

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

JOSE FERNANDO MONAY-PINA, )  
 )  
Appellant, )  
 )  
vs. )  
 )  
THE STATE OF NEVADA, )  
 )  
Respondent. )  
\_\_\_\_\_ )

DOCKET NUMBER: 74199

Electronically Filed  
Sep 25 2018 10:02 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**APPELLANT'S APPENDIX VOLUME I**

MATTHEW LAY, ESQ.  
Nguyen & Lay  
Nevada Bar Identification No. 12249  
400 South Fourth Street, Suite 650  
Las Vegas, Nevada 89101  
Telephone: (702) 383-3200

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar Identification No. 1565  
200 Lewis Avenue  
Las Vegas, Nevada 89101  
Telephone: (702) 671-2500

ADAM PAUL LAXALT  
Nevada Attorney General  
Nevada Bar Identification No. 12426  
100 North Carson Street  
Carson City, Nevada 89701  
Telephone: (702) 687-3538

Attorney for Appellant  
JOSE FERNANDO MONAY-PINA

Attorney for Respondent  
THE STATE OF NEVADA

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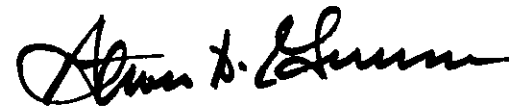
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| Recorder's Transcript Designation of Record, Jury<br>Trial Day 3, March 15, 2017..... | IV / 387-555                  |
| Reporter's Transcript of Sentencing, September 07, 2017.....                          | IV / 556-586                  |



CLERK OF THE COURT

1 INFM  
STEVEN B. WOLFSON  
2 Clark County District Attorney  
Nevada Bar #001565  
3 MARY KAY HOLTHUS  
Chief Deputy District Attorney  
4 Nevada Bar #3814  
200 Lewis Avenue  
5 Las Vegas, Nevada 89155-2212  
(702) 671-2500  
6 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

7 I.A. 3/7/16  
10:00 AM  
8 HART, ESQ.

9 THE STATE OF NEVADA,  
10 Plaintiff,

CASE NO: C-16-313118-2

11 -vs-

DEPT NO: VI

12 JOSE FERNANDO MONAY-PINA, aka,  
13 Jose Fernando Monaypina, #7028317

14 Defendant.

INFORMATION

15 STATE OF NEVADA }  
16 COUNTY OF CLARK } ss.

17 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State  
18 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

19 That JOSE FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina, the  
20 Defendant(s) above named, having committed the crimes of CONSPIRACY TO COMMIT  
21 ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147); BURGLARY  
22 WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - NOC  
23 50426); ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS  
24 200.380, 193.165 - NOC 50138); BATTERY WITH USE OF A DEADLY WEAPON  
25 RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 -  
26 NOC 50226); ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B  
27 Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); COERCION WITH USE  
28 OF A DEADLY WEAPON (Category B Felony - NRS 207.190, 193.165 - NOC 53160);



1 BATTERY WITH INTENT TO COMMIT A CRIME (Category B Felony - NRS 200.400.2 -  
2 NOC 50151) and AIMING A FIREARM AT A HUMAN BEING (Gross Misdemeanor - NRS  
3 202.290 - NOC 51447), on or about the 12th day of January, 2016, within the County of Clark,  
4 State of Nevada, contrary to the form, force and effect of statutes in such cases made and  
5 provided, and against the peace and dignity of the State of Nevada,

6 COUNT 1 - CONSPIRACY TO COMMIT ROBBERY

7 did willfully, unlawfully, and feloniously conspire with JOSE FERNANDO MONAY-  
8 PINA, aka, Jose Fernando Monaypina and each other to commit a robbery, by the defendants  
9 committing the acts as set forth in Count 2 through 7, said acts being incorporated by this  
10 reference as though fully set forth herein.

11 COUNT 2 - BURGLARY WHILE IN POSSESSION OF A FIREARM

12 did then and there willfully, unlawfully, and feloniously enter, with intent to commit  
13 robbery, that certain business occupied by 7-ELEVEN, located at 5700 West Charleston  
14 Boulevard, Las Vegas, Clark County, Nevada, said Defendant did possess and/or gain  
15 possession of a firearm during the commission of the crime and/or before leaving the structure.

16 COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON

17 did willfully, unlawfully, and feloniously take personal property, to-wit: lawful money  
18 of the United States, from the person of RICHARD DECAMP, or in his presence, by means  
19 of force or violence, or fear of injury to, and without the consent and against the will of  
20 RICHARD DECAMP, with use of a deadly weapon, to-wit: a firearm.

21 COUNT 4 - BURGLARY WHILE IN POSSESSION OF A FIREARM

22 did then and there willfully, unlawfully, and feloniously enter, with intent to commit  
23 robbery, that certain residence occupied by JAVIER COLEN, located at 504 Brush Street, Las  
24 Vegas, Clark County, Nevada, said Defendant did possess and/or gain possession of a firearm  
25 during the commission of the crime and/or before leaving the structure.

26 COUNT 5 - ROBBERY WITH USE OF A DEADLY WEAPON

27 did willfully, unlawfully, and feloniously take personal property, to-wit: wallet and  
28 contents, knives, from the person of JAVIER COLEN, or in his presence, by means of force

1 or violence, or fear of injury to, and without the consent and against the will of JAVIER  
2 COLEN, with use of a deadly weapon, to-wit: a firearm and/or an axe.

3 COUNT 6 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
4 SUBSTANTIAL BODILY HARM

5 did willfully, unlawfully, and feloniously use force or violence upon the person of  
6 another, to-wit: JAVIER COLEN, with use of a deadly weapon, to-wit: a firearm and/or an  
7 axe, by striking the said JAVIER COLEN about the head and/or body with said firearm,  
8 resulting in substantial bodily harm to JAVIER COLEN; the Defendant(s) being criminally  
9 liable under one or more of the following principles of criminal liability, to-wit: (1) by directly  
10 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with  
11 the intent that this crime be committed, by counseling, encouraging, hiring, commanding,  
12 inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a  
13 conspiracy to commit this crime, with the intent that this crime be committed, Defendants  
14 aiding or abetting and/or conspiring in the following manner, to wit: by entering into a course  
15 of conduct whereby Defendant JOSE FERNANDO MONAY-PINA, aka, Jose Fernando  
16 Monaypina directly committed the crime, Defendant CASIMIRO VENEGAS acting as  
17 lookout and confederate throughout.

18 COUNT 7 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

19 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill  
20 JAVIER COLEN, a human being, with use of a deadly weapon, to-wit: an axe, by striking the  
21 said JAVIER COLEN about the head and/or body with said axe; the Defendant(s) being  
22 criminally liable under one or more of the following principles of criminal liability, to-wit: (1)  
23 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this  
24 crime, with the intent that this crime be committed, by counseling, encouraging, hiring,  
25 commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3)  
26 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed,  
27 Defendants aiding or abetting and/or conspiring in the following manner, to wit: by entering  
28 into a course of conduct whereby Defendant JOSE FERNANDO MONAY-PINA, aka, Jose

1 Fernando Monaypina directly committed the crime, Defendant CASIMIRO VENEGAS acting  
2 as lookout and confederate throughout.

3 COUNT 8 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
4 SUBSTANTIAL BODILY HARM

5 did willfully, unlawfully, and feloniously use force or violence upon the person of  
6 another, to-wit: JAVIER COLEN, with use of a deadly weapon, to-wit: an axe, by striking the  
7 said JAVIER COLEN about the head and/or body with said axe, resulting in substantial bodily  
8 harm to JAVIER COLEN.

9 COUNT 9 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
10 SUBSTANTIAL BODILY HARM

11 did willfully, unlawfully, and feloniously use force or violence upon the person of  
12 another, to-wit: JAVIER COLEN, with use of a deadly weapon, to-wit: an axe, by striking the  
13 said JAVIER COLEN about the head and/or body with said axe, resulting in substantial bodily  
14 harm to JAVIER COLEN; the Defendant(s) being criminally liable under one or more of the  
15 following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or  
16 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be  
17 committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise  
18 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this  
19 crime, with the intent that this crime be committed, Defendants aiding or abetting and/or  
20 conspiring in the following manner, to wit: by entering into a course of conduct whereby  
21 Defendant JOSE FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina directly  
22 committed the crime, Defendant CASIMIRO VENEGAS acting as lookout and confederate  
23 throughout.

24 COUNT 10- BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
25 SUBSTANTIAL BODILY HARM

26 did willfully, unlawfully, and feloniously use force or violence upon the person of  
27 another, to-wit: JAVIER COLEN, with use of a deadly weapon, to-wit: an axe, by striking the  
28 said JAVIER COLEN about the head and/or body with said axe, resulting in substantial bodily

1 harm to JAVIER COLEN; the Defendant(s) being criminally liable under one or more of the  
2 following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or  
3 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be  
4 committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise  
5 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this  
6 crime, with the intent that this crime be committed, Defendants aiding or abetting and/or  
7 conspiring in the following manner, to wit: by entering into a course of conduct whereby  
8 Defendant JOSE FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina directly  
9 committed the crime, Defendant CASIMIRO VENEGAS acting as lookout and confederate  
10 throughout.

11 COUNT 11 - AIMING A FIREARM AT A HUMAN BEING

12 did then and there willfully and unlawfully aim any gun, pistol, revolver, or other  
13 firearm, whether loaded or not, at or toward a human being, to-wit: ADRIANA COLON  
14 and/or LIZBETH COLON and/or SAMANTHA ABANA and/or CAESAR ABANA.

15 COUNT 12 - COERCION WITH USE OF A DEADLY WEAPON

16 did then and there willfully, unlawfully, and feloniously use physical force, or the  
17 immediate threat of such force, against ADRIANA COLON and/or LIZBETH COLON and/or  
18 SAMANTHA ABANA and/or CAESAR ABANA and/or JAVIER COLEN, with intent to  
19 compel them to do, or abstain from doing, an act which they had a right to do, or abstain from  
20 doing with use of a deadly weapon, to-wit: a firearm and/or axe, by keeping them from leaving  
21 and/or coming to aid of the said JAVIER COLEN; the Defendant(s) being criminally liable  
22 under one or more of the following principles of criminal liability, to-wit: (1) by directly  
23 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with  
24 the intent that this crime be committed, by counseling, encouraging, hiring, commanding,  
25 inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a  
26 conspiracy to commit this crime, with the intent that this crime be committed, Defendants  
27 aiding or abetting and/or conspiring in the following manner, to wit: by entering into a course  
28 of conduct whereby Defendant JOSE FERNANDO MONAY-PINA, aka, Jose Fernando


Monaypina directly committed the crime, Defendant CASIMIRO VENEGAS acting as lookout and confederate throughout.

COUNT 13 - BATTERY WITH INTENT TO COMMIT A CRIME

did then and there willfully, unlawfully, and feloniously use force or violence upon the person of another, to-wit: JAVIER COLEN, with intent to commit robbery with substantial bodily harm by striking the said JAVIER COLEN about the head and/or body with a firearm and/or axe; the Defendant(s) being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendants aiding or abetting and/or conspiring in the following manner, to wit: by entering into a course of conduct whereby Defendant JOSE FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina directly committed the crime, Defendant CASIMIRO VENEGAS acting as lookout and confederate throughout.

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY

  
MARY KAY HOLTHUS  
Chief Deputy District Attorney  
Nevada Bar #3814

Names of witnesses known to the District Attorney's Office at the time of filing this Information are as follows:

NAME

ADDRESS

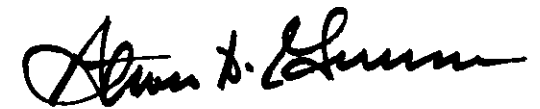
CUSTODIAN OF RECORDS  
OR DESIGNEE

Clark County Detention Center,  
330 S. Casino Center Blvd., Las Vegas, NV

CUSTODIAN OF RECORDS  
OR DESIGNEE

LVMPD Communications,  
400 E. Stewart, Las Vegas, NV

|    |   |                                      |
|----|---|--------------------------------------|
| 1  | CUSTODIAN OF RECORDS                      | LVMPD Dispatch,                      |
| 2  | OR DESIGNEE                               | 400 E. Stewart, Las Vegas, NV        |
| 3  | CUSTODIAN OF RECORDS                      | LVMPD Records,                       |
| 4  | OR DESIGNEE                               | 400 E. Stewart, Las Vegas, NV        |
| 5  | CUSTODIAN OF RECORDS                      | University Medical Center (UMC),     |
| 6  | OR DESIGNEE                               | 1800 W. Charleston Blvd., LVNV       |
| 7  | TREATING PHYSICIAN                        | University Medical Center (UMC),     |
| 8  |   | 1800 W. Charleston Blvd., LVNV       |
| 9  | AGUIRRE, A.                               | LVMPD #9645                          |
| 10 | CARTER, M.                                | unknown.                             |
| 11 | COLON, Javier                             | C/O District Attorney's Office       |
| 12 | DECAMP, Richard                           | C/O District Attorney's Office       |
| 13 | DURON, I.                                 | LVMPD #14809                         |
| 14 | FELABOM, A.                               | LVMPD #8427                          |
| 15 | LEHMANN, S.                               | LVMPD #13885                         |
| 16 | SIMMONS, I.                               | LVMPD #15067                         |
| 17 | SIMMS, J.                                 | LVMPD #15111                         |
| 18 | SMITH, T.                                 | LVMPD #5267                          |
| 19 | SPURLING, J.                              | LVMPD #13647                         |
| 20 | TOMS, E.                                  | LVMPD #5793                          |
| 21 | VAANDERING, B.                            | LVMPD #13575                         |
| 22 | VENEGAS, Casimiro                         | 1759 Santa Margarita St., #123, LVNV |
| 23 | WATTS, Joseph                             | DA Investigator and/or Designee      |
| 24 |   |                                      |
| 25 |   |                                      |
| 26 |   |                                      |
| 27 | 16F00568B /cmj/L3                         |                                      |
| 28 | LVMPD EV#1601120450; 1601120494<br>(TK14) |                                      |



CLERK OF THE COURT

NWEW  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
MARY KAY HOLTHUS  
Chief Deputy District Attorney  
Nevada Bar #3814  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-16-313118-2

JOSE FERNANDO MONAY-PINA, aka,  
Jose Fernando Monaypina, #7028317

DEPT NO: VI

Defendant.

NOTICE OF EXPERT WITNESSES  
[NRS 174.234(2)]

TO: JOSE FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina,  
Defendant; and

TO: MARTY HART, ESQ., Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
NEVADA intends to call the following expert witnesses in its case in chief:

VAANDERING, BRENDA, P#13575 or Designee - Crime Scene Analyst - Las Vegas  
Metropolitan Police Department. She is an expert in the area of the identification,  
documentation, collection and preservation of evidence and will give opinions related thereto.  
She is expected to testify regarding the identification, documentation, collection and  
preservation of evidence in this case.

FELABOM, ADAM, P#8427 or Designee - Crime Scene Analyst - Las Vegas  
Metropolitan Police Department. He is an expert in the area of the identification,

1 documentation, collection and preservation of evidence and will give opinions related thereto.  
2 He is expected to testify regarding the identification, documentation, collection and  
3 preservation of evidence in this case.

4 JOHN McCOURT, JR. - is expected to testify regarding the treatment of injuries  
5 sustained by the victim, as it relates to this case.

6 HALL, LINSEY – Registered Nurse - is expected to testify regarding the treatment of  
7 injuries sustained by the victim, as it relates to this case.

8 SHRUM, SHELLY K., P#7917 - Crime Scene Analyst - Las Vegas Metropolitan Police  
9 Department. She is an expert in the area of the identification, documentation, collection and  
10 preservation of evidence and will give opinions related thereto. She is expected to testify  
11 regarding the identification, documentation, collection and preservation of evidence in this  
12 case.

13 GRAMMAS, KRISTIN, P#7808 - Crime Scene Analyst - Las Vegas Metropolitan  
14 Police Department. She is an expert in the area of the identification, documentation, collection  
15 and preservation of evidence and will give opinions related thereto. She is expected to testify  
16 regarding the identification, documentation, collection and preservation of evidence in this  
17 case.

18 GAUTHIER, KELLIE, LVMPD #8691, is employed as a Forensic Scientist II or  
19 Designee, with the Las Vegas Metropolitan Police Department. She will testify as an expert  
20 as to the procedures, techniques and science employed in DNA analysis, all procedures  
21 employed in this case and reports provided.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///



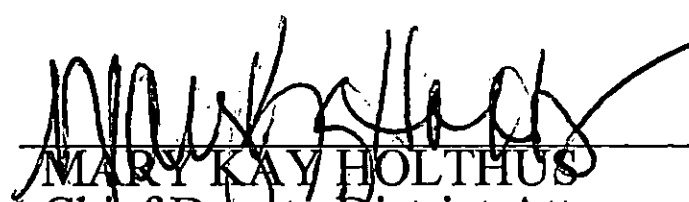
1 These witnesses are in addition to those witnesses endorsed on the Information or  
2 Indictment and any other witnesses for which a separate Notice of Witnesses and/or Expert  
3 Witnesses has been filed.

4 The substance of each expert witness' testimony and a copy of all reports made by or  
5 at the direction of the expert witness has been provided in discovery.

6 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

7 STEVEN B. WOLFSON  
8 Clark County District Attorney  
9 Nevada Bar #001565


10 BY

  
11 MARY KAY HOLTHUS  
12 Chief Deputy District Attorney  
13 Nevada Bar #3814

14 CERTIFICATE OF ELECTRONIC FILING

15 I hereby certify that service of Notice of Expert Witnesses, was made this 8th day of  
16 April, 2016, by Electronic Filing to:

17 MARTY HART, ESQ.  
18 mh@martinlaw.com

19   
20 C. Jimenez  
21 Secretary for the District Attorney's Office

22  
23  
24  
25  
26  
27  
28 cmj/L3

*Curriculum Vitae*

**Las Vegas Criminalistics Bureau  
Statement of Qualifications**

Name: VAANDERING, Brenda

P# 13575

Date: 04-10-13

| <b>CURRENT CLASSIFICATION</b> |                                |   |                                 |
|-------------------------------|--------------------------------|---|---------------------------------|
|                               | <i>Classification</i>          | <i>Minimum Qualifications</i>   |                                 |
|                               | Crime Scene Analyst I          | AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene  |                                 |
|                               | Crime Scene Analyst II         | 18 months - two (2) years continuous service with LVMPD as a Crime Scene Analyst I.   |                                 |
| X                             | Senior Crime Scene Analyst     | Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.   |                                 |
|                               | Crime Scene Analyst Supervisor | Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field. |                                 |
| <b>FORMAL EDUCATION</b>       |                                |   |                                 |
|                               | <i>Institution</i>             | <i>Major</i>  | <i>Degree/Date</i>              |
|                               | Western Oregon University      | Forensic Chemistry  | Bachelor's of Science / 06-2007 |
|                               |                                |   |                                 |
|                               |                                |   |                                 |
|                               |                                |   |                                 |
| <b>TESTIMONY</b>              |                                |   |                                 |
| <i>Yes</i>                    | <i>No</i>                      |   |                                 |
| X                             |                                | District Court, Justice Court   |                                 |
|                               |                                |   |                                 |
| <b>EMPLOYMENT HISTORY</b>     |                                |   |                                 |
|                               | <i>Employer</i>                | <i>Title</i>  | <i>Date</i>                     |
|                               | LVMPD                          | CSA I   | 09-02-08 to 09-02-10            |
|                               | LVMPD                          | CSA II  | 09-02-10 to 10-27-12            |
|                               | LVMPD                          | Senior CSA  | 10-27-12 to present             |
|                               |                                |   |                                 |
|                               |                                |   |                                 |

**000011**

*Curriculum Vitae*

**Las Vegas Criminalistics Bureau  
Statement of Qualifications**

Name: FELABOM, Adam

P#8427

Date: 04/04/13

| <b>CURRENT CLASSIFICATION</b> |                                |   |                      |
|-------------------------------|--------------------------------|---|----------------------|
|                               | <i>Classification</i>          | <i>Minimum Qualifications</i>   |                      |
|                               | Crime Scene Analyst I          | AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.   |                      |
|                               | Crime Scene Analyst II         | 18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.   |                      |
| X                             | Senior Crime Scene Analyst     | Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.   |                      |
|                               | Crime Scene Analyst Supervisor | Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field. |                      |
| <b>FORMAL EDUCATION</b>       |                                |   |                      |
|                               | <i>Institution</i>             | <i>Major</i>  | <i>Degree/Date</i>   |
|                               | Grace College                  | Criminal Justice  | B.S./2004            |
|                               |                                |   |                      |
|                               |                                |   |                      |
|                               |                                |   |                      |
| <b>TESTIMONY</b>              |                                |   |                      |
|                               | <i>Yes</i>                     | <i>No</i>   |                      |
|                               | X                              |   | Grand Jury           |
|                               | X                              |   | District Court       |
|                               | X                              |   | Justice Court        |
| <b>EMPLOYMENT HISTORY</b>     |                                |   |                      |
|                               | <i>Employer</i>                | <i>Title</i>  | <i>Date</i>          |
|                               | LVMPD                          | CSA I   | 08-30-08 to 08-30-10 |
|                               | LVMPD                          | CSA II  | 08-30-10 to 10-27-12 |
|                               | LVMPD                          | Senior CSA  | 10-27-12 to Present  |
|                               |                                |   |                      |
|                               |                                |   |                      |
|                               |                                |   |                      |

**000012**

*Curriculum Vitae*

**Las Vegas Criminalistics Bureau  
Statement of Qualifications**

Name: SHRUM, Shelly

P# 7917

Date: 05/01/13

| <b>CURRENT CLASSIFICATION</b> |                                |   |   |
|-------------------------------|--------------------------------|---|---|
|                               | <i>Classification</i>          | <i>Minimum Qualifications</i>   |   |
|                               | Crime Scene Analyst I          | AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.   |   |
|                               | Crime Scene Analyst II         | 18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.   |   |
| X                             | Senior Crime Scene Analyst     | Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.   |   |
|                               | Crime Scene Analyst Supervisor | Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field. |   |
| <b>FORMAL EDUCATION</b>       |                                |   |   |
|                               | <i>Institution</i>             | <i>Major</i>  | <i>Degree/Date</i>                                      |
|                               | Chadron State College          | Human Biology   | Bachelors Degree 1995                                   |
|                               | University of Wyoming          | Medical Technology  | Bachelors Degree 1996                                   |
|                               | University of New Haven        | Forensic Science/Fire Science   | Master Degree 1999                                      |
|                               |                                |   |   |
| <b>TESTIMONY</b>              |                                |   |   |
|                               | <i>Yes</i>                     | <i>No</i>   |   |
|                               | X                              |   | District Court, Justice Court, Grand Jury, Family Court |
|                               |                                |   |   |
| <b>EMPLOYMENT HISTORY</b>     |                                |   |   |
|                               | <i>Employer</i>                | <i>Title</i>  | <i>Date</i>   |
|                               | LVMPD                          | Sr. Crime Scene Analyst   | 09-25-07 to Present                                     |
|                               | LVMPD                          | CSA I / II  | 03-24-03 to 09-25-07                                    |
|                               |                                |   |   |
|                               |                                |   |   |
|                               |                                |   |   |
|                               |                                |   |   |

**000013**

*Curriculum Vitae*

**Las Vegas Criminalistics Bureau  
Statement of Qualifications**

Name: GRAMMAS, Kristin

P# 7808

Date: 05-01-13

| <b>CURRENT CLASSIFICATION</b> |                                |   |   |
|-------------------------------|--------------------------------|---|---|
|                               | <i>Classification</i>          | <i>Minimum Qualifications</i>   |   |
|                               | Crime Scene Analyst I          | AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.   |   |
|                               | Crime Scene Analyst II         | 18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.   |   |
| X                             | Senior Crime Scene Analyst     | Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.   |   |
|                               | Crime Scene Analyst Supervisor | Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field. |   |
| <b>FORMAL EDUCATION</b>       |                                |   |   |
|                               | <i>Institution</i>             | <i>Major</i>  | <i>Degree/Date</i>  |
|                               | CCSN/UNLV                      | Criminal Justice/Anthropology   | 94 Credit Hours   |
|                               |                                |   |   |
|                               |                                |   |   |
|                               |                                |   |   |
| <b>TESTIMONY</b>              |                                |   |   |
|                               | <i>Yes</i>                     | <i>No</i>   |   |
|                               | X                              |   | District Court, Justice Court, Grand Jury, Juvenile Court |
|                               |                                |   |   |
| <b>EMPLOYMENT HISTORY</b>     |                                |   |   |
|                               | <i>Employer</i>                | <i>Title</i>  | <i>Date</i>   |
|                               | LVMPD                          | Senior Crime Scene Analyst  | 01-27-07 to Present                                       |
|                               | LVMPD                          | CSA I / II  | 08-21-02 to 01-27-07                                      |
|                               |                                |   |   |
|                               |                                |   |   |
|                               |                                |   |   |
|                               |                                |   |   |

**000014**

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
FORENSIC LABORATORY  
CURRICULUM VITAE**

Date: 03/14/16

Name: Kellie M. (Wales) Gauthier

P#: 8691

Classification: Biology/DNA Forensic Lab Manager

Current Discipline of Assignment: DNA/Biology Detail

| EXPERIENCE IN THE FOLLOWING DISCIPLINE(S) |   |                                      |   |
|---|---|--------------------------------------|---|
| Controlled Substances                     |   | Toxicology/Blood Alcohol             |   |
| Toolmarks                                 |   | Toxicology/Breath Alcohol            |   |
| Trace Evidence                            |   | Toxicology/Drugs                     |   |
| Arson Analysis                            |   | Firearms                             |   |
| Latent Prints                             |   | Crime Scene Investigations           |   |
| Serology                                  | X | Clandestine Laboratory Response Team |   |
| Document Examination                      |   | DNA Analysis                         | X |
| Quality Assurance                         |   | Technical Support /                  | X |

| EDUCATION                  |                |         |                  |
|----------------------------|----------------|---------|------------------|
| Institution                | Dates Attended | Major   | Degree Completed |
| University of West Florida | 8/98 - 5/02    | Biology | B.S.             |

| ADDITIONAL TRAINING / SEMINARS   |                               |             |  |
|--|-------------------------------|-------------|--|
| Course / Seminar   | Location                      | Dates       |  |
| Annual Review of DNA Data Accepted at NDIS                               | Las Vegas, NV (Online Course) | 03/07/16    |  |
| STRmix   | Las Vegas, NV                 | 09/17-09/18 |  |
| Conference: 2015 ASCLD Symposium   | Washington, DC                | 04/26-30/15 |  |
| Workshop: DNA Mixture Interpretation                                     | Washington, DC                | 04/27/15    |  |
| Workshop: Management of Federal Awards for Forensic Science Laboratories | Washington, DC                | 04/27/15    |  |
| Annual Review of DNA Data Accepted at NDIS                               | Las Vegas, NV (Online Course) | 01/15/15    |  |

**000015**

| ADDITIONAL TRAINING / SEMINARS |  |                               |                   |
|--------------------------------|--|-------------------------------|-------------------|
|                                | Course / Seminar   | Location                      | Dates             |
|                                | Fair and Impartial Policing  | Las Vegas, NV                 | 11/26/14          |
|                                | ICS 700: National Incident Management System (FEMA 700)                          | Las Vegas, NV (Online Course) | 10/05/14          |
|                                | ICS 200: Incident Command System (FEMA 200)                                      | Las Vegas, NV (Online Course) | 10/05/14          |
|                                | STRmix Training Workshop   | Las Vegas, NV                 | 09/22/14-25/14    |
|                                | ICS 100: Incident Command Systems (FEMA100)                                      | Las Vegas, NV (Online Course) | 08/31/14          |
|                                | 2014 Biennial Inclusive Leadership   | Las Vegas, NV                 | 08/29/14          |
|                                | Understanding Death and Grief  | Las Vegas, NV                 | 08/20/14          |
|                                | EEOC for Supervisors   | Las Vegas, NV                 | 02/12/14          |
|                                | Annual Review of DNA Data Accepted at NDIS                                       | Las Vegas, NV (Online Course) | 12/17/13          |
|                                | Leadership Inside Out  | Las Vegas, NV                 | 12/12/13          |
|                                | CJIS Security Awareness Training   | Las Vegas, NV                 | 12/11/13          |
|                                | 19 <sup>th</sup> National CODIS Conference                                       | Norman, OK                    | 11/19/13-11/20/13 |
|                                | Communication Skills   | Las Vegas, NV                 | 10/16/13          |
|                                | Technical & Admin. Review Training   | Las Vegas, NV                 | 10/15/13          |
|                                | Workshop: Advanced Topics in Forensic Mixture Analysis: Statistics to Technology | Atlanta, GA                   | 10/07/13          |
|                                | Conference: 24 <sup>th</sup> International Symposium on Human Identification     | Atlanta, GA                   | 10/7/13-10/10/13  |
|                                | Step-Up Mentoring Program - Mentor   | Las Vegas, NV                 | 09/12/13          |
|                                | Stress Management for Supervisors  | Las Vegas, NV                 | 09/11/13          |
|                                | Acting Supervisor Skills   | Las Vegas, NV                 | 09/04/13          |
|                                | DNA Mixture Interpretation Workshop & Webcast                                    | Las Vegas, NV                 | 04/12/13          |
|                                | Annual Review of DNA Data Accepted at NDIS                                       | Las Vegas, NV (Online Course) | 04/03/13          |

| ADDITIONAL TRAINING / SEMINARS                        |   |                               |                   |
|---|---|-------------------------------|-------------------|
|   | Course / Seminar  | Location                      | Dates             |
| Internal  | Auditing to ISO/IEC 17025   | Las Vegas, NV                 | 03/11/13-03/13/13 |
| 18 <sup>th</sup>                                      | National CODIS Conference   | Norman, OK                    | 11/13/12-11/14/12 |
|   | Forensic Relationship Statistics Training                           | Las Vegas, NV                 | 08/12             |
|   | Leadership and Supervisory Skills for Women                         | Las Vegas, NV                 | 03/27/12          |
| CODIS   | 7.0 Computer Based Training (CBT) and Instructor Led Training (ILT) | Portland, OR                  | 03/20/12-03/22/12 |
|   | California Association for Crime Laboratory Directors (CACLD)       | Las Vegas, NV                 | 03/08/12          |
| How to  | Be a Super Communicator   | Las Vegas, NV                 | 01/18/12          |
|   | Interpreting DNA Mixtures   | Las Vegas, NV                 | 01/25/12          |
| CODIS   | 7.0 Computer Based Training   | Las Vegas, NV                 | 01/12             |
| Annual  | Review of DNA Data Accepted at NDIS                                 | Las Vegas, NV (Online Course) | 12/28/11          |
| 17 <sup>th</sup>                                      | National CODIS Conference   | Jacksonville, FL              | 11/14/11-11/16/11 |
|   | Quality Assurance Standards/Auditor Training                        | Las Vegas, NV                 | 02/22/11          |
| CSI Effect: Maximizing The Potential Of Forensics DNA |   | Las Vegas, NV                 | 02/03/11          |
| Annual  | Review of DNA Data Accepted at NDIS                                 | Las Vegas, NV (Online Course) | 01/05/11          |
|   | DNA Mixture Interpretation and Statistics                           | Las Vegas, NV                 | 07/15/10          |
| Annual  | Review of DNA Data Accepted at NDIS                                 | Las Vegas, NV (Online Course) | 01/10             |
|   | ASCLD/LAB- International Preparation Course                         | Henderson, NV                 | 12/01/09-12/03/09 |
|   | Cold Case Analysis Training   | Chicago, IL                   | 07/15/09-07/16/09 |
|   | Hair Evaluation for DNA Analysis                                    | Las Vegas, NV (Online Course) | 01/14/09          |
| Annual  | Review of DNA Data Accepted at NDIS                                 | Las Vegas, NV (Online Course) | 11/18/08          |

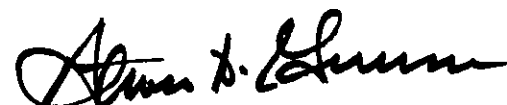


| ADDITIONAL TRAINING / SEMINARS |   |                    |                   |
|--------------------------------|---|--------------------|-------------------|
|                                | Course / Seminar  | Location           | Dates             |
|                                | Seminar: The Parachute Case   | Washington DC      | 02/22/08          |
|                                | Seminar: Bringing Forensic Science to the Battlefield                             | Washington DC      | 02/21/08          |
|                                | Seminar: Human Identification in a Post 9/11 World                                | Washington DC      | 02/20/08          |
|                                | Workshop: DNA Mixture Interpretation  | Washington DC      | 02/19/08          |
|                                | Conference: American Academy of Forensic Sciences 60 <sup>th</sup> Annual Meeting | Washington DC      | 02/19/08-02/23/08 |
|                                | Annual Review of DNA Data Accepted at NDIS  | Las Vegas, NV      | 01/31/08          |
|                                | Applied Biosystems Training on 3130xl Genetic Analyzer                            | Las Vegas, NV      | 11/01/07          |
|                                | Workshop: Forensic DNA Profiling  | Las Vegas, NV      | 01/25/07-01/26/07 |
|                                | Workshop: Forensic Population Genetics and Statistics                             | Las Vegas, NV      | 11/27/06          |
|                                | FBI CODIS Training  | McLean, VA         | 11/06             |
|                                | Conference: Bode Advanced DNA Technical Workshop                                  | Captiva Island, FL | 06/06             |
|                                | Workshop: Presenting Statistics in the Courtroom                                  | Captiva Island, FL | 06/06             |
|                                | Training: Differential Extraction   | Las Vegas, NV      | 06/06             |
|                                | Training: Serological Techniques and DNA Screening - Colleen Proffitt, MFS        | Las Vegas, NV      | 5/06              |
|                                | Conference: American Academy of Forensic Sciences 58 <sup>th</sup> Annual Meeting | Seattle, WA        | 2/20/06-2/25/06   |
|                                | Seminar: Racial Profiling SNP's   | Seattle, WA        | 2/23/06           |
|                                | Seminar: The Atypical Serial Killer   | Seattle, WA        | 2/22/06           |
|                                | Seminar: Bioterrorism Mass Disasters  | Seattle, WA        | 2/21/06           |
|                                | Workshop: Sexual Homicide - Fantasy Becomes Reality                               | Seattle, WA        | 2/21/06           |
|                                | Workshop: Advanced Topics in STR DNA Analysis                                     | Seattle, WA        | 2/20/06           |

| <b>ADDITIONAL TRAINING / SEMINARS</b> |   |                                  |                        |
|---------------------------------------|---|----------------------------------|------------------------|
|                                       | <i>Course / Seminar</i>   | <i>Location</i>                  | <i>Dates</i>           |
|                                       | National Incident Management System (NIMS) an Introduction  | Las Vegas, NV                    | 8/05                   |
|                                       | Drivers Training II   | Las Vegas, NV                    | 7/05                   |
|                                       | Workshop: Future Trends in Forensic DNA Technology - Applied Biosystems   | Orlando, FL                      | 9/04                   |
|                                       | Workshop: Southern Association of Forensic Scientists (SAFS) - Paternity Index DNA Statistics   | Orlando, FL                      | 9/04                   |
|                                       | Workshop: Forensic Epidemiology - Joint Training for Law Enforcement Hazardous Materials and Public Health Officials on Investigative Response to Bio-terrorism | Orlando, FL                      | 7/04                   |
|                                       | Forensic Technology Training - Florida Department of Law Enforcement  | Orlando, FL                      | 4/04                   |
|                                       | Biology Discipline Meeting  | Tampa, FL                        | 3/04                   |
|                                       | Workshop: Future Trends in Forensic DNA Technology - Applied Biosystems   | Orlando, FL                      | 9/03                   |
| <b>COURTROOM EXPERIENCE</b>           |   |                                  |                        |
|                                       | <i>Court</i>  | <i>Discipline</i>                | <i>Number of Times</i> |
|                                       | Clark County: Justice, District   | DNA                              | 60                     |
| <b>EMPLOYMENT HISTORY</b>             |   |                                  |                        |
|                                       | <i>Employer</i>   | <i>Job Title</i>                 | <i>Date</i>            |
|                                       | Las Vegas Metropolitan Police Department  | Biology/DNA Forensic Lab Manager | 05/14 - present        |
|                                       | Las Vegas Metropolitan Police Department  | Forensic Scientist               | 5/05 – 05/14           |
|                                       | Florida Dept. of Law Enforcement  | Forensic Technologist            | 8/03 - 5/05            |
| <b>PROFESSIONAL AFFILIATIONS</b>      |   |                                  |                        |
|                                       | <i>Organization</i>   |                                  | <i>Date(s)</i>         |
|                                       | American Academy of Forensic Sciences - Trainee Affiliate   |                                  | 10/06 - 12/09          |

CURRICULUM VITAE: GAUTHIER

|      |                               |
|------|-------------------------------|
|      | PUBLICATIONS / PRESENTATIONS: |
| None |                               |
|      | OTHER QUALIFICATIONS:         |
| None |                               |



CLERK OF THE COURT

NWEW  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
MARY KAY HOLTHUS  
Chief Deputy District Attorney  
Nevada Bar #3814  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-16-313,118-2

JOSE FERNANDO MONAY-PINA, aka,  
Jose Fernando Monaypina, #7028317

DEPT NO: VI

Defendant.

NOTICE OF WITNESSES  
[NRS 174.234(1)(a)]

TO: JOSE FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina,  
Defendant; and

TO: MARTY HART, ESQ., Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
NEVADA intends to call the following witnesses in its case in chief:

NAME

ADDRESS

CUSTODIAN OF RECORDS  
OR DESIGNEE

Clark County Detention Center,  
330 S. Casino Center Blvd., LVNV

CUSTODIAN OF RECORDS  
OR DESIGNEE

LVMPD Dispatch,  
400 E. Stewart, Las Vegas, NV

CUSTODIAN OF RECORDS  
OR DESIGNEE

LVMPD Communications,  
400 E. Stewart, Las Vegas, NV

|    |                           |                                   |
|----|---------------------------|-----------------------------------|
| 1  | CUSTODIAN OF RECORDS      | LVMPD Records,                    |
| 2  | OR DESIGNEE               | 400 E. Stewart, Las Vegas, NV     |
| 3  | CUSTODIAN OF RECORDS      | University Medical Center (UMC)   |
| 4  | OR DESIGNEE               |                                   |
| 5  | ABANA, Caesar             | 4480 W. Sirius Ave., #238, LVNV   |
| 6  | ABANA, Samantha           | 4480 W. Sirius Ave., #238, LVNV   |
| 7  | AGUIRRE, A.               | LVMPD #9645                       |
| 8  | CARMICHAEL, Patrick       | 7-ELEVEN – Manager,               |
| 9  |                           | 5700 W. Charleston Blvd., LVNV    |
| 10 | CARTER, M.                | LVMPD #14048                      |
| 11 | COLON, Adrian             | 4480 W. Sirius Ave., #238, LVNV   |
| 12 | COLON, Javier             | C/O District Attorney's Office    |
| 13 | COLON, Lizbeth            | 4480 W. Sirius Ave., #238, LVNV   |
| 14 | DECAMP, Richard           | C/O District Attorney's Office    |
| 15 | DURON, I.                 | LVMPD #14809                      |
| 16 | FELABOM, A.               | LVMPD #8427                       |
| 17 | GAUTHIER, K.              | LVMPD #8691                       |
| 18 | GRAMMAS, K.               | LVMPD #7808                       |
| 19 | HALL, Linsey, RN          | University Medical Center (UMC)   |
| 20 | LEHMANN, S.               | LVMPD #13885                      |
| 21 | MCCOURT, JOHN, JR.        | Treating Physician (UMC)          |
| 22 | MONAY-PINA, Jose Fernando | 908 N. Jones Blvd., Las Vegas, NV |
| 23 | PARAMEDICS                | American Medical Response, LVNV   |
| 24 | SHRUM, S.                 | LVMPD #7917                       |
| 25 | SIMMONS, J.               | LVMPD #15067                      |
| 26 | SIMMS, J.                 | LVMPD #15111                      |
| 27 | SMITH, T.                 | LVMPD #5267                       |
| 28 | SPURLING, J.              | LVMPD #13647                      |

1 TOMS, E.

LVMPD #5793

2 VAANDERING, B.

LVMPD #13575

3 WATTS, Joseph

DA Investigator and/or Designee

4  
5 These witnesses are in addition to those witnesses endorsed on the Information or  
6 Indictment and any other witness for which a separate Notice of Witnesses and/or Expert  
7 Witnesses has been filed.

8 STEVEN B. WOLFSON  
9 DISTRICT ATTORNEY  
Nevada Bar #001565

10 BY   
11

MARY KAY HOLTHUS  
Chief Deputy District Attorney  
Nevada Bar #3814

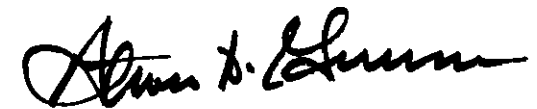
13  
14  
15 CERTIFICATE OF ELECTRONIC FILING

16 I hereby certify that service of Notice of Witnesses, was made this 8th day of April,  
17 2016, by Electronic Filing to:

18 MARTY HART, ESQ.  
19 mh@martinlaw.com

20   
21  
22 C. Jimenez  
Secretary for the District Attorney's Office

23  
24  
25  
26  
27  
28 cmj/L3



CLERK OF THE COURT

NWEW  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
MARY KAY HOLTHUS  
Chief Deputy District Attorney  
Nevada Bar #3814  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-16-313118-2

JOSE FERNANDO MONAY-PINA, aka,  
Jose Fernando Monaypina, #7028317

DEPT NO: VI

Defendant.

AMENDED  
NOTICE OF EXPERT WITNESSES  
[NRS 174.234(2)]

TO: JOSE FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina,  
Defendant; and

TO: THOMAS D. BOLEY, ESQ., Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
NEVADA intends to call the following expert witnesses in its case in chief:

**\*Denotes Additional Expert Witness**

VAANDERING, BRENDA, P#13575 or Designee - Crime Scene Analyst - Las Vegas  
Metropolitan Police Department. She is an expert in the area of the identification,  
documentation, collection and preservation of evidence and will give opinions related thereto.  
She is expected to testify regarding the identification, documentation, collection and  
preservation of evidence in this case.

///

1        FELABOM, ADAM, P#8427 or Designee - Crime Scene Analyst - Las Vegas  
2 Metropolitan Police Department. He is an expert in the area of the identification,  
3 documentation, collection and preservation of evidence and will give opinions related thereto.  
4 He is expected to testify regarding the identification, documentation, collection and  
5 preservation of evidence in this case.

6        JOHN McCOURT, JR. - is expected to testify regarding the treatment of injuries  
7 sustained by the victim, as it relates to this case.

8        HALL, LINSEY – Registered Nurse - is expected to testify regarding the treatment of  
9 injuries sustained by the victim, as it relates to this case.

10        SHRUM, SHELLY K., P#7917 - Crime Scene Analyst - Las Vegas Metropolitan Police  
11 Department. She is an expert in the area of the identification, documentation, collection and  
12 preservation of evidence and will give opinions related thereto. She is expected to testify  
13 regarding the identification, documentation, collection and preservation of evidence in this  
14 case.

15        GRAMMAS, KRISTIN, P#7808 - Crime Scene Analyst - Las Vegas Metropolitan  
16 Police Department. She is an expert in the area of the identification, documentation, collection  
17 and preservation of evidence and will give opinions related thereto. She is expected to testify  
18 regarding the identification, documentation, collection and preservation of evidence in this  
19 case.

20        GAUTHIER, KELLIE, LVMPD #8691, is employed as a Forensic Scientist II or  
21 Designee, with the Las Vegas Metropolitan Police Department. She will testify as an expert  
22 as to the procedures, techniques and science employed in DNA analysis, all procedures  
23 employed in this case and reports provided.

24        \*DANNENBERGER, KIMBERLY, #13772, is employed as a Forensic Scientist II or  
25 Designee, with the Las Vegas Metropolitan Police Department. She will testify as an expert  
26 as to the procedures, techniques and science employed in DNA existence, DNA comparisons  
27 and DNA identifications, all procedures employed in this case and reports provided.

28        ///



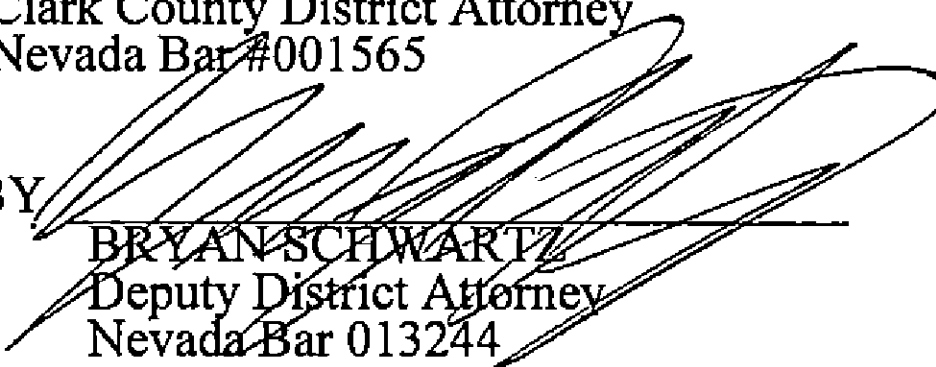
1 These witnesses are in addition to those witnesses endorsed on the Information or  
2 Indictment and any other witnesses for which a separate Notice of Witnesses and/or Expert  
3 Witnesses has been filed.

4 The substance of each expert witness' testimony and a copy of all reports made by or  
5 at the direction of the expert witness has been provided in discovery.

6 A copy of each expert witness' curriculum vitae, if available, is attached hereto.

7 STEVEN B. WOLFSON  
8 Clark County District Attorney  
9 Nevada Bar #001565

10 BY

11   
12 BRYAN SCHWARTZ  
13 Deputy District Attorney  
14 Nevada Bar 013244

15 CERTIFICATE OF ELECTRONIC FILING

16 I hereby certify that service of Amended Notice of Expert Witnesses, was made this  
17 22ND day of December, 2016, by Electronic Filing to:

18 THOMAS D. BOLEY, ESQ.  
19 t.boleyn@hbalawfirm.com;

20   
21 P. Manis  
22 Secretary for the District Attorney's Office  
23  
24  
25  
26  
27

28 pm/L-2

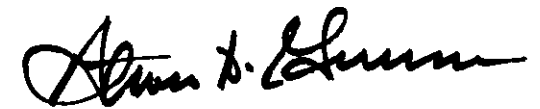
**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
FORENSIC LABORATORY  
CURRICULUM VITAE**

Date: 04.29.2014Name: Kimberly Dannenberger P#: 13772 Classification: Forensic Scientist IICurrent Discipline of Assignment: Biology/DNA

| EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)  |                       |                                      |                         |
|--|-----------------------|--------------------------------------|-------------------------|
| Controlled Substances  |                       | Toxicology/Blood Alcohol             |                         |
| Toolmarks  |                       | Toxicology/Breath Alcohol            |                         |
| Trace Evidence   |                       | Toxicology/Drugs                     |                         |
| Arson Analysis   |                       | Firearms                             |                         |
| Latent Prints  |                       | Crime Scene Investigations           |                         |
| Serology   | X                     | Clandestine Laboratory Response Team |                         |
| Document Examination   |                       | DNA Analysis                         | X                       |
| Footwear Impressions   |                       | Technical Support / Quality          |                         |
| Quality Assurance  |                       |                                      |                         |
| EDUCATION  |                       |                                      |                         |
| <i>Institution</i>   | <i>Dates Attended</i> | <i>Major</i>                         | <i>Degree Completed</i> |
| University Nevada, Reno  | 08/2002-05/2003       | Nutritional Sciences                 | No                      |
| University Nevada, Las Vegas   | 08/2003-05/2008       | Cell/ Molecular Biology              | Yes                     |
|  |                       |                                      |                         |
| ADDITIONAL TRAINING / SEMINARS   |                       |                                      |                         |
| <i>Course / Seminar</i>  | <i>Location</i>       | <i>Dates</i>                         |                         |
| NIST DNA Analyst Webinar Series: Probabilistic Genotyping and Software Programs (Part 1) | Las Vegas, NV         | 05/28/14                             |                         |
| 2014 Annual Review of DNA Data accepted at NDIS  | Las Vegas, NV         | 12/23/13                             |                         |
| Technical & Administrative Review Training to Make Casework Easier                       | Las Vegas, NV         | 10/15/13                             |                         |
| 2013 Annual Review of DNA Data accepted at NDIS (online)                                 | Las Vegas, NV         | 04/23/13                             |                         |

| ADDITIONAL TRAINING / SEMINARS   |                            |                        |
|--|----------------------------|------------------------|
| <i>Course / Seminar</i>  | <i>Location</i>            | <i>Dates</i>           |
| NIST DNA Mixture Interpretation Workshop - Webcast   | Las Vegas, NV              | 04/12/13               |
| AAFS Conference: Science in the Courtroom, DNA in Real Time: Amplifying Productivity in today's Forensic Laboratory, and general session talks | Washington D.C.            | 02/18/13-02/23/13      |
| Promega Conference: How to tackle a DNA backlog, Mixture interpretation workshop, and general session talks                                    | Nashville, TN              | 10/14/12-10/18/12      |
| Forensic relationship statistic training   | Las Vegas, NV              | 08/23/12               |
| Interpreting DNA Mixtures  | Las Vegas, NV              | 01/25/12               |
| Annual Review of NDIS  | Las Vegas, NV              | 01/19/12               |
| Emerging DNA Technologies  | Huntington, WV             | 12/05/11-12/07/11      |
| 2011 NSDIAI Quarterly Training   | Las Vegas, NV              | 07/13/11               |
| Testifying in Court  | Las Vegas, NV              | 05/02/11               |
| NCIC Training  | Las Vegas, NV              | 09/24/10               |
| Driver's Training  | Las Vegas, NV              | 04/09                  |
| New Hire Orientation   | Las Vegas, NV              | 01/09                  |
| COURTROOM EXPERIENCE   |                            |                        |
| <i>Court</i>   | <i>Discipline</i>          | <i>Number of Times</i> |
|  |                            |                        |
|  |                            |                        |
| EMPLOYMENT HISTORY   |                            |                        |
| <i>Employer</i>  | <i>Job Title</i>           | <i>Date</i>            |
| Las Vegas Metropolitan Police Department   | Forensic Scientist II      | 03/14 - Present        |
| Las Vegas Metropolitan Police Department   | Forensic Scientist I       | 03/12 – 03/14          |
| Las Vegas Metropolitan Police Department   | Forensic Scientist Trainee | 03/11 – 03/12          |
| Las Vegas Metropolitan Police Department   | Forensic Lab Aide          | 12/08-03/11            |

| PROFESSIONAL AFFILIATIONS                                |                   |
|--|-------------------|
| <i>Organization</i>                                      | <i>Date(s)</i>    |
| American Academy of Forensic Science – Associate Member  | 02-2014-present   |
| American Academy of Forensic Science – Trainee Affiliate | 02.2013 – 02.2014 |
|  |                   |
| PUBLICATIONS / PRESENTATIONS:                            |                   |
|  |                   |
|  |                   |
| OTHER QUALIFICATIONS:                                    |                   |
|  |                   |



CLERK OF THE COURT

**SLOW**  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
MARY KAY HOLTHUS  
Chief Deputy District Attorney  
Nevada Bar #3814  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

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: VI

SUPPLEMENTAL NOTICE OF WITNESSES  
[NRS 174.234(1)(a)]

TO: JOSE FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina,  
Defendant; and

TO: MARTY HART, ESQ., Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
NEVADA intends to call the following witnesses in its case in chief:

NAME

ADDRESS

CUSTODIAN OF RECORDS  
OR DESIGNEE

Clark County Detention Center,  
330 S. Casino Center Blvd., LVNV

CUSTODIAN OF RECORDS  
OR DESIGNEE

LVMPD Dispatch,  
400 E. Stewart, Las Vegas, NV

CUSTODIAN OF RECORDS  
OR DESIGNEE

LVMPD Communications,  
400 E. Stewart, Las Vegas, NV

|    |                      |                                 |
|----|----------------------|---------------------------------|
| 1  | CUSTODIAN OF RECORDS | LVMPD Records,                  |
| 2  | OR DESIGNEE          | 400 E. Stewart, Las Vegas, NV   |
| 3  | CUSTODIAN OF RECORDS | University Medical Center (UMC) |
| 4  | OR DESIGNEE          |                                 |
| 5  | ABANA, Caesar        | 4480 W. Sirius Ave., #238, LVNV |
| 6  | ABANA, Samantha      | 4480 W. Sirius Ave., #238, LVNV |
| 7  | AGUIRRE, A.          | LVMPD #9645                     |
| 8  | BURRUS, R.           | LVMPD #6610                     |
| 9  | CARMICHAEL, Patrick  | 7-ELEVEN – Manager,             |
| 10 |                      | 5700 W. Charleston Blvd., LVNV  |
| 11 | CARTER, M.           | LVMPD #14048                    |
| 12 | COLON, Adrian        | 4480 W. Sirius Ave., #238, LVNV |
| 13 | COLON, Javier        | C/O District Attorney's Office  |
| 14 | COLON, Lizbeth       | 4480 W. Sirius Ave., #238, LVNV |
| 15 | CONNELL, S.          | LVMPD #6991                     |
| 16 | DANNENBERGER, K.     | LVMPD #13772                    |
| 17 | DECAMP, Richard      | C/O District Attorney's Office  |
| 18 | DURON, I.            | LVMPD #14809                    |
| 19 | FELABOM, A.          | LVMPD #8427                     |
| 20 | GAUTHIER, K.         | LVMPD #8691                     |
| 21 | GRAMMAS, K.          | LVMPD #7808                     |
| 22 | GYGER, D.            | LVMPD #8750                     |
| 23 | HALL, Linsey, RN     | University Medical Center (UMC) |
| 24 | LAYTON, D.           | LVMPD #4221                     |
| 25 | LEHMANN, S.          | LVMPD #13885                    |
| 26 | MARANO, M.           | LVMPD #14007                    |
| 27 | MCCOURT, JOHN, JR.   | Treating Physician (UMC)        |
| 28 | MELVIN, J.           | LVMPD #13392                    |

908 N. Jones Blvd., Las Vegas, NV

LVMPD #14826

## American Medical Response, LVNV

LVMPD #7917

LVMPD #15067

LVMPD #15111

LVMPD #5267

LVMPD #13647

LVMPD #5793


LVMPD #9706

LVMPD #13575

LVMPD #12893

DA Investigator and/or Designee

STEVEN B. WOLFSON  
DISTRICT ATTORNEY  
Nevada Bar #001565

  
MARY KAY HOLTHUS  
Chief Deputy District Attorney  
Nevada Bar #3814

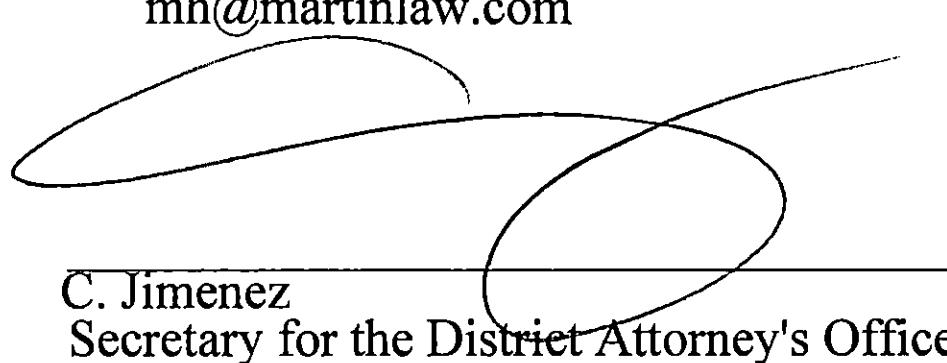
///

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of Supplemental Notice of Witnesses, was made this 6<sup>th</sup>  
day of ~~April, 2016~~, by Electronic Filing to:

June  
2017

MARTY HART, ESQ.  
mh@martinlaw.com



C. Jimenez  
Secretary for the District Attorney's Office

cmj/L3





CLERK OF THE COURT

1 **ROC**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 BRYAN SCHWARTZ  
6 Deputy District Attorney  
7 Nevada Bar #13244  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 ~~CASIMIRO VENEGAS, #2666143~~ 7028317  
13 JOSE FERNANDO MONAY-PINA  
14 Defendant.

CASE NO: C-16-313118-2

DEPT NO: VI

15 RECEIPT OF COPY

16 The following items of discovery are hereby provided to you:

- 17 1. LVMPD photos from event #s 160112-0450 and 160112-0494
- 18 2. Adriana Colen transcribed interview, 1/20/16
- 19 3. Buccal Swab Search Warrant – Monay-Pina
- 20 4. Buccal Swab Search Warrant – Venegas
- 21 5. Buccal Swab Search Warrant Return – Monay-Pina
- 22 6. Buccal Swab Search Warrant Return – Venegas
- 23 7. Javier Colen medical records
- 24 8. Javier Colen transcribed interview, 1/20/16
- 25 9. LVMPD arrest report
- 26 10. LVMPD CAD Log
- 27 11. LVMPD crime scene investigations section field notes
- 28 12. LVMPD crime scene report (504 Brush St.)

13. LVMPD crime scene report (510 Brush St.)
14. LVMPD crime scene report (5700 Charleston)
15. LVMPD crime scene report (UMC)
16. LVMPD declaration of arrest
17. LVMPD detention services – Venegas
18. LVMPD evidence impound report (504 Brush St.)
19. LVMPD evidence impound report (510 Brush St.)
20. LVMPD Forensic Laboratory report of examination, DNA, 8/17/16
21. LVMPD Forensic Laboratory report of examination, fingerprint, 4/27/16
22. LVMPD incident report (Officer Simmons)
23. LVMPD incident report (Officer Spurling)
24. LVMPD incident report (Officer Spurling) #2
25. LVMPD money accounting report
26. LVMPD property report (Det. Smith)
27. LVMPD property report (Det. Smith) #2
28. LVMPD request for prosecution
29. LVMPD show up form (Richard Decamp)
30. Richard Decamp written voluntary statement, 1/12/16
31. Routing slip
32. LVMPD Temporary Custody Record

RECEIPT OF COPY of the above and foregoing items of discovery is hereby  
acknowledged this \_\_ day of \_\_\_\_\_, 2017.

THOMAS BOLEY  
ATTORNEY FOR DEFENDANT

BY 


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a/Enter Team Name

ORIGINAL

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

MAR 13 2017

BY,   
SYLVIA D. PEREZ, DEPUTY

1 AINF  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 BRYAN SCHWARTZ  
6 Deputy District Attorney  
7 Nevada Bar #013244  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

C-16-313118-2  
AINF  
Amended Information  
4831655



9 THE STATE OF NEVADA,

10 Plaintiff,

CASE NO: C-16-313118-2

11 -vs-

DEPT NO: VI

12 JOSE FERNANDO MONAY-PINA, aka,  
13 Jose Fernando Monaypina, #7028317

14 Defendant.

AMENDED  
INFORMATION

15 STATE OF NEVADA }  
16 COUNTY OF CLARK } ss.

17 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State  
18 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

19 That JOSE FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina, the  
20 Defendant(s) above named, having committed the crimes of CONSPIRACY TO COMMIT  
21 ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147); BURGLARY  
22 WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - NOC  
23 50426); ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS  
24 200.380, 193.165 - NOC 50138); BATTERY WITH USE OF A DEADLY WEAPON  
25 RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 -  
26 NOC 50226); ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B  
27 Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); COERCION WITH USE  
28 OF A DEADLY WEAPON (Category B Felony - NRS 207.190, 193.165 - NOC 53160);

000037 8

1 BATTERY WITH INTENT TO COMMIT A CRIME (Category B Felony - NRS 200.400.2 -  
2 NOC 50151) and AIMING A FIREARM AT A HUMAN BEING (Gross Misdemeanor - NRS  
3 202.290 - NOC 51447), on or about the 12th day of January, 2016, within the County of Clark,  
4 State of Nevada, contrary to the form, force and effect of statutes in such cases made and  
5 provided, and against the peace and dignity of the State of Nevada,

6 COUNT 1 - CONSPIRACY TO COMMIT ROBBERY

7 did willfully, unlawfully, and feloniously conspire with CASIMIRO VENEGAS and  
8 each other to commit a robbery, by the defendants committing the acts as set forth in Count 2  
9 through 13, said acts being incorporated by this reference as though fully set forth herein.

10 COUNT 2 - BURGLARY WHILE IN POSSESSION OF A FIREARM

11 did then and there willfully, unlawfully, and feloniously enter, with intent to commit  
12 robbery, that certain business occupied by 7-ELEVEN, located at 5700 West Charleston  
13 Boulevard, Las Vegas, Clark County, Nevada, said Defendant did possess and/or gain  
14 possession of a firearm during the commission of the crime and/or before leaving the structure.

15 COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON

16 did willfully, unlawfully, and feloniously take personal property, to-wit: lawful money  
17 of the United States, from the person of RICHARD DECAMP, or in his presence, by means  
18 of force or violence, or fear of injury to, and without the consent and against the will of  
19 RICHARD DECAMP, with use of a deadly weapon, to-wit: a firearm.

20 COUNT 4 - BURGLARY WHILE IN POSSESSION OF A FIREARM

21 did then and there willfully, unlawfully, and feloniously enter, with intent to commit  
22 robbery, that certain residence occupied by JAVIER COLEN, located at 504 Brush Street, Las  
23 Vegas, Clark County, Nevada, said Defendant did possess and/or gain possession of a firearm  
24 during the commission of the crime and/or before leaving the structure.

25 COUNT 5 - ROBBERY WITH USE OF A DEADLY WEAPON

26 did willfully, unlawfully, and feloniously take personal property, to-wit: wallet and  
27 contents, and/or knives, from the person of JAVIER COLEN, or in his presence, by means of

28 ///

1 force or violence, or fear of injury to, and without the consent and against the will of JAVIER  
2 COLEN, with use of a deadly weapon, to-wit: a firearm and/or an axe.

3 COUNT 6 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
4 SUBSTANTIAL BODILY HARM

5 did willfully, unlawfully, and feloniously use force or violence upon the person of  
6 another, to-wit: JAVIER COLEN, with use of a deadly weapon, to-wit: a firearm and/or an  
7 axe, by striking the said JAVIER COLEN about the head and/or body with said firearm,  
8 resulting in substantial bodily harm to JAVIER COLEN; the Defendant(s) being criminally  
9 liable under one or more of the following principles of criminal liability, to-wit: (1) by directly  
10 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with  
11 the intent that this crime be committed, by counseling, encouraging, hiring, commanding,  
12 inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a  
13 conspiracy to commit this crime, with the intent that this crime be committed, Defendants  
14 aiding or abetting and/or conspiring in the following manner, to wit: by entering into a course  
15 of conduct whereby Defendant CASIMIRO VENEGAS directly committed the crime,  
16 Defendant JOSE FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina acting as  
17 lookout and confederate throughout.

18 COUNT 7 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

19 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill  
20 JAVIER COLEN, a human being, with use of a deadly weapon, to-wit: an axe, by striking the  
21 said JAVIER COLEN about the head and/or body with said axe; the Defendant(s) being  
22 criminally liable under one or more of the following principles of criminal liability, to-wit: (1)  
23 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this  
24 crime, with the intent that this crime be committed, by counseling, encouraging, hiring,  
25 commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3)  
26 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed,  
27 Defendants aiding or abetting and/or conspiring in the following manner, to wit: by entering  
28 into a course of conduct whereby Defendant CASIMIRO VENEGAS directly committed the

1 crime, Defendant JOSE FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina acting  
2 as lookout and confederate throughout.

3 COUNT 8 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
4 SUBSTANTIAL BODILY HARM

5 did willfully, unlawfully, and feloniously use force or violence upon the person of  
6 another, to-wit: JAVIER COLEN, with use of a deadly weapon, to-wit: an axe, by striking the  
7 said JAVIER COLEN about the head and/or body with said axe, resulting in substantial bodily  
8 harm to JAVIER COLEN; the Defendant(s) being criminally liable under one or more of the  
9 following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or  
10 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be  
11 committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise  
12 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this  
13 crime, with the intent that this crime be committed, Defendants aiding or abetting and/or  
14 conspiring in the following manner, to wit: by entering into a course of conduct whereby  
15 Defendant CASIMIRO VENEGAS directly committed the crime, Defendant JOSE  
16 FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina acting as lookout and  
17 confederate throughout.

18 COUNT 9 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
19 SUBSTANTIAL BODILY HARM

20 did willfully, unlawfully, and feloniously use force or violence upon the person of  
21 another, to-wit: JAVIER COLEN, with use of a deadly weapon, to-wit: an axe, by striking the  
22 said JAVIER COLEN about the head and/or body with said axe, resulting in substantial bodily  
23 harm to JAVIER COLEN; the Defendant(s) being criminally liable under one or more of the  
24 following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or  
25 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be  
26 committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise  
27 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this  
28 crime, with the intent that this crime be committed, Defendants aiding or abetting and/or

1 conspiring in the following manner, to wit: by entering into a course of conduct whereby  
2 Defendant CASIMIRO VENEGAS directly committed the crime, Defendant JOSE  
3 FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina acting as lookout and  
4 confederate throughout.

5 COUNT 10- BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
6 SUBSTANTIAL BODILY HARM

7 did willfully, unlawfully, and feloniously use force or violence upon the person of  
8 another, to-wit: JAVIER COLEN, with use of a deadly weapon, to-wit: an axe, by striking the  
9 said JAVIER COLEN about the head and/or body with said axe, resulting in substantial bodily  
10 harm to JAVIER COLEN; the Defendant(s) being criminally liable under one or more of the  
11 following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or  
12 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be  
13 committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise  
14 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this  
15 crime, with the intent that this crime be committed, Defendants aiding or abetting and/or  
16 conspiring in the following manner, to wit: by entering into a course of conduct whereby  
17 Defendant CASIMIRO VENEGAS directly committed the crime, Defendant JOSE  
18 FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina acting as lookout and  
19 confederate throughout.

20 COUNT 11 - AIMING A FIREARM AT A HUMAN BEING

21 did then and there willfully and unlawfully aim any gun, pistol, revolver, or other  
22 firearm, whether loaded or not, at or toward a human being, to-wit: ADRIANA COLON  
23 and/or LIZBETH COLON and/or SAMANTHA ABANA and/or CAESAR ABANA; the  
24 Defendant(s) being criminally liable under one or more of the following principles of criminal  
25 liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the  
26 commission of this crime, with the intent that this crime be committed, by counseling,  
27 encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit

28 ///



1 the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this  
2 crime be committed, Defendants acting in concert throughout.

3 COUNT 12 - COERCION WITH USE OF A DEADLY WEAPON

4 did then and there willfully, unlawfully, and feloniously use physical force, or the  
5 immediate threat of such force, against ADRIANA COLON and/or LIZBETH COLON and/or  
6 SAMANTHA ABANA and/or CAESAR ABANA and/or JAVIER COLEN, with intent to  
7 compel them to do, or abstain from doing, an act which they had a right to do, or abstain from  
8 doing with use of a deadly weapon, to-wit: a firearm and/or axe, by keeping them from leaving  
9 and/or coming to aid of the said JAVIER COLEN; the Defendant(s) being criminally liable  
10 under one or more of the following principles of criminal liability, to-wit: (1) by directly  
11 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with  
12 the intent that this crime be committed, by counseling, encouraging, hiring, commanding,  
13 inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a  
14 conspiracy to commit this crime, with the intent that this crime be committed, Defendants  
15 aiding or abetting and/or conspiring in the following manner, to wit: by entering into a course  
16 of conduct whereby Defendant CASIMIRO VENEGAS directly committed the crime,  
17 Defendant JOSE FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina acting as  
18 lookout and confederate throughout.

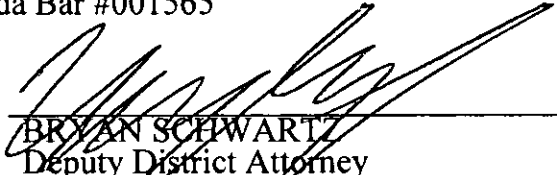
19 COUNT 13 - BATTERY WITH INTENT TO COMMIT A CRIME

20 did then and there willfully, unlawfully, and feloniously use force or violence upon the  
21 person of another, to-wit: JAVIER COLEN, with intent to commit robbery with substantial  
22 bodily harm by striking the said JAVIER COLEN about the head and/or body with a firearm  
23 and/or axe; the Defendant(s) being criminally liable under one or more of the following  
24 principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by  
25 aiding or abetting in the commission of this crime, with the intent that this crime be committed,  
26 by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the  
27 other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the  
28 intent that this crime be committed, Defendants aiding or abetting and/or conspiring in the

1 following manner, to wit: by entering into a course of conduct whereby Defendant CASIMIRO  
2 VENEGAS directly committed the crime, Defendant JOSE FERNANDO MONAY-PINA,  
3 aka, Jose Fernando Monaypina acting as lookout and confederate throughout.

4 STEVEN B. WOLFSON  
5 Clark County District Attorney  
6 Nevada Bar #001565

7 BY

  
8 BRYAN SCHWARTZ  
9 Deputy District Attorney  
10 Nevada Bar #013244

11 Names of witnesses known to the District Attorney's Office at the time of filing this  
12 Information are as follows:

| 13 <u>NAME</u>                            | 14 <u>ADDRESS</u>   |
|---|---|
| 15 CUSTODIAN OF RECORDS<br>16 OR DESIGNEE | Clark County Detention Center,<br>330 S. Casino Center Blvd., Las Vegas, NV |
| 17 CUSTODIAN OF RECORDS<br>18 OR DESIGNEE | LVMPD Communications,<br>400 E. Stewart, Las Vegas, NV                      |
| 19 CUSTODIAN OF RECORDS<br>20 OR DESIGNEE | LVMPD Dispatch,<br>400 E. Stewart, Las Vegas, NV                            |
| 21 CUSTODIAN OF RECORDS<br>22 OR DESIGNEE | LVMPD Records,<br>400 E. Stewart, Las Vegas, NV                             |
| 23 CUSTODIAN OF RECORDS<br>24 OR DESIGNEE | University Medical Center (UMC),<br>1800 W. Charleston Blvd., LVNV          |
| 25 TREATING PHYSICIAN                     | University Medical Center (UMC),<br>1800 W. Charleston Blvd., LVNV          |
| 26 AGUIRRE, A.                            | LVMPD #9645   |
| 27 CARTER, M.                             | unknown.  |
| 28 COLON, Javier                          | C/O District Attorney's Office  |
|   | C/O District Attorney's Office  |

|    |                   |                                      |
|----|-------------------|--------------------------------------|
| 1  | DURON, I.         | LVMPD #14809                         |
| 2  | FELABOM, A.       | LVMPD #8427                          |
| 3  | LEHMANN, S.       | LVMPD #13885                         |
| 4  | SIMMONS, I.       | LVMPD #15067                         |
| 5  | SIMMS, J.         | LVMPD #15111                         |
| 6  | SMITH, T.         | LVMPD #5267                          |
| 7  | SPURLING, J.      | LVMPD #13647                         |
| 8  | TOMS, E.          | LVMPD #5793                          |
| 9  | VAANDERING, B.    | LVMPD #13575                         |
| 10 | VENEGAS, Casimiro | 1759 Santa Margarita St., #123, LVNV |
| 11 | WATTS, Joseph     | DA Investigator and/or Designee      |

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27 16F00568B/pm/L-2  
28 LVMPD EV#1601120450; 1601120494  
(TK14)

MAR 13 2017

JURL

DISTRICT COURT

BY,   
SYLVIA D. PEREZ, DEPUTY

CLARK COUNTY, NEVADA

State of Nevada

CASE NO C-16-313118-1&2

vs

DEPARTMENT VII

Casimiro Venegas

Jose Fernando Monay - Pina

**JURY LIST**

- |                             |                             |
|-----------------------------|-----------------------------|
| 1. Ms. Mary Luevano         | 7. Ms. Jennifer Gomez-Lopez |
| 2. Ms. Sandra Garcia-Lobato | 8. Ms. Megan Wellman        |
| 3. Ms. Christa Rapp         | 9. Ms. Maria Juaregui       |
| 4. Ms. Peggy Schlenther     | 10. Ms. Linda Spink         |
| 5. Mr. Edris Moshin         | 11. Nicholas Gildenmeister  |
| 6. Ms. Alma Morga           | 12. Jonathan Rodriguez      |

**ALTERNATE(S)**

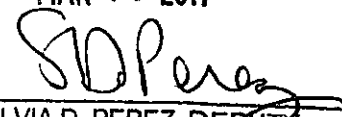
13. Mr. Basil Smith
14. Mr. Aaron Murnighan

C-16-313118-2  
JURL  
Jury List  
4831866



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MAR 13 2017

BY,   
SYLVIA D. PEREZ, DEPUTY

1 AINF  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 BRYAN SCHWARTZ  
6 Deputy District Attorney  
7 Nevada Bar #013244  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 CASIMIRO VENEGAS, #2666143,  
13 JOSE FERNANDO MONAY-PINA, aka,  
14 Jose Fernando Monaypina, #7028317.

15 Defendants.

CASE NO: C-16-313118-1-2

DEPT NO: VII

SECOND AMENDED  
INFORMATION

C-16-313118-2  
AINF  
Amended Information  
4631669



16 STATE OF NEVADA }  
17 COUNTY OF CLARK } ss.

18 STEVEN B. WOLFSON, Clark County District Attorney within and for the County of  
19 Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the  
20 Court:

21 That CASIMIRO VENEGAS and JOSE FERNANDO MONAY-PINA, aka, Jose  
22 Fernando Monaypina, the Defendants above named, having committed the crimes of  
23 CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 -  
24 NOC 50147); BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony  
25 - NRS 205.060 - NOC 50426); ROBBERY WITH USE OF A DEADLY WEAPON (Category  
26 B Felony - NRS 200.380, 193.165 - NOC 50138); BATTERY WITH USE OF A DEADLY  
27 WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS  
28 200.481 - NOC 50226); ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

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(Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); COERCION WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 207.190, 193.165 - NOC 53160); BATTERY WITH INTENT TO COMMIT A CRIME (Category B Felony - NRS 200.400.2 - NOC 50151) and AIMING A FIREARM AT A HUMAN BEING (Gross Misdemeanor - NRS 202.290 - NOC 51447), on or about the 12th day of January, 2016, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNT 1 - CONSPIRACY TO COMMIT ROBBERY

did willfully, unlawfully, and feloniously conspire with each other to commit a robbery, by the defendants committing the acts as set forth in Count 2 through 13, said acts being incorporated by this reference as though fully set forth herein.

COUNT 2 - BURGLARY WHILE IN POSSESSION OF A FIREARM

did then and there willfully, unlawfully, and feloniously enter, with intent to commit robbery, that certain business occupied by 7-ELEVEN, located at 5700 West Charleston Boulevard, Las Vegas, Clark County, Nevada, said Defendants did possess and/or gain possession of a firearm during the commission of the crime and/or before leaving the structure.

COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, and feloniously take personal property, to-wit: lawful money of the United States, from the person of RICHARD DECAMP, or in his presence, by means of force or violence, or fear of injury to, and without the consent and against the will of RICHARD DECAMP, with use of a deadly weapon, to-wit: a firearm.

COUNT 4 - BURGLARY WHILE IN POSSESSION OF A FIREARM

did then and there willfully, unlawfully, and feloniously enter, with intent to commit robbery, that certain residence occupied by JAVIER COLEN, located at 504 Brush Street, Las Vegas, Clark County, Nevada, said Defendants did possess and/or gain possession of a firearm during the commission of the crime and/or before leaving the structure.

COUNT 5 - ROBBERY WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, and feloniously take personal property, to-wit: wallet and

1 contents, and/or knives, from the person of JAVIER COLEN, or in his presence, by means of  
2 force or violence, or fear of injury to, and without the consent and against the will of JAVIER  
3 COLEN, with use of a deadly weapon, to-wit: a firearm and/or an axe.

4 COUNT 6 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
5 SUBSTANTIAL BODILY HARM

6 did willfully, unlawfully, and feloniously use force or violence upon the person of  
7 another, to-wit: JAVIER COLEN, with use of a deadly weapon, to-wit: a firearm and/or an  
8 axe, by striking the said JAVIER COLEN about the head and/or body with said firearm,  
9 resulting in substantial bodily harm to JAVIER COLEN; the Defendant(s) being criminally  
10 liable under one or more of the following principles of criminal liability, to-wit: (1) by directly  
11 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with  
12 the intent that this crime be committed, by counseling, encouraging, hiring, commanding,  
13 inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a  
14 conspiracy to commit this crime, with the intent that this crime be committed, Defendants  
15 aiding or abetting and/or conspiring in the following manner, to wit: by entering into a course  
16 of conduct whereby Defendant CASIMIRO VENEGAS directly committed the crime,  
17 Defendant JOSE FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina acting as  
18 lookout and confederate throughout.

19 COUNT 7 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

20 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill  
21 JAVIER COLEN, a human being, with use of a deadly weapon, to-wit: an axe, by striking the  
22 said JAVIER COLEN about the head and/or body with said axe; the Defendant(s) being  
23 criminally liable under one or more of the following principles of criminal liability, to-wit: (1)  
24 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this  
25 crime, with the intent that this crime be committed, by counseling, encouraging, hiring,  
26 commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3)  
27 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed,  
28 Defendants aiding or abetting and/or conspiring in the following manner, to wit: by entering

1 into a course of conduct whereby Defendant CASIMIRO VENEGAS directly committed the  
2 crime, Defendant JOSE FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina acting  
3 as lookout and confederate throughout.

4 COUNT 8 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
5 SUBSTANTIAL BODILY HARM

6 did willfully, unlawfully, and feloniously use force or violence upon the person of  
7 another, to-wit: JAVIER COLEN, with use of a deadly weapon, to-wit: an axe, by striking the  
8 said JAVIER COLEN about the head and/or body with said axe, resulting in substantial bodily  
9 harm to JAVIER COLEN; the Defendant(s) being criminally liable under one or more of the  
10 following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or  
11 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be  
12 committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise  
13 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this  
14 crime, with the intent that this crime be committed, Defendants aiding or abetting and/or  
15 conspiring in the following manner, to wit: by entering into a course of conduct whereby  
16 Defendant CASIMIRO VENEGAS directly committed the crime, Defendant JOSE  
17 FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina acting as lookout and  
18 confederate throughout.

19 COUNT 9 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
20 SUBSTANTIAL BODILY HARM

21 did willfully, unlawfully, and feloniously use force or violence upon the person of  
22 another, to-wit: JAVIER COLEN, with use of a deadly weapon, to-wit: an axe, by striking the  
23 said JAVIER COLEN about the head and/or body with said axe, resulting in substantial bodily  
24 harm to JAVIER COLEN; the Defendant(s) being criminally liable under one or more of the  
25 following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or  
26 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be  
27 committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise  
28 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this



1 crime, with the intent that this crime be committed, Defendants aiding or abetting and/or  
2 conspiring in the following manner, to wit: by entering into a course of conduct whereby  
3 Defendant CASIMIRO VENEGAS directly committed the crime, Defendant JOSE  
4 FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina acting as lookout and  
5 confederate throughout.

6 COUNT 10- BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
7 SUBSTANTIAL BODILY HARM

8 did willfully, unlawfully, and feloniously use force or violence upon the person of  
9 another, to-wit: JAVIER COLEN, with use of a deadly weapon, to-wit: an axe, by striking the  
10 said JAVIER COLEN about the head and/or body with said axe, resulting in substantial bodily  
11 harm to JAVIER COLEN; the Defendant(s) being criminally liable under one or more of the  
12 following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or  
13 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be  
14 committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise  
15 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this  
16 crime, with the intent that this crime be committed, Defendants aiding or abetting and/or  
17 conspiring in the following manner, to wit: by entering into a course of conduct whereby  
18 Defendant CASIMIRO VENEGAS directly committed the crime, Defendant JOSE  
19 FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina acting as lookout and  
20 confederate throughout.

21 COUNT 11 - AIMING A FIREARM AT A HUMAN BEING

22 did then and there willfully and unlawfully aim any gun, pistol, revolver, or other  
23 firearm, whether loaded or not, at or toward a human being, to-wit: ADRIANA COLON  
24 and/or LIZBETH COLON and/or SAMANTHA ABANA and/or CAESAR ABANA; the  
25 Defendant(s) being criminally liable under one or more of the following principles of criminal  
26 liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the  
27 commission of this crime, with the intent that this crime be committed, by counseling,  
28 encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit

1 the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this  
2 crime be committed, Defendants acting in concert throughout.

3 COUNT 12 - COERCION WITH USE OF A DEADLY WEAPON

4 did then and there willfully, unlawfully, and feloniously use physical force, or the  
5 immediate threat of such force, against ADRIANA COLON and/or LIZBETH COLON and/or  
6 SAMANTHA ABANA and/or CAESAR ABANA and/or JAVIER COLEN, with intent to  
7 compel them to do, or abstain from doing, an act which they had a right to do, or abstain from  
8 doing with use of a deadly weapon, to-wit: a firearm and/or axe, by keeping them from leaving  
9 and/or coming to aid of the said JAVIER COLEN; the Defendant(s) being criminally liable  
10 under one or more of the following principles of criminal liability, to-wit: (1) by directly  
11 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with  
12 the intent that this crime be committed, by counseling, encouraging, hiring, commanding,  
13 inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a  
14 conspiracy to commit this crime, with the intent that this crime be committed, Defendants  
15 aiding or abetting and/or conspiring in the following manner, to wit: by entering into a course  
16 of conduct whereby Defendant CASIMIRO VENEGAS directly committed the crime,  
17 Defendant JOSE FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina acting as  
18 lookout and confederate throughout.

19 COUNT 13 - BATTERY WITH INTENT TO COMMIT A CRIME

20 did then and there willfully, unlawfully, and feloniously use force or violence upon the  
21 person of another, to-wit: JAVIER COLEN, with intent to commit robbery with substantial  
22 bodily harm by striking the said JAVIER COLEN about the head and/or body with a firearm  
23 and/or axe; the Defendant(s) being criminally liable under one or more of the following  
24 principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by  
25 aiding or abetting in the commission of this crime, with the intent that this crime be committed,  
26 by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the  
27 other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the  
28 intent that this crime be committed, Defendants aiding or abetting and/or conspiring in the

following manner, to wit: by entering into a course of conduct whereby Defendant CASIMIRO VENEGAS directly committed the crime, Defendant JOSE FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina acting as lookout and confederate throughout.

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

BY M.R. L. 13476 for  
BRYAN SCHWARTZ  
Deputy District Attorney  
Nevada Bar #013244

Names of witnesses known to the District Attorney's Office at the time of filing this information are as follows:

| <u>NAME</u>                         | <u>ADDRESS</u>   |
|-------------------------------------|--|
| CUSTODIAN OF RECORDS<br>OR DESIGNEE | Clark County Detention Center,<br>330 S. Casino Center Blvd., LVNV |
| CUSTODIAN OF RECORDS<br>OR DESIGNEE | LVMPD Dispatch,<br>400 E. Stewart, Las Vegas, NV                   |
| CUSTODIAN OF RECORDS<br>OR DESIGNEE | LVMPD Communications,<br>400 E. Stewart, Las Vegas, NV             |
| CUSTODIAN OF RECORDS<br>OR DESIGNEE | LVMPD Records,<br>400 E. Stewart, Las Vegas, NV                    |
| AGUIRRE, A.                         | LVMPD #9645  |
| COLON, Javier                       | C/O District Attorney's Office                                     |
| DECAMP, Richard                     | C/O District Attorney's Office                                     |
| DURON, I.                           | LVMPD #14809   |
| LEHMANN, S.                         | LVMPD #13885   |
| MONAY-PINA, Jose Fernando           | 908 N. Jones Blvd., Las Vegas, NV                                  |
| SIMMONS, J.                         | LVMPD #15067   |
| SIMMS, J.                           | LVMPD #15111   |

|    |                   |                                     |
|----|-------------------|-------------------------------------|
| 1  | SMITH, T.         | LVMPD #5267                         |
| 2  | SPURLING, J.      | LVMPD #13647                        |
| 3  | TOMS, E.          | LVMPD #5793                         |
| 4  | VENEGAS, Casimiro | 1759 Santa Margarita St., #123, LVN |
| 5  | WATTS, Joseph     | DA Investigator and/or Designee     |
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**DO NOT READ TO THE JURY**

**UNDER NO CIRCUMSTANCES IS THE LANGUAGE CONTAINED  
HEREINAFTER TO BE READ TO A JURY HEARING THE PRIMARY OFFENSE  
FOR WHICH THE DEFENDANT IS PRESENTLY CHARGED.**

**NOTICE OF PRIOR BURGLARY AND/OR HOME INVASION CONVICTIONS**

The State of Nevada hereby places Defendant CASIMIRO VENEGAS on notice that in the event of a Burglary conviction pursuant to NRS 205.060 and/or a Home Invasion conviction pursuant to NRS 205.067 in the above-entitled action, he will not be eligible for probation as Defendant CASIMIRO VENEGAS has already suffered ONE (1) prior Burglary and/or Home Invasion conviction(s), as set forth in the "Notice of Intent to Seek Punishment as a Habitual Criminal," said notice being incorporated by this reference as though fully set forth herein.

**UNDER NO CIRCUMSTANCES IS THE LANGUAGE CONTAINED  
HEREINAFTER TO BE READ TO A JURY HEARING THE PRIMARY OFFENSE  
FOR WHICH THE DEFENDANT IS PRESENTLY CHARGED.**

**NOTICE OF INTENT TO SEEK PUNISHMENT AS A HABITUAL  
CRIMINAL**

The State of Nevada hereby places Defendant CASIMIRO VENEGAS on notice of the State's intent to seek punishment of Defendant CASIMIRO VENEGAS pursuant to the provisions of NRS 207.010 and 207.012 as a habitual criminal in the event of a felony conviction in the above-entitled action.

The State will seek punishment as a habitual criminal based upon the following felony convictions, to wit:

1. That in 2008, the Defendant was convicted in the Eighth Judicial District Court, County of Clark, State of Nevada, for the crime of COUNT 1 - CONSPIRACY TO COMMIT ROBBERY (Category B Felony) and COUNT 2 - ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony), in Case No. C244224.

2. That in 2008, the Defendant was convicted in the Eighth Judicial District Court, County of Clark, State of Nevada, for the crime of COUNT 1 - ROBBERY WITH USE

///

1 OF A DEADLY WEAPON (Category B Felony) and COUNT 2 - BURGLARY WHILE IN  
2 POSSESSION OF A FIREARM (Category B Felony), in Case No. C246550.

3 3. That in 2013, the Defendant was convicted in the Eighth Judicial District  
4 Court, County of Clark, State of Nevada, for the crime of ROBBERY (Category B Felony), in  
5 Case No. C284885-1.

6 STEVEN B. WOLFSON  
7 Clark County District Attorney  
8 Nevada Bar #001565

9 BY

*M. D. R. L. 12476 for*

10 BRYAN SCHWARTZ  
11 Deputy District Attorney  
12 Nevada Bar #013244

13 **DO NOT READ TO THE JURY**  
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27 DA#16F00568A/pm /L-2  
28 LVMPD EV#1601120450; 1601120494  
(TK14)

ORIGINAL

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

MAR 15 2017

3Y. *Sylvia D. Perez*  
SYLVIA D. PEREZ, DEPUTY

C-16-313118-2  
AINF  
Amended Information  
4633726



DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASIMIRO VENEGAS, #2666143,  
JOSE FERNANDO MONAY-PINA, aka,  
Jose Fernando Monaypina, #7028317.

Defendants.

CASE NO: C-16-313118-1(2)

DEPT NO: VII

THIRD AMENDED  
I N F O R M A T I O N

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, Clark County District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That CASIMIRO VENEGAS and JOSE FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina, the Defendants above named, having committed the crimes of CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147); BURGLARY WHILE IN POSSESSION OF A FIREARM (Category B Felony - NRS 205.060 - NOC 50426); ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138); BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226); ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

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1 (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); COERCION  
2 WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 207.190, 193.165 - NOC  
3 ~~53160); BATTERY WITH INTENT TO COMMIT A CRIME (Category B Felony - NRS~~  
4 200.400.2 - NOC 50151) and AIMING A FIREARM AT A HUMAN BEING (Gross  
5 Misdemeanor - NRS 202.290 - NOC 51447), on or about the 12th day of January, 2016, within  
6 the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such  
7 cases made and provided, and against the peace and dignity of the State of Nevada,

8 COUNT 1 - CONSPIRACY TO COMMIT ROBBERY

9 did willfully, unlawfully, and feloniously conspire with each other to commit a  
10 robbery, by the defendants committing the acts as set forth in Count 2 through 13, said acts  
11 being incorporated by this reference as though fully set forth herein.

12 COUNT 2 - BURGLARY WHILE IN POSSESSION OF A FIREARM

13 did then and there willfully, unlawfully, and feloniously enter, with intent to commit  
14 robbery, that certain business occupied by 7-ELEVEN, located at 5700 West Charleston  
15 Boulevard, Las Vegas, Clark County, Nevada, said Defendants did possess and/or gain  
16 possession of a firearm during the commission of the crime and/or before leaving the structure.

17 COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON

18 did willfully, unlawfully, and feloniously take personal property, to-wit: lawful money  
19 of the United States, from the person of RICHARD DECAMP, or in his presence, by means  
20 of force or violence, or fear of injury to, and without the consent and against the will of  
21 RICHARD DECAMP, with use of a deadly weapon, to-wit: a firearm.

22 COUNT 4 - BURGLARY WHILE IN POSSESSION OF A FIREARM

23 did then and there willfully, unlawfully, and feloniously enter, with intent to commit  
24 robbery and/or assault and/or battery and/or larceny that certain residence occupied by  
25 JAVIER COLEN, located at 504 Brush Street, Las Vegas, Clark County, Nevada, said  
26 Defendants did possess and/or gain possession of a firearm during the commission of the crime  
27 and/or before leaving the structure.



1 COUNT 5 - ROBBERY WITH USE OF A DEADLY WEAPON

2 did willfully, unlawfully, and feloniously take personal property, to-wit: wallet and  
3 ~~contents, and/or knives, from the person of JAVIER COLEN, or in his presence, by means of~~  
4 force or violence, or fear of injury to, and without the consent and against the will of JAVIER  
5 COLEN, with use of a deadly weapon, to-wit: a firearm and/or an axe.

6 COUNT 6 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
7 SUBSTANTIAL BODILY HARM

8 did willfully, unlawfully, and feloniously use force or violence upon the person of  
9 another, to-wit: JAVIER COLEN, with use of a deadly weapon, to-wit: a firearm and/or an  
10 axe, by striking the said JAVIER COLEN about the head and/or body with said firearm,  
11 resulting in substantial bodily harm to JAVIER COLEN; the Defendant(s) being criminally  
12 liable under one or more of the following principles of criminal liability, to-wit: (1) by directly  
13 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with  
14 the intent that this crime be committed, by counseling, encouraging, hiring, commanding,  
15 inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a  
16 conspiracy to commit this crime, with the intent that this crime be committed, Defendants  
17 aiding or abetting and/or conspiring in the following manner, to wit: by entering into a course  
18 of conduct whereby Defendant CASIMIRO VENEGAS directly committed the crime,  
19 Defendant JOSE FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina acting as  
20 lookout and confederate throughout.

21 COUNT 7 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

22 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill  
23 JAVIER COLEN, a human being, with use of a deadly weapon, to-wit: an axe, by striking the  
24 said JAVIER COLEN about the head and/or body with said axe; the Defendant(s) being  
25 criminally liable under one or more of the following principles of criminal liability, to-wit: (1)  
26 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this  
27 crime, with the intent that this crime be committed, by counseling, encouraging, hiring,  
28 commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3)

1 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed,  
2 Defendants aiding or abetting and/or conspiring in the following manner, to wit: by entering  
3 into a course of conduct whereby Defendant CASIMIRO VENEGAS directly committed the  
4 crime, Defendant JOSE FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina acting  
5 as lookout and confederate throughout.

6 COUNT 8 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
7 SUBSTANTIAL BODILY HARM

8 did willfully, unlawfully, and feloniously use force or violence upon the person of  
9 another, to-wit: JAVIER COLEN, with use of a deadly weapon, to-wit: an axe, by striking the  
10 said JAVIER COLEN about the head and/or body with said axe, resulting in substantial bodily  
11 harm to JAVIER COLEN; the Defendant(s) being criminally liable under one or more of the  
12 following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or  
13 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be  
14 committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise  
15 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this  
16 crime, with the intent that this crime be committed, Defendants aiding or abetting and/or  
17 conspiring in the following manner, to wit: by entering into a course of conduct whereby  
18 Defendant CASIMIRO VENEGAS directly committed the crime, Defendant JOSE  
19 FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina acting as lookout and  
20 confederate throughout.

21 COUNT 9 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
22 SUBSTANTIAL BODILY HARM

23 did willfully, unlawfully, and feloniously use force or violence upon the person of  
24 another, to-wit: JAVIER COLEN, with use of a deadly weapon, to-wit: an axe, by striking the  
25 said JAVIER COLEN about the head and/or body with said axe, resulting in substantial bodily  
26 harm to JAVIER COLEN; the Defendant(s) being criminally liable under one or more of the  
27 following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or  
28 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be

1 committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise  
2 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this  
3 ~~crime, with the intent that this crime be committed, Defendants aiding or abetting and/or~~  
4 conspiring in the following manner, to wit: by entering into a course of conduct whereby  
5 Defendant CASIMIRO VENEGAS directly committed the crime, Defendant JOSE  
6 FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina acting as lookout and  
7 confederate throughout.

8 COUNT 10- BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
9 SUBSTANTIAL BODILY HARM

10 did willfully, unlawfully, and feloniously use force or violence upon the person of  
11 another, to-wit: JAVIER COLEN, with use of a deadly weapon, to-wit: an axe, by striking the  
12 said JAVIER COLEN about the head and/or body with said axe, resulting in substantial bodily  
13 harm to JAVIER COLEN; the Defendant(s) being criminally liable under one or more of the  
14 following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or  
15 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be  
16 committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise  
17 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this  
18 crime, with the intent that this crime be committed, Defendants aiding or abetting and/or  
19 conspiring in the following manner, to wit: by entering into a course of conduct whereby  
20 Defendant CASIMIRO VENEGAS directly committed the crime, Defendant JOSE  
21 FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina acting as lookout and  
22 confederate throughout.

23 COUNT 11 - AIMING A FIREARM AT A HUMAN BEING

24 did then and there willfully and unlawfully aim any gun, pistol, revolver, or other  
25 firearm, whether loaded or not, at or toward a human being, to-wit: ADRIANA AVINA and/or  
26 LIZBETH AVINA and/or SAMANTHA AVINA and/or CAESAR AVINA; the Defendant(s)  
27 being criminally liable under one or more of the following principles of criminal liability, to-  
28 wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission

1 of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring,  
2 commanding, inducing and/or otherwise procuring the other to commit

3 ~~the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this~~  
4 crime be committed, Defendants acting in concert throughout.

5 COUNT 12 - COERCION WITH USE OF A DEADLY WEAPON

6 did then and there willfully, unlawfully, and feloniously use physical force, or the  
7 immediate threat of such force, against ADRIANA AVINA and/or LIZBETH AVINA and/or  
8 SAMANTHA AVINA and/or CAESAR AVINA and/or JAVIER COLEN, with intent to  
9 compel them to do, or abstain from doing, an act which they had a right to do, or abstain from  
10 doing with use of a deadly weapon, to-wit: a firearm and/or axe, by keeping them from leaving  
11 and/or coming to aid of the said JAVIER COLEN; the Defendant(s) being criminally liable  
12 under one or more of the following principles of criminal liability, to-wit: (1) by directly  
13 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with  
14 the intent that this crime be committed, by counseling, encouraging, hiring, commanding,  
15 inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a  
16 conspiracy to commit this crime, with the intent that this crime be committed, Defendants  
17 aiding or abetting and/or conspiring in the following manner, to wit: by entering into a course  
18 of conduct whereby Defendant CASIMIRO VENEGAS directly committed the crime,  
19 Defendant JOSE FERNANDO MONAY-PINA, aka, Jose Fernando Monaypina acting as  
20 lookout and confederate throughout.

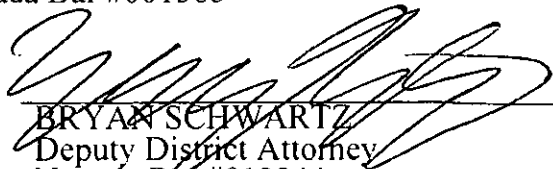
21 COUNT 13 - BATTERY WITH INTENT TO COMMIT A CRIME

22 did then and there willfully, unlawfully, and feloniously use force or violence upon the  
23 person of another, to-wit: JAVIER COLEN, with intent to commit robbery with substantial  
24 bodily harm by striking the said JAVIER COLEN about the head and/or body with a firearm  
25 and/or axe; the Defendant(s) being criminally liable under one or more of the following  
26 principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by  
27 aiding or abetting in the commission of this crime, with the intent that this crime be committed,  
28 by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the

1 other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the  
2 intent that this crime be committed, Defendants aiding or abetting and/or conspiring in the  
3 following manner, to wit: by entering into a course of conduct whereby Defendant CASIMIRO  
4 VENEGAS directly committed the crime, Defendant JOSE FERNANDO MONAY-PINA,  
5 aka, Jose Fernando Monaypina acting as lookout and confederate throughout.

6 STEVEN B. WOLFSON  
7 Clark County District Attorney  
8 Nevada Bar #001565

9 BY

  
10 BRYAN SCHWARTZ  
11 Deputy District Attorney  
12 Nevada Bar #013244

13 Names of witnesses known to the District Attorney's Office at the time of filing this  
14 information are as follows:

15 NAME

ADDRESS

16 CUSTODIAN OF RECORDS  
17 OR DESIGNEE

Clark County Detention Center,  
330 S. Casino Center Blvd., LVNV

18 CUSTODIAN OF RECORDS  
19 OR DESIGNEE

LVMPD Dispatch,  
400 E. Stewart, Las Vegas, NV

20 CUSTODIAN OF RECORDS  
21 OR DESIGNEE

LVMPD Communications,  
400 E. Stewart, Las Vegas, NV

22 CUSTODIAN OF RECORDS  
23 OR DESIGNEE

LVMPD Records,  
400 E. Stewart, Las Vegas, NV

24 AGUIRRE, A.

LVMPD #9645

25 COLON, Javier

C/O District Attorney's Office

26 DECAMP, Richard

C/O District Attorney's Office

27 DURON, I.

LVMPD #14809

28 LEHMANN, S.

LVMPD #13885

MONAY-PINA, Jose Fernando

908 N. Jones Blvd., Las Vegas, NV

|   |                   |                                     |
|---|-------------------|-------------------------------------|
| 1 | SIMMONS, J.       | LVMPD #15067                        |
| 2 | SIMMS, J.         | LVMPD #15111                        |
| 3 | SMITH, T.         | <del>LVMPD #5267</del>              |
| 4 | SPURLING, J.      | LVMPD #13647                        |
| 5 | TOMS, E.          | LVMPD #5793                         |
| 6 | VENEGAS, Casimiro | 1759 Santa Margarita St., #123, LVN |
| 7 | WATTS, Joseph     | DA Investigator and/or Designee     |

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**DO NOT READ TO THE JURY**

**UNDER NO CIRCUMSTANCES IS THE LANGUAGE CONTAINED  
HEREINAFTER TO BE READ TO A JURY HEARING THE PRIMARY OFFENSE  
FOR WHICH THE DEFENDANT IS PRESENTLY CHARGED.**

**NOTICE OF PRIOR BURGLARY AND/OR HOME INVASION CONVICTIONS**

The State of Nevada hereby places Defendant CASIMIRO VENEGAS on notice that in the event of a Burglary conviction pursuant to NRS 205.060 and/or a Home Invasion conviction pursuant to NRS 205.067 in the above-entitled action, he will not be eligible for probation as Defendant CASIMIRO VENEGAS has already suffered ONE (1) prior Burglary and/or Home Invasion conviction(s), as set forth in the "Notice of Intent to Seek Punishment as a Habitual Criminal," said notice being incorporated by this reference as though fully set forth herein.

**UNDER NO CIRCUMSTANCES IS THE LANGUAGE CONTAINED  
HEREINAFTER TO BE READ TO A JURY HEARING THE PRIMARY OFFENSE  
FOR WHICH THE DEFENDANT IS PRESENTLY CHARGED.**

**NOTICE OF INTENT TO SEEK PUNISHMENT AS A HABITUAL  
CRIMINAL**

The State of Nevada hereby places Defendant CASIMIRO VENEGAS on notice of the State's intent to seek punishment of Defendant CASIMIRO VENEGAS pursuant to the provisions of NRS 207.010 and 207.012 as a habitual criminal in the event of a felony conviction in the above-entitled action.

The State will seek punishment as a habitual criminal based upon the following felony convictions, to wit:

1. That in 2008, the Defendant was convicted in the Eighth Judicial District Court, County of Clark, State of Nevada, for the crime of COUNT 1 - CONSPIRACY TO COMMIT ROBBERY (Category B Felony) and COUNT 2 - ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony), in Case No. C244224.

2. That in 2008, the Defendant was convicted in the Eighth Judicial District Court, County of Clark, State of Nevada, for the crime of COUNT 1 - ROBBERY WITH USE

///

1 OF A DEADLY WEAPON (Category B Felony) and COUNT 2 - BURGLARY WHILE IN  
2 POSSESSION OF A FIREARM (Category B Felony), in Case No. C246550.

3 ~~3. That in 2013, the Defendant was convicted in the Eighth Judicial District~~  
4 Court, County of Clark, State of Nevada, for the crime of ROBBERY (Category B Felony), in  
5 Case No. C284885-1.

6 STEVEN B. WOLFSON  
7 Clark County District Attorney  
8 Nevada Bar #001565

9 BY

10 BRYAN SCHWARTZ  
11 Deputy District Attorney  
12 Nevada Bar #013244

13 **DO NOT READ TO THE JURY**  
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27 DA#16F00568A/bs /L-2  
28 LVMPD EV#1601120450; 1601120494  
(TK14)



MAR 15 2017 5:50 pm

DISTRICT COURT  
CLARK COUNTY, NEVADA BY SOP Perez  
SYLVIA D. PEREZ, DEPUTY

1 VER

2  
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5 THE STATE OF NEVADA,

6 Plaintiff,

7 -vs-

8 JOSE FERNANDO MONAY-PINA,

9 Defendant.

CASE

C-16-313118-2

NO:

VII

DEPT NO:

10 VERDICT

11 We, the jury in the above entitled case, find the Defendant JOSE FERNANDO  
12 MONAY-PINA, as follows:

13 COUNT 1 – CONSPIRACY TO COMMIT ROBBERY

14 *(Please check the appropriate box, select only one)*

15 ☐ Not Guilty

16 ☒ Guilty of Conspiracy to Commit Robbery

17  
18 COUNT 2 – BURGLARY WHILE IN POSSESSION OF A FIREARM

19 *(Please check the appropriate box, select only one)*

20 ☐ Not Guilty

21 ☒ Guilty of Burglary While in Possession of a Firearm

22 ☐ Guilty of Burglary

23  
24 COUNT 3 – ROBBERY WITH USE OF A DEADLY WEAPON (DECAMP)

25 *(Please check the appropriate box, select only one)*

26 ☐ Not Guilty

27 ☒ Guilty of Robbery with Use of a Deadly Weapon

28 ☐ Guilty of Robbery

C-16-313118-2  
VER  
Verdict  
4632280



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4

**COUNT 4 – BURGLARY WHILE IN POSSESSION OF A FIREARM (COLON)**

*(Please check the appropriate box, select only one)*

- ☐ Not Guilty
- ☒ Guilty of Burglary While in Possession of a Firearm
- ☐ Guilty of Burglary

**COUNT 5 – ROBBERY WITH USE OF A DEADLY WEAPON (COLON)**

*(Please check the appropriate box, select only one)*

- ☐ Not Guilty
- ☒ Guilty of Robbery with Use of a Deadly Wepaon
- ☐ Guilty of Robbery

**COUNT 6 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (COLON)**

*(Please check the appropriate box, select only one)*

- ☐ Not Guilty
- ☒ Guilty of Battery With Use of a Deadly Weapon Resulting in Substantial Bodily Harm
- ☐ Guilty of Battery With Use of a Deadly Weapon
- ☐ Guilty of Battery Resulting in Substantial Bodily Harm
- ☐ Guilty of Battery

**COUNT 7 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (COLON)**

*(Please check the appropriate box, select only one)*

- ☐ Not Guilty
- ☒ Guilty of Attempt Murder With Use of a Deadly Weapon
- ☐ Guilty of Attempt Murder

///

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**COUNT 8 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
SUBSTANTIAL BODILY HARM (COLON)**

*(Please check the appropriate box, select only one)*

☐ Not Guilty

☒ Guilty of Battery With Use of a Deadly Weapon Resulting in  
Substantial Bodily Harm

☐ Guilty of Battery With Use of a Deadly Weapon

☐ Guilty of Battery Resulting in Substantial Bodily Harm

☐ Guilty of Battery

**COUNT 9 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
SUBSTANTIAL BODILY HARM (COLON)**

*(Please check the appropriate box, select only one)*

☐ Not Guilty

☐ Guilty of Battery With Use of a Deadly Weapon Resulting in  
Substantial Bodily Harm

☒ Guilty of Battery With Use of a Deadly Weapon

☐ Guilty of Battery Resulting in Substantial Bodily Harm

☐ Guilty of Battery

**COUNT 10 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
SUBSTANTIAL BODILY HARM (COLON)**

*(Please check the appropriate box, select only one)*

☐ Not Guilty

☐ Guilty of Battery With Use of a Deadly Weapon Resulting in  
Substantial Bodily Harm

☒ Guilty of Battery With Use of a Deadly Weapon

☐ Guilty of Battery Resulting in Substantial Bodily Harm

☐ Guilty of Battery

///

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1 **COUNT 11** – AIMING A FIREARM AT A HUMAN BEING  
2 (COLON / AVINA)

3 *(Please check the appropriate box, select only one)*

4 ☐ Not Guilty

5 ☒ Guilty of Aiming a Firearm at a Human Being

6 **COUNT 12** – COERCION WITH USE OF A DEADLY WEAPON  
7 (COLON / AVINA)

8 *(Please check the appropriate box, select only one)*

9 ☐ Not Guilty

10 ☒ Guilty of Coercion With Use of a Deadly Weapon

11 ☐ Guilty of Coercion

12 **COUNT 13** - BATTERY WITH INTENT TO COMMIT A CRIME (COLON)

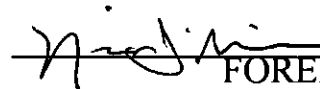
13 *(Please check the appropriate box, select only one)*

14 ☐ Not Guilty

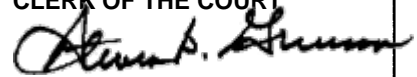
15 ☒ Guilty of Battery With Intent to Commit a Crime

16 ☐ Guilty of Battery

17  
18  
19 DATED this 15 day of March, 2017

20  
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23  FOREPERSON  
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1 **ORDR**

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4 **DISTRICT COURT**  
5 **CLARK COUNTY, NEVADA**

6  
7 **THE STATE OF NEVADA,**

8 **Plaintiff(s),**

9 **vs.**

10 **JOSE FERNANDO MONAY-PINA**  
11 **aka Jose Fernando Monaypina**  
12 **#7028317,**

13 **Defendant(s).**

**Case No.: C-16-313118-2**

**Dept. No.: 7**

14 **ORDER TO RESCHEDULE HEARING DATE**

15  
16 **Due to the Court's calendar,**

17 **IT IS HEREBY ORDERED, the Sentencing hearing, currently scheduled to be heard**  
18 **on June 15, 2017 is rescheduled to **TUESDAY, JUNE 13, 2017 at 8:30 a.m.** in District**  
19 **Court Department 7, Courtroom 15A. All counsel and self-represented parties must appear**  
20 **at this hearing.**

21  
22  
23 **DATED this 4th day of May, 2017.**

24  
25 **LINDA MARIE BELL**  
26 **DISTRICT JUDGE**  
27 **DEPARTMENT VII**  
28

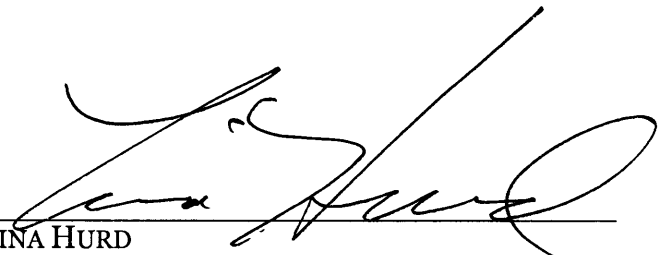
  
\_\_\_\_\_  
**LINDA MARIE BELL**  
**DISTRICT COURT JUDGE**

CERTIFICATE OF SERVICE

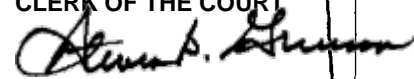
The undersigned hereby certifies that on the date of filing, a copy of this Order was electronically served through the Eighth Judicial District Court EFP system or, if no e-mail was provided, by facsimile, U.S. Mail and/or placed in the Clerk's Office attorney folder(s) for:

Mary Kay Holthus, DDA  
Bryan Schwartz, DDA  
CLARK COUNTY DISTRICT ATTORNEY

Thomas D. Boley, Esq.  
BOLEY & ALDABBAGH LTD



TINA HURD  
JUDICIAL EXECUTIVE ASSISTANT



1 **SAO**  
2 **STEVEN B. WOLFSON**  
3 **Clark County District Attorney**  
4 **Nevada Bar #001565**  
5 **BRYAN SCHWARTZ**  
6 **Deputy District Attorney**  
7 **Nevada Bar #13244**  
8 **200 Lewis Avenue**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 671-2500**  
11 **Attorney for Plaintiff**

DISTRICT COURT  
CLARK COUNTY, NEVADA

10 **THE STATE OF NEVADA,**

11 **Plaintiff,**

12 **-vs-**

13 **CASIMIRO VENEGAS,**  
14 **#2666143**  
15 **JOSE MONAY-PINA,**  
16 **#7028317**

Defendant.

CASE NO. C-16-313118-1/2

DEPT NO. VII

**STIPULATION TO CONTINUE SENTENCING HEARING**

17 It is hereby stipulated and agreed to by BRYAN SCHWARTZ, Deputy District  
18 Attorney, ADAM GILL, Attorney for Defendant Venegas, and THOMAS BOLEY, Attorne  
19 for Defendant Monay Pina, that the current sentencing hearing be vacated and that the Court  
20 reset the sentencing hearing for a time convenient for the court, after August 14, 2017.

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DOCUMENT2



JUN 08 2017

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1 DATED this 7th day of June, 2017.

DATED this 7th day of June, 2017.

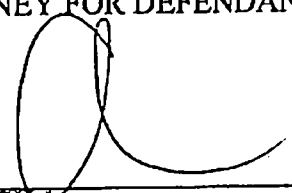
2 STEVEN B. WOLFSON  
3 DISTRICT ATTORNEY  
4 Nevada Bar #001565

ATTORNEY FOR DEFENDANT

5 BY

  
6 BRYAN SCHWARTZ  
7 Deputy District Attorney  
8 Nevada Bar #13244

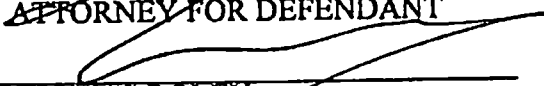
BY

  
9 ADAM GILE  
10 Enter Def. Atty. Street Address  
11 Enter Def. Atty. City, State, Zip  
12 Nevada Bar #Bar Number

13 DATED this 7th day of June, 2017.

14 ~~ATTORNEY FOR DEFENDANT~~

15 BY

  
16 THOMAS BOLEY  
17 Enter Def. Atty. Street Address  
18 Enter Def. Atty. City, State, Zip  
19 Nevada Bar #Bar Number

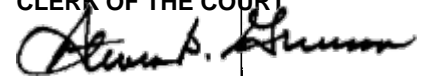
20 **ORDER**

21 Based on the foregoing Stipulation of the Parties and good cause appearing therefore,  
22 IT IS HEREBY ORDERED that the sentencing hearing on June 13, 2017, be vacated and set  
23 for the 17th day of August, 2017, at the hour of 8:30<sup>am</sup>

24 DATED this 8th day of June, 2017.

  
25 DISTRICT COURT JUDGE LINDA BELL





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

000074

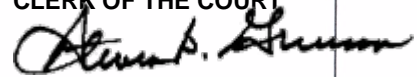
1 DEADLY WEAPON (Category B Felony) in violation of NRS 200.010, 200.030, 193.330,  
2 193.165, of COUNT 11 – AIMING A FIREARM AT A HUMAN BEING (Gross  
3 Misdemeanor) in violation of NRS 202.290; COUNT 12 – COERCION WITH USE OF A  
4 DEADLY WEAPON (Category B Felony) in violation of NRS 207.190, 193.165; 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 7<sup>th</sup> 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.

18  
19  
20  
21 DATED this 20<sup>th</sup> day of September, 2017.

22  
23  
24  
25   
26 LINDA MARIE BELL  
27 DISTRICT COURT JUDGE  
28



**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*

**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 3<sup>rd</sup> 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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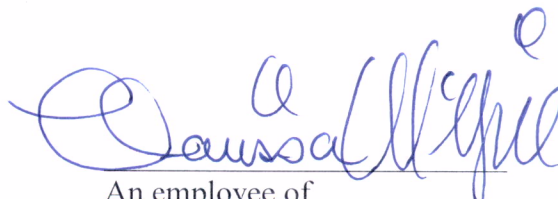
## CERTIFICATE OF MAILING

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

000079

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE FERNANDO MONAY-PINA,  
A/K/A JOSE FERNANDO MONAYPINA,  
Appellant,

vs.

THE STATE OF NEVADA,  
Respondent.

No. 74199

**FILED**

APR 30 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER REMOVING COUNSEL, REFERRING COUNSEL TO STATE  
BAR FOR INVESTIGATION, REMANDING TO SECURE APPELLATE  
COUNSEL, AND SUSPENDING BRIEFING*

This appeal from a judgment of conviction was docketed on October 12, 2017. Accordingly, the transcript request form and docketing statement were due to be filed by October 30, 2017, and November 1, 2017, respectively. NRAP 9(a)(3)(A); NRAP 14(b). Appellant failed to file these documents and on November 16, 2017, the clerk of this court issued a notice directing appellant to file and serve these documents by December 4, 2017.<sup>1</sup> When appellant still failed to file the documents, we entered an order on December 21, 2017, directing appellant to file and serve the transcript request form and docketing statement by January 2, 2018, or face

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<sup>1</sup>A copy of this notice is attached.

sanctions.<sup>2</sup> Appellant did not file the documents. Thus, on January 26, 2018, we entered an order conditionally imposing sanctions on appellant's counsel, Thomas D. Boley.<sup>3</sup> We directed Mr. Boley to pay \$250 to the Supreme Court Law Library by February 6, 2018. The sanction would be automatically vacated if Mr. Boley filed and served the transcript request form and docketing statement by that same date. We cautioned that failure to comply with our order or any other filing deadlines would result in the removal of Mr. Boley as counsel of record in this appeal and in his referral to the State Bar of Nevada for investigation. Mr. Boley filed the transcript request form and docketing statement on February 6, 2018. Accordingly, the conditional sanctions were automatically vacated.

On February 22, 2018, Mr. Boley filed a motion for a 90-day extension of time to file the opening brief. We denied the motion on March 1, 2018, and directed Mr. Boley to file and serve the opening brief and appendix by April 2, 2018.<sup>4</sup> We cautioned that failure to comply could result in the imposition of sanctions. To date, Mr. Boley has not filed the opening brief and appendix or otherwise communicated with this court.

We have repeatedly stated that we expect all appeals to be "pursued in a manner meeting high standards of diligence, professionalism, and competence." *Cuzdey v. State*, 103 Nev. 575, 578, 747 P.2d 233, 235 (1987); accord *Polk v. State*, 126 Nev. 180, 184, 233 P.3d 357, 359 (2010); *Barry v. Lindner*, 119 Nev. 661, 671, 81 P.3d 537, 543 (2003); *State, Nev. Emp't Sec. Dep't v. Weber*, 100 Nev. 121, 123, 676 P.2d 1318, 1319 (1984). It

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<sup>2</sup>A copy of this order is attached.

<sup>3</sup>A copy of this order is attached.

<sup>4</sup>A copy of this order is attached.



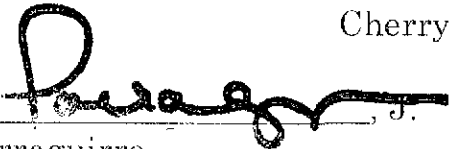
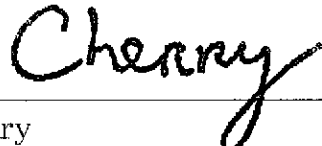

is incumbent upon Mr. Boley, as part of his professional obligations of competence and diligence to his clients, to know and comply with all applicable court rules. See RPC 1.1; RPC 1.3. These rules have been implemented to promote cost-effective, timely access to the courts; it is "imperative" that he follow these rules and timely comply with our directives. *Weddell v. Stewart*, 127 Nev. 645, 650, 261 P.3d 1080, 1084 (2011). Mr. Boley is "not at liberty to disobey notices, orders, or any other directives issued by this court." *Id.* at 652, 261 P.3d at 1085.

Mr. Boley's failure to comply with our rules, notice, and orders has forced this court to divert our limited resources to ensure his compliance and needlessly delayed the processing of this appeal. Therefore, we remove Mr. Boley as counsel in this appeal. Because it appears that Mr. Boley's conduct in this appeal may constitute violations of RPC 1.3 (diligence), 3.2(a) (expediting litigation), and 8.4 (misconduct), we refer Mr. Boley to the State Bar of Nevada for investigation pursuant to SCR 104-105.

We remand this appeal to the district court for the limited purpose of securing appellate counsel for appellant. See *Evitts v. Lucey*, 469 U.S. 387 (1985). If appellant is indigent, the district court shall have 30 days from the date of this order to appoint counsel for appellant. Otherwise, within 30 days from the date of this order, the district court shall order that appellant must retain counsel and that retained counsel must enter an appearance in the district court on appellant's behalf within 30 days from the date of the district court's order. Within 5 days from the appointment or appearance of counsel, the district court clerk shall transmit to the clerk of this court: (1) a copy of the district court's written or minute order appointing appellate counsel; or (2) a copy of the notice of appearance filed by retained counsel.

Briefing of this appeal shall be suspended pending further order of this court.

It is so ORDERED.

|   |   |  |
|---|---|--|
| <br>_____, J.<br>Parraguirre | <br>_____, J.<br>Cherry | <br>_____, J.<br>Stiglich |
|---|---|--|

cc: Hon. Linda Marie Bell, District Judge  
Boley & Aldabbagh Ltd.  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk  
Jose Fernando Monay-Pina  
Bar Counsel  
Thomas D. Boley

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

JOSE FERNANDO MONAY-PINA, A/K/A  
JOSE FERNANDO MONAYPINA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 74199**  
District Court Case No. C313118

**NOTICE TO FILE DOCKETING STATEMENT AND REQUEST TRANSCRIPTS**

TO: Boley & Aldabbagh Ltd. \ Joshua U. Aldabbagh

To date, appellant has not filed the Docketing Statement and the Transcript Request Form in this appeal. NRAP 14(b); NRAP 9(a).

Please file and serve the Docketing Statement and either a Transcript Request Form or, alternatively, a certificate that preparation of transcripts is not requested within 10 days from the date of this notice. See NRAP 10(b); NRAP 30 (b)(1). Failure to file a Docketing Statement or the appropriate transcript document may result in the imposition of sanctions, including the dismissal of this appeal. See NRAP 9(a)(7); NRAP 14(c).

DATE: November 16, 2017

Elizabeth A. Brown, Clerk of Court

By: Niki Wilcox  
Deputy Clerk

**Notification List**

**Electronic**

Boley & Aldabbagh Ltd. \ Thomas D. Boley

Clark County District Attorney \ Steven S. Owens, Chief Deputy District Attorney

Attorney General/Carson City \ Adam Paul Laxalt, Attorney General

Boley & Aldabbagh Ltd. \ Joshua U. Aldabbagh

**Paper**

Boley & Aldabbagh Ltd. \ Joshua U. Aldabbagh

17-39530

**000084**

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE FERNANDO MONAY-PINA,  
A/K/A JOSE FERNANDO MONAYPINA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 74199

**FILED**

DEC 21 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER TO FILE DOCUMENTS*

On November 16, 2017, we directed counsel for appellant to file and serve a transcript request form and a docketing statement within 10 days. To date, the required documents have not been filed with the clerk of this court. NRAP 9(a)(3) ("The appellant shall file an original transcript request form with the district court clerk and 1 file-stamped copy of the transcript request form with the clerk of the Supreme Court . . ."); NRAP 14(b). Appellant's counsel shall have 11 days from the date of this order to file and serve the transcript request form or a certificate that no transcripts will be requested and a docketing statement. *See* NRAP 9(a)(1); NRAP 14. We caution appellant's counsel that failure to comply with this order may result in the imposition of sanctions. NRAP 9(a)(7); NRAP 14(c).

It is so ORDERED.

Cherry, C.J.

cc: Boley & Aldabbagh Ltd.  
Attorney General/Carson City  
Clark County District Attorney

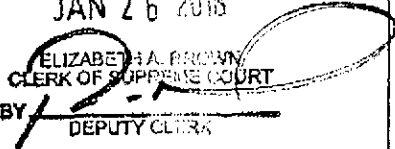
IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE FERNANDO MONAY-PINA,  
A/K/A JOSE FERNANDO MONAYPINA,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 74199

FILED

JAN 26 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER CONDITIONALLY IMPOSING SANCTIONS

Appellant's counsel, Thomas D. Boley, did not file the transcript request form and docketing statement within the time periods provided by NRAP 9(a)(3) and 14(b). On November 16, 2017, we directed Mr. Boley to file the missing documents within 10 days or face sanctions.<sup>1</sup> See NRAP 9(a)(7); NRAP 14(c). When Mr. Boley failed to comply with the notice, on December 21, 2017, we entered an order directing him to file the transcript request form and docketing statement within 11 days or face sanctions.<sup>2</sup> To date, Mr. Boley has not complied or otherwise communicated with this court.

Mr. Boley's failure to file the transcript request form and docketing statement warrants the *conditional* imposition of sanctions. Mr. Boley shall pay the sum of \$250 to the Supreme Court Law Library and provide this court with proof of such payment within 11 days from the date of this order. The conditional sanction will be automatically vacated if Mr. Boley files and serves the transcript request form and docketing statement

<sup>1</sup>A copy of this notice is attached.

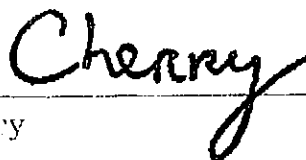
<sup>2</sup>A copy of this order is attached.

or a properly supported motion to extend time, *see* NRAP 14(d); NRAP 26(b)(1)(A), within the same time period.

If the required documents are not timely filed, the sanction will no longer be conditional and must be paid. Failure to comply with this order or any other filing deadlines will result in Mr. Boley's removal as counsel of record in this appeal. *See* NRAP 9(a)(7); NRAP 14(c). Further, because it appears that Mr. Boley's conduct in this appeal may constitute violations of RPC 1.3 (diligence), 3.2(a) (expediting litigation), and 8.4 (misconduct), failure to comply with this order or any other filing deadlines will also result in Mr. Boley's referral to the State Bar of Nevada for investigation pursuant to SCR 104-105.

We remind Mr. Boley that the opening brief and appendix are due February 9, 2018.

It is so ORDERED.

  
Cherry, J.

  
Parraguirre, J.

Parraguirre

  
Stiglich, J.

Stiglich

cc: Boley & Aldabbagh Ltd.  
Attorney General/Carson City  
Clark County District Attorney  
Thomas D. Boley  
Joshua U. Aldabbagh  
Supreme Court Law Librarian

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE FERNANDO MONAY-PINA,  
A/K/A JOSE FERNANDO MONAYPINA,  
Appellant,


vs.

THE STATE OF NEVADA,  
Respondent.

No. 74199

**FILED**

MAR 01 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DENYING MOTION*

Appellant has filed a motion for a 90-day extension of time to file the opening brief. In support of the motion, counsel states that "it would be prudent" to conference with counsel for appellant's codefendant or read the opening brief in the appeal filed by the codefendant before filing the opening brief in this matter. Counsel also notes that due to his own actions, the relevant transcripts were only recently delivered.

We are not convinced that counsel demonstrates good cause in support of the requested extension of time. This appeal has been pending for over 4 months. Counsel does not explain why he has not already conferred with counsel for appellant's codefendant. Moreover, the transcripts were filed in the district court on December 7, 2017. Counsel's failure to properly and timely request transcripts or check the district court docket entries does not warrant a 90-day extension of time. And we are not

willing to delay the briefing of this appeal so that counsel may read the opening brief of appellant's codefendant. Accordingly, the motion is denied.

Appellant shall have 30 days from the date of this order to file and serve the opening brief and appendix. Failure to comply with this order may result in the imposition of sanctions.

It is so ORDERED.



C.J.

cc: Boley & Aldabbagh Ltd.  
Attorney General/Carson City  
Clark County District Attorney



**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:** Skye Endresen/se  
                         Kory Schlitz

**RECORDER:** Kiara Schmidt

**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**

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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/lg

**RECORDER:** Jessica Kirkpatrick

**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)

PRINT DATE: 05/02/2016

Page 1 of 2

Minutes Date: April 25, 2016

**000091**

**C-16-313118-2**

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**

|                 |                           |                          |
|-----------------|---------------------------|--------------------------|
| <b>PRESENT:</b> | Boley, Thomas D           | Attorney for Defendant   |
|                 | Holthus, Mary Kay         | Deputy District 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

PRINT DATE: 10/12/2016

Page 1 of 2

Minutes Date: September 19, 2016

**000093**



**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**

|                 |                           |                          |
|-----------------|---------------------------|--------------------------|
| <b>PRESENT:</b> | Boley, Thomas D           | Attorney for Defendant   |
|                 | MONAY-PINA, JOSE FERNANDO | Defendant                |
|                 | Schwartz, Bryan A.        | Deputy District 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

PRINT DATE:    02/06/2017

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Minutes Date:    February 06, 2017

**000095**



**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**

|                 |                           |                          |
|-----------------|---------------------------|--------------------------|
| <b>PRESENT:</b> | Boley, Thomas D           | Attorney for Defendant   |
|                 | MONAY-PINA, JOSE FERNANDO | Defendant                |
|                 | Schwartz, Bryan A.        | Deputy District 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

PRINT DATE: 02/15/2017

Page 1 of 2

Minutes Date: February 08, 2017

**000097**



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's 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**

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

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**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**

|                 |                           |                          |
|-----------------|---------------------------|--------------------------|
| <b>PRESENT:</b> | Boley, Thomas D           | Attorney for Defendant   |
|                 | Holthus, Mary Kay         | Deputy District 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

PRINT DATE: 02/23/2017

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Minutes Date: February 22, 2017

**000099**



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 27, 2017**

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|               |  |
|---------------|--|
| C-16-313118-2 | State of Nevada<br>vs<br>JOSE MONAY-PINA |
|---------------|--|

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**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**

|                 |  |  |
|-----------------|--|--|
| <b>PRESENT:</b> | Boley, Thomas D<br>Holthus, Mary Kay<br>MONAY-PINA, JOSE FERNANDO<br>State of Nevada | Attorney for Defendant<br>Deputy District Attorney<br>Defendant<br>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)**

**PRINT DATE:** 03/10/2017

**Page 1 of 2**

**Minutes Date:** February 27, 2017

**000101**



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 27, 2017**

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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:**

**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****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**

|                 |                           |                          |
|-----------------|---------------------------|--------------------------|
| <b>PRESENT:</b> | Holthus, Mary Kay         | Deputy District Attorney |
|                 | Monay-Pina, Jose Fernando | Defendant                |
|                 | Schwartz, Bryan A.        | Deputy District 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

PRINT DATE: 10/05/2017

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Minutes Date: March 07, 2017

**000104**





**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 13, 2017**

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

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**March 13, 2017      12:00 AM      Jury Trial**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 15A

**COURT CLERK:** Sylvia Perez

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

|                 |                           |                          |
|-----------------|---------------------------|--------------------------|
| <b>PRESENT:</b> | Boley, Thomas D           | Attorney for Defendant   |
|                 | Holthus, Mary Kay         | Deputy District Attorney |
|                 | MONAY-PINA, JOSE FERNANDO | Defendant                |
|                 | Schwartz, Bryan A.        | Deputy District 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

PRINT DATE: 03/17/2017

Page 1 of 2

Minutes Date: March 13, 2017

**000106**

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 Perez

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

|                 |                           |                          |
|-----------------|---------------------------|--------------------------|
| <b>PRESENT:</b> | Boley, Thomas D           | Attorney for Defendant   |
|                 | Holthus, Mary Kay         | Deputy District Attorney |
|                 | MONAY-PINA, JOSE FERNANDO | Defendant                |
|                 | Schwartz, Bryan A.        | Deputy District 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:**

PRINT DATE: 03/17/2017

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Minutes Date: March 14, 2017

**000108**

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**

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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 Perez

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

|                 |                           |                          |
|-----------------|---------------------------|--------------------------|
| <b>PRESENT:</b> | Boley, Thomas D           | Attorney for Defendant   |
|                 | Holthus, Mary Kay         | Deputy District Attorney |
|                 | MONAY-PINA, JOSE FERNANDO | Defendant                |
|                 | Schwartz, Bryan A.        | Deputy District 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.

PRINT DATE: 03/17/2017

Page 1 of 2

Minutes Date: March 15, 2017

**000110**

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 for the Defendant  
                 Schwartz, Bryan A.      Deputy District 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**

PRINT DATE: 08/17/2017

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Minutes Date: August 17, 2017

**000112**

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 / ks

**RECORDER:** Renee Vincent

**PARTIES**

|                 |                           |                        |
|-----------------|---------------------------|------------------------|
| <b>PRESENT:</b> | Boley, Thomas D           | Attorney for Defendant |
|                 | Holthus, Mary Kay         | Attorney for State     |
|                 | Monay-Pina, Jose Fernando | Defendant              |
|                 | Schwartz, Bryan A.        | Attorney for State     |
|                 | 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:

PRINT DATE: 09/11/2017

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Minutes Date: September 07, 2017

**000114**

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

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

The undersigned hereby declares that on September 24, 2018, an electronic copy of the foregoing APPELLANT'S APPENDIX VOLUME I was sent via the master transmission list with the Nevada Supreme Court to the following:

STEPHEN B. WOLFSON  
Clark County District Attorney

ADAM PAUL LAXALT  
Nevada Attorney General

A handwritten signature in black ink, appearing to read 'M Lay', is positioned above a horizontal line.

---

MATTHEW LAY, ESQ.  
Nevada Bar Identification No. 12249  
Nguyen & Lay  
400 South Fourth Street, Suite 650  
Las Vegas, Nevada 89101  
Telephone: (702) 383-3200  
Facsimile: (702) 675-8174  
E-mail: dml@lasvegasdefender.com