

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

DARION MUHAMMAD-COLEMAN  
aka Darion Muhammadcoleman

Appellant,

vs

THE STATE OF NEVADA,

Respondent

Electronically Filed  
Oct 09 2017 02:18 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court  
**CASE NO.: 72867**

**APPELLANT'S APPENDIX**

**VOLUME 2**

**175-254**

**APPELLANT'S INDEX**

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DEPARTMENT 3  
**CASE SUMMARY**  
**CASE NO. C-13-293296-2**

State of Nevada  
vs  
Darion Muhammad-Coleman

§ Location: Department 3  
§ Judicial Officer: Herndon, Douglas W.  
§ Filed on: 10/11/2013  
§ Case Number History:  
§ Cross-Reference Case Number: C293296  
§ Defendant's Scope ID #: 2880725  
§ Grand Jury Case Number: 12BGJ159  
§ ITAG Case ID: 1843246

**CASE INFORMATION**

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. CONSPIRACY TO COMMIT ROBBERY	F	04/19/2013	Case Flags: Appealed to Supreme Court Custody Status - Nevada Department of Corrections Charge Description Updated	
2. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON	F	04/19/2013		
3. MURDER WITH USE OF A DEADLY WEAPON	F	04/19/2013		
4. BATTERY WITH USE OF A DEADLY WEAPON	F	04/19/2013		
5. ASSAULT WITH A DEADLY WEAPON	F	04/19/2013		
6. CONSPIRACY TO VIOLATE UNIFORM CONTROLLED SUBSTANCES ACT	F	04/19/2013		
7. ATTEMPT TO POSSESS CONTROLLED SUBSTANCE	F-GM	04/19/2013		

**Related Cases**

C-13-293296-1 (Multi-Defendant Case)

**Statistical Closures**

03/29/2017 Jury Trial - Conviction - Criminal

**Warrants**

Indictment Warrant - Muhammad-Coleman, Darion (Judicial Officer: Bell, Linda Marie)

11/04/2013 9:00 AM Returned - Served  
10/11/2013 11:45 AM Active  
Hold Without Bond

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

Case Number C-13-293296-2  
Court Department 3  
Date Assigned 01/04/2017  
Judicial Officer Herndon, Douglas W.

**PARTY INFORMATION**

**Defendant** Muhammad-Coleman, Darion

*Lead Attorneys*

**Schwarz, Michael H**  
*Retained*  
702-598-3909(W)


**Plaintiff** State of Nevada

**Wolfson, Steven B**  
702-671-2700(W)

**DATE**

**EVENTS & ORDERS OF THE COURT**

**INDEX**

10/11/2013  Grand Jury Indictment (11:45 AM) (Judicial Officer: Bell, Linda Marie)

10/11/2013  Indictment

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	<i>Indictment</i>
10/11/2013	 Warrant <i>Indictment Warrant</i>
10/15/2013	 Indictment Warrant Return
10/17/2013	 Media Request and Order <i>Media Request And Order Allowing Camera To Court Proceedings</i>
10/18/2013	 <b>Further Proceedings: Competency</b> (9:30 AM) (Judicial Officer: Smith, Douglas E.)
10/24/2013	 Transcript of Proceedings <i>Reporter's Transcript of Proceedings Volume 1 September 19, 2013</i>
10/24/2013	 Transcript of Proceedings <i>Reporter's Transcript of Proceedings- Volume 2 - September 26, 2013</i>
10/24/2013	 Transcript of Proceedings <i>Reporter's Transcript of Proceedings - Volume 3 -October 10, 2013</i>
11/04/2013	 Consent <i>Consent to Service by Electronic Means</i>
11/04/2013	<b>CANCELED Initial Arraignment</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - per Judge</i>
11/04/2013	 <b>Indictment Warrant Return</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
11/08/2013	 <b>Further Proceedings: Competency</b> (9:30 AM) (Judicial Officer: Sturman, Gloria)
11/18/2013	 <b>Status Check</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Status Check: Initial Arraignment</i>
11/26/2013	 Petition <i>Petition for Pre-Trial Writ of Habeas Corpus</i>
12/09/2013	 Order <i>Order</i>
01/08/2014	 <b>Petition for Writ of Habeas Corpus</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Petition for Pre-Trial Writ of Habeas Corpus</i>
02/05/2014	 <b>Petition for Writ of Habeas Corpus</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) 02/05/2014, 02/19/2014, 04/02/2014 <i>Defendant's Petition for Pre-Trial Writ of Habeas Corpus [cont'd fr. 1/8/14]</i>
02/19/2014	 Order <i>Order for Transportation to Court</i>
03/03/2014	<b>CANCELED Status Check</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - per Judge</i>














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*Status Check: Trial Readiness*















03/05/2014	 <b>Order</b> <i>Order for Transcript</i>
03/05/2014	 <b>Motion for Discovery</b> <i>Motion for Disclosure of Evidence</i>
03/05/2014	 <b>Motion in Limine</b> <i>Motion in Limine to Admit Prior Bad Acts and Prison Records of Co-Defendant Bleak and Deceased at the Time of Trial</i>
03/06/2014	 <b>Notice</b> <i>Notice of Hearing of Motion for Disclosure of Evidence</i>
03/11/2014	 <b>Opposition</b> <i>State's Opposition to Defendant Muhammad-Coleman's "Motion to Admit Prior Bad Acts and Prison Records of Co-Defendant Bleak and Deceased at the Time of Trial"</i>
03/11/2014	 <b>Response</b> <i>State's Response to Defendant's Motion for Disclosure of Evidence and Countermotion for Production of Material Discoverable Pursuant to NRS 174.245</i>
03/13/2014	 <b>Reporters Transcript</b> <i>Transcript of Proceedings: Sentencing as to Defendant Dustin Bleak; Trial Setting as to Defendant Darion Muhammad-Coleman</i>
03/18/2014	 <b>Return</b> <i>Return to Writ of Habeas Corpus</i>
03/24/2014	 <b>Reply to Opposition</b> <i>Reply to State's Response to Defendant's Motion for Disclosure of Evidence and Countermotion for Production of Material Discoverable Pursuant to NRS 174.245</i>
04/02/2014	<b>CANCELED Calendar Call (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - per Judge</i>
04/02/2014	<b>Motion in Limine (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth) <i>Defendant's Motion in Limine to Admit Prior Bad Acts and Prison Records of Co-Defendant Bleak and Deceased at the Time of Trial</i>
04/02/2014	<b>Motion (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth) <i>Defendant's Motion for Disclosure of Evidence</i>
04/02/2014	<b>Countermotion (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth) <i>Defendant's Reply to State's Response to Defendant's Motion for Disclosure of Evidence and Countermotion for Production of Material Discoverable Pursuant to NRS 174.245</i>
04/02/2014	 <b>All Pending Motions (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth)
04/07/2014	<b>CANCELED Jury Trial (1:00 PM)</b> (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - per Judge</i>
04/17/2014	 <b>Motion</b> <i>Motion Seeking Dismissal of Court-Appointed Attorney due to Irreconcilable Conflict Between</i>

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*Petitioner and Attorney Resulting in Denial of Counsel: NRS 7.055 and 7.40 Etseq.*

04/22/2014	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses [NRS 174.234(1)(a)]</i>
04/22/2014	 Ex Parte Motion <i>Ex Parte Motion for Release of Medical Records</i>
04/22/2014	 Order to Release Medical Records <i>Order Releasing Medical Records</i>
04/23/2014	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Expert Witnesses</i>
05/06/2014	 Order Granting <i>Order Granting Motion for Juvenile Guardianship Records of Defendant</i>
05/12/2014	<b>Status Check (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth) <i>Status Check: Trial Readiness</i>
05/12/2014	<b>Motion (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth) <i>Defendant's Motion Seeking Dismissal of Court-Appointed Attorney due to Irreconcilable Conflict Between Petitioner and Attorney Resulting in Denial of Counsel: NRS 7.055 and 7.40 Etseq.</i>
05/12/2014	 <b>All Pending Motions (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth)
06/11/2014	<b>CANCELED Calendar Call (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth) <i>Facated - per Judge</i>
06/16/2014	<b>CANCELED Jury Trial (1:00 PM)</b> (Judicial Officer: Gonzalez, Elizabeth) <i>Facated - per Judge</i>
08/28/2014	 Motion to Dismiss <i>Motion to Dismiss Counsel Appoint Alternative Counsel</i>
08/29/2014	 Order <i>Order Granting Motion for Delinquency and Juvenile Guardianship Records of Defendant</i>
09/22/2014	 <b>Motion to Dismiss (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth) <i>Defendant's Pro Per Motion to Dismiss Counsel Appoint Alternative Counsel</i>
09/26/2014	 Motion to Admit Evidence <i>Motion to Admit Evidence of the Deceased's Violent Propensity</i>
09/26/2014	 Motion in Limine <i>Motion in Limine to Bar Improper Prosecutorial Argument</i>
09/26/2014	 Motion in Limine <i>Motion in Limine to Preclude References to the Deceased as the "Victim"</i>
09/26/2014	 Motion to Exclude <i>Motion to Exclude Other Bad Acts, Character Evidence, and Irrelevant Prior Criminal Activity</i>

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09/26/2014	 <b>Motion</b> <i>Motion to Federalize All Motions, Objections, Requests and Other Applications for the Proceedings in the Above Entitled Case</i>
09/26/2014	 <b>Motion in Limine</b> <i>Motion in Limine to Preclude Admission of Photographs</i>
09/26/2014	 <b>Motion</b> <i>Motion to Allow Jury Questionnaire</i>
09/30/2014	 <b>Notice</b> <i>Notice of Change of Hearings</i>
10/06/2014	 <b>Status Check</b> (9:00 AM) (Judicial Officer: Togliatti, Jennifer) 10/06/2014, 10/20/2014 <i>Status Check: Trial Readiness</i>
10/17/2014	 <b>Minute Order</b> (8:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Minute Order: In Camera Review of DCFS Records Related to Defi</i>
10/20/2014	<b>Motion</b> (9:00 AM) (Judicial Officer: Togliatti, Jennifer) <i>Defendant's Motion to Allow Jury Questionnaire</i>
10/20/2014	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Togliatti, Jennifer)
10/23/2014	 <b>Motion</b> <i>Motion Seeking Dismissal</i>
10/23/2014	 <b>Minute Order</b> (4:30 PM) (Judicial Officer: Gonzalez, Elizabeth) <i>Minute Order: In Camera Review of LVPD Records</i>
10/30/2014	 <b>Media Request and Order</b> <i>Media Request And Order Allowing Camera Access To Court Proceedings</i>
11/05/2014	<b>CANCELED Calendar Call</b> (9:00 AM) (Judicial Officer: Togliatti, Jennifer) <i>Vacated - per Judge</i>
11/10/2014	<b>CANCELED Jury Trial</b> (1:00 PM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - per Judge</i>
11/17/2014	 <b>Motion</b> (9:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Defendant's Pro Per Motion Seeking Dismissal</i>
11/19/2014	 <b>Motion</b> <i>Motion to Withdraw as Counsel and Motion to Appoint New Counsel</i>
12/01/2014	 <b>Motion to Withdraw as Counsel</b> (9:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Special Public Defender's Motion to Withdraw as Counsel and Motion to Appoint New Counsel</i>
12/08/2014	 <b>Receipt of Copy</b> <i>Receipt of Copy</i>

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


01/02/2015	 <b>Response</b> <i>State's Response to Defendant's Motion In Limine to Bar Improper Prosecutorial Argument</i>
01/02/2015	 <b>Opposition</b> <i>State's Opposition to Defendant's Motion In Limine to Preclude Admission of Photographs</i>
01/02/2015	 <b>Opposition</b> <i>State's Opposition to Defendant's Motion to Admit Evidence of the Deceased's Violent Propensity</i>
01/02/2015	 <b>Response</b> <i>State's Response to Defendant's Motion to Exclude Other Bad Acts, Character Evidence, and Irrelevant Prior Criminal Activity</i>
01/02/2015	 <b>Opposition</b> <i>State's Opposition to Defendant's Motion to Federalize All Motions, Objections, Requests and Other Applications for the Proceedings in the Above Entitled Case</i>
01/02/2015	 <b>Opposition</b> <i>State's Opposition to Defendant's Motion In Limine to Preclude References to the Deceased as the "Victim"</i>
01/05/2015	<b>Motion in Limine (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth) 01/05/2015, 01/21/2015, 02/18/2015 <i>Defendant's Motion in Limine to Bar Improper Prosecutorial Argument</i>
01/05/2015	<b>Motion in Limine (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth) 01/05/2015, 01/21/2015, 02/18/2015 <i>Defendant's Motion in Limine to Preclude References to the Deceased as the "Victim"</i>
01/05/2015	<b>Motion in Limine (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth) 01/05/2015, 01/21/2015, 02/18/2015 <i>Defendant's Motion in Limine to Preclude Admission of Photographs</i>
01/05/2015	<b>Motion (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth) 01/05/2015, 01/21/2015, 02/18/2015 <i>Defendant's Motion to Admit Evidence of the Deceased's Violent Propensity</i>
01/05/2015	<b>Motion (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth) 01/05/2015, 01/21/2015, 02/18/2015 <i>Defendant's Motion to Exclude Other Bad Acts, Character Evidence, and Irrelevant Prior Criminal Activity</i>
01/05/2015	<b>Motion (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth) 01/05/2015, 01/21/2015, 02/18/2015 <i>Defendant's Motion to Federalize All Motions, Objections, Requests and Other Applications for the Proceedings in the Above Entitled Case</i>
01/05/2015	<b>Status Check: Reset Trial Date (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth) 01/05/2015, 01/21/2015, 02/18/2015
01/05/2015	 <b>All Pending Motions (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth)
01/21/2015	 <b>All Pending Motions (9:00 AM)</b> (Judicial Officer: Gonzalez, Elizabeth)
01/23/2015	 <b>Further Proceedings: Competency (9:00 AM)</b> (Judicial Officer: Bonaventure, Joseph T.)

















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01/23/2015	<b>CANCELED Further Proceedings: Competency</b> (9:00 AM) (Judicial Officer: Bonaventure, Joseph T.) <i>Vacated - On in Error</i>
02/13/2015	 <b>Further Proceedings: Competency</b> (9:00 AM) (Judicial Officer: Barker, David)
02/18/2015	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
02/27/2015	 <b>Further Proceedings: Competency</b> (9:00 AM) (Judicial Officer: Barker, David)
03/20/2015	 <b>Challenge Hearing (Competency Court)</b> (9:00 AM) (Judicial Officer: Becker, Nancy) 03/20/2015, 03/27/2015
04/06/2015	 <b>Further Proceedings</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) 04/06/2015, 04/13/2015 <i>Further Proceedings: Return From Competency Court</i>
07/20/2015	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) 07/20/2015, 07/27/2015 <i>Defendant's Motion in Limine to Preclude Admission of Photographs</i>
07/20/2015	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) 07/20/2015, 07/27/2015 <i>Defendant's Motion in Limine to Bar Improper Prosecutorial Argument</i>
07/20/2015	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) 07/20/2015, 07/27/2015 <i>Defendant's Motion in Limine to Preclude References to the Deceased as the "Victim"</i>
07/20/2015	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) 07/20/2015, 07/27/2015 <i>Defendant's Motion to Admit Evidence of the Deceased's Violent Propensity</i>
07/20/2015	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) 07/20/2015, 07/27/2015 <i>Defendant's Motion to Exclude Other Bad Acts, Character Evidence, and Irrelevant Prior Criminal Activity</i>
07/20/2015	<b>Motion in Limine</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) 07/20/2015, 07/27/2015 <i>Defendant's Motion to Federalize All Motions, Objections, Requests and Other Applications for the Proceedings in the Above Entitled Case</i>
07/20/2015	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
07/27/2015	<b>Status Check</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Status Check: Trial Readiness</i>
07/27/2015	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
08/11/2015	 <b>Order for Production of Inmate</b> <i>Order for Production of Inmates</i>
08/26/2015	<b>CANCELED Calendar Call</b> (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - per Judge</i>

DEPARTMENT 3  
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**CASE NO. C-13-293296-2**

08/31/2015	<i>CANCELED Jury Trial (1:00 PM) (Judicial Officer: Gonzalez, Elizabeth) Vacated - per Judge</i>
11/05/2015	 <b>Minute Order (3:00 PM) (Judicial Officer: Gonzalez, Elizabeth)</b> <i>Minute Order Resetting Status Check on Trial Readiness</i>
12/09/2015	 <b>Status Check (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</b> <i>Status Check: Trial Readiness</i>
01/06/2016	<i>CANCELED Calendar Call (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) Vacated - per Judge</i>
01/11/2016	<i>CANCELED Jury Trial (1:00 PM) (Judicial Officer: Gonzalez, Elizabeth) Vacated - per Judge</i>
02/09/2016	 <b>Motion</b> <i>Defendant's Pro Per Motion to Withdraw Counsel and for a Faretta Canvass</i>
03/02/2016	<b>Status Check (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</b> 03/02/2016, 03/09/2016 <i>Status Check: Trial Readiness</i>
03/02/2016	<b>Motion (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</b> 03/02/2016, 03/09/2016 <i>Defendant's Pro Per Motion to Withdraw Counsel and for a Faretta Canvass</i>
03/02/2016	 <b>All Pending Motions (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</b>
03/09/2016	 <b>All Pending Motions (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</b>
03/30/2016	<i>CANCELED Calendar Call (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) Vacated - per Judge</i>
04/04/2016	<i>CANCELED Jury Trial (1:00 PM) (Judicial Officer: Gonzalez, Elizabeth) Vacated - per Judge</i>
11/28/2016	 <b>Status Check (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</b> <i>Status Check: Trial Readiness</i>
12/19/2016	 <b>Motion to Continue</b> <i>Motion to Continue Trial</i>
12/19/2016	 <b>Ex Parte Motion</b> <i>Ex Parte Motion for An Order Shortening Time</i>
12/28/2016	<b>Calendar Call (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</b>
12/28/2016	<b>Motion to Continue Trial (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</b> <i>Defendant's Motion to Continue Trial Date</i>
12/28/2016	 <b>All Pending Motions (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</b>
12/29/2016	 <b>Supplemental Witness List</b> <i>State's Supplemental Notice of Witnesses(NRS 174.234(1)(a))</i>

DEPARTMENT 3  
**CASE SUMMARY**  
**CASE NO. C-13-293296-2**

01/02/2017	Case Reassigned to Department 1 <i>Case reassigned from Judge Elizabeth Gonzalez Dept 11</i>
01/03/2017	 Order for Production of Inmate <i>Order for Production of Inmate</i>
01/03/2017	 Order for Production of Inmate <i>Order for Production of Inmate</i>
01/03/2017	 Jury Trial (1:30 PM) (Judicial Officer: Herndon, Douglas W.) 01/03/2017-01/06/2017, 01/09/2017-01/11/2017
01/03/2017	 Amended Indictment <i>Amended Indictment</i>
01/04/2017	 Minute Order (3:00 AM) (Judicial Officer: Herndon, Douglas W.)
01/04/2017	 Stipulation and Order
01/05/2017	 Jury List
01/10/2017	 Amended Jury List
01/10/2017	 Instructions to the Jury
01/11/2017	 Verdict
01/11/2017	<b>Disposition</b> (Judicial Officer: Herndon, Douglas W.) 1. CONSPIRACY TO COMMIT ROBBERY Not Guilty PCN: Sequence:  2. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON Not Guilty PCN: Sequence:  5. ASSAULT WITH A DEADLY WEAPON Not Guilty PCN: Sequence:
02/14/2017	 PSI
03/02/2017	 Sentencing (9:00 AM) (Judicial Officer: Herndon, Douglas W.) 03/02/2017, 03/28/2017 <i>Sentencing</i>
03/29/2017	 Judgment of Conviction <i>Judgment of Conviction (Jury Trial)</i>
04/14/2017	 Notice of Appeal (criminal) <i>Notice of Appeal</i>

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 11, 2013

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C-13-293296-2      State of Nevada  
                                 vs  
                                 Darion Muhammad-Coleman

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October 11, 2013      11:45 AM      Grand Jury Indictment

HEARD BY: Bell, Linda Marie      COURTROOM: RJC Courtroom 03F

COURT CLERK: Aaron Carbajal

RECORDER: Renee Vincent

REPORTER:

## PARTIES

PRESENT:      Clowers, Shanon      Attorney  
                                 Song, Caroline      Attorney  
                                 State of Nevada      Plaintiff

## JOURNAL ENTRIES

- Edward Golec, Deputy Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 12BGJ159B to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-13-293296-2, Department 11. Ms. Bateman requested and argued for a no bail bench warrant. COURT SO ORDERED; Exhibits 1-38 lodged with the Clerk of District Court. COURT FURTHER ORDERED, Justice Court case 13F06746X DISMISSED; matter SET for Arraignment.

WARRANT (CUSTODY)

11-4-13 9:00 AM INITIAL ARRAIGNMENT (DEPT. 11)

PRINT DATE:      04/18/2017

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Minutes Date:      October 11, 2013

October 18, 2013

C-13-293296-2                      State of Nevada  
vs  
Darion Muhammad-Coleman

<b>PRESENT:</b>	Muhammad-Coleman, Darion	Defendant
	Pace, Barter G	Attorney
	Pike, Randall H.	Attorney
	State of Nevada	Plaintiff
	Storms, William J.	Attorney

## 00185

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

November 04, 2013

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C-13-293296-2      State of Nevada  
                                 vs  
                                 Darion Muhammad-Coleman

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November 04, 2013      9:00 AM      Indictment Warrant Return

HEARD BY: Gonzalez, Elizabeth      COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

## PARTIES

PRESENT:	Muhammad-Coleman, Darion	Defendant
	Pike, Randall H.	Attorney
	Song, Caroline	Attorney
	State of Nevada	Plaintiff

## JOURNAL ENTRIES

- Co-Deft Dusin Bleak, present in custody, represented by Lizzie Hatcher, Esq.

Ms. Hatcher advised she is substituting in as counsel for co-Deft Bleak. COURT SO ORDERED. Mr. Pike advised his client is currently in Competency Court with a hearing set for Friday, November 8th, and requested the instant matter be continued to the following Wednesday. Ms. Hatcher joined in the request for a continuance. COURT ORDERED, matters CONTINUED to Monday, November 18th. At Mr. Pike's request, COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs. State reserves their right. Court stated it will deal with any procedural issues raised. Upon inquiry of Ms. Hatcher, Mr. Pike confirmed the Grand Jury Transcript is available on Odyssey.

## CUSTODY (COC)

11-18-13      9:00 AM      STATUS CHECK: INITIAL ARRAIGNMENT

PRINT DATE:      04/18/2017      Page 3 of 71      Minutes Date:      October 11, 2013

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

November 08, 2013

C-13-293296-2      State of Nevada  
vs  
Darion Muhammad-Coleman

November 08, 2013      9:30 AM      Further Proceedings:  
Competency

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03F

COURT CLERK: Dania Batiste

RECORDER: Kerry Esparza

REPORTER:

**PARTIES**

PRESENT: Pace, Barter G      Attorney  
Pike, Randall H.      Attorney

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Christina Greene of the Specialty Courts present.

Defendant not present, refused transport. Mr. Pike advised there was a third evaluation conducted to determine Defendant's competency. Furthermore, the first 2 reports indicated there was mental illness of some kind; however, one of the physicians felt it was sufficient for Defendant to be sent to Lakes Crossing, and the 3rd doctor believed Defendant's mental condition could be treated locally, noting there is no sufficient cause established to send him to Lakes Crossing. Mr. Pike requested this matter be sent back to the Department, noting if the situation changes, he will have the matter heard before this Court.

Court NOTED Drs. Chambers and Harder indicate competent; therefore, FINDS Defendant COMPETENT pursuant to the Dusky Standard as Defendant is capable of understanding the nature of the charges against him/her and is able to assist counsel in his/her defense and ORDERED, matter TRANSFERRED back to the originating court for further proceedings.

CUSTODY (COC)

PRINT DATE: 04/18/2017

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Minutes Date: October 11, 2013

11/18/2013 9:00 am STATUS CHECK: Initial Arraignment (Dept. 11)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 18, 2013**

C-13-293296-2

State of Nevada

vs

Darion Muhammad-Coleman

**November 18, 2013 9:00 AM****Status Check****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea  
Melissa Murphy**RECORDER:** Jill Hawkins**REPORTER:****PARTIES**

<b>PRESENT:</b>	Muhammad-Coleman, Darion	Defendant
	Song, Caroline	Attorney
	State of Nevada	Plaintiff
	Storms, William J.	Attorney

**JOURNAL ENTRIES**

- Co-Deft Bleak, present with counsel, Lizzie Hatcher, Esq.

Mr. Storms noted Deft. Muhammad-Coleman is ready to move forward and enter a plea of not guilty. Ms. Hatcher also noted Deft. Bleak is ready to proceed. DEFT. BLEAK ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. Colloquy regarding filing of writ. COURT ORDERED, counsel has 21 days from November 8, 2013; matter set for trial.

CUSTODY (COC)

03/03/14 9:00 A.M. STATUS CHECK: TRIAL READINESS

04/02/14 9:00 A.M. CALENDAR CALL

04/07/14 1:00 P.M. JURY TRIAL

PRINT DATE: 04/18/2017

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Minutes Date: October 11, 2013



January 08, 2014

C-13-293296-2      State of Nevada  
vs  
Darion Muhammad-Coleman

00191

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 05, 2014**

C-13-293296-2

State of Nevada

vs

Darion Muhammad-Coleman

**February 05, 2014****9:00 AM****Petition for Writ of Habeas  
Corpus****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**REPORTER:****PARTIES**

<b>PRESENT:</b>	Muhammad-Coleman, Darion	Defendant
	Pike, Randall H.	Attorney
	Song, Caroline	Attorney
	State of Nevada	Plaintiff
	Storms, William J.	Attorney

**JOURNAL ENTRIES**

- Also present: Co-Deft Dustin Bleak, represented by Lizzie Hatcher, Esq.

In response to Ms. Hatcher's request for a two-week continuance, Mr. Storms advised the offer conveyed to co-Deft Bleak is wired to both parties and requested the same continuance for his client. COURT SO ORDERED. Writ will be addressed at that time if matter is not negotiated.

NIC (COC-NDC)

2-19-14 9:00 AM DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS

3-3-14 9:00 AM STATUS CHECK: TRIAL READINESS

4-2-14 9:00 AM CALENDAR CALL

PRINT DATE: 04/18/2017

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Minutes Date: October 11, 2013

4-7-14      1:00 PM      JURY TRIAL

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

February 19, 2014

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C-13-293296-2	State of Nevada
	vs
	Darion Muhammad-Coleman

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February 19, 2014	9:00 AM	Petition for Writ of Habeas Corpus
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HEARD BY: Gonzalez, Elizabeth	COURTROOM: RJC Courtroom 14C
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COURT CLERK: Dulce Romea
Tia Everett

RECORDER: Jill Hawkins

REPORTER:

## PARTIES

PRESENT:	Burns, J Patrick	Attorney
	Muhammad-Coleman, Darion	Defendant
	Pike, Randall H.	Attorney
	Song, Caroline	Attorney
	State of Nevada	Plaintiff
	Storms, William J.	Attorney

## JOURNAL ENTRIES

- Deputy District Attorney Brett Keeler, Co-Deft Bleak represented by Attorney Lizzie Hatcher, and Deputy Special Public Defender Randall Pike, present for the 9:00 AM session.

Deft Muhammad-Coleman not present. The Corrections Officer advised Mr. Muhammad-Coleman refused transport. At counsel's request, COURT ORDERED, matter TRAILED to 1:00 PM for Deft's presence. ORDER FOR TRANSPORTATION TO COURT FILED IN OPEN COURT.

Proceedings resumed, with both Defts. Deputy District Attorneys J. Patrick Burns and Caroline Bateman, Co-Deft Bleak represented by Attorney Lizzie Hatcher, Deputy Special Public Defenders Randall Pike and Jeremy Storms, present for the 1:00 PM session.

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Minutes Date: October 11, 2013

Co-Deft Bleak entered a plea. As to Deft Muhammad-Coleman, Mr. Pike advised the State made an offer and today was the drop-dead date; however, Deft does not wish to accept the offer and they are prepared to go to trial. Upon inquiry of the Court, Deft stated he had no questions to ask of counsel. Mr. Burns noted for the record the offer was for Deft to plead guilty to a second degree murder with use of a deadly weapon; parties would agree to an aggregate sentence of 11 to 35 years in NDOC, and State would agree not to file under Event Nos. 130314 - 4076 and 130314 - 4402; discovery has been provided and Deft understands the State is now free to pursue those event numbers as well as go forward in the instant case. Court inquired as to any motion practice prior to trial. Mr. Pike requested a status check in two weeks. Mr. Burns advised the State needs to file a return to the writ. COURT ORDERED, writ filed on November 26, 2013 RESET for hearing on April 2, 2014. Mr. Pike requested a continuance of trial. Mr. Burns advised there will be fingerprinting and DNA. There being no objection by the Defense, COURT ORDERED, trial VACATED and RESET on June 16, 2014.

## CUSTODY

4-2-14	9:00 AM	DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS
5-12-14	9:00 AM	STATUS CHECK: TRIAL READINESS
6-11-14	9:00 AM	CALENDAR CALL
6-16-14	1:00 PM	JURY TRIAL

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

April 02, 2014

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C-13-293296-2      State of Nevada  
                                 vs  
                                 Darion Muhammad-Coleman

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April 02, 2014      9:00 AM      All Pending Motions

HEARD BY: Gonzalez, Elizabeth      COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea  
                         Andrea Natali

RECORDER: Jill Hawkins

REPORTER:

**PARTIES**

PRESENT:	Burns, J Patrick	Attorney
	Muhammad-Coleman, Darion	Defendant
	Pike, Randall H.	Attorney
	State of Nevada	Plaintiff
	Storms, William J.	Attorney

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION IN LIMINE TO ADMIT PRIOR BAD ACTS AND PRISON RECORDS OF CO-DEFENDANT BLEAK AND DECEASED AT THE TIME OF TRIAL...  
...DEFENDANT'S MOTION FOR DISCLOSURE OF EVIDENCE...  
...DEFENDANT'S REPLY TO STATE'S RESPONSE TO DEFENDANT'S MOTION FOR DISCLOSURE OF EVIDENCE AND COUNTERMOTION FOR PRODUCTION OF MATERIAL DISCOVERABLE PURSUANT TO NRS 174.245...  
...DEFENDANT'S PETITION FOR PRE-TRIAL WRIT OF HABEAS CORPUS

DEFENDANT'S PETITION FOR PRE-TRIAL WRIT OF HABEAS CORPUS: Arguments by counsel regarding the video surveillance. COURT ORDERED, petition DENIED; the video surveillance satisfies the corroboration necessary and more than satisfies the standard of slightly marginal evidence.

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Minutes Date: October 11, 2013



DEFENDANT'S MOTION IN LIMINE TO ADMIT PRIOR BAD ACTS AND PRISON RECORDS OF CO-DEFENDANT BLEAK AND DECEASED AT THE TIME OF TRIAL: Arguments by counsel regarding establishing the relationship between deceased and co-Deft. COURT ORDERED, motion GRANTED.

DEFENDANT'S MOTION FOR DISCLOSURE OF EVIDENCE: Mr. Storms advised State agrees to most of the requests and only disagrees as to specifics under Roberts v. State; argued request no. 4 - confidential informant - and no. 5 - Family Services information as relevant to the penalty phase. Court notes an in camera review will have to be done. As for the jail calls, Mr. Burns advised he does not know yet whether they are planning to use these. Court DIRECTED State notify everyone ahead of time. Additionally, counsel for Deft to SUBMIT an order on the CPS records. Court advised if there is an issue as to personnel files at Metro an in camera review will be done to determine whether the information is relevant. Mr. Burns stated he will be happy to run NCIC for people the Defense is talking about. Court stated Defense cannot see the NCIC but it is important for them to be informed by the State. As for State's countermotion for discovery, there is a reciprocal duty and Deft is ORDERED to comply.

#### CUSTODY

5-12-14	9:00 AM	STATUS CHECK: TRIAL READINESS
6-11-14	9:00 AM	CALENDAR CALL
6-16-14	1:00 PM	JURY TRIAL

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

May 12, 2014

C-13-293296-2      State of Nevada  
vs  
Darion Muhammad-Coleman

May 12, 2014      9:00 AM      All Pending Motions

HEARD BY: Gonzalez, Elizabeth      COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

**PARTIES**

PRESENT:	Muhammad-Coleman, Darion	Defendant
	Pike, Randall H.	Attorney
	Song, Caroline	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- STATUS CHECK: TRIAL READINESS...DEFENDANT'S MOTION SEEKING DISMISSAL OF COURT-APPOINTED ATTORNEY DUE TO IRRECONCILABLE CONFLICT BETWEEN PETITIONER AND ATTORNEY RESULTING IN DENIAL OF COUNSEL: NRS 7.055 AND 7.40 ETSEQ

DEFENDANT'S MOTION SEEKING DISMISSAL OF COURT-APPOINTED ATTORNEY DUE TO IRRECONCILABLE CONFLICT BETWEEN PETITIONER AND ATTORNEY RESULTING IN DENIAL OF COUNSEL: NRS 7.055 AND 7.40 ETSEQ: Court addressing Deft noted he is entitled to an attorney who is effective. COURT finds at this time it does not appear the Special Public Defender is ineffective, and ORDERED, motion DENIED.

STATUS CHECK: TRIAL READINESS: Mr. Pike advised they have been in contact with experts and with the State, and exchanging information as they receive it. At counsel's request, COURT ORDERED, trial VACATED and RESET on the second week of November. Counsel to submit orders for records if needed.

PRINT DATE: 04/18/2017

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Minutes Date: October 11, 2013

CUSTODY

10-6-14	9:00 AM	STATUS CHECK: TRIAL READINESS
11-5-14	9:00 AM	CALENDAR CALL
11-10-14	1:00 PM	JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 22, 2014**

C-13-293296-2      State of Nevada  
                                 vs  
                                 Darion Muhammad-Coleman

**September 22, 2014      9:00 AM      Motion to Dismiss      Defendant's Pro Per  
Motion to Dismiss  
Counsel Appoint  
Alternative Counsel**

**HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea  
Andrea Natali**RECORDER:** Jill Hawkins**REPORTER:****PARTIES**

**PRESENT:**      Benedict, Susan M      Attorney  
                         Muhammad-Coleman, Darion      Defendant  
                         Pike, Randall H.      Attorney  
                         Schieck, David Michael      Attorney  
                         State of Nevada      Plaintiff  
                         Storms, William J.      Attorney

**JOURNAL ENTRIES**

- Deft. present in custody. Mr. Schieck advised he had discussed the issues with the Deft. and the Deft. would be withdrawing his motion at this time. Upon Court's inquiry, Statement by Deft. regarding his legal representation; however, agreed to wait an additional month to see if he can work out his issues with his counsel. COURT ORDERED, motion OFF CALENDAR.

**CUSTODY (CO)**

10/6/14 9:00 AM - STATUS CHECK: TRIAL READINESS

**PRINT DATE:** 04/18/2017

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**Minutes Date:** October 11, 2013

11/5/14 9:00 AM - CALENDAR CALL

11/10/14 1:00 PM - JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 06, 2014**

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C-13-293296-2      State of Nevada  
                                 vs  
                                 Darion Muhammad-Coleman

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**October 06, 2014      9:00 AM      Status Check**

**HEARD BY:** Togliatti, Jennifer      **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Athena Trujillo

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Brett Keeler, Deputy District Attorney, present for the State of Nevada.  
Defendant Muhammad - Coleman, present in custody, with Jeremy Storms and Randall Pike, Deputy  
Public Defenders.

Mr. Storms requested the matter be continued to 10/20/14. COURT ORDERED, matter  
CONTINUED.

CUSTODY (COC)

CONTINUED TO: 10/20/14 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 17, 2014**

C-13-293296-2

State of Nevada

vs

Darion Muhammad-Coleman

**October 17, 2014****8:00 AM****Minute Order****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- The Court has completed the review of the Division of Child and Family Services (DCFS) records related to Defendant. Those records are marked as Court's Exhibit 1 and SEALED due to the confidential nature of the documents. (See worksheet.) Two pages including certain apparently unrelated information to Defendant are ORDERED REDACTED. The version with the redacted pages to be provided to State and Defendant subject to a protective order limiting disclosure.

**CUSTODY**

10-20-14      9:00 AM      DEFENDANT'S MOTION TO ALLOW JURY  
QUESTIONNAIRE...STATUS CHECK: TRIAL READINESS

11-5-14      9:00 AM      DEFENDANT'S MOTION IN LIMINE TO BAR IMPROPER  
PROSECUTORIAL ARGUMENT...  
...DEFENDANT'S MOTION IN LIMINE TO PRECLUDE REFERENCES TO THE DECEASED AS  
THE "VICTIM"...  
... DEFENDANT'S MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHOTOGRAPHS...  
...DEFENDANT'S MOTION TO ADMIT EVIDENCE OF THE DECEASED'S VIOLENT  
PROPENSITY...

**PRINT DATE:** 04/18/2017

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**Minutes Date:** October 11, 2013

...DEFENDANT'S MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE, AND IRRELEVANT PRIOR CRIMINAL ACTIVITY...

...DEFENDANT'S MOTION TO FEDERALIZE ALL MOTIONS, OBJECTIONS, REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE...

...CALENDAR CALL

11-10-14      1:00 PM      JURY TRIAL

CLERK'S NOTE: A copy of the above minute order was distributed to the parties via electronic mail.



DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 20, 2014

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C-13-293296-2      State of Nevada  
                                 vs  
                                 Darion Muhammad-Coleman

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October 20, 2014      9:00 AM      All Pending Motions

HEARD BY: Togliatti, Jennifer      COURTROOM: RJC Courtroom 16C

COURT CLERK: Athena Trujillo

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Caroline Bateman, Deputy District Attorney, present for the State of Nevada.  
Defendant Muhammad - Coleman, present in custody, with Randall Pike and Jeremy Storms, Deputy  
Public Defenders.

STATUS CHECK: TRIAL READINESS ... DEFENDANT'S MOTION TO ALLOW JURY  
QUESTIONNAIRE

DEFENDANT'S MOTION TO ALLOW JURY QUESTIONNAIRE

COURT noted a questionnaire is not necessary and ORDERED, motion DENIED.

STATUS CHECK: TRIAL READINESS

COURT ORDERED, motion dates STAND. Mr. Pike advised there has been a change in prosecution  
and requested the trial date be vacated. COURT ORDERED, oral motion to continue GRANTED;  
trial date VACATED by stipulation and matter SET for Status Check.

CUSTODY (COC)

PRINT DATE: 04/18/2017

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Minutes Date: October 11, 2013

11/05/14 9:00 AM STATUS CHECK: RESET TRIAL DATE

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 23, 2014

C-13-293296-2      State of Nevada  
                                 vs  
                                 Darion Muhammad-Coleman

October 23, 2014      4:30 PM      Minute Order

HEARD BY: Gonzalez, Elizabeth      COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Court reviewed the information contained in the LVMPD records MARKED collectively as Court's Exhibit 1 (Sealed). All documents are to be produced to counsel in an unredacted form. Counsel will pick up a copy of Exhibit 1 from the Law Clerk and also sign an Acknowledgment upon receipt of the documents.

CUSTODY (COC)

11-5-14      9:00 AM      DEFENDANT'S MOTION IN LIMINE TO BAR IMPROPER  
PROSECUTORIAL ARGUMENT...

...DEFENDANT'S MOTION IN LIMINE TO PRECLUDE REFERENCES TO THE DECEASED AS  
THE "VICTIM"...

...DEFENDANT'S MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHOTOGRAPHS...

...DEFENDANT'S MOTION TO ADMIT EVIDENCE OF THE DECEASED'S VIOLENT  
PROPENSITY...

...DEFENDANT'S MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE, AND  
IRRELEVANT PRIOR CRIMINAL ACTIVITY...

...DEFENDANT'S MOTION TO FEDERALIZE ALL MOTIONS, OBJECTIONS, REQUESTS AND  
OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE...

PRINT DATE:      04/18/2017

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Minutes Date:      October 11, 2013

...STATUS CHECK: RESET TRIAL DATE

11-17-14      9:00 AM              MOTION SEEKING DISMISSAL

CLERK'S NOTE: A copy of the above minute order was distributed to the parties via electronic mail.  
Exhibit 1 LODGED with the Vault. (See worksheet.)

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

November 17, 2014

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C-13-293296-2      State of Nevada  
                                 vs  
                                 Darion Muhammad-Coleman

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November 17, 2014      9:00 AM      Motion

HEARD BY: Herndon, Douglas W.      COURTROOM: RJC Courtroom 16C

COURT CLERK: Athena Trujillo

RECORDER:

REPORTER: Robert Cangemi

PARTIES

PRESENT:

JOURNAL ENTRIES

- Hagar Trippiedi, Deputy District Attorney, present for the State of Nevada.  
Defendant Muhammad - Coleman, present in custody, with Randall Pike and Jeremy Storms, Deputy Public Defenders.

Mr. Pike requested a continuance, noting the District Attorney assigned to the case is not available and that there were global negotiations at one point. Colloquy regarding the motions. COURT ORDERED, matter CONTINUED. COURT FURTHER ORDERED, motion set for 11/19/14 VACATED and RESET. Statement by Defendant.

CUSTODY (COC)

CONTINUED TO: 12/17/14 9:00 AM

CLERK'S NOTE: After Court, this clerk was advised by the Dept. 11 law clerk that the motions set for 11/19/14 were reset to 01/05/15. -amt 11/18/14

PRINT DATE: 04/18/2017

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Minutes Date: October 11, 2013

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

December 01, 2014

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C-13-293296-2      State of Nevada  
                                 vs  
                                 Darion Muhammad-Coleman

---

December 01, 2014      9:00 AM      Motion to Withdraw as  
   Counsel

HEARD BY:   Herndon, Douglas W.      COURTROOM:   RJC Courtroom 16C

COURT CLERK:   Billie Jo Craig

RECORDER:

REPORTER:   Robert Cangemi

**PARTIES**

**PRESENT:**      Muhammad-Coleman, Darion      Defendant  
                                 Schwarz, Michael H      Attorney

**JOURNAL ENTRIES**

- Deputy District Attorney Caroline Bateman present. Special Public Defenders David Schieck and Randall Pike present.

Mr. Schwarz advised he was contacted by Mr. Christensen. Arguments by the State regarding previous Motions and a complaint with the State Bar. Court stated its findings, and ORDERED, the Special Public Defender's Motion to Withdraw as Counsel and Motion to Appoint New Counsel is GRANTED. Court noted this was a unique situation in a Murder Trial. Mr. Schwarz is APPOINTED to represent the indigent defendant. Mr. Schieck advised he would provide the file to Mr. Schwarz. Upon inquiry of the Court, Mr. Schwarz advised he would be ready for Trial. The Defendant's Pro Per Motion Seeking Dismissal scheduled on 12/17/14 is VACATED.

CUSTODY (COC)

PRINT DATE:      04/18/2017

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Minutes Date:      October 11, 2013

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

January 05, 2015

C-13-293296-2      State of Nevada  
                                 vs  
                                 Darion Muhammad-Coleman

January 05, 2015      9:00 AM      All Pending Motions

HEARD BY: Gonzalez, Elizabeth      COURTROOM: RJC Courtroom 14C

COURT CLERK: Marwanda Knight

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- DEFENDANT S MOTION IN LIMINE TO BAR IMPROPER  
PROSECUTORIAL ARGUMENT

DEFENDANT S MOTION IN LIMINE TO  
PRECLUDE REFERENCES TO THE DECEASED AS THE VICTIM

DEFENDANT S MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHOTOGRAPHS

DEFENDANT S MOTION TO ADMIT EVIDENCE OF THE  
DECEASED S VIOLENT PROPENSITY

DEFENDANT S MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE, AND  
IRRELEVANT PRIOR CRIMINAL ACTIVITY

DEFENDANT S MOTION TO FEDERALIZE ALL MOTIONS, OBJECTIONS, REQUESTS AND  
OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE

STATUS CHECK: RESET TRIAL DATE

PRINT DATE: 04/18/2017

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Minutes Date: October 11, 2013

- Mr. Burton advised Mr. Bateman would be appearing on this case and requested the matter be trailed for his appearance. COURT SO ORDERED.

MATTER RECALLED. All parties present as before. Mr. Bateman now present.

Mr. Schwarz advised the Deft. was sent to Competency Court, and has a hearing set for January 12, 2015, in his case pending in Dept. 8. Mr. Bateman advised of being unaware of the Deft. being sent to competency and requested today's proceedings be continued until that matter is resolved. COURT ORDERED, all of the motions on today's calendar and the Status Check: Reset Trial Date CONTINUED.

CUSTODY (COC)

CONTINUED TO: 01/21/2015 9:00 A.M.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 21, 2015**

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C-13-293296-2      State of Nevada  
                                 vs  
                                 Darion Muhammad-Coleman

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**January 21, 2015      9:00 AM      All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth      **COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Dulce Romea  
                         Shelley Boyle  
                         Treva Palmer  
                         Adrienne Theeck  
                         Anntoinette Naumec-Miller

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

**PRESENT:**      Muhammad-Coleman, Darion      Defendant  
                         Schwarz, Michael H      Attorney  
                         Song, Caroline      Attorney  
                         State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION IN LIMINE TO BAR IMPROPER PROSECUTORIAL ARGUMENT...DEFENDANT'S MOTION IN LIMINE TO PRECLUDE REFERENCES TO THE DECEASED AS THE "VICTIM" ...DEFENDANT'S MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHOTOGRAPHS...DEFENDANT'S MOTION TO ADMIT EVIDENCE OF THE DECEASED'S VIOLENT PROPENSITY...DEFENDANT'S MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE, AND IRRELEVANT PRIOR CRIMINAL ACTIVITY...DEFENDANT'S MOTION TO FEDERALIZE ALL MOTIONS, OBJECTIONS, REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE.

Deft. not present. Mr. Schwarz requested matter continued to determine Deft's. competency status. COURT ORDERED, matter CONTINUED.

PRINT DATE:      04/18/2017

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Minutes Date:      October 11, 2013

CUSTODY (COC)

02/02/15 9:00 A.M.

January 23, 2015

C-13-293296-2      State of Nevada  
vs  
Darion Muhammad-Coleman

00215



DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

February 18, 2015

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C-13-293296-2      State of Nevada  
                                 vs  
                                 Darion Muhammad-Coleman

---

February 18, 2015      9:00 AM      All Pending Motions

HEARD BY: Gonzalez, Elizabeth      COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea  
                         Shelley Boyle

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:      Laurent, Christopher J      Attorney  
                         State of Nevada      Plaintiff

JOURNAL ENTRIES

- DEFENDANT'S MOTION IN LIMINE TO BAR IMPROPER PROSECUTORIAL ARGUMENT  
DEFENDANT'S MOTION IN LIMINE TO PRECLUDE REFERENCES TO THE DECEASED AS THE  
VICTIM DEFENDANT'S MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHOTOGRAPHS  
DEFENDANT'S MOTION TO ADMIT EVIDENCE OF THE DECEASED'S VIOLENT PROPENSITY  
DEFENDANT'S MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE, AND  
IRRELEVANT PRIOR CRIMINAL ACTIVITY DEFENDANT'S MOTION TO FEDERALIZE ALL  
MOTIONS, OBJECTIONS, REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN  
THE ABOVE ENTITLED CASE STATUS CHECK: RESET TRIAL DATE

Deft. refused transportation. Deft's Counsel Mr. Schwarz, not present.

COURT ORDERED, motions VACATED pending Competency Proceedings. Mr. Schwarz will be notified by minute order.

CUSTODY (COC)

PRINT DATE:      04/18/2017

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Minutes Date:      October 11, 2013

CLERK'S NOTE: A copy of this minute order was e-mailed to Mr. Schwarz on 02/20/15. / sb  
02/20/15

CLERK'S NOTE : A copy of this minute order was place in Mr. Schwarz's folder. / sb 02/23/15

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 27, 2015**

C-13-293296-2      State of Nevada  
                                 vs  
                                 Darion Muhammad-Coleman

**February 27, 2015      9:00 AM      Further Proceedings:  
Competency**

**HEARD BY:** Barker, David      **COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Sylvia Perez  
Andrea Natali

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Muhammad-Coleman, Darion	Defendant
	Pace, Barter G	Attorney
	Schwarz, Michael H	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Appearances Continued: Bart Pace, Deputy District Attorney; Belinda Harris and Claudia Romney, Deputy Public Defenders with C.J. Yao of the Specialty Courts. Spencer Judd, Esq. present on behalf of Defendant on Case C299066-1.

Court NOTED, after the third evaluation, Drs. Bradley and Krelstein indicate competent; however, Dr. Sussman finds the Defendant incompetent. Mr. Judd stated he would like to review both doctor's findings of competence; therefore, requested the court consider sending the Deft. to Lakes Crossing. Mr. Schwarz joined in with Mr. Judd's representations. COURT ORDERED, matters SET for Challenge Hearing.

**CUSTODY (COC)**

**3/20/15 10:00 AM (DEPT. 9.) - CHALLENGE HEARING**

**PRINT DATE:** 04/18/2017      **Page 36 of 71**      **Minutes Date:** October 11, 2013





**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 20, 2015**

C-13-293296-2

State of Nevada

vs

Darion Muhammad-Coleman

**March 20, 2015****9:00 AM****Challenge Hearing  
(Competency Court)****HEARD BY:** Togliatti, Jennifer**COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Tia Everett**RECORDER:** Yvette G. Sison**REPORTER:****PARTIES****PRESENT:**

Muhammad-Coleman, Darion

Defendant

Pace, Barter G

Attorney

Schwarz, Michael H

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Mr. Schwarz advised he was evaluated based on the referral in his other case with Mr. Judd; however, he is not challenging the finding of competency. Court advised Defendant was referred to competency in case number C299066 and it appears Mr. Judd may be challenging the findings of competency. Court stated should the matter be continued or a hearing set Mr. Schwarz's presence shall be waived as he is not challenging the findings and should a return date for department 11 be given Mr. Schwarz will be notified. MATTER TRAILED for Mr. Judd. RECALLED. Court noted Mr. Judd's absence and ORDERED, matters COTINUED one (1) week.

**CUSTODY (COC)****CONTINUED TO:** 3/27/2015 9:00 AM**PRINT DATE:** 04/18/2017

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**Minutes Date:**

October 11, 2013

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

March 27, 2015

C-13-293296-2      State of Nevada  
vs  
Darion Muhammad-Coleman

March 27, 2015      9:00 AM      Challenge Hearing  
(Competency Court)

HEARD BY: Becker, Nancy      COURTROOM: RJC Courtroom 10C

COURT CLERK: Tia Everett

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:      Muhammad-Coleman, Darion      Defendant  
Pace, Barter G      Attorney  
State of Nevada      Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Christina Greene of the Specialty Courts present.

APPEARANCES CONTINUED: Spencer Judd Esq. appearing for Defendant in case number C299066.

Mr. Judd advised he will be withdrawing his challenge to the competency finding. Court NOTED Drs. Bradley and Krelstein indicate competent; therefore, FINDS Defendant COMPETENT pursuant to the Dusky Standard as Defendant is capable of understanding the nature of the charges against him and is able to assist counsel in his defense and ORDERED, matter TRANSFERRED back to the originating court for further proceedings. Court instructed Clerk to notify Mr. Schwarz of next date.

CUSTODY (COC)

4/06/2015 9:00 AM FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT (DEPT.  
11)

PRINT DATE:      04/18/2017

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Minutes Date:      October 11, 2013

CLERK'S NOTE: Mr. Schwarz advised of next date via email. te

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 06, 2015**

C-13-293296-2      State of Nevada  
vs  
Darion Muhammad-Coleman

**April 06, 2015      9:00 AM      Further Proceedings      Further Proceedings:  
Return From  
Competency Court**

**HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**REPORTER:****PARTIES**

**PRESENT:**      Laurent, Christopher J      Attorney  
Muhammad-Coleman, Darion      Defendant  
State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Michael Schwarz, Esq., counsel for Deft, not present.

COURT noted counsel was not aware of today's hearing, and ORDERED, matter CONTINUED one week for his appearance.

**CUSTODY (COC)**

4-13-15      9:00 AM      FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT

CLERK'S NOTE: A copy of the above minute order was distributed via electronic mail to Michael Schwarz, counsel for Deft, and Deputy Public Defender Christopher Laurent. / dr 4-6-15

**PRINT DATE:** 04/18/2017

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**Minutes Date:** October 11, 2013

DISTRICT COURT  
CLARK COUNTY, NEVADAFelony/Gross MisdemeanorCOURT MINUTESApril 13, 2015

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C-13-293296-2      State of Nevada  
                                 vs  
                                 Darion Muhammad-Coleman

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April 13, 2015      9:00 AM      Further Proceedings

HEARD BY: Gonzalez, Elizabeth      COURTROOM: RJC Courtroom 14C

COURT CLERK: Tia Everett

RECORDER: Jill Hawkins

REPORTER:

**PARTIES**

PRESENT:      Killer, Sarah J.      Attorney  
                 Schwarz, Michael H      Attorney  
                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Court noted Defendant refused to be transported today. Mr. Schwarz advised Defendant found competent and there is no challenge to those findings. COURT ORDERED, motions previously set for 2/18/2015 shall be RESET and matter SET for trial.

**CUSTODY (COC)**

6/15/2015 9:00 AM DEFENDANT'S MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHOTOGRAPHS ... DEFENDANT'S MOTION IN LIMINE TO BAR IMPROPER PROSECUTORIAL ARGUMENT ... DEFENDANT'S MOTION IN LIMINE TO PRECLUDE REFERENCES TO THE DECEASED AS THE "VICTIM" ... DEFENDANT'S MOTION TO ADMIT EVIDENCE OF THE DECEASED'S VIOLENT PROPENSITY ... DEFENDANT'S MOTION TO EXCLUDE OTHER BAD ACTS, CHARACTER EVIDENCE, AND IRRELEVANT PRIOR CRIMINAL ACTIVITY ... DEFENDANT'S MOTION TO FEDERALIZE ALL MOTIONS, OBJECTIONS, REQUESTS AND OTHER APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE

7/27/2015 9:00 AM STATUS CHECK: TRIAL READINESS

PRINT DATE:      04/18/2017

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Minutes Date:      October 11, 2013

8/26/2015 9:00 AM CALENDAR CALL

8/31/2015 1:00 PM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 20, 2015**

C-13-293296-2      State of Nevada  
vs  
Darion Muhammad-Coleman

**July 20, 2015      9:00 AM      All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth      **COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Tena Jolley

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Muhammad-Coleman, Darion	Defendant
	Schwartz, Michael J.	Attorney
	Schwarz, Michael H	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- DEFENDANT S MOTION IN LIMINE TO PRECLUDE ADMISSION OF PHOTOGRAPHS  
DEFENDANT S MOTION IN LIMINE TO BAR IMPROPER PROSECUTORIAL  
ARGUMENT DEFENDANT S MOTION IN LIMINE TO PRECLUDE REFERENCES TO THE  
DECEASED AS THE VICTIM DEFENDANT S MOTION TO ADMIT EVIDENCE OF THE  
DECEASED S VIOLENT PROPENSITY DEFENDANT S MOTION TO EXCLUDE OTHER BAD  
ACTS, CHARACTER EVIDENCE, AND IRRELEVANT PRIOR CRIMINAL ACTIVITY DEFENDANT  
S MOTION TO FEDERALIZE ALL MOTIONS, OBJECTIONS, REQUESTS AND OTHER  
APPLICATIONS FOR THE PROCEEDINGS IN THE ABOVE ENTITLED CASE

Mr. Schwarz advised the matter may be resolved and requested the matter be continued. COURT ORDERED, matters CONTINUED. Court directed Mr. Schwartz to provide a Guilty Plea Agreement to counsel for review with his client.

CUSTODY (COC)

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Minutes Date: October 11, 2013

CONTINUED TO: 7/27/15 9:00 AM



DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

July 27, 2015

C-13-293296-2      State of Nevada  
vs  
Darion Muhammad-Coleman

July 27, 2015      9:00 AM      All Pending Motions

HEARD BY: Gonzalez, Elizabeth      COURTROOM: RJC Courtroom 14C

COURT CLERK: Alice Jacobson

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT:	Muhammad-Coleman, Darion	Defendant
	Schwartz, Michael J.	Attorney
	Schwarz, Michael H	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Matter submitted on the briefs. COURT ORDERED as followed:

Deft's Motion in Limine to Preclude Admission of Photographs, DENIED WITHOUT PREJUDICE.

Deft's Motion in Limine to Bar Improper Prosecutorial Argument, GRANTED.

Defts Motion in Limine to Preclude References to the Deceased as the Victim, DENIED.

Deft's Motion in Limine to Admit Evidence of Deceases Violent Propensity, RESERVED FOR  
CALENDAR CALL.

Deft's Motion to Exclude Other Bad Acts Character Evidence and Irrelevant Prior Criminal Activity,  
DENIED WITHOUT PREJUDICE.

Deft motion to Federalize All Motions Objections Requests and Other Application for the  
Proceedings in the Above Entitled Case, DENIED.

Mr. Schwarz indicated that negotiations had fallen through and the matter was not resolved and  
would go to trial. State indicated they were not available on this trial stack and was in another trial.  
Trial was not Invoked. There being no objections, COURT ORDERED, trial dates VACATED/RESET.

PRINT DATE: 04/18/2017

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CUSTODY (COC)

12/7/15 9:00 AM SC-TRIAL READINESS

1/6/16 9:00 AM CC

1/11/16 1:00 PM JT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 05, 2015**

C-13-293296-2      State of Nevada  
                                 vs  
                                 Darion Muhammad-Coleman

<b>November 05, 2015</b>	<b>3:00 PM</b>	<b>Minute Order</b>	<b>Minute Order Resetting Status Check on Trial Readiness</b>
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**HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Due to the Court's schedule, the status check on trial readiness in this Matter has been rescheduled from Monday, December 7, to Wednesday, December 9, 2015.

**CUSTODY (COC)**

12-9-15      9:00 AM      STATUS CHECK: TRIAL READINESS

**CLERK'S NOTE:** Parties notified by distributing via electronic mail a copy of the above minute order to Deputy District Attorney Michael Schwartz for the State and Attorney Michael Schwarz for the Defendant. / dr 11-5-15

**PRINT DATE:** 04/18/2017**Page 48 of 71****Minutes Date:** October 11, 2013

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 09, 2015**

C-13-293296-2

State of Nevada

vs

Darion Muhammad-Coleman

**December 09, 2015****9:00 AM****Status Check****Status Check: Trial  
Readiness****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**REPORTER:****PARTIES****PRESENT:**

Schwartzter, Michael J.

Attorney

Schwarz, Michael H

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Deft not present, in custody at the Nevada Department of Corrections.

Mr. Schwarz requested a continuance; Deft is in NDC doing 8 to 20 years on another case; he discussed the continuance with Deft and he is fine with it. Mr. Schwartzter advised the State has no objection; trial is anticipated to go into the second week; this is not a death penalty case. COURT ORDERED, trial VACATED and RESET on April 4, 2016.

**CUSTODY (COC-NDC)**

3-2-16      9:00 AM      STATUS CHECK: TRIAL READINESS

3-30-16      9:00 AM      CALENDAR CALL

4-4-16      1:00 PM      JURY TRIAL

PRINT DATE:      04/18/2017

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Minutes Date:      October 11, 2013

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

C-13-293296-2

State of Nevada

vs

Darion Muhammad-Coleman

**March 02, 2016****9:00 AM****All Pending Motions****HEARD BY:** Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 14C**COURT CLERK:** Dulce Romea**RECORDER:** Jill Hawkins**REPORTER:****PARTIES****PRESENT:**

Schwartz, Michael J.

Attorney

Schwarz, Michael H

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- STATUS CHECK: TRIAL READINESS...DEFENDANT'S PRO PER MOTION TO WITHDRAW COUNSEL AND FOR A FARETTA CANVASS

Deft not present.

COURT ORDERED, State to do a transport request. Mr. Schwarz advised about a week ago he had sent Deft a box; Deft has most of his discovery but may not be prepared for trial assuming he will be allowed to represent himself. With regards to the transport order, Mr. Schwartz advised he can try a week. COURT SO ORDERED; matter CONTINUED for one week. Upon inquiry by the Court, Mr. Schwarz confirmed he can be standby counsel if for some reason the Deft's request to represent himself is granted.

CUSTODY (COC-NDC)

3-9-16

9:00 AM

STATUS CHECK: TRIAL READINESS...DEFENDANT'S PRO PER MOTION TO WITHDRAW COUNSEL AND FOR A FARETTA CANVASS

PRINT DATE:

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Minutes Date:

October 11, 2013

3-30-16	9:00 AM	CALENDAR CALL
4-4-16	1:00 PM	JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 09, 2016**

C-13-293296-2      State of Nevada  
                                 vs  
                                 Darion Muhammad-Coleman

**March 09, 2016      9:00 AM      All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth      **COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Dulce Romea  
                         Olivia Black  
                         Anntoinette Naumec-Miller

**RECORDER:** Jill Hawkins

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Muhammad-Coleman, Darion	Defendant
	Schwartz, Michael J.	Attorney
	Schwarz, Michael H	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- STATUS CHECK: TRIAL READINESS...DEFENDANT'S PRO PER MOTION TO WITHDRAW COUNSEL AND FOR A FARETTA CANVASS

Upon Court's inquiry, Defendant advised he wishes to represent himself. Colloquy regarding discovery. Court conducted Faretta Canvass. Defendant advised he is going to remain with his attorney. Mr. Schwarz advised he would like to move the trial given the concerns of Defendant. MATTER TRAILED.

MATTER RECALLED. All parties present as before. Colloquy regarding trial date. Upon Court's inquiry, Mr. Schwartz advised two weeks for trial. Mr. Schwarz concurred. CONFERENCE AT BENCH. COURT ORDERED, trial dates VACATED and RESET.

CUSTODY (COC-NDC)

PRINT DATE:      04/18/2017

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Minutes Date:      October 11, 2013

11/28/2016 9:00 AM STATUS CHECK: TRIAL READINESS

12/28/2016 9:00 AM CALENDAR CALL

01/03/2017 1:00 PM JURY TRIAL



DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

November 28, 2016

C-13-293296-2      State of Nevada  
                                 vs  
                                 Darion Muhammad-Coleman

November 28, 2016      9:00 AM      Status Check

HEARD BY: Gonzalez, Elizabeth      COURTROOM: RJC Courtroom 14C

COURT CLERK: Katrina Hernandez

RECORDER: Sandra Pruchnic

REPORTER:

**PARTIES**

PRESENT:	Muhammad-Coleman, Darion	Defendant
	Schwartz, Michael J.	Attorney
	Schwarz, Michael H	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Mr. Schwarz advised he is requesting a continuance of the trial. Court directed Counsel to file a motion. Mr. Schwartz announced ready and advised 7 days for trial.

CUSTODY (COC-NDC)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 28, 2016**

C-13-293296-2      State of Nevada  
                                  vs  
                                  Darion Muhammad-Coleman

**December 28, 2016      9:00 AM      All Pending Motions**

**HEARD BY:** Gonzalez, Elizabeth      **COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Kory Schlitz

**RECORDER:** Sandra Pruchnic

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Hamner, Christopher	Attorney
	Muhammad-Coleman, Darion	Defendant
	Schwartz, Michael J.	Attorney
	Schwarz, Michael H	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- CALENDAR CALL... DEFENDANT'S MOTION TO CONTINUE TRIAL DATE...

Mr. Schwartz stated based upon the Order Shortening time, he requested to respond orally to the Motion. Mr. Schwarz stated he would submit on his motion. Argument by Mr. Schwartz, who stated Defendant has been evaluated by five different doctors and they all agree upon one thing that Defendant malingers, not that he has PTSD. Arguments by Mr. Schwartz. Mr. Schwartz provided copies of Defendants Competency evaluations. MATTER TRAILED.

MATTER RECALLED. Court advised they reviewed the copies of the Competency evaluations and they have been MARKED as Court's Exhibit 1 (See Worksheet). COURT STATED ITS FINDINGS and ORDERED, Motion to Continued Trial DENIED, and FURTHER ORDERED Court's Exhibit's presented today SEALED. Mr. Schwartz requested Defendant be remanded to Clark County Detention Center awaiting trial. COURT ORDERED, Request GRANTED.

PRINT DATE:      04/18/2017

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Minutes Date:      October 11, 2013

CUSTODY (COC-NDC)

1/3/17 1:30 P.M. JURY TRIAL (DEPT 1)

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

January 03, 2017

C-13-293296-2      State of Nevada  
                                 vs  
                                 Darion Muhammad-Coleman

January 03, 2017      1:30 PM      Jury Trial

HEARD BY: Cory, Kenneth      COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Lisa Lizotte

REPORTER:

PARTIES

PRESENT:	Hamner, Christopher	Attorney
	Muhammad-Coleman, Darion	Defendant
	Schwartz, Michael J.	Attorney
	Schwarz, Michael H	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant Muhammad-Coleman PRESENT in custody.

OUTSIDE THE PRESENCE OF PRESPECTIVE JURY PANEL:

COURT ORDERED, Trial CONTINUED. Mr. Schwartz advised an Amended Indictment had been filed. Mr. Schwarz advised he and the defendant had received the Amended Indictment.

CUSTODY

CONTINUED TO 1/4/17 1:30 PM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 04, 2017**

C-13-293296-2      State of Nevada  
vs  
Darion Muhammad-Coleman

**January 04, 2017      3:00 AM      Minute Order**

**HEARD BY:** Herndon, Douglas W.      **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Deborah Miller

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- The instant case is assigned to District Court Department 1 and is currently set for trial to commence today, January 4, 2017. The parties are ready to proceed to trial. Due to an illness, Department 1 is unable to preside over the trial in this case at this time.

EDCR 1.30 (15) gives the Chief Judge of the Eighth Judicial District Court the authority to reassign cases between departments as convenience or necessity requires. EDCR 1.30 (11) also states that the Chief Judge must appoint a Judge to preside over the Criminal Division of the Court. EDCR 1.31 gives the Criminal Presiding Judge the authority to reassign pending criminal cases from one department to another. As with EDCR 1.30(15), the Presiding Criminal Judge's decision on reassigning pending criminal cases should be done as convenience and necessity require.

This court finds that convenience and necessity justify the reassignment of the instant matter for trial since Department 1 is unable to hear the trial. District Court Department 3 is available to preside over the trial. Therefore, based on the totality of circumstances present, this Court, as Criminal Presiding Judge, ORDERS, pursuant to EDCR 1.31, the reassignment of the instant case for trial to Department 3. The matter will proceed to trial as scheduled today, January 4, 2017, at 1:00 pm.

PRINT DATE:      04/18/2017

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DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

January 04, 2017

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C-13-293296-2      State of Nevada  
                                 vs  
                                 Darion Muhammad-Coleman

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January 04, 2017      1:00 PM      Jury Trial

HEARD BY: Herndon, Douglas W.      COURTROOM: RJC Courtroom 16C

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

**PARTIES**

PRESENT:	Hamner, Christopher	Attorney
	Muhammad-Coleman, Darion	Defendant
	Schwartz, Michael J.	Attorney
	Schwarz, Michael H	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Stipulation and Order SIGNED IN OPEN COURT.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Mr. Schwartz noted parties have agreed that the Judgment of Convictions of the victim relating to firearm charges come in if defendant testifies as to self-defense and testifies that he was aware the victim was known to carry firearms. Mr. Schwarz concurred. Discussion regarding Judgment of Convictions. Mr. Schwartz advised the defendant will be waiving the penalty hearing should he get convicted of First Degree Murder. Upon Court's inquiry, defendant WAIVED the penalty hearing. Court noted a stipulation and order will need to be prepared and filed. Mr. Schwartz stated an offer of Second Degree Murder with Use of a Deadly Weapon with right to argue was relayed to the defendant over a year ago, however, offer was rejected by the defendant. Mr. Schwarz concurred. State noted offer is no longer pending.

PRINT DATE: 04/18/2017

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Minutes Date: October 11, 2013

PROSPECTIVE JURY PANEL PRESENT: Introductions by the Court and counsel. Clerk called roll. Voir dire commenced.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Court stated the jurors who have been excused thus far were agreed upon by all parties.

PROSPECTIVE JURY PANEL PRESENT: Voir dire continued. Court recessed.

CONTINUED TO: 1/05/17 12:00 PM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

<b>Felony/Gross Misdemeanor</b>	<b>COURT MINUTES</b>	<b>January 05, 2017</b>
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C-13-293296-2	State of Nevada vs Darion Muhammad-Coleman
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**January 05, 2017      12:00 AM      Jury Trial**

**HEARD BY:** Herndon, Douglas W.                      **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Deborah Miller

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Hamner, Christopher Muhammad-Coleman, Darion Schwartz, Michael J. Schwarz, Michael H State of Nevada	Attorney Defendant Attorney Attorney Plaintiff
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**JOURNAL ENTRIES**

- PROSPECTIVE JURY PANEL PRESENT: Voir dire continued.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Peremptory challenges exercised. Mr. Schwartz advised parties stipulated to admit exhibits 4-112.

PROSPECTIVE JURY PANEL PRESENT: Jury selected and sworn. Court instructed the jury. Opening statements by Mr. Schwartz. Defense waived opening statements. Testimony and exhibits presented. (See worksheets). Evening recess.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Mr. Schwarz made a record as to cross-examination and request to impeach witness. Court noted question should have been objected to and stated for the record his findings as impeach request irrelevant.

PRINT DATE:              04/18/2017              Page 61 of 71              Minutes Date:              October 11, 2013



CONTINUED TO: 1/06/17 10:00 AM

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

January 06, 2017

C-13-293296-2      State of Nevada  
                                 vs  
                                 Darion Muhammad-Coleman

January 06, 2017      10:00 AM      Jury Trial

HEARD BY: Herndon, Douglas W.      COURTROOM: RJC Courtroom 16C

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

**PARTIES**

PRESENT:	Hamner, Christopher	Attorney
	Muhammad-Coleman, Darion	Defendant
	Schwartz, Michael J.	Attorney
	Schwarz, Michael H	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- JURY PRESENT: Testimony and exhibits presented. (See worksheet). Evening recess.

OUTSIDE THE PRESENCE OF THE JURY: Court made a record of questions asked by the jury. Court requested parties e-mail jury instructions to the Court prior to Monday.

CONTINUED TO: 1/09/17 10:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

C-13-293296-2

State of Nevada

vs

Darion Muhammad-Coleman

**January 09, 2017****10:00 AM****Jury Trial****HEARD BY:** Herndon, Douglas W.**COURTROOM:** RJC Courtroom 16C**COURT CLERK:** Deborah Miller**RECORDER:** Sara Richardson**REPORTER:****PARTIES****PRESENT:**

Hamner, Christopher

Attorney

Muhammad-Coleman, Darion

Defendant

Schwartz, Michael J.

Attorney

Schwarz, Michael H

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- JURY PRESENT: Testimony and exhibits presented.

OUTSIDE THE PRESENCE OF THE JURY: Court advised defendant of his right not to testify.

JURY PRESENT: Testimony and exhibits presented. Mr. Schwartz advised parties stipulated to the admission of 123, as well as, parties stipulate to the victim's identity. State withdrew proposed exhibit 121. State rested. Opening statements by Mr. Schwarz. Testimony and exhibits presented. Mr. Schwarz advised parties stipulated to the admission of the victim's prior Judgment of Convictions to be marked as court exhibits. State concurred. Ms. Schwarz noted convictions on the record. Judgment of Convictions marked and admitted as Court exhibits. (See worksheet). Defense rested. Rebuttal testimony and exhibits presented. (See worksheet).

OUTSIDE THE PRESENCE OF THE JURY: Discussion regarding officer testifying as to defendant being uncooperative at the time he was shot in a previous incident. Arguments by counsel. Court

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DENIED request.

JURY PRESENT: Rebuttal testimony and exhibits continued. Jury admonished and excused for the evening.

OUTSIDE THE PRESENCE OF THE JURY: Court made a record as to objection made during testimony regarding defendant's most recent photo. Discussion regarding jury instructions. Jury Instructions and verdict settled on the record.

CONTINUED TO: 1/10/17 11:00 AM

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

January 10, 2017

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C-13-293296-2      State of Nevada  
                                 vs  
                                 Darion Muhammad-Coleman

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January 10, 2017      11:00 AM      Jury Trial

HEARD BY: Herndon, Douglas W.      COURTROOM: RJC Courtroom 16C

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

**PARTIES**

**PRESENT:**      Hamner, Christopher      Attorney  
                                 Muhammad-Coleman, Darion      Defendant  
                                 Schwartz, Michael J.      Attorney  
                                 Schwarz, Michael H      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- JURY PRESENT: Court read Jury Instructions to the jury. Court added 50a as an additional jury instruction. Closing arguments.

OUTSIDE THE PRESENCE OF THE JURY: Court made a record of instruction 50a. Parties had no objection. Mr. Schwartz noted State's proposed exhibit #2 was returned to Detective Terri Miler as it was not used. COURT SO NOTED.

JURY PRESENT: Closing arguments continued. Jury retired to deliberate at the hour of 1:45 p.m.

CONTINUED TO: 1/11/17 10:00 AM

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DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

January 11, 2017

C-13-293296-2      State of Nevada  
vs  
Darion Muhammad-Coleman

January 11, 2017      10:00 AM      Jury Trial

HEARD BY: Herndon, Douglas W.      COURTROOM: RJC Courtroom 16C

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Hamner, Christopher	Attorney
	Muhammad-Coleman, Darion	Defendant
	Schwartz, Michael J.	Attorney
	Schwarz, Michael H	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- 10:00 A.M. - Jury continued deliberating.

OUTSIDE THE PRESENCE OF THE JURY: Court noted for the record that a request was submitted to hear back testimony of the defendant, however, the Jury returned with a verdict shortly after as Court was making arrangements to play testimony.

JURY PRESENT: At the hour of 2:08 p.m., the Jury returned with the following VERDICTS:

Count 1 - NOT GUILTY of CONSPIRACY TO COMMIT ROBBERY  
Count 2 - NOT GUILTY of ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON  
Count 3 - GUILTY of FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON  
Count 4 - GUILTY of BATTERY WITH USE OF A DEADLY WEAPON  
Count 5 - NOT GUILTY of ASSAULT WITH A DEADLY WEAPON  
Count 6 - GUILTY of CONSPIRACY TO VIOLATE UNIFORM CONTROLLED SUBSTANCES ACT

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Count 7 - GUILTY of ATTEMPT TO POSSESS CONTROLLED SUBSTANCE

Jury Polled and excused.

OUTSIDE THE PRESENCE: Mr. Schwarz indicated defendant was remanded to County, however, is serving a prison sentence on another matter. Upon Court's inquiry, defendant wishes to return to the prison. COURT SO NOTED. State to prepare an order for transport to allow defendant to return for sentencing. COURT ORDERED, defendant REMANDED on this case, referred to the Division of Parole and Probation (P&P) and SET for Sentencing.

MATTER RECALLED. Court noted for the record documents that were received by the defendant's Grandmother, noting they were not relevant to this case. Mr. Schwarz advised he received copies as well.

CUSTODY (COC-NDC)

3/02/17 9:00 AM SENTENCING

DISTRICT COURT  
CLARK COUNTY, NEVADA

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 02, 2017**

C-13-293296-2      State of Nevada  
vs  
Darion Muhammad-Coleman

**March 02, 2017      9:00 AM      Sentencing**

**HEARD BY:** Herndon, Douglas W.      **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Deborah Miller  
Brynn Griffiths

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Pandukht, Taleen R	Attorney
	Schwarz, Michael H	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Deft. not present.

Court noted Deft. was not transported to today s hearing. COURT ORDERED, matter CONTINUED, State to prepare a transport order.

CUSTODY (COC-NDC)

CONTINUED TO: 03/28/17 9:00 AM

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 28, 2017**

C-13-293296-2

State of Nevada

vs

Darion Muhammad-Coleman

**March 28, 2017****9:00 AM****Sentencing****HEARD BY:** Herndon, Douglas W.**COURTROOM:** RJC Courtroom 16C**COURT CLERK:** Deborah Miller**RECORDER:** Sara Richardson**REPORTER:****PARTIES****PRESENT:**

Hamner, Christopher

Attorney

Muhammad-Coleman, Darion

Defendant

Schwartz, Michael J.

Attorney

Schwarz, Michael H

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- DEFT MUHAMMAD-COLEMAN ADJUDGED GUILTY of COUNT 3 -MURDER WITH USE OF A DEADLY WEAPON (F), COUNT 4- BATTERY WITH USE OF A DEADLY WEAPON (F), COUNT 6 - CONSPIRACY TO VIOLATE UNIFORM CONTROLLED SUBSTANCES ACT (F) and COUNT 7 - ATTEMPT TO POSSESS CONTROLLED SUBSTANCE (F). Arguments by counsel. Statement by Defendant. Sworn Victim Impact Statements. COURT ORDERED, in addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee including testing to determine genetic markers, \$750.00 Indigent Defense Civil Assessment Fee, and a \$250.00 Fine, Defendant SENTENCED on COUNT 3 to a term of LIFE with a MINIMUM of TWO HUNDRED FORTY (240) MONTHS in the Nevada Department of Corrections (NDC), plus a CONSECUTIVE sentence of a MINIMUM of SIXTY (60) MONTHS and a MAXIMUM of TWO HUNDRED AND FORTY (240) MONTHS for the Deadly Weapon Enhancement, for a total AGGREGATE sentence of LIFE with the possibility of parole and probation after a MINIMUM of THREE HUNDRED (300) MONTHS has been served in the Nevada Department of Corrections (NDC), COUNT 4 - to a MINIMUM of FORTY-EIGHT (48) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of

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Corrections (NDC), CONCURRENT with COUNT 3; COUNT 6 to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT with COUNT 3, and COUNT 7 to a MINIMUM of NINETEEN (19) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT with COUNT 3, and CONSECUTIVE to Case C299066, with SEVEN HUNDRED TWENTY (720) DAYS credit for time served. Statement by Defendant.

NDC

CLERK'S NOTE: Following court hearing, Court state that in the event the fines and fees were not stated on the record, the following fees were ordered: \$25.00 Administrative Assessment, \$150.00 DNA Analysis Fee, \$750.00 Indigent Defense Fee, and \$250.00 Fine.