Evidence

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 02, 2016

C-16-314260-1 State of Nevada
 vs
 Alfred Harvey

November 02, 2016	9:30 AM	All Pending Motions	Calendar Call; Defendant's Motion To Dismiss, Or In The Alternative, For A Curative Jury Instruction On The State's Failure To Gather Or Preserve Material Evidence; Defendant's Motion To Suppress Show- Up Identification And Subsequent In- Court Identification; Deft's Motion To Allow Defendant To Cover His Face Tattoo
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HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	HARVEY, ALFRED C	Defendant
	Rose, Robert E.	Attorney
	Schwartz, Bryan A.	Attorney
	Spells, Jasmin	Attorney
	State of Nevada	Plaintiff

PRINT DATE: 04/12/2017

Page 10 of 27

Minutes Date: April 20, 2016

JOURNAL ENTRIES

- Mr. Schwartz advised they are not ready for trial as he beginning an invoked trial next week and stated they had noticed the defense that they would be requesting a continuance. Counsel announced ready. Colloquy regarding trial setting. COURT ORDERED, trial date VACATED and RESET. As to Deft's Motion to Dismiss or In The Alternative For a Curative Jury Instruction on the State's Failure to Gather or Preserve Material Evidence: Argument by counsel noting there were two witnesses who were filming with their cellphones and noted their investigator spoke with them which they stated they were deleted. Court inquired whether individuals had provided copies to officer or the State. Argument by counsel. Court inquired whether individuals were being called as witnesses. Counsel believed a hearing was needed in order to flush out the details as it goes to either bad faith or gross negligence. Argument by the State noting they did not believe officer knew witness(es) had taken photographs or videos. Court stated it appeared to be speculation. Further argument by the State. Court stated it did not have adequate information to make proper ruling and ORDERED, matter SET for hearing; As to Deft's Motion to Suppress Show-Up Identification and Subsequent In-Court Identification: Argument by counsel. Argument by the State noting the surveillance video zooms in on Deft's face. COURT ORDERED, motion DENIED as to In-Court Identification and GRANTED as to Show-Up Identification; As to Deft's Motion to Allow Defendant to Cover His Face Tattoos: Counsel advised it would be only as to Deft's face tattoos, not any other part of his body. Court noted in this case identity is an issue and pointed out what victim might be perceiving. Argument by counsel regarding apprehension of fear. Court pointed out everyone perceives people differently. Additional argument by counsel. Argument by the State noting the jury will have to state they have no bias and pointed out surveillance video shows Deft's face. Statement by Deft. Argument by counsel. COURT ORDERED, motion DENIED as relevant to identification and relevant to elements of crime.

CUSTODY

11-09-16 11:00 AM HEARING; DEFT'S MOTION TO DISMISS OR IN THE ALTERNATIVE FOR A CURATIVE JURY INSTRUCTION ON THE STATE'S FAILURE TO GATHER OR PRESERVE MATERIAL EVIDENCE; CALENDAR CALL

11-14-16 1:00 PM TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 09, 2016

C-16-314260-1 State of Nevada
 vs
 Alfred Harvey

November 09, 2016	11:00 AM	All Pending Motions	Calendar Call; Evidentiary Hearing; Defendant's Motion To Dismiss, Or In The Alternative, For A Curative Jury Instruction On The State's Failure To Gather Or Preserve Material Evidence; Deft's Motion in Limine
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HEARD BY: Miley, Stefany

COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT:	HARVEY, ALFRED C	Defendant
	Jones, Kelley R.	Attorney
	Rose, Robert E.	Attorney
	Spells, Jasmin	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Court noted hearing was set as parties were speculating as to what happened with the officer. Court then noted Deft. had filed a Motion in Limine which had been set for November 28, 2016 and stated the motion would be addressed after the hearing. Court advised the trial would be referred to

Overflow as it had an Invoked trial which would take priority. Counsel advised they had spoken with the State in an attempt to resolve the issues contained in the motion, however, no agreement could be reached, therefore, motion was filed. Arguments by counsel regarding the presence of Deft's children at the incident. Court stated it did not see the relevance. Further arguments by counsel. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) Arguments by counsel. Court stated its findings and ORDERED, Deft's Motion to Dismiss is DENIED. Colloquy regarding Deft's Motion in Limine. Based upon representations of the State, COURT ORDERED, requests # 2 and #3 are GRANTED. Arguments by counsel. Court advised it had reconsidered its original standing in regards to the children and ORDERED, request #1 DENIED. FURTHER, matter REFERRED to Overflow.

CUSTODY

11-10-16 8:30 AM OVERFLOW (23) - S. ROSE/KOHN - J. SPELLS/3-4 DAYS/7-8 WITNESSES/NO OUT OF STATE WITNESSES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 10, 2016

C-16-314260-1 State of Nevada
 vs
 Alfred Harvey

November 10, 2016 8:30 AM Overflow

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

COURT CLERK: Alan Castle

RECORDER: Michelle Ramsey

REPORTER:

PARTIES

PRESENT:	HARVEY, ALFRED C	Defendant
	Jones, Kelley R.	Attorney
	Schwartz, Bryan A.	Attorney
	Spells, Jasmin	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Parties announced ready. COURT ORDERED, trial date set in Department VIII, Courtroom 11B and will be heard by Senior Judge Bixler. Court directed to contact Paula, the JEA in that department. Upon Court's inquiry, counsel (SCHWARTZ, BRYAN, S. ROSE / K. JONES, J. SPELLS) estimated

3 - 4 DAYS

6 WITNESSES / NO OUT-OF-STATE

CUSTODY

11/15/16 9:30 a.m. JURY TRIAL (DEPT. 8)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 15, 2016

C-16-314260-1 State of Nevada
 vs
 Alfred Harvey

November 15, 2016 9:30 AM Jury Trial

HEARD BY: Bixler, James

COURTROOM: RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Steve Rose, Dep DA, and Bryan Schwartz, Dep DA, present on behalf of the State; Jasmin Spells, Dep PD, and Kelley Jones, Dep PD, present on behalf of Deft. Harvey, who is also present.

9:35 a.m. Jury Trial commenced. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Court noted the State is requesting leave of Court to file an Amended Information; they want to change miscellaneous clothing items to miscellaneous items (page 1, line 24) and her to his (page 1, line 25). Argument by Ms. Spells; the Defense has no objection to the "her" to "his" change; however, there is an objection to the deletion of the word "clothing" as it is a significant change and is a change in the State's theory of prosecution which requires a change in the Deft.'s theory of defense. Additionally, the amendment came after the Calendar Call and after the Overflow Calendar Call and as soon as the Defense was informed of the amendment, they notified the State that they would be REQUESTING a CONTINUANCE. Therefore, the Defense is not ready to proceed because they need to rethink their theory of defense and re-evaluate the evidence. If the State withdraws the amendment, the Defense would then be ready to proceed. Argument by Mr. Schwartz; the State has not changed their theory of prosecution. The Deft. went into a T.J. Maxx and took three (3) items; i.e., a wallet, lotions, and some fragrances. Since these are not clothing items, the State just wanted to make that clarification to the Information; colloquy.

Ms. Spells requested to make a record without the State present. OUTSIDE THE PRESENCE OF THE STATE; discussion held with the Court as to how the change affects their theory of defense; the Deft. did not commit the offense as alleged by the State.

STATE PRESENT: Court noted that no clothing items were taken; therefore, the State has mistakenly alleged a crime which the facts do not support and are requesting to correct the charging document hours before trial. Argument by Mr. Schwartz; he suggested a solution. Mr. Rose discussed NRS 173.095 and Viray V. State. Argument by Ms. Jones; their defense is based on both the Complaint and the Information, which are the same and both are based on miscellaneous clothing items. COURT ORDERED, Ms. Spells' request is DENIED; this matter will proceed to trial on the original Complaint and Information. Although clothing items were not taken, the items taken can be bought in a clothing store.

Colloquy; if the State is adamant about changing the language in the Information, the Court will grant the Defense a continuance. Otherwise, the Court will proceed to trial at this time. Mr. Schwartz advised that the State would WITHDRAW their request to amend the Information.

Additionally, Ms. Spells advised that the Defense filed a motion to cover the Deft.'s face tattoos. Mr. Schwartz advised the State has no objection to the Defense covering the tattoos on the Deft.'s cheek and the one over his eye. COURT ORDERED, Ms. Spells' request is GRANTED.

PROSPECTIVE JURORS PRESENT: Court and counsel begin Voir Dire examination of the prospective Jurors.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Challenge to the Jury Venire by Ms. Spells; she does not believe it is a fair cross-section of the community for the reasons stated on the record and, therefore, she would request a new panel or the opportunity to question the Jury Commissioner as to process of how these prospective Jurors were procured. Argument by Mr. Rose; there is no requirement for the Jury Venire to match exactly the cross-section of the community, there just cannot be a systematic exclusion from the Jury selection process on the basis of race.

It is the Court's opinion that there is no need to question the Jury Commissioner with regard to the selection process as it is a generalized process which does not provide for any kind of exclusion. Therefore, COURT ORDERED, Ms. Spells' request to obtain a new panel is DENIED.

PROSPECTIVE JURORS PRESENT: Court and counsel continued Voir Dire examination of the prospective Jurors. Jury and two (2) alternate selected and sworn. Opening statement by Mr. Rose; Ms. Spells reserved her opening statement.

OUTSIDE THE PRESENCE OF THE JURY: Argument by Ms. Spells regarding the 911 calls; there are two (2) and the first issue is with regard to the named victim's 911 call where the operator references the children at the end of the call and the second issue is with regard the call made by the witness, Erral Appel, where he made hearsay statements. Argument by Mr. Rose. COURT ORDERED, Ms.

Spells' request to STRIKE the witness' statement about the incident is DENIED; however, the Court will GRANT Ms. Spells' request to STRIKE the statement by the 911 operator. The State should make the appropriate redactions.

4:16 p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED.

CUSTODY

CONTINUED TO: 11/15/16 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 16, 2016

C-16-314260-1 State of Nevada
 vs
 Alfred Harvey

November 16, 2016 10:00 AM Jury Trial

HEARD BY: Bixler, James

COURTROOM: RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Jill Jacoby

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Steve Rose, Dep DA, and Bryan Schwartz, Dep DA, present on behalf of the State; Jasmin Spells, Dep PD, and Kelley Jones, Dep PD, present on behalf of Deft. Harvey, who is also present.

10:35 a.m. Jury Trial resumed. Amended Information FILED IN OPEN COURT; "her" was changed to "his" as the Court directed. Clerk read the Amended Information to the Jury and stated the Deft. s plea thereto.

Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Court canvassed Deft. with regard to his right not to testify or to testify in this case.

JURY PRESENT: Opening Statement by Ms. Jones; Testimony and exhibits presented (see worksheets).

5:30 p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED.

CUSTODY

PRINT DATE: 04/12/2017

Page 18 of 27

Minutes Date: April 20, 2016

CONTINUED TO: 11/17/16 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 17, 2016

C-16-314260-1 State of Nevada
 vs
 Alfred Harvey

November 17, 2016 10:00 AM Jury Trial

HEARD BY: Bixler, James

COURTROOM: RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Steve Rose, Dep DA, and Bryan Schwartz, Dep DA, present on behalf of the State; Jasmin Spells, Dep PD, and Kelley Jones, Dep PD, present on behalf of Deft. Harvey, who is also present.

10:00 a.m. OUTSIDE THE PRESENCE OF JURY: Jury Instructions and Verdict form settled on the record.

JURY PRESENT: Court instructed the Jury. Closing arguments by Mr. Rose and Ms. Spells; rebuttal by Mr. Schwartz. At the hour of 12:42 p.m., the Jury retired to deliberate; Court thanked and excused the alternates.

For the record, Court noted that if the Jury has not reached a Verdict by 5:00 p.m., the Court will ask the Marshall to inquire as to whether the Jury is making progress or would prefer to take a break and return in the morning.

5:00 p.m. The Jury elected to recess and return in the morning at 9:30 a.m. to continue their deliberations. Therefore, COURT ORDERED, Jury Trial CONTINUED.

CUSTODY

PRINT DATE: 04/12/2017

Page 20 of 27

Minutes Date: April 20, 2016

CONTINUED TO: 11/18/16 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 18, 2016

C-16-314260-1 State of Nevada
 vs
 Alfred Harvey

November 18, 2016 9:30 AM Jury Trial

HEARD BY: Bixler, James

COURTROOM: RJC Courtroom 11B

COURT CLERK: Phyllis Irby

RECORDER: Jill Jacoby

REPORTER:

PARTIES

PRESENT:	HARVEY, ALFRED C	Defendant
	Jones, Kelley R.	Attorney
	Rose, Robert E.	Attorney
	Schwartz, Bryan A.	Attorney
	Spells, Jasmin	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- JURY PRESENT. Verdict reached at the hour of 11:10 am. The Court thanked and excused the jury. OUTSIDE THE PRESENCE OF THE JURY. The Defense requested to have Judge Bixler do the sentencing. The State will provide PowerPoint as exhibit.
COURT ORDERED, DEFT HELD WITHOUT BAIL. SENTENCING SET.

CUSTODY

1-04-17 8:00 AM SENTENCING (DEPT. VIII)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 04, 2017

C-16-314260-1 State of Nevada
 vs
 Alfred Harvey

January 04, 2017 8:00 AM Sentencing

HEARD BY: Bixler, James **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Jill Jacoby

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Steven Rose, Dep DA, present on behalf of the State and Jasmin Spells, Dep PD, present on behalf of Deft. Harvey, who is also present.

This is the time set for Sentencing. Ms. Spells advised that the Defense is not ready to proceed; she previously notified the Court and the State of her request for a continuance and would like to prepare a Sentencing Memorandum. There also are some issues with the Presentence Investigation (PSI) report. Specifically, on page 3, the Gang Activity/Affiliation; Ms. Spells requested and received the Field Interview (FI) Cards; colloquy.

With regard to the issues in the PSI, they are as follows:

Page 2 - Deft.'s Social Security Number in the left column as well as the Additional Social Security Number in the right column are not correct.

Page 3 - The Mental Health History and the Gang Activity/Affiliation are not correct. Ms. Spells is challenging both; however, she did receive the FI Cards from the State and the Deft. has signed several releases so she can obtain his Mental Health records from California. With regard to the FI Cards, one Card indicated that there was no gang affiliation and the other one indicated that the gang

affiliation came through an interview at the Clark County Detention Center (CCDC). Ms. Spells' investigator pulled the jail interviews and there is no indication in those interviews of any gang affiliation so she would like to do some further research on this issue.

Page 6 - There are issues with the August 6, 2006, and June 17, 2012, arrest dates and dispositions. The Deft. was under the impression that he only had Misdemeanors on his record and the Felonies had been cleared due to a particular proposition in California. Ms. Spells advised that she has not had an opportunity to review these issues.

Page 7 - Ms. Spells would request that the Court order that Parole and Probation (P&P) change the Offense Synopsis with regard to the weapon. Although the original charge was Robbery with use of a Deadly Weapon, the Jury did not find, beyond a reasonable doubt, that there was a weapon used so Ms. Spells would like that to be reflected in the Offense Synopsis.

Argument by Mr. Rose; SCOPE reflects the initial Social Security Number but not the additional one; the PSI stated that the Deft. reported no significant mental health concerns so he has no knowledge of any, unless Deft. reported some to his counsel; the State provided Ms. Spells with the FI Cards; P&P can look into the issues with the prior arrests, the State will make copies of those and provide them to the Defense; and with regard to the Offense Synopsis, although the verdict returned by the Jury shows that they did not find, beyond a reasonable doubt, that a weapon was used, it is what the testimony showed and the PSI reflects the offense as a Robbery and not a Robbery with use. If Ms. Spells wants to have a specific notation that the Deft. was convicted of Robbery and not Robbery with use of a Deadly Weapon, the State has no objection.

Court advised that the testimony that came out at trial did, in fact, indicate that the Deft. pulled out a knife, waived it, and then held it by his side; however, the Jury did not feel as though the testimony was sufficient to convict the Deft. of Robbery with use of a Deadly Weapon. For the reasons stated on the record, the Court will not STRIKE out the part of the synopsis that says the Deft. pulled a knife out but it is clear in the PSI that the Deft. was convicted of Robbery and not Robbery with use of a Deadly Weapon. If counsel believes that a special notation is necessary, the Court has no objection.

Colloquy as to how long it may take to supplement the PSI; Ms. Spells advised there are substantial Mental Health records that she needs to procure from California; although there are no competency issues, the records are relevant to show Deft.'s history of mental health issues and may also be relevant with regard to the Specialty Court programs that Deft. has applied to, which will be more fully explained in her Sentencing Memorandum.

COURT ORDERED, Sentencing CONTINUED for sixty (60) days for a Supplemental PSI; the sentencing will go forward next date whether Ms. Spells has been able to obtain the Deft.'s Mental Health records from California or not. Further, the Court noted that the Deft. has six (6) Felony convictions along with others so his chances of getting probation are slim.

CUSTODY

CONTINUED TO: 03/08/17 8:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 08, 2017

C-16-314260-1 State of Nevada
 vs
 Alfred Harvey

March 08, 2017 8:00 AM Sentencing

HEARD BY: Bixler, James **COURTROOM:** RJC Courtroom 11B

COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Steven Rose, Dep DA, present on behalf of the State and Jasmin Spells, Dep PD, present on behalf of Deft. Harvey, who is also present.

Ms. Spells advised that the November 30, 2016, Presentence Investigation (PSI) report indicates on page 3 that the Deft. is a confirmed active member of the "Blood, 456 Pomona Island Piru" street gang; however, Deft. has denied any gang membership; colloquy. COURT ORDERED, that the following shall be added to the Judgment of Conviction and noted for the PSI.

CORRECTIONS TO THE PRESENTENCE INVESTIGATION (PSI) REPORT: the Deft., at this point, disavows any gang affiliation.

Pursuant to the Jury's verdict, DEFT. HARVEY ADJUDGED GUILTY of ROBBERY (F). Mr. Rose is requesting that the Deft. be adjudicated as an habitual criminal; he provided six (6) certified copies of the Deft.'s Judgments of Conviction, which were marked collectively as State's Exhibit 1 and ADMITTED. For the reasons stated on the record the State is requesting a sentence of eight (8) to twenty (20) years; there is no restitution. Ms. Spells filed a Sentencing Memorandum on March 6, 2017, which she would like the Court to review, which it did. The Defense is requesting a sentence of two (2) to five (5) or three (3) to eight (8) years; argument. The Court will NOT adjudicate the Deft. as

an habitual criminal.

COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, the \$150.00 DNA Analysis fee including testing to determine genetic markers, the \$3.00 DNA Collection fee, and an Indigent Defense Civil Assessment fee in the amount of \$250.00, Deft. SENTENCED to a MAXIMUM of ONE HUNDRED FORTY-FOUR (144) MONTHS and a MINIMUM of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC), with THREE HUNDRED FORTY-FOUR (344) DAYS credit for time served. The Court has no opposition to the Deft. being referred to the 184 program.

BOND, if any, EXONERATED

EXHIBIT(S) LIST

Case No.: C314260

Jury Trial Date: 11/15/16

Dept. No.: VIII

Judge: James Bixler

Court Clerk: Carol Donahoo

Plaintiff: The State of Nevada

Recorder / Reporter: Jill Jacoby

Counsel for Plaintiff: Steve Rose/Bryan Schwartz

vs.

Defendant: Alfred C. Harvey

Counsel for Defendant: Jasmin Spells/Kelley Jones

JURY TRIAL BEFORE THE COURT

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1.	Photograph	11/16/16	NO	11/16/16
2.	Photograph	11/16/16	NO	11/16/16
3.	Photograph	11/16/16	NO	11/16/16
4.	Photograph			
5.	Photograph			
6.	Photograph			
7.	Photograph			
8.	Photograph	11/16/16	NO	11/16/16
9.	Photograph			
10.	Photograph			
11.	Photograph			
12.	Photograph			
13.	Photograph			
14.	Photograph			
15.	Photograph			
16.	Photograph			
17.	Photograph	11/16/16	NO	11/16/16

EXHIBIT(S) LIST

Case No: C314260

The State of Nevada

VS.

Alfred C. Harvey

STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
18.	Photograph	11/16/16	NO	11/16/16
19.	Photograph			
20.	Photograph			
21.	Photograph			
22.	Photograph			
23.	Photograph			
24.	Photograph			
25.	Photograph			
26.	Photograph			
27.	Photograph			
28.	Photograph			
29.	Photograph			
30.	Photograph			
31.	Photograph			
32.	Photograph			
33.	Photograph			
34.	Photograph			
35.	Photograph			
36.	Photograph			
37.	Photograph			
38.	Photograph			
39.	CD – Fist and Second Calls	11/16/16	NO	11/16/16
40.	CD – TJ Maxx	11/16/16	NO	11/16/16
41.	Photograph	11/16/16	NO	11/16/16

EXHIBIT(S) LIST

Case No: C314260

The State of Nevada

VS.

Alfred C. Harvey

COURT'S EXHIBITS

[illegible]

EXHIBIT(S) LIST

Case No.: C314260

Sentencing: 03/08/17

Dept. No.: VIII

Judge: Douglas Smith

Court Clerk: Carol Donahoo

Plaintiff: The State of Nevada

Recorder / Reporter: Gina Villani

Counsel for Plaintiff: Steve Rose

vs.

Defendant: Alfred Harvey

Counsel for Defendant: Jasmin Spells

HEARING BEFORE THE COURT

STATE'S EXHIBITS

[illegible]

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.

ALFRED C. HARVEY,

Defendant(s).

Case No: C-16-314260-1

Dept No: VIII

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 12 day of April 2017.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk