

MOT
BOLEY & ALDABBAGH, LTD.
THOMAS D. BOLEY, ESQ.
Nevada Bar No. 11061
1900 E. Bonanza Rd.
Las Vegas, NV 89101
T: (702) 435-3333
F: (702) 475-6567
Attorney for Defendant

Electronically Filed
Oct 12 2017 02:58 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

STATE OF NEVADA,

CASE NO: C-16-313118-2

Plaintiff,

DEPT NO: 7

vs.

JOSE FERNANDO MONAY-PINA,

Defendant.

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that (Jose Fernando Monay-Pina), Petitioner, by and through his/her attorney, THOMAS D. BOLEY, ESQ., does appeal to the Supreme Court of Nevada from the guilty finding entered in this action on the 3rd day of October, 2017.

DATED this 3rd day of Oct, 2017.

RESPECTFULLY SUBMITTED



THOMAS D. BOLEY, Esq.
Nevada Bar # 11061
1900 E. Bonanza Rd.
Las Vegas, Nevada 89101
(702) 435-3333
Attorney for Defendant

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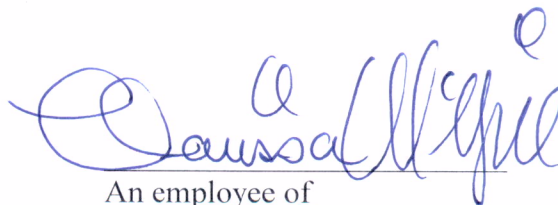
CERTIFICATE OF MAILING

On October 3, 2017, I served the attached **NOTICE OF APPEAL** as required by applicable rule and law by the following means to the person(s) listed below:

[X] BY U.S. MAIL: by placing the document(s) listed/attached in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada, addressed as set forth below:

Alexandra M. Michael
Assistant United State Attorney
Office of the United States Attorney
District of Nevada
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, NV 89101
Phone 702/388-6336
Fax 702/388-5087

Brian Smith, Esq.
LAW OFFICES OF BRIAN SMITH, LTD.
9525 Hillwood Drive, Suite 190a
Las Vegas, NV 89134
Phone 702/380-8248
Phone 702/380-8248



An employee of
BOLEY & AIDABBAGH

DEPARTMENT 7
CASE SUMMARY
CASE NO. C-16-313118-2

State of Nevada
vs
JOSE MONAY-PINA

§ Location: Department 7
§ Judicial Officer: Bell, Linda Marie
§ Filed on: 03/03/2016
§ Case Number History:
§ Cross-Reference Case Number: C313118
§ Defendant's Scope ID #: 7028317
§ ITAG Booking Number: 0
§ ITAG Case ID: 1749913
§ Lower Court Case # Root: 16F00568
§ Lower Court Case Number: 16F00568B
§ Metro Event Number: 1601120450

CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
Jurisdiction: District Court				
1. CONSPIRACY TO COMMIT ROBBERY PCN: 0025601940 ACN: 1601120450 Arrest: 01/12/2016 MET - Metro	F	01/12/2016	Case Flags:	Bail Set Appealed to Supreme Court Custody Status - In Custody Charge Description Updated JC Custody Status at Time of B/O MAR 7 2016 10:00AM: IN CUSTODY Bail Setting NO BAIL
2. BURGLARY WHILE IN POSSESSION OF A FIREARM	F	01/12/2016		
3. ROBBERY WITH USE OF A DEADLY WEAPON	F	01/12/2016		
4. BURGLARY WHILE IN POSSESSION OF A FIREARM	F	01/12/2016		
5. ROBBERY WITH USE OF A DEADLY WEAPON	F	01/12/2016		
6. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM	F	01/12/2016		
7. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON	F	01/12/2016		
8. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM	F	01/12/2016		
9. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM	F	01/12/2016		
10. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM	F	01/12/2016		
11. AIMING A FIREARM AT A HUMAN BEING	G	01/12/2016		
12. COERCION WITH USE OF A DEADLY WEAPON	F	01/12/2016		
13. BATTERY WITH INTENT TO COMMIT A CRIME	F	01/12/2016		

Related Cases
C-16-313118-1 (Multi-Defendant Case)

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	C-16-313118-2
Court	Department 7
Date Assigned	02/28/2017
Judicial Officer	Bell, Linda Marie

PARTY INFORMATION

Defendant MONAY-PINA, JOSE FERNANDO




Lead Attorneys
Boley, Thomas D
Retained
702-435-3383(W)

DEPARTMENT 7
CASE SUMMARY
CASE NO. C-16-313118-2

Plaintiff

State of Nevada

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

DATE	EVENTS & ORDERS OF THE COURT	INDEX
03/03/2016	 Criminal Bindover Packet Las Vegas Justice Court	
03/04/2016	 Information <i>Information</i>	
03/07/2016	 Initial Arraignment (10:00 AM) (Judicial Officer: De La Garza, Melisa)	
03/07/2016	Plea (Judicial Officer: Bell, Linda Marie) 1. CONSPIRACY TO COMMIT ROBBERY Not Guilty PCN: 0025601940 Sequence: 2. BURGLARY WHILE IN POSSESSION OF A FIREARM Not Guilty PCN: Sequence: 3. ROBBERY WITH USE OF A DEADLY WEAPON Not Guilty PCN: Sequence: 4. BURGLARY WHILE IN POSSESSION OF A FIREARM Not Guilty PCN: Sequence: 5. ROBBERY WITH USE OF A DEADLY WEAPON Not Guilty PCN: Sequence: 6. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM Not Guilty PCN: Sequence: 7. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON Not Guilty PCN: Sequence: 8. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM Not Guilty PCN: Sequence: 9. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM Not Guilty PCN: Sequence: 10. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM Not Guilty PCN: Sequence: 11. AIMING A FIREARM AT A HUMAN BEING Not Guilty PCN: Sequence:	

DEPARTMENT 7
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CASE NO. C-16-313118-2

12. COERCION WITH USE OF A DEADLY WEAPON













Not Guilty

PCN: Sequence:













13. BATTERY WITH INTENT TO COMMIT A CRIME

Not Guilty

PCN: Sequence:

04/08/2016	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses</i>
04/08/2016	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Expert Witnesses</i>
04/25/2016	 Calendar Call (9:30 AM) (Judicial Officer: Cadish, Elissa F.)
04/29/2016	 Reporters Transcript <i>Reporter's Transcript of Preliminary Hearing 3/3/2016</i>
05/02/2016	CANCELED Jury Trial (1:30 PM) (Judicial Officer: Cadish, Elissa F.) <i>Vacated</i>
09/19/2016	 Calendar Call (9:30 AM) (Judicial Officer: Cadish, Elissa F.)
09/26/2016	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Cadish, Elissa F.) <i>Vacated</i>
12/22/2016	 Notice of Witnesses and/or Expert Witnesses <i>Amended Notice of Expert Witnesses [NRS 174.234(2)]</i>
01/06/2017	 Supplemental Witness List <i>Supplemental Notice of Witnesses</i>
01/20/2017	 Receipt of Copy <i>Receipt of Copy</i>
02/06/2017	 Calendar Call (9:30 AM) (Judicial Officer: Cadish, Elissa F.) 02/06/2017, 02/08/2017
02/13/2017	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Cadish, Elissa F.) <i>Vacated</i>
02/22/2017	 Calendar Call (9:30 AM) (Judicial Officer: Cadish, Elissa F.)
02/27/2017	 Minute Order (3:00 AM) (Judicial Officer: Herndon, Douglas W.)
02/27/2017	 Calendar Call (9:30 AM) (Judicial Officer: Cadish, Elissa F.)
02/27/2017	CANCELED Jury Trial (1:30 PM) (Judicial Officer: Cadish, Elissa F.) <i>Vacated</i>
03/06/2017	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Cadish, Elissa F.) <i>Vacated</i>

DEPARTMENT 7
CASE SUMMARY
CASE NO. C-16-313118-2

03/07/2017	Status Check (9:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Status Check: Trial</i>
03/13/2017	 Jury Trial (12:00 PM) (Judicial Officer: Bell, Linda Marie) 03/13/2017-03/15/2017
03/13/2017	 Amended Information <i>Amended Information</i>
03/13/2017	 Jury List
03/13/2017	 Amended Information <i>Second Amended Information</i>
03/14/2017	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Bell, Linda Marie) <i>Vacated - On In Error</i>
03/15/2017	 Instructions to the Jury
03/15/2017	 Verdict
03/15/2017	 Amended Information <i>Third Amended Information</i>
05/04/2017	 Order <i>Order to Reschedule Hearing Date</i>
06/01/2017	 PSI
06/01/2017	 PSI - Defendant Statements
06/08/2017	 Stipulation and Order Filed by: Plaintiff State of Nevada <i>Stipulation to Continue Sentencing Hearing</i>
08/17/2017	 Sentencing (8:30 AM) (Judicial Officer: Bell, Linda Marie) 08/17/2017, 09/07/2017
09/07/2017	Disposition (Judicial Officer: Bell, Linda Marie) 1. CONSPIRACY TO COMMIT ROBBERY Guilty PCN: 0025601940 Sequence: 2. BURGLARY WHILE IN POSSESSION OF A FIREARM Guilty PCN: Sequence: 3. ROBBERY WITH USE OF A DEADLY WEAPON Guilty PCN: Sequence: 4. BURGLARY WHILE IN POSSESSION OF A FIREARM Guilty PCN: Sequence:

DEPARTMENT 7
CASE SUMMARY
CASE No. C-16-313118-2

5. ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

6. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL
BODILY HARM

Guilty

PCN: Sequence:

7. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

8. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL
BODILY HARM

Guilty

PCN: Sequence:

9. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL
BODILY HARM

Guilty

PCN: Sequence:

10. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL
BODILY HARM

Guilty

PCN: Sequence:

11. AIMING A FIREARM AT A HUMAN BEING

Guilty

PCN: Sequence:

12. COERCION WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

13. BATTERY WITH INTENT TO COMMIT A CRIME

Guilty

PCN: Sequence:

09/07/2017

Sentence (Judicial Officer: Bell, Linda Marie)

1. CONSPIRACY TO COMMIT ROBBERY

Adult Adjudication

Sentenced to Nevada Dept. of Corrections

Term: Minimum:24 Months, Maximum:60 Months

09/07/2017

Sentence (Judicial Officer: Bell, Linda Marie)

2. BURGLARY WHILE IN POSSESSION OF A FIREARM

Adult Adjudication

Sentenced to Nevada Dept. of Corrections

Term: Minimum:24 Months, Maximum:120 Months

Concurrent: Charge 1

09/07/2017

Sentence (Judicial Officer: Bell, Linda Marie)

3. ROBBERY WITH USE OF A DEADLY WEAPON

Adult Adjudication

Sentenced to Nevada Dept. of Corrections

Term: Minimum:24 Months, Maximum:120 Months



Consecutive Enhancement:for use of deadly weapon, Minimum:12 Months,
Maximum:60 Months

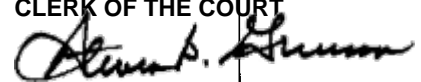
Concurrent: Charge 1 and 2

DEPARTMENT 7
CASE SUMMARY
CASE NO. C-16-313118-2

09/07/2017	<p>Sentence (Judicial Officer: Bell, Linda Marie)</p> <p>4. BURGLARY WHILE IN POSSESSION OF A FIREARM</p> <p>Adult Adjudication</p> <p>Sentenced to Nevada Dept. of Corrections</p> <p>Term: Minimum:24 Months, Maximum:120 Months</p> <p>Concurrent: Charge 1,2,3</p>
09/07/2017	<p>Sentence (Judicial Officer: Bell, Linda Marie)</p> <p>5. ROBBERY WITH USE OF A DEADLY WEAPON</p> <p>Adult Adjudication</p> <p>Sentenced to Nevada Dept. of Corrections</p> <p>Term: Minimum:24 Months, Maximum:120 Months</p> <p>Consecutive Enhancement:for use of a deadly weapon, Minimum:24 Months, Maximum:60 Months</p> <p>Consecutive: Charge 1,2,3</p>
09/07/2017	<p>Sentence (Judicial Officer: Bell, Linda Marie)</p> <p>6. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM</p> <p>Adult Adjudication</p> <p>Sentenced to Nevada Dept. of Corrections</p> <p>Term: Minimum:24 Months, Maximum:120 Months</p> <p>Concurrent: Charge 1,2,3,4,5</p>
09/07/2017	<p>Sentence (Judicial Officer: Bell, Linda Marie)</p> <p>7. ATTEMPT MURDER WITH USE OF A DEADLY WEAPON</p> <p>Adult Adjudication</p> <p>Sentenced to Nevada Dept. of Corrections</p> <p>Term: Minimum:24 Months, Maximum:120 Months</p> <p>Consecutive Enhancement:for use of deadly weapon, Minimum:24 Months, Maximum:60 Months</p> <p>Consecutive: Charge 1,2,3</p>
09/07/2017	<p>Sentence (Judicial Officer: Bell, Linda Marie)</p> <p>8. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM</p> <p>Adult Adjudication</p> <p>Sentenced to Nevada Dept. of Corrections</p> <p>Term: Minimum:24 Months, Maximum:120 Months</p> <p>Concurrent: Charge 1,2,3,4,5,6,7</p>
09/07/2017	<p>Sentence (Judicial Officer: Bell, Linda Marie)</p> <p>9. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM</p> <p>Adult Adjudication</p> <p>Sentenced to Nevada Dept. of Corrections</p> <p>Term: Minimum:24 Months, Maximum:60 Months</p> <p>Concurrent: Charge 1,2,3,4,5,6,7,8</p>
09/07/2017	<p>Sentence (Judicial Officer: Bell, Linda Marie)</p> <p>10. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM</p> <p>Adult Adjudication</p> <p>Sentenced to Nevada Dept. of Corrections</p> <p>Term: Minimum:24 Months, Maximum:60 Months</p> <p>Concurrent: Charge 1,2,3,4,5,6,7,8,9</p>
09/07/2017	<p>Sentence (Judicial Officer: Bell, Linda Marie)</p> <p>11. AIMING A FIREARM AT A HUMAN BEING</p> <p>Adult Adjudication</p> <p>Sentenced to CCDC</p> <p>Term: 364 Days</p>

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CASE SUMMARY
CASE NO. C-16-313118-2

	Concurrent: Case Number 1,2,3,4,5,6,7,8,9, and 10		
09/07/2017	Sentence (Judicial Officer: Bell, Linda Marie) 12. COERCION WITH USE OF A DEADLY WEAPON Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:12 Months, Maximum:60 Months Consecutive: Charge 1,2,3,5,7		
09/07/2017	Sentence (Judicial Officer: Bell, Linda Marie) 13. BATTERY WITH INTENT TO COMMIT A CRIME Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:24 Months, Maximum:60 Months Concurrent: Charge 1,2,3,4,5,6,7,8,9,10,11, and 12 Fee Totals: Administrative Assessment Fee 25.00 \$25 DNA Analysis Fee 150.00 \$150 Genetic Marker Analysis AA Fee 3.00 \$3 Fee Totals \$ 178.00		
09/21/2017	 Judgment of Conviction <i>JUDGMENT OF CONVICTION (JURY TRIAL)</i>		
10/03/2017	 Notice of Appeal (criminal) Party: Defendant MONAY-PINA, JOSE FERNANDO <i>Notice of Appeal</i>		
DATE	FINANCIAL INFORMATION		
	Defendant MONAY-PINA, JOSE FERNANDO		
	Total Charges		178.00
	Total Payments and Credits		0.00
	Balance Due as of 10/5/2017		178.00



JOC

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JOSE FERNANDO MONAY-PINA aka
Jose Fernando Monaypina
#7028317

Defendant.

CASE NO. C-16-313118-2

DEPT. NO. VII

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1
– CONSPIRACY TO COMMIT ROBBERY (Category B Felony) in violation of NRS
200.380, 199.480; COUNTS 2 and 4 – BURGLARY WHILE IN POSSESSION OF A
FIREARM (Category B Felony) in violation of NRS 205.060; COUNTS 3 and 5 –
ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of
NRS 200.380, 193.165; COUNTS 6, 8, 9 and 10 – BATTERY WITH USE OF A
DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B
Felony) in violation of NRS 200.481; COUNT 7 – ATTEMPT MURDER WITH USE OF A

1 DEADLY WEAPON (Category B Felony) in violation of NRS 200.010, 200.030, 193.330,
2 193.165, of COUNT 11 – AIMING A FIREARM AT A HUMAN BEING (Gross
3 Misdemeanor) in violation of NRS 202.290; COUNT 12 – COERCION WITH USE OF A
4 DEADLY WEAPON (Category B Felony) in violation of NRS 207.190, 193.165; and
5 COUNT 13 – BATTERY WITH INTENT TO COMMIT A CRIME (Category B Felony) in
6 violation of NRS 200.400.2; and the matter having been tried before a jury, and the
7 Defendant having been found guilty of the crimes of COUNT 1 – CONSPIRACY TO
8 COMMIT ROBBERY (Category B Felony) in violation of NRS 200.380, 199.480;
9 COUNTS 2 and 4 – BURGLARY WHILE IN POSSESSION OF A FIREARM (Category
10 B Felony) in violation of NRS 205.060; COUNTS 3 and 5 – ROBBERY WITH USE OF A
11 DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.165;
12 COUNTS 6 and 8 – BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
13 SUBSTANTIAL BODILY HARM (Category B Felony) in violation of NRS 200.481;
14 COUNT 7 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B
15 Felony) in violation of NRS 200.010, 200.030, 193.330, 193.165, COUNTS 9 and 10 –
16 BATTERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of
17 NRS 200.481; COUNT 11 – AIMING A FIREARM AT A HUMAN BEING (Gross
18 Misdemeanor) in violation of NRS 202.290; COUNT 12 – COERCION WITH USE OF A
19 DEADLY WEAPON (Category B Felony) in violation of NRS 207.190, 193.165; and
20 COUNT 13 – BATTERY WITH INTENT TO COMMIT A CRIME (Category B Felony) in
21 violation of NRS 200.400.2; thereafter, on the 7th day of September, 2017, the
22 Defendant was present in court for sentencing with counsel THOMAS BOLEY, ESQ.,
23 and good cause appearing,

1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
2 addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee
3 including testing to determine genetic markers plus \$3.00 DNA Collection Fee, the
4 Defendant is SENTENCED to the Nevada Department of Corrections (NDC) as follows:
5
6 **COUNT 1** – a MAXIMUM of SIXTY (60) MONTHS with a MINIMUM parole eligibility of
7 TWENTY-FOUR (24) MONTHS; **COUNT 2** - a MAXIMUM of ONE HUNDRED TWENTY
8 (120) MONTHS with a MINIMUM parole eligibility of TWENTY-FOUR (24) MONTHS,
9 CONCURRENT with COUNT 1; **COUNT 3** – a MAXIMUM of ONE HUNDRED TWENTY
10 (120) MONTHS with a MINIMUM parole eligibility of TWENTY-FOUR (24) MONTHS,
11 plus a CONSECUTIVE term of SIXTY (60) MONTHS with a MINIMUM parole eligibility
12 of TWELVE (12) MONTHS for the Use of a Deadly Weapon; CONCURRENT with
13 COUNTS 1, 2; **COUNT 4** - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS
14 with a MINIMUM parole eligibility of TWENTY-FOUR (24) MONTHS CONCURRENT
15 with COUNTS 1, 2, 3; **COUNT 5** – a MAXIMUM of ONE HUNDRED TWENTY (120)
16 MONTHS with a MINIMUM parole eligibility of TWENTY-FOUR (24) MONTHS, plus a
17 CONSECUTIVE term of SIXTY (60) MONTHS with a MINIMUM parole eligibility of
18 TWENTY-FOUR (24) MONTHS for the Use of a Deadly Weapon, CONSECUTIVE to
19 COUNTS, 1, 2, 3; **COUNT 6** - a MAXIMUM of ONE HUNDRED TWENTY (120)
20 MONTHS with a MINIMUM parole eligibility of TWENTY-FOUR (24) MONTHS,
21 CONCURRENT with COUNTS 1, 2, 3, 4, 5; **COUNT 7** – a MAXIMUM of ONE
22 HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of TWENTY-
23 FOUR (24) MONTHS, plus a CONSECUTIVE term of SIXTY (60) MONTHS with a
24 MINIMUM parole eligibility of TWENTY-FOUR (24) MONTHS for the Use of a Deadly

1 Weapon; CONSECUTIVE to COUNTS 1, 2, 3; **COUNT 8** - a MAXIMUM of ONE
2 HUNDRED TWENTY (120) MONTHS with a MINIMUM parole eligibility of TWENTY-
3 FOUR (24) MONTHS, CONCURRENT with COUNTS 1, 2, 3, 4, 5, 6, 7; **COUNT 9** - a
4 MAXIMUM of SIXTY (60) MONTHS with a MINIMUM parole eligibility of TWENTY-
5 FOUR (24) MONTHS, CONCURRENT with COUNTS 1, 2, 3, 4, 5, 6, 7, 8; **COUNT 10** -
6 a MAXIMUM of SIXTY (60) MONTHS with a MINIMUM parole eligibility of TWENTY-
7 FOUR (24) MONTHS, CONCURRENT with COUNTS 1, 2, 3, 4, 5, 6, 7, 8, 9; **COUNT**
8 **11** - THREE HUNDRED SIXTY-FOUR (364) DAYS in the Clark County Detention
9 Center, CONCURRENT with COUNTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10; **COUNT 12** - a
10 MAXIMUM of SIXTY (60) MONTHS with a MINIMUM parole eligibility of TWELVE (12)
11 MONTHS, CONSECUTIVE to COUNTS 1, 2, 3, 5, 7; and **COUNT 13** - a MAXIMUM of
12 SIXTY (60) MONTHS with a MINIMUM parole eligibility of TWENTY-FOUR (24)
13 MONTHS, CONCURRENT with COUNTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12; with SIX
14 HUNDRED FOUR (604) DAYS credit for time served. The AGGREGATE TOTAL
15 sentence is FOUR HUNDRED TWENTY (420) MONTHS MAXIMUM with a MINIMUM
16 PAROLE ELIGIBILITY of NINETY-FOUR (94) MONTHS or THIRTY-FIVE (35) YEARS
17 MAXIMUM with a MINIMUM PAROLE ELIGIBILITY of NINE (9) YEARS.

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21 DATED this 20th day of September, 2017.

22
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24 
25 LINDA MARIE BELL
26 DISTRICT COURT JUDGE
27
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 07, 2016

C-16-313118-2 State of Nevada
vs
JOSE MONAY-PINA

March 07, 2016 10:00 AM Initial Arraignment

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

COURT CLERK:
Kory Schlitz

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT: MONAY-PINA, JOSE FERNANDO Defendant

JOURNAL ENTRIES

- Deputized Law Clerk, Vivian Luong, appearing for the State. Augustus Claus, Esq. appearing on behalf of Marty Hart, Esq.

DEFT. MONAY-PINA ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER 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. Mr. Claus made an oral Motion for Discovery pursuant to EDCR 3.24. COURT ADDITIONALLY ORDERED, motion GRANTED pursuant to NRS 174.235.

CUSTODY (COC)

4/25/16 9:30 AM CALENDAR CALL (DEPT. 6)

5/2/16 10:00 AM JURY TRIAL (DEPT. 6)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 25, 2016

C-16-313118-2 State of Nevada
vs
JOSE MONAY-PINA

April 25, 2016 9:30 AM Calendar Call

HEARD BY: Cadish, Elissa F. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Keith Reed
Louisa Garcia

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT:	Boley, Thomas D	Attorney
	Luzaich, Elissa	Attorney
	MONAY-PINA, JOSE FERNANDO	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Gill, Esq., present on behalf of Casimiro Venegas; Tom Boley, Esq., present on behalf of Jose Fernando Monay-Pina.

Mr. Gill stated he filed a Motion to Continue to conduct further investigation, noting Defendant waived his right to a speedy trial and had no objection. At the request of counsel, COURT ORDERED, Defendant remanded on this case, if not already remanded.

Mr. Boley substituted in as counsel on behalf of Deft. Monay-Pina and stated he would be seeking a continuance as well, noting Defendant waived. COURT ORDERED, trial date VACATED and RESET.

CUSTODY (COC-NDC) (VENEGAS)

CUSTODY (MONAY-PINA)

9/19/16 9:30 AM CALENDAR CALL (BOTH)

9/26/16 10:00 AM JURY TRIAL (BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 19, 2016

C-16-313118-2 State of Nevada
 vs
 JOSE MONAY-PINA

September 19, 2016 9:30 AM Calendar Call

HEARD BY: Cadish, Elissa F. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Keith Reed

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT: Boley, Thomas D Attorney
 Holthus, Mary Kay Attorney
 MONAY-PINA, JOSE FERNANDO Defendant
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Also present, Co Defendant CASIMIRO VENEGAS, with counsel Adam Gill.

Mr. Gill advised there are further investigations to conduct, negotiations have been discussed, and requested the trial be rescheduled. Ms. Holthus stated she is not opposed to the continuance, provided the cases remain together. Mr. Boley stated he is not opposed to the request. Colloquy regarding the continuation of the 1 week trial. Mr. Gill stated he would like to make sure Defendant Venegas is remanded in this case. Court noted the believe that Defendant Venegas is in custody in this case, and another, and there being no opposition, ORDERED, trial CONTINUED.

CUSTODY(COC-NDC)

2-6-17 9:30 AM CALENDAR CALL

2-13-17 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 06, 2017

C-16-313118-2 State of Nevada
vs
JOSE MONAY-PINA

February 06, 2017 9:30 AM Calendar Call

HEARD BY: Cadish, Elissa F. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Keith Reed

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT: Boley, Thomas D Attorney
MONAY-PINA, JOSE FERNANDO Defendant
Schwartz, Bryan A. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Also present, Defendant Casimiro Venegas, with counsel Adam Gill.

Mr. Gill and Mr Boley stated they are ready for trial. Mr. Schwartz announced the state is ready to proceed to trial; it's not overflow eligible. Mr. Gill stated the trial will last 4-5 days, can safely say will not go into another week. Colloquy regarding the case. COURT ORDERED, matter CONTINUED to check with overflow, and other courts to determine if they can hear the case.

CUSTODY

2-8-17 8:30 AM CALENDAR CALL

2-13-17 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 08, 2017**

C-16-313118-2 State of Nevada
vs
JOSE MONAY-PINA

February 08, 2017 8:30 AM Calendar Call

HEARD BY: Cadish, Elissa F. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Keith Reed

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT:	Boley, Thomas D	Attorney
	MONAY-PINA, JOSE FERNANDO	Defendant
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Also present Defendant Casimiro Venegas with counsel Adam Gill.

Court stated it's been confirmed with the overflow Judge, and after providing them with the information they are confident a Judge can be found to hear the case. Mr. Gill advised the Defendant is not confident they are ready to proceed to trial, although they had announced ready; there are further investigations the Defendant would like done and he's not comfortable going to trial; the state has been informed of this, but there's not been an opportunity to mention it to Mr. Boley; a 30-45 day continuance is requested. Colloquy regarding a continuation of the trial. Mr. Schwartz objected to the request, arguing Mr. Gill announced ready, and the Defendant is attempting to delay the trial; mentioned to Mr. Gill a 2 week continuance with the witnesses being available on a short setting for February 28th, if not April. Mr. Gill stated 2 weeks does not work. CONFERENCE AT BENCH. Court noted discussions were had regarding specific investigations that may need to be completed by Mr. Gill, and the time frame. At this point, Mr. Boley stated he does not want to oppose any further investigations, he is ready to proceed to trial, and his only objection is to his client remaining in jail a whole year; which is a light objection. Court noted defendant Venegas would like counsel to follow

up on investigative matters, and other than the items the defendant would like to be looked into, counsel is ready for trial. COURT ORDERED, trial CONTINUED to have the investigator follow up on a couple of things; at the calendar call it will be discussed when the trial starts, or if it' sent to overflow.

CUSTODY

2- 22-17 9:30 AM CALENDAR CALL

2-27-17 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 22, 2017

C-16-313118-2 State of Nevada
 vs
 JOSE MONAY-PINA

February 22, 2017 9:30 AM Calendar Call

HEARD BY: Cadish, Elissa F. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Keith Reed

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT: Boley, Thomas D Attorney
 Holthus, Mary Kay Attorney
 MONAY-PINA, JOSE FERNANDO Defendant
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Also present, Defendant Casmiro Venegas, with counsel Adam Gill. Ms. Holthus, Mr. Arnold, and Mr. Boley all announced they are ready to proceed to trial. Ms. Holthus stated the 6-7 day trial is not over flow eligible; 20-25 witnesses. Mr. Boley stated it's believed the case is over flow eligible. Colloquy regarding the eligibility of cases to be sent to over flow. Court stated it's probable another court can preside over this trial whether it goes to over flow or not. CONFERENCE AT BENCH. Court noted that based upon conversations at the bench, the Court will make inquiries to determine if someone can preside over the 6-7 day trial the week of March 6, 2017 and ORDERED, trial CONTINUED. Ms. Holthus inquired if the subpoenas remain in effect. Court stated yes.

CUSTODY(COC-NDC)

2-27-17 9:30 AM CALENDAR CALL

3-6-17 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 27, 2017

C-16-313118-2 State of Nevada
 vs
 JOSE MONAY-PINA

February 27, 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 6 and is currently set for trial. The parties are ready to proceed to trial. Due to another scheduled trial, Department 6 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 6 is unable to hear the trial. District Court Department 7 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 7. The matter will proceed to trial Monday, March 13, 2017, at 9:00 am. The attorneys are directed to contact Department 7 for further instructions.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 27, 2017

C-16-313118-2 State of Nevada
vs
JOSE MONAY-PINA

February 27, 2017 9:30 AM Calendar Call

HEARD BY: Cadish, Elissa F. **COURTROOM:** RJC Courtroom 15B

COURT CLERK: Keith Reed

RECORDER: Jessica Kirkpatrick

REPORTER:

PARTIES

PRESENT:	Boley, Thomas D	Attorney
	Holthus, Mary Kay	Attorney
	MONAY-PINA, JOSE FERNANDO	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Also present, Defendant Casimiro Venegas, with counsel Adam Gill. Court noted due to this Court's trial schedule, another Judge was sought to preside over this case, which is not over flow eligible; Judge Bell has agreed to take the trial, but needs to start March 13, 2017; parties are to contact Department VII to discuss the setting. Ms. Holthus concurred, advising she has not contacted all of the witnesses, but has verified with the victim they will not be leaving town; it's not 100% confirmed, but it's anticipated that's ok. Mr. Boley stated he has no preference; sooner is better. COURT ORDERED, matter SET for trial March 13, 2017 @ 9:00 AM in Dept. VII; Judge Herndon will prepare the actual minute order reassigning the case, and this Court will arrange for the case to be reassigned to Judge Bell; parties are to contact Dept. VII in regards to the details of their scheduling.

CUSTODY

3-13-17 9:00 AM JURY TRIAL (DEPT. VII)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

C-16-313118-2 State of Nevada
vs
JOSE MONAY-PINA

March 07, 2017**9:00 AM****Status Check****Jury Trial****HEARD BY:** Bell, Linda Marie**COURTROOM:** RJC Courtroom 15A**COURT CLERK:** Sylvia Perry**RECORDER:** Renee Vincent**REPORTER:****PARTIES**

PRESENT:	Holthus, Mary Kay	Attorney
	MONAY-PINA, JOSE FERNANDO	Defendant
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Defendant Venegas not present. COURT ORDERED, presence WAIVED as there was no order to transport.

Mr. Boley not present, Mr. Gill present on his behalf.

Colloquy regarding scheduling as parties requested to begin the trial Monday afternoon. Court advised concerns as to starting the trial too late in the day. Further, Mr. Gill advised Mr. Boley requested a Tuesday start date. COURT ORDERED, trial set to proceed March 13, 2017 at 12:00 pm. Additionally, Court informed the parties the DC VII law clerk was recently hired by the District Attorney's office for a clerkship starting in September and will have nothing to do with the case. Mr. Gill so noted.

3/13/17 12:00 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 13, 2017

C-16-313118-2 State of Nevada
vs
JOSE MONAY-PINA

March 13, 2017 12:00 AM Jury Trial

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 15A

COURT CLERK: Sylvia Perry

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: Boley, Thomas D Attorney
 Holthus, Mary Kay Attorney
 MONAY-PINA, JOSE FERNANDO Defendant
 Schwartz, Bryan A. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Jury Trial

Also present, Mr. A. Gill Esq., present on behalf of Defendant Venegas.

OUTSIDE THE PRESENCE OF THE PERSPECTIVE JURY:

AMENDED INFORMATION FILED IN OPEN COURT. Colloquy regarding scheduling. Court advised counsel as to peremptory challenges. COURT ORDERED, Defendant Venegas REMANDED to the custody of the Clark County Detention Center for the duration of the trial.

INSIDE THE PRESENCE OF THE PERSPECTIVE JURY:

Counsel advised no challenge to the jury panel as a whole. Perspective jury panel polled. Introductions by Court and counsel. Voir Dire conducted. SECOND AMENDED INFORMATION FILED IN OPEN COURT. Clerk read the Information to the jury and stated the defendant's plea thereto. Jury selected and sworn. Recess, COURT ORDERED, jury trial CONTINUED.

CONTINUED TO 3/14/17 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 14, 2017

C-16-313118-2 State of Nevada
vs
JOSE MONAY-PINA

March 14, 2017 10:00 AM Jury Trial

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 15A

COURT CLERK: Sylvia Perry

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: Boley, Thomas D Attorney
 Holthus, Mary Kay Attorney
 MONAY-PINA, JOSE FERNANDO Defendant
 Schwartz, Bryan A. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Jury Trial Continues

Appearances continued: Mr. A. Gill Esq., present on behalf of Defendant Venegas. Ms. N. Tatten, Spanish court interpreter.

INSIDE THE PRESENCE OF THE JURY:
Conference at the Bench.

OUTSIDE THE PRESENCE OF THE JURY:
Juror #8 present. Colloquy regarding juror possibly knowing both a witness and Defendant Monay-Pina. EXCLUSIONARY RULE INVOKED. Counsel stipulated to the admission of exhibits.

INSIDE THE PRESENCE OF THE JURY:
Testimony and exhibits presented. (See worksheets).

OUTSIDE THE PRESENCE OF THE JURY:

Colloquy regarding proposed jury instructions. Mr. Gill clarified a sidebar objection as it was to ongoing hearsay. Court so noted and ORDERED, jury trial CONTINUED.

CONTINUED TO 3/15/17 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 15, 2017

C-16-313118-2 State of Nevada
vs
JOSE MONAY-PINA

March 15, 2017 9:00 AM Jury Trial

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 15A

COURT CLERK: Sylvia Perry

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: Boley, Thomas D Attorney
 Holthus, Mary Kay Attorney
 MONAY-PINA, JOSE FERNANDO Defendant
 Schwartz, Bryan A. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Jury Trial Continued

Also present, Mr. A. Gill Esq., counsel for Defendant Casimiro Venegas.

OUTSIDE THE PRESENCE OF THE JURY:

THIRD AMENDED INFORMATION FILED IN OPEN COURT. Court advised Defendants of their right not to testify.

INSIDE THE PRESENCE OF THE JURY:

Testimony and exhibits continued (See worksheets). State and Defense REST.

OUTSIDE THE PRESENCE OF THE JURY:

Jury instructions settled.

INSIDE THE PRESENCE OF THE JURY:

Court read the instructions to the Jury. Closing arguments by Counsel. Jury retired for deliberations at the hour of 3:51 pm. Jury returned for the court to answer a question. Deliberation continued.

At the hour of 5:43 pm, the Jury returned with a VERDICT for Defendant Monay-Pina of and Defendant Venegas :

As to COUNT 1 - GUILTY of Conspiracy to Commit Robbery

As to COUNT 2 - GUILTY of Burglary While in Possession of a Firearm

As to COUNT 3 - GUILTY of Robbery with Use of a Deadly Weapon

As to COUNT 4 - GUILTY of Burglary While in Possession of a Firearm

As to COUNT 5 - GUILTY of Robbery with Use of a Deadly Weapon

As to COUNT 6 - GUILTY of Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm

As to COUNT 7 - GUILTY of Attempt Murder With Use of a Deadly Weapon

As to COUNT 8 - GUILTY of Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm

As to COUNT 9 - GUILTY of Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm

As to COUNT 10 - GUILTY of Battery with Use of a Deadly Weapon

As to COUNT 11 - GUILTY of Aiming a Firearm at a Human Being

As to COUNT 12 - GUILTY of Coercion with Use of a Deadly Weapon

As to COUNT 13 - GUILTY of Battery with Intent to Commit a Crime

Jury polled (unanimous). Court thanked and excused the jury.

OUTSIDE THE PRESENCE OF THE JURY:

Sentencing date SET.

6/15/17 8:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 17, 2017

C-16-313118-2 State of Nevada
vs
JOSE MONAY-PINA

August 17, 2017 8:30 AM Sentencing

HEARD BY: Bell, Linda Marie **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Sylvia Perry

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT: Boley, Thomas D Attorney
 Schwartz, Bryan A. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Sentencing

Also present: Mr. A. Gill, Counsel for Defendant Venegas.

Upon the Court's inquiry, Mr. Gill requested to continue sentencing thirty (30) days as he has a scheduled meeting with his Defendant 8/29/17; further stating there is no opposition from both co-deft's counsel and the State. Mr. Schwartz advised he does not oppose a continuance and informed victim witnesses not to appear in the event the sentencing was continued. Court stated a continuance has not been granted and State is not prepared to proceed today. Colloquy regarding if Defendant's needed to be sentenced together as Mr. Boley advised no opposition to moving forward today. COURT ORDERED, matter CONTINUED as requested and to allow the victim witnesses the opportunity to share. Parties so noted.

CUSTODY

CONTINUED TO 9/7/17 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

C-16-313118-2 State of Nevada
vs
JOSE MONAY-PINA

September 07, 2017 8:30 AM Sentencing

HEARD BY: Bell, Linda Marie**COURTROOM:** RJC Courtroom 15A

COURT CLERK: Sylvia Perry
Kory Schlitz

RECORDER: Renee Vincent**REPORTER:****PARTIES**

PRESENT:	Boley, Thomas D	Attorney
	Holthus, Mary Kay	Attorney
	MONAY-PINA, JOSE FERNANDO	Defendant
	Schwartz, Bryan A.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Defendant Venegas present in custody represented by Adam Gill Esq.

Victim Speakers sworn and testified. (See Worksheet). DEFENDANT MONAY-PINA ADJUDGED GUILTY of COUNT 1 - CONSPIRACY TO COMMIT ROBBERY (F) and COUNT 2, 4 - BURGLARY WHILE IN POSSESSION OF FIREARM (F), COUNTS 3, 5 - ROBBERY WITH USE OF A DEADLY WEAPON (F), COUNTS 6, 8, 9, 10 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F), COUNT 7 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F), COUNT 11 - AIMING A FIREARM AT A HUMAN BEING (F), COUNT 12 - COERCION WITH USE OF A DEADLY WEAPON (F), COUNT 13 - BATTERY WITH INTENT TO COMMIT A CRIME (F). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$3.00 DNA Collection fee, Defendant SENTENCED to:

COUNT 1 - to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC);

and in COUNT 2 - to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the NDC, CONCURRENT with COUNT 1;

and in COUNT 3 - to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the NDC, plus a CONSECUTIVE term of a MINIMUM of TWELVE (12) MONTHS with a MAXIMUM of SIXTY (60) MONTHS in the NDC, for use of a deadly weapon; CONCURRENT with COUNT 1 and COUNT 2;

COUNT 4 - to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the NDC, CONCURRENT to COUNT 1, COUNT 2, COUNT 3;

and in COUNT 5 - to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the NDC, plus a CONSECUTIVE term of a MINIMUM of TWENTY-FOUR (24) MONTHS with a MAXIMUM of SIXTY (60) MONTHS in the NDC, for use of a deadly weapon, CONSECUTIVE to COUNT 1, COUNT 2, COUNT 3;

and in COUNT 6 - to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the NDC, CONCURRENT WITH COUNT 1, COUNT 2, COUNT 3, COUNT 4, and COUNT 5;

and in COUNT 7 - to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the NDC, plus a CONSECUTIVE term of a MINIMUM of TWENTY-FOUR (24) MONTHS with a MAXIMUM of SIXTY (60) MONTHS in the NDC, for use of a deadly weapon, CONSECUTIVE to COUNT 1, COUNT 2, COUNT 3;

and in COUNT 8 - to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the NDC, CONCURRENT WITH COUNT 1, COUNT 2, COUNT 3, COUNT 4, COUNT 5, COUNT 6, and COUNT 7;

and in COUNT 9 - to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the NDC, CONCURRENT WITH COUNT 1, COUNT 2, COUNT 3, COUNT 4, COUNT 5, COUNT 6, COUNT 7, COUNT 8;

and in COUNT 10 - to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the NDC, CONCURRENT WITH COUNT 1, COUNT 2, COUNT 3, COUNT 4, COUNT 5, COUNT 6, COUNT 7, COUNT 8, COUNT 9;

and in COUNT 11 - to Clark County Detention Center (CCDC) for THREE HUNDRED SIXTY-FOUR

(364) DAYS, CONCURRENT WITH COUNT 1, COUNT 2, COUNT 3, COUNT 4, COUNT 5, COUNT 6, COUNT 7, COUNT 8, COUNT 8, COUNT 10;

and in COUNT 12 - to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the NDC, CONSECUTIVE to COUNT 1, COUNT 2, COUNT 3, COUNT 5, COUNT 7;

and in COUNT 13 - to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the NDC, CONCURRENT TO COUNT 1, COUNT 2, COUNT 3, COUNT 4, COUNT 5, COUNT 6, COUNT 7, COUNT 8, COUNT 9, COUNT 10, COUNT 11, COUNT 12;

for an AGGREGATE TOTAL of a MINIMUM of NINETY (94) and a MAXIMUM of FOUR HUNDRED TWENTY (420) MONTHS in the NDC, WITH SIX HUNDRED FOUR (604) DAYS credit for time served.

COURT STATED ITS FINDINGS with regards to the Deadly Weapon Enhancement Statute. BOND, if any, EXONERATED.

NDC

STATE'S EXHIBITS C313118 1.2

#	DESCRIPTION	OBJECTION	ADMITTED	DATE
1.	Photo - front of 711	NO	Y	3/14/17
2.	Photo - inside 711, 2 dollar bills			
3.	Photo - inside 711, 2 dollar bills angle 2			
4.	Photo - 2 dollar bills close up			
5.	Photo - cash register 2			
6.	Photo - cash register 1			
7.	Photo - inside 711, behind cash registers			
8.	Photo - Richard Decamp			
9.	Photo - front of 504 Brush St.			
10.	Photo - close up of 504 Brush St.			
11.	Photo - room with ax on floor			
12.	Photo - blood on floor in room with ax			
13.	Photo - ax in doorway			
14.	Photo - close up of ax in doorway			
15.	Photo - close up of ax in doorway #2			
16.	Photo - Ax			
17.	Photo - head of ax			
18.	Photo - Ax #2			
19.	Photo - head of ax #2			
20.	Photo - outside of javier's room			
21.	Photo - inside Javier's room facing outside			
22.	Photo - door of Javier's room			
23.	Photo - door knob are of javier's door			
24.	Photo - Javier's bed and window			
25.	Photo - Javier's other window			
26.	Photo - blood on floor in javier's room			
27.	Photo - blood on wall of Javier's room			
28.	Photo - blood on bed			
29.	Photo - blood on bed #2			
30.	Photo - blood on bed #3			
31.	Photo - blood on bed #4			
32.	Photo - blood on bed #5			
33.	Photo - Front of 510 Brush St.			
34.	Photo - 510 Brush backyard (Jose)			
35.	Photo - mask, wallet, phones, keys, money			
36.	Photo - mask			
37.	Photo - mask #2			
38.	Photo - wallet keys, phone close up			
39.	Photo - phone and camera			
40.	Photo - phones and camera #2			
41.	Photo - wallet keys knife close up			
42.	Photo - wallet cash and glove in bushes			
43.	Photo - close up of wallet and cash			
44.	Photo - close up of glove			
45.	Photo - close up of glove #2			

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		OBJ.	ADMITTED	DATE
46.	Photo – close up of Jose wallet	N	Y	3/14/17
47.	Photo – close up of Jose wallet #2			
48.	Photo – close up of Jose wallet #3 with cash			
49.	Photo – Javier's wallet			
50.	Photo – Javier's wallet #2			
51.	Photo – Javier's wallet #3			
52.	Photo – Javier's wallet #4			
53.	Photo – cash			
54.	Photo – cash #2			
55.	Photo – cash #3			
56.	Photo – planter with knife and gun			
57.	Photo – close up of planter with knife and gun			
58.	Photo – knife			
59.	Photo – Beretta BB gun			
60.	Photo – Beretta BB gun #2			
61.	Photo – 510 Brush St. backyard (Casimiro)			
62.	Photo – gloves and mask under shed			
63.	Photo – close up of gloves and mask			
64.	Photo – mask			
65.	Photo – red gloves			
66.	Photo – red gloves #2			
67.	Photo – knife and guns			
68.	Photo – close up of 2 BB guns			
69.	Photo – Daisy BB gun			
70.	Photo – Daisy BB gun #2			
71.	Photo – DX 17 BB gun			
72.	Photo – DX 17 BB gun #2			
73.	Photo – DX 17 BB gun with blood			
74.	Photo – knife with red handle			
75.	Photo – Casimiro			
76.	Photo – Casimiro #2			
77.	Photo – Jose			
78.	Photo – Jose #2			
79.	Photo – Javier face/body			
80.	Photo – Javier hand			
81.	Photo – Javier hand #2			
82.	Photo – Javier hand #3			
83.	Photo – Javier hand #4			
84.	Photo – Javier arm			
85.	Photo – Javier arm #2			
86.	Photo – Javier face			
87.	Photo – Javier profile			
88.	Photo – Javier ear			
89.	Photo – Javier head			
90.	Photo – Javier forehead			
91.	Map from 711 to 504 Brush St.			

C313118 1A2

		OBJ	ADMITTED	DATE
92.	Map of 504 Brush	N	Y	3/14/17
93.	Closer up map of 504 Brush			
94.	Surveillance still			
95.	Surveillance still			
96.	Surveillance still			
97.	Surveillance still			
98.	Surveillance still			
99.	Surveillance still			
100.	Surveillance still			
101.	Surveillance still			
102.	Surveillance still			
103.	Surveillance still			
104.	711 Surveillance video			
105.	911 Calls			
106.	SHOW UP WITNESS INSTRUCTIONS	N	Y	3/14/17
107.	BOX & CONTENTS IE: BOX, AX, ZIPTIES & BROWN PAPER COVER	N	Y	3/15/17
108.	MONEY ACCOUNTING REPORT	N	Y	3/15/17
109.	LUMPD FORENSIC LABORATORY REPORT 4/27/16	N	Y	3/15/17
110.	LUMPD FORENSIC LABORATORY REPORT 8/17/16	N	Y	3/15/17
111.				
112.				
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120.				
121.				
122.				
123.				
124.				
125.				

DEFENDANT'S EXHIBITS

CASE NO. C-313118-2

Date Offered

Objection

Date Admitted

[illegible]

COURT'S EXHIBITS

CASE NO. C313118 - 1 & 2

	Date Offered	Objection	Date Admitted
1. APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT SW2016 0859	3/14/17	N	3/14/17
2. APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT SW 2016 0860	3/14/17	N	3/14/17
3. QUESTION BY JUROR # 7			
4. " " " " #3			
5. " " " " #2			
6. QUESTION BY JUROR # 5	3/14/17	N	3/14/17
7. QUESTION BY JUROR # 4	3/14/17	N	3/14/17
8. " " " " #7			
9. " " " " #7			
10. " " " " #9			
11. " " " " #2			
12. QUESTION BY JUROR # 6	3/14/17	N	3/14/17
13. QUESTION BY JUROR # 11	3/14/17	N	3/14/17
14. QUESTION BY JUROR # 9	3/14/17	N	3/14/17
15. QUESTION BY JUROR # 8	3/14/17	N	3/14/17
16. QUESTION BY JUROR # 10	3/15/17	N	3/15/17
17. " " " " #7			
18. " " " " #6			
19. QUESTION BY JUROR # 5	3/15/17	N	3/15/17
20. QUESTION BY JUROR # 11	3/15/17	N	3/15/17



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

THOMAS D. BOLEY, ESQ.
1900 E. BONANZA RD.
LAS VEGAS, NV 89101

DATE: October 6, 2017
CASE: C-16-313118-2

RE CASE: STATE OF NEVADA vs. JOSE FERNANDO MONAY-PINA aka JOSE
FERNANDO MONAYPINA

NOTICE OF APPEAL FILED: October 3, 2017

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:



Case Appeal Statement

- NRAP 3 (a)(1), Form 2



Order



Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

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

STATE OF NEVADA,

Plaintiff(s),

vs.

JOSE FERNANDO MONAY-PINA aka JOSE
FERNANDO MONAYPINA,

Defendant(s).

Case No: C-16-313118-2

Dept No: VII

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 6 day of October 2017.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk