  
CLERK OF THE COURT

Electronically Filed  
May 10 2017 08:22 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**LAW OFFICE OF LISA RASMUSSEN, P.C.**  
Lisa A. Rasmussen, Esq.  
Nevada Bar No. 7491  
Email: Lisa@LRasmussenLaw.com  
601 South Tenth Street, Suite #100  
Las Vegas, Nevada 89101000  
Tel: (702) 471-1436  
Fax: (702) 489-6619

Attorneys for Kenneth Franks

**IN THE EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA

Plaintiff,

CASE NO. C-15-311519-1

vs.

DEPT. V

KENNETH FRANKS,

**NOTICE OF APPEAL**

Defendant.

COMES NOW the Defendant, KENNETH FRANKS, by and through his attorney of record, Lisa A. Rasmussen, and hereby files his Notice of Appeal to his Sentence and Judgment of Conviction, and all issues arising thereunder. The Judgment of Conviction was filed on April 6, 2017. It should be noted that the undersigned never received a copy of the JOC, despite the fact that she is counsel of record in this case.

Dated this 1st day of May, 2017.

**LAW OFFICE OF LISA RASMUSSEN,**

*/s/ Lisa A. Rasmussen*

LISA A. RASMUSSEN, ESQ.  
Nevada Bar No. 7491

Attorneys for Kenneth Franks

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I served a copy of the foregoing NOTICE OF APPEAL on this 1st day of May, 2017 upon the following persons:

Via Wiznet Service: PDMotions@clarkcountyda.com

*/s/ Lisa A. Rasmussen*

---

LISA A. RASMUSSEN

  
CLERK OF THE COURT

**LAW OFFICE OF LISA RASMUSSEN, P.C.**  
Lisa A. Rasmussen, Esq.  
Nevada Bar No. 7491  
Email: Lisa@LRasmussenLaw.com  
601 South Tenth Street, Suite #100  
Las Vegas, Nevada 89101000  
Tel: (702) 471-1436  
Fax: (702) 489-6619

Attorneys for Kenneth Franks

**IN THE EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA

Plaintiff,

CASE NO. C-15-311519-1

vs.

DEPT. V

KENNETH FRANKS,

**CASE APPEAL STATEMENT**

Defendant.

- 1) Name of appellant filing this case appeal statement:  
Kenneth Franks
- 2) Judge issuing the decision, judgment, or order appealed from:  
Hon. Carolyn Ellsworth
- 3) Appellant and the name and address of counsel for appellant:  
Appellant: Kenneth Franks  
Counsel for Appellant: Lisa A. Rasmussen, Esq.  
Jim Hoffman, Esq.  
601 S. 10th St. #100  
Las Vegas, NV 89101  
(702) 471-1436
- 4) Appellate counsel for respondent unknown at this time. Respondent's  
post-conviction counsel is as follows:  
  
Steve Wolfson, Esq.  
Clark County District Attorney  
Ofelia Monje, Esq.  
Deputy District Attorney  
200 Lewis Ave.

Las Vegas, NV 89155-2212  
(702) 671-2500

- 5) Each of the above attorneys is licensed to practice law in Nevada.
- 6) Appellant was represented by retained counsel in the district court.
- 7) Appellant is currently represented by retained counsel on appeal, but is indigent and he will request transcripts be prepared at county expense.
- 8) Appellant has not been granted leave to proceed in forma pauperis at this time.
- 9) Proceedings commenced in the district court on December 18, 2015.
- 10) This is an appeal from a Judgment of Conviction and Sentence of Ten years to Life.
- 11) This case has not previously been the subject of any appeals.
- 12) This case does not involve child custody or visitation.
- 13) This is not a civil case.

**LAW OFFICE OF LISA RASMUSSEN,**

*/s/ Lisa A. Rasmussen*

---

LISA A. RASMUSSEN, ESQ.  
Nevada Bar No. 7491

Attorneys for Kenneth Franks

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I served a copy of the foregoing CASE APPEAL  
STATEMENT on this 1st day of May, 2017 upon the following persons:

Via Wiznet Service: PDMotions@clarkcountyda.com

*/s/ Lisa A. Rasmussen*

---

LISA A. RASMUSSEN

DEPARTMENT 5  
**CASE SUMMARY**  
**CASE NO. C-15-311519-1**

State of Nevada  
vs  
Kenneth Franks

§ Location: **Department 5**  
§ Judicial Officer: **Ellsworth, Carolyn**  
§ Filed on: **12/18/2015**  
§ Cross-Reference Case **C311519**  
§ Number:  
§ Defendant's Scope ID #: **7762538**  
§ ITAG Case ID: **1722200**  
§ Lower Court Case # Root: **15FN1674**  
§ Lower Court Case Number: **15FN1674X**

CASE INFORMATION

<b>Offense</b>	<b>Deg</b>	<b>Date</b>	<b>Case Type:</b>	<b>Felony/Gross Misdemeanor</b>
1. LEWDNESS WITH A CHILD UNDER AGE 14	F	06/01/2015		
Filed As: COERCION SEXUALLY MOTIVATED	F	12/21/2015	<b>Case Flags:</b>	<b>Appealed to Supreme Court</b>
Arrest: 09/15/2015				<b>Custody Status - In Custody</b>
				<b>Bond/Bail Exonerated</b>
				<b>Charge Description Updated</b>

**Statistical Closures**  
04/13/2017 Jury Trial - Conviction - Criminal

**Bonds**  
Surety #C50-70200223 \$35,000.00  
12/21/2015 Active  
4/5/2017 Exonerated  
Counts: 1

DATE

CASE ASSIGNMENT

**Current Case Assignment**

Case Number	C-15-311519-1
Court	Department 5
Date Assigned	12/18/2015
Judicial Officer	Ellsworth, Carolyn






PARTY INFORMATION

<b>Defendant</b>	<b>Franks, Kenneth</b>	<i>Lead Attorneys</i> <b>Rasmussen, Lisa A.</b> <i>Retained</i> 702-471-1436(W)
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Wolfson, Steven B</b> 702-671-2700(W)
















DATE

EVENTS & ORDERS OF THE COURT









INDEX

12/18/2015	 Criminal Bindover
12/21/2015	 Information <i>Information</i>
12/21/2015	 Receipt
12/21/2015	 Bail Bond <i>Power #C50-70200223 amount \$ 35,000.00</i>
12/28/2015	 <b>Initial Arraignment (10:00 AM)</b> (Judicial Officer: De La Garza, Melisa)

DEPARTMENT 5  
**CASE SUMMARY**  
**CASE NO. C-15-311519-1**

01/12/2016	 <b>Arraignment Continued</b> (10:00 AM) (Judicial Officer: De La Garza, Melisa)
01/12/2016	 Amended Information
01/12/2016	<b>Plea</b> (Judicial Officer: Ellsworth, Carolyn) 1. LEWDNESS WITH A CHILD UNDER AGE 14 Not Guilty PCN: Sequence:
06/20/2016	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses and/or Expert Witnesses [NRS 174.234]</i>
06/22/2016	 Motion to Continue <i>Defendant's Motion to Continue District Court Calendar Call and Trial Based Upon Death of Attorney's Immediate Family Member and Notice of Motion</i>
06/23/2016	 Application <i>Defendant's Motion to Continue Calendar Call and Trial on a Application for Order on Order Shortening Time</i>
06/27/2016	<b>CANCELED Calendar Call</b> (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) <i>Vacated</i>
06/27/2016	 <b>Motion</b> (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) <i>Defendant's Motion to Continue District Court Calendar Call and Trial Based Upon Death of Attorney's Immediate Family Member and Notice of Motion</i>
07/05/2016	<b>CANCELED Jury Trial</b> (1:30 PM) (Judicial Officer: Ellsworth, Carolyn) <i>Vacated</i>
10/07/2016	 Substitution of Attorney <i>Substitution of Attorneys</i>
10/18/2016	 Supplemental Witness List <i>Supplemental Notice of Witnesses and/or Expert Witnesses</i>
11/21/2016	 <b>Calendar Call</b> (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)
11/28/2016	 <b>Jury Trial</b> (1:30 PM) (Judicial Officer: Ellsworth, Carolyn) <b>11/28/2016-12/02/2016, 12/05/2016-12/07/2016</b>
11/30/2016	 <b>Minute Order</b> (3:00 AM) (Judicial Officer: Ellsworth, Carolyn) <i>Minute Order: Strike Improperly Filed Documents</i>
12/02/2016	 Jury List
12/02/2016	 Amended Jury List
12/07/2016	 Instructions to the Jury
12/07/2016	 Verdict

**DEPARTMENT 5**  
**CASE SUMMARY**  
**CASE NO. C-15-311519-1**

01/06/2017	 PSI														
01/17/2017	 Substitution of Attorney <i>Substitution of Counsel</i>														
01/25/2017	 <b>Sentencing</b> (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) <b>01/25/2017, 03/08/2017, 03/29/2017</b>														
03/28/2017	 Memorandum <i>Kenneth Franks' Sentencing Memorandum</i>														
03/29/2017	<b>Disposition</b> (Judicial Officer: Ellsworth, Carolyn) 1. LEWDNESS WITH A CHILD UNDER AGE 14 Guilty PCN: Sequence:														
03/29/2017	<b>Sentence</b> (Judicial Officer: Ellsworth, Carolyn) 1. LEWDNESS WITH A CHILD UNDER AGE 14 Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Life with the possibility of parole after:10 Years Credit for Time Served: 123 Days Comments: COURT FURTHER ORDERED, a special SENTENCE OF LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment. FURTHER ORDERED, pursuant to NRS 179D.460, the defendant shall register as a sex offender within 48 hours of sentencing or release from custody. Fee Totals: <table> <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>Fee Totals \$</td><td>178.00</td></tr> </table>	Administrative Assessment Fee	25.00	\$25		DNA Analysis Fee	150.00	\$150		Genetic Marker Analysis AA Fee	3.00	\$3		Fee Totals \$	178.00
Administrative Assessment Fee	25.00														
\$25															
DNA Analysis Fee	150.00														
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Genetic Marker Analysis AA Fee	3.00														
\$3															
Fee Totals \$	178.00														
04/06/2017	 Judgment of Conviction <i>JUDGMENT OF CONVICTION (JURY TRIAL)</i>														
04/13/2017	 Recorders Transcript of Hearing <i>Wednesday, March 29, 2017 Recorder's Transcript of Proceedings Sentencing</i>														
05/01/2017	 Notice of Appeal (criminal) <i>Notice of Appeal</i>														
05/01/2017	 Case Appeal Statement <i>Case Appeal Statement</i>														

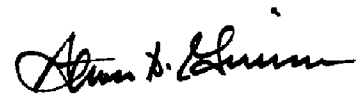
**DATE**

**FINANCIAL INFORMATION**

<b>Defendant</b> Franks, Kenneth	
Total Charges	179.50
Total Payments and Credits	1.50
<b>Balance Due as of 5/4/2017</b>	<b>178.00</b>



**DEPARTMENT 5**  
**CASE SUMMARY**  
**CASE No. C-15-311519-1**



CLERK OF THE COURT

1 JOC

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA

4 THE STATE OF NEVADA,

5 *Plaintiff,*

6 -vs-

7 KENNETH FRANKS  
8 #7762538

9 *Defendant.*

CASE NO: C-15-311519-1

DEPT NO: V

10 JUDGMENT OF CONVICTION  
11 (JURY TRIAL)

12 The defendant previously entered a plea of not guilty to the crime of LEWDNESS  
13 WITH A CHILD UNDER THE AGE OF 14 (a Category A Felony) in violation of NRS  
14 201.230; and the matter having been tried before a jury and the defendant having been found  
15 guilty of the crime of LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (a Category  
16 A Felony) in violation of NRS 201.230. Thereafter, on the 29<sup>th</sup> day of March, 2017, the  
17 defendant was present in court for sentencing with counsel LISA RASMUSSEN, ESQ., and  
18 good cause appearing,

19 THE DEFENDANT IS HEREBY ADJUDGED guilty of said crime as set forth in the  
20 jury's verdict and, in addition to the \$25.00 Administrative Assessment Fee, the \$150.00  
21 DNA Analysis Fee including testing to determine genetic markers, and the \$3.00 DNA  
22 Collection Fee, the defendant is SENTENCED to LIFE with the eligibility for parole after  
23 serving a MINIMUM of TEN (10) YEARS in the Nevada Department of Corrections  
24 (NDC), with ONE HUNDRED TWENTY THREE (123) DAYS credit for time served.

25 IT IS FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME  
26 SUPERVISION is imposed to commence upon release from any term of imprisonment,  
27 probation or parole. In addition, before the defendant is eligible for parole, a panel  
28 consisting of the Administrator of the Mental Health and Development Services of the

Jury Trial  
☐ Dismissed (during trial)  
☐ Acquittal  
☐ Guilty Plea with Sent. (during trial)  
☒ Conviction

1 Department of Human Resources or his designee; the Director of the Department of  
2 corrections or his designee; and a psychologist licensed to practice in this state; or a  
3 psychiatrist licensed to practice medicine in Nevada must certify that the Defendant does not  
4 represent a high risk to re-offend based on current accepted standards of assessment.

5 ADDITIONALLY, the defendant is ORDERED to REGISTER as a sex offender in  
6 accordance with NRS 179D.460 within FORTY EIGHT (48) HOURS after any release from  
7 custody.

8 **FINDINGS AND CORRECTIONS TO THE PRESENTENCE**  
9 **INVESTIGATION REPORT (PSI):** The COURT FINDS the PSI inaccurate as to page 3,  
10 under Criminal Record, Arrest Date: 09-15-15. 2. Destroy Property of Another, \$5K+.  
11 Enhancement/Criminal Gang (F). Said entry is inaccurate and ORDERED STRICKEN as  
12 Defendant was never arrested on said charges nor were they ever charged in this case at any  
13 time.

14 DATED this 31<sup>st</sup> day of March, 2017.

15   
16 CAROLYN ELLSWORTH  
17 DISTRICT JUDGE  
18  
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28

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 28, 2015**

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C-15-311519-1      State of Nevada  
                                 vs  
                                 Kenneth Franks

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**December 28, 2015      10:00 AM      Initial Arraignment**

**HEARD BY:** De La Garza, Melisa

**COURTROOM:** RJC Lower Level Arraignment

**COURT CLERK:** Olivia Black  
                         Shana Stephens  
                         Natalie Ortega  
                         Robin Thomas

**RECORDER:** Kiara Schmidt

**REPORTER:**

**PARTIES**

**PRESENT:**      Franks, Kenneth      Defendant  
                         Solinger, Adam      Attorney

**JOURNAL ENTRIES**

- Deputized Law Clerks Chelsea Kallas and Kelsey Einhorn present on behalf of the State of Nevada.

Following a CONFERENCE AT THE BENCH, COURT ORDERED, matter CONTINUED. State to prepare amended information in case Deft. decides not to enter into negotiations.

CUSTODY

1/12/16 10:00 AM ARRAIGNMENT CONTINUED (LLA)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 12, 2016**

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C-15-311519-1      State of Nevada  
                                 vs  
                                 Kenneth Franks

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**January 12, 2016      10:00 AM      Arraignment Continued**

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

**COURT CLERK:** Kristen Brown

**RECORDER:** Kiara Schmidt

**REPORTER:**

**PARTIES**

**PRESENT:**      Franks, Kenneth      Defendant  
                                 Page, Daniel      Attorney

**JOURNAL ENTRIES**

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

DEFT. FRANKS ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript.

BOND

6/27/16 9:00 AM CALENDAR CALL (DEPT. 5)

7/05/16 1:30 PM JURY TRIAL (DEPT. 5)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 27, 2016**

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C-15-311519-1      State of Nevada  
                                 vs  
                                 Kenneth Franks

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**June 27, 2016                      9:00 AM                      Motion**

**HEARD BY:**   Ellsworth, Carolyn                                      **COURTROOM:**   RJC Courtroom 16D

**COURT CLERK:**   Denise Trujillo

**RECORDER:**   Debbie Winn

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Franks, Kenneth	Defendant
	Heap, Hilary	Attorney
	Ogata, Garrett	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

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

Deft. present at liberty. Good cause showing, COURT ORDERED, trial date VACATED and RESET.

BOND

11/21/16 9 AM CALENDAR CALL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 21, 2016**

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C-15-311519-1      State of Nevada  
                                 vs  
                                 Kenneth Franks

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**November 21, 2016      9:00 AM      Calendar Call**

**HEARD BY:**   Ellsworth, Carolyn

**COURTROOM:**   RJC Courtroom 16D

**COURT CLERK:**   Denise Trujillo

**RECORDER:**    Lara Corcoran

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Clemons, Jennifer M.	Attorney
	Franks, Kenneth	Defendant
	Lee, Benson	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- CALENDAR CALL

Deft. present at liberty. Mr. Benson advised Deft. is rejecting State's latest offer and they are ready for trial. State placed offer of negotiations on the record. COURT ORDERED, matter SET for trial.

BOND

11/28/16 1:30 PM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 28, 2016**

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C-15-311519-1      State of Nevada  
                                 vs  
                                 Kenneth Franks

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**November 28, 2016      1:30 PM      Jury Trial**

**HEARD BY:** Ellsworth, Carolyn

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Denise Trujillo

**RECORDER:** Lara Corcoran

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Clemons, Jennifer M.	Attorney
	Franks, Kenneth	Defendant
	Lee, Benson	Attorney
	State of Nevada	Plaintiff
	Stephens, Robert	Attorney

**JOURNAL ENTRIES**

- JURY TRIAL

JURY VENIRE ABSENT. State placed on the record the negotiations offered to the Deft., that he has declined to accept. Upon Court's inquiry, Deft. advised he understands the offer that he has rejected. Mr. Lee advised he received some late discovery. State objected as he was notified last month, but only picked it up last week. Further, at this point, the State does not intend to use the 911. JURY VENIRE PRESENT. Potential jurors sworn and jury selection commenced.

EVENING RECESS

CONTINUED TO: 11/29/16 1:30 PM



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 29, 2016**

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C-15-311519-1      State of Nevada  
                                 vs  
                                 Kenneth Franks

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**November 29, 2016      1:30 PM      Jury Trial**

**HEARD BY:**   Ellsworth, Carolyn

**COURTROOM:**   RJC Courtroom 16D

**COURT CLERK:**   Denise Trujillo

**RECORDER:**    Lara Corcoran

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Clemons, Jennifer M.	Attorney
	Franks, Kenneth	Defendant
	Lee, Benson	Attorney
	State of Nevada	Plaintiff
	Stephens, Robert	Attorney

**JOURNAL ENTRIES**

- JURY TRIAL

NEW JURY VENIRE PRESENT. Potential jurors sworn and jury selection commenced. LATER:  
Original panel brought back in and jury selection continued.

EVENING RECESS

CONTINUED TO: 11/30/16 1:00 PM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 30, 2016**

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C-15-311519-1      State of Nevada  
                                 vs  
                                 Kenneth Franks

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**November 30, 2016      3:00 AM      Minute Order**

**HEARD BY:**   Ellsworth, Carolyn

**COURTROOM:**   RJC Courtroom 16D

**COURT CLERK:**   Denise Trujillo

**RECORDER:**    Lara Corcoran

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- MINUTE ORDER: STRIKE IMPROPERLY FILED DOCUMENTS

Court noted that pleadings with list of witnesses and exhibits that are to be used in trial was filed at the clerk's office. COURT ORDERED, the pleadings filed and titled: 11/09/16 - Defendants Trial List of Witnesses and Exhibits; 11/30/16 Second Amended Defendants Trial List of Trial Witnesses and Exhibits; and 11/28/16 - Amended Defendants Trial List of Witnesses and Exhibits are to be STRICKEN from the record.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 30, 2016**

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C-15-311519-1      State of Nevada  
                                 vs  
                                 Kenneth Franks

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**November 30, 2016      1:00 PM      Jury Trial**

**HEARD BY:**   Ellsworth, Carolyn

**COURTROOM:**   RJC Courtroom 16D

**COURT CLERK:**   Denise Trujillo

**RECORDER:**    Lara Corcoran

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Clemons, Jennifer M.	Attorney
	Franks, Kenneth	Defendant
	Lee, Benson	Attorney
	State of Nevada	Plaintiff
	Stephens, Robert	Attorney

**JOURNAL ENTRIES**

- JURY TRIAL

JURY VENIRE PRESENT. Jury selection continued.

EVENING RECESS

CONTINUED TO: 12/1/16 2:00 PM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 01, 2016**

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C-15-311519-1      State of Nevada  
                                 vs  
                                 Kenneth Franks

---

**December 01, 2016      1:30 PM      Jury Trial**

**HEARD BY:** Ellsworth, Carolyn

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Denise Trujillo

**RECORDER:** Lara Corcoran

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Clemons, Jennifer M.	Attorney
	Franks, Kenneth	Defendant
	Lee, Benson	Attorney
	State of Nevada	Plaintiff
	Stephens, Robert	Attorney

**JOURNAL ENTRIES**

- JURY TRIAL

JURY VENIRE PRESENT. Jury selection continued. Twelve jurors and two alternates selected and sworn.

EVENING RECESS

CONTINUED TO: 12/2/16 9 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

C-15-311519-1      State of Nevada  
                                 vs  
                                 Kenneth Franks

**December 02, 2016      9:00 AM      Jury Trial**

**HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Cynthia Moleres**RECORDER:** Lara Corcoran**REPORTER:****PARTIES**

<b>PRESENT:</b>	Clemons, Jennifer M.	Attorney
	Franks, Kenneth	Defendant
	Lee, Benson	Attorney
	State of Nevada	Plaintiff
	Stephens, Robert	Attorney

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY. COURT NOTED juror #4 Jesus Caturay stated to Marshall Norris yesterday evening that he did not understand the word lewdness and therefore had looked it up in the dictionary. Juror Jesus Caturay called in and questioned by Judge about researching the word lewdness. Mr. Caturay apologized and stated he would set aside the definition he researched. The State had no questions. Mr. Lee's question of juror #4 was not allowed by the Court. Juror #4 stated again he could set it aside and follow the Court instructions and the instructions given on the law. Mr. Stephens advised the State would stipulate to the admittance of Deft.'s Exhibit's A, B and C.

JURY PRESENT. Admonishment given to the jury. Clerk read the Amended Information to the jury and stated the defendant's plea of NOT GUILTY. COURT instructed jury as to trial procedure. Opening statements by counsel. CONFERENCES AT THE BENCH. Testimony and exhibits presented (see worksheets). COURT ORDERED, trial CONTINUED.

TRIAL CONTINUED TO: 12-05-16 1:30 P.M.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 05, 2016**

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C-15-311519-1      State of Nevada  
                                 vs  
                                 Kenneth Franks

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**December 05, 2016      1:30 PM      Jury Trial**

**HEARD BY:**   Ellsworth, Carolyn

**COURTROOM:**   RJC Courtroom 16D

**COURT CLERK:**   Denise Trujillo

**RECORDER:**    Lara Corcoran

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Clemons, Jennifer M.	Attorney
	Franks, Kenneth	Defendant
	Lee, Benson	Attorney
	State of Nevada	Plaintiff
	Stephens, Robert	Attorney

**JOURNAL ENTRIES**

- JURY TRIAL

JURY PRESENT. Testimony and exhibits per worksheets. State rested. Deft. commenced with his case. JURY ABSENT. COURT. COURT advised Deft. of his right to testify.

EVENING RECESS

CONTINUED TO: 12/6/16 2:00 PM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 06, 2016**

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C-15-311519-1      State of Nevada  
                                 vs  
                                 Kenneth Franks

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**December 06, 2016      1:00 PM      Jury Trial**

**HEARD BY:** Ellsworth, Carolyn

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Denise Trujillo

**RECORDER:** Lara Corcoran

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Clemons, Jennifer M.	Attorney
	Franks, Kenneth	Defendant
	Lee, Benson	Attorney
	State of Nevada	Plaintiff
	Stephens, Robert	Attorney

**JOURNAL ENTRIES**

- TRIAL BY JURY

JURY PRESENT. Testimony and exhibits per worksheets. State rested. Defense proceeded with their case in chief. Deft. rested. JURY NOT PRESENT. Jury instructions settled on the record.

EVENING RECESS

CONTINUED TO: 12/7/16 2:00 PM



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 07, 2016**

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C-15-311519-1      State of Nevada  
                                 vs  
                                 Kenneth Franks

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**December 07, 2016      1:00 PM      Jury Trial**

**HEARD BY:** Ellsworth, Carolyn

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Denise Trujillo

**RECORDER:** Lara Corcoran

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Clemons, Jennifer M.	Attorney
	Franks, Kenneth	Defendant
	Lee, Benson	Attorney
	State of Nevada	Plaintiff
	Stephens, Robert	Attorney

**JOURNAL ENTRIES**

- TRIAL BY JURY

JURY ABSENT. Court advised they forgot to add an instruction. There being no opposition, COURT ORDERED, JURY PRESENT. Court instructed jury. Closing arguments by counsel. At 2:55 PM this date, jury retired to begin deliberations. At 4:15 PM this date, jury returned with a verdict of LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F). COURT thanked and excused the jury. JURY ABSENT. COURT ORDERED, Deft. REMANDED into custody and bond exonerated. FURTHER, matter referred to Parole and Probation (P&P) set for sentencing.

CUSTODY

1/25/17 9 AM SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 25, 2017**

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C-15-311519-1      State of Nevada  
                                 vs  
                                 Kenneth Franks

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**January 25, 2017      9:00 AM      Sentencing**

**HEARD BY:** Ellsworth, Carolyn      **COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Denise Trujillo

**RECORDER:** Lara Corcoran

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Cannizzaro, Nicole J.	Attorney
	Franks, Kenneth	Defendant
	Hoffman, James I.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- SENTENCING

Deft. present in custody. Mr. Hoffman advised Ms. Rasmussen filed substitution of counsel and requested matter be CONTINUED as they have not received file yet. COURT ORDERED, matter CONTINUED.

CUSTODY (BOND)

CONTINUED TO: 3/8/17 9 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 08, 2017**

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C-15-311519-1      State of Nevada  
                                 vs  
                                 Kenneth Franks

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**March 08, 2017      9:00 AM      Sentencing**

**HEARD BY:** Ellsworth, Carolyn      **COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Andrea Natali

**RECORDER:** Lara Corcoran

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Franks, Kenneth	Defendant
	Hoffman, James I.	Attorney
	Pandukht, Taleen R	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Deft. present in custody. COURT NOTED, it received an email that the Defense would be requesting a continuance as a substitution of counsel was filed. Mr. Hoffman so agreed; requested a 3-4 week continuance.

CUSTODY

3/29/17 - 9:00 AM - SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 29, 2017**

C-15-311519-1      State of Nevada  
vs  
Kenneth Franks

**March 29, 2017      9:00 AM      Sentencing**

**HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Andrea Natali**RECORDER:** Lara Corcoran**REPORTER:****PARTIES**

<b>PRESENT:</b>	Clemons, Jennifer M.	Attorney
	Franks, Kenneth	Defendant
	Rasmussen, Lisa A.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Deft. present in custody. DEFT FRANKS ADJUDGED GUILTY of LEWDNESS WITH A CHILD UNDER THE 14 (F). Ms. Rasmussen stated there was an error in the presentence investigation report (PSI) PSI which indicated a charge and gang enhancement. COURT ORDERED, judgment of conviction (JOC) to reflect there was a clerical error on page 3 of the PSI which indicated another charge of "Destroy Property of Another with a Gang Enhancement," as the Deft. was not arrested on that charge.

Arguments by counsel. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee, including testing to determine genetic markers, and a \$3.00 DNA Collection Fee, Defendant SENTENCED to LIFE with the possibility of Parole after TEN (10) YEARS in the Nevada Department of Corrections, with ONE HUNDRED TWENTY-THREE (123) DAYS credit for time served.. COURT FURTHER ORDERED, a special SENTENCE OF LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment. FURTHER ORDERED, pursuant to NRS 179D.460, the defendant shall register as a sex offender within 48 hours of sentencing or release from custody.

BOND, if any, EXONERATED.

NDC

## EXHIBIT(S) LIST

Case No.: C311519

Dept. No.: ✓

Plaintiff: State of Nevada

**VS.**

Defendant: Kenneth Franks

Hearing / Trial Date: 12-2-16

Judge: Carolyn Ellsworth

Court Clerk: Cynthia M. Jones

Recorder / Reporter: Kara Corman

Counsel for Plaintiff: Robb Stephens /  
Jennifer Clemens

Counsel for Defendant: Benson Lee

## HEARING / TRIAL BEFORE THE COURT

State's

## EXHIBITS

[illegible]

# EXHIBIT(S) LIST

Case No.: C311519

Dept. No.: V

Plaintiff: State of Nevada

vs.

Defendant: Kenneth Franks

Hearing / Trial Date: 12-2-16

Judge: Carolyn Ellsworth

Court Clerk: Cynthia Mojeres

Recorder / Reporter: Lara Corcoran

Counsel for Plaintiff: Robb Stephens / Jennifer Clemens

Counsel for Defendant: Benson Lee

## HEARING / TRIAL BEFORE THE COURT

Defendants

### EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
A	Picture Computer Room	12-2-16	No	12-2-16
B	Picture Computer Room	12-2-16	No	↓
C	Picture Computer Room	12-2-16	No	↓
D	Calendar - June 2015	12-5-16	Stop	12-5-16
E	Receipt - Costco	12-5-16	Stop	12-5-16
F	" - Seafood City Supermarket	↓	↓	↓
G	" Bof A	↓	↓	↓
H	" Panda	↓	↓	↓
J	Receipt - Journey's Kidz	↓	↓	↓
K	" "	↓	↓	↓
L	" Costco	↓	↓	↓
M	" Adventure dome	↓	↓	↓
*	There is no "I"			

## EXHIBIT(S) LIST

Case No.: 1311519

Dept. No.:       

Plaintiff: State of Nevada

**VS.**

Defendant: Kenneth Franks

Hearing / Trial Date: 12-2-16

Judge: Carolyn Ellsworth

Court Clerk: Cynthia Morales

Recorder / Reporter: Kara Corcoran

Counsel for Plaintiff: Robb Stephens

Counsel for Defendant: Benson Lee

## HEARING / TRIAL BEFORE THE COURT

Court'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.

KENNETH FRANKS,

Defendant(s).

Case No: C-15-311519-1

Dept No: V

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 4 day of May 2017.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk