

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Apr 05 2018 03:13 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

CARY JERARD PICKETT,
Appellant(s),

vs.

STATE OF NEVADA,
Respondent(s),

Case No: 10C262523-2

Docket No: 75042

RECORD ON APPEAL VOLUME 3

ATTORNEY FOR APPELLANT
CARY PICKETT # 57591,
PROPER PERSON
P.O. BOX 7000
CARSON CITY, NV 89702

ATTORNEY FOR RESPONDENT
STEVEN B. WOLFSON,
DISTRICT ATTORNEY
200 LEWIS AVE.
LAS VEGAS, NV 89101

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Financial Certificates

0057591 - PICKETT, CARY J

Date	Daily Balance	Daily Deposit	Number Of Deposit
09/15/2017	\$87.15	\$0.00	0
09/16/2017	\$87.15	\$0.00	0
09/17/2017	\$87.15	\$0.00	0
09/18/2017	\$87.15	\$0.00	0
09/19/2017	\$187.15	\$100.00	1
09/20/2017	\$187.15	\$0.00	0
09/21/2017	\$187.15	\$0.00	0
09/22/2017	\$150.01	\$0.00	0
09/23/2017	\$150.01	\$0.00	0
09/24/2017	\$150.01	\$0.00	0
09/25/2017	\$150.01	\$0.00	0
09/26/2017	\$150.01	\$0.00	0
09/27/2017	\$150.01	\$0.00	0
09/28/2017	\$150.01	\$0.00	0
09/29/2017	\$144.56	\$0.00	0
09/30/2017	\$144.56	\$0.00	0
10/01/2017	\$144.56	\$0.00	0
10/02/2017	\$144.56	\$0.00	0
10/03/2017	\$144.56	\$0.00	0
10/04/2017	\$144.56	\$0.00	0
10/05/2017	\$144.56	\$0.00	0
10/06/2017	\$126.25	\$0.00	0
10/07/2017	\$151.25	\$25.00	1
10/08/2017	\$151.25	\$0.00	0
10/09/2017	\$151.25	\$0.00	0
10/10/2017	\$151.25	\$0.00	0
10/11/2017	\$151.25	\$0.00	0
10/12/2017	\$151.25	\$0.00	0
10/13/2017	\$151.25	\$0.00	0
10/14/2017	\$251.25	\$100.00	1
10/15/2017	\$251.25	\$0.00	0
10/16/2017	\$221.55	\$0.00	0
10/17/2017	\$221.55	\$0.00	0
10/18/2017	\$221.55	\$0.00	0
10/19/2017	\$221.55	\$0.00	0
10/20/2017	\$221.55	\$0.00	0

Start Date	End Date	Total Daily Balances	Number Of Days	Average Monthly Balances
04/21/2017	05/20/2017	\$2,613.10	30	\$87.10
05/21/2017	06/20/2017	\$1,706.57	31	\$55.05
06/21/2017	07/20/2017	\$964.57	30	\$32.15
07/21/2017	08/20/2017	\$3,169.31	31	\$102.24
08/21/2017	09/20/2017	\$3,996.49	31	\$128.92
09/21/2017	10/20/2017	\$5,044.39	30	\$168.15

Start Date	End Date	Total Deposits	Number Of Deposits	Average Monthly Deposits
04/21/2017	05/20/2017	\$190.00	3	\$63.33
05/21/2017	06/20/2017	\$100.00	1	\$100.00
06/21/2017	07/20/2017	\$200.00	2	\$100.00
07/21/2017	08/20/2017	\$100.00	1	\$100.00

Financial Certificates
0057591 - PICKETT, CARY J

Start Date	End Date	Total Deposits	Number Of Deposits	Average Monthly Deposits
08/21/2017	09/20/2017	\$245.00	3	\$81.67
09/21/2017	10/20/2017	\$125.00	2	\$62.50

Current Account Balance:	10/20/2017	\$221.55
Average Monthly Balance:		\$95.60
Average Monthly Deposits:		\$160.00
Average Total Monthly Deposit:		\$84.58

THIS INCIDENT CONTAINS A FREE WATER RISKER - HOLD UP TO LEGAL TO VIEW

**MONEY
ORDER**

WESTERN UNION FINANCIAL SERVICES INC. - ISSUER - Englewood, Colorado
Payable in Wells Fargo Bank - Grand Junction - Downtown, N.A., Grand Junction, Colorado

**WESTERN
UNION**
Security Services for Justice



(ISSUED AGENT)

NOT GOOD OVER \$500

PAY EXACTLY

FIVE DOLLARS AND NO CENTS

PAY TO THE
ORDER OF

Clerk of the Court

PAYMENT FOR/ACCT. #

PURCHASER'S ADDRESS

RECEIVED BY SIGNATURE

17-268331067

A 765616 D 120117

T 0608 07

172683310670 L 018404

\$ 5.00

⑆102100400⑆ 40172683310670⑆

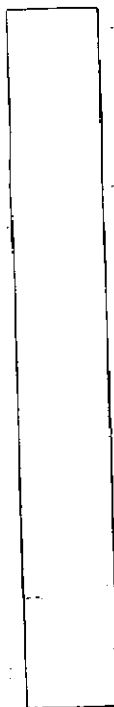
SERVICE CHARGE
 If this Money Order is not used or cashed, presented for
 payment within 1 year of the purchase date, there will be a
 non-refundable Service Charge applied (where permitted by
 law). The Service Charge will be deducted from the amount
 shown on the Money Order. The Service Charge is \$1.00 per
 month (exceptions: CA: \$0.25; MD: \$0.50; CT: & HI: \$0)
 from the purchase date, not to exceed \$84 (or the maximum
 amount permitted by law).

Refunds and Encashment
 7-Eleven DOES NOT cash money orders over
 \$75. Contact Western Union Customer Service at
 1-800-999-9660 for money orders over \$75.

ENDORSE ABOVE THIS LINE

NOTICE: Do not cash this Money Order for any person
 from whom you are not able to recover your payment.
 Should this item bear any unauthorized signature, be
 stolen, improperly completed, or altered, issuer will
 stop payment thereon or change back against any and/or
 warrant. For customer service, call 1-800-999-9660.
 Intended for domestic use only. Western Union Money
 Order and Design is a service mark of Western Union
 Holdings, Inc.
 Warning - do not cash check without noting
 this watermark; hold up to light to verify
 presence of watermark.

Cary Pickett 57591
P.O. Box 7000
Carson City NV 89202



Las Vegas NV 89109
FRI 01 DEC 2017 PM

Clerk of the Court
Regional Justice Center
200 Lewis Ave
Las Vegas NV, 89155



RSPN
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Nevada Bar #001565
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Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CARY PICKETT,
#0725059

Defendant.

CASE NO: 10C262523-2

DEPT NO: XIX

STATE'S RESPONSE TO DEFENDANT'S MOTION TO MODIFY SENTENCE

DATE OF HEARING: JANUARY 3, 2018
TIME OF HEARING: 8:30 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through CHARLES W. THOMAN, Deputy District Attorney, and hereby submits the attached Points and Authorities in Response to Defendant's Motion to Modify Sentence.

This response is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

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1 **POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 On February 3, 2010, Cary J. Pickett, hereinafter "Defendant," was charged by way of
4 Criminal Complaint with five (5) counts of Burglary While in Possession of a Firearm, seven
5 (7) counts of Robbery With Use of a Deadly Weapon, five (5) counts of Conspiracy to Commit
6 Robbery, and six (6) counts of Possession of a Firearm by an Ex-Felon. On March 10, 2010,
7 pursuant to negotiations, Defendant was charged by way of Information with one count each
8 of Burglary While in Possession of a Firearm, Conspiracy to Commit Robbery, Robbery With
9 Use of a Deadly Weapon, and Possession of a Firearm by an Ex-Felon. On March 11, 2010,
10 pursuant to a written Guilty Plea Agreement, Defendant pled guilty to the same charges.

11 On May 10, 2010, Defendant was adjudged a Habitual Criminal and sentenced as
12 follows: as to Count 1 – Burglary While in Possession of a Firearm, to a MAXIMUM of
13 SIXTY (60) MONTHS with a MINIMUM parole eligibility of TWENTY-FOUR (24)
14 MONTHS; as to Count 2 – Conspiracy to Commit Robbery, to MAXIMUM of SIXTY (60)
15 MONTHS with a MINIMUM parole eligibility of TWENTY-FOUR (24) MONTHS; as to
16 Count 3 – Robbery with Use of a Deadly Weapon, to a MAXIMUM of TWENTY-FIVE (25)
17 YEARS with a MINIMUM parole eligibility of TEN (10) YEARS, Count 3 to run
18 CONSECUTIVE to Count 1; as to Count 4 – Possession of a Firearm by an Ex-Felon, to a
19 MAXIMUM of SIXTY (60) MONTHS with a MINIMUM parole eligibility of TWENTY-
20 FOUR (24) MONTHS, Count 4 to run CONCURRENT with Count 2, with EIGHTY-EIGHT
21 (88) DAYS credit for time served. A Judgment of Conviction was filed on May 19, 2010.¹
22 Defendant did not file a Direct Appeal.

23 Defendant filed a Petition for Writ of Habeas Corpus Post-Conviction on January 27,
24 2011. The State's Response to Defendant's Petition for Writ of Habeas Corpus Post-
25 Conviction was filed on March 22, 2011. Defendant filed a Reply to the State's Response on
26 April 5, 2011. On April 6, 2011, this Court denied Defendant's Petition for Writ of Habeas
27 //

28

¹ Due to clerical errors, an Amended Judgment of Conviction was filed on September 24, 2010.

Corpus Post – Conviction. A Findings of Fact, Conclusions of Law and Order was filed on March 19, 2011.

On April 18, 2011, and June 17, 2011, Defendant filed a Notice of Appeal. On October 5, 2011, the Nevada Supreme Court filed an Order Affirming Defendant’s Judgment. Remittitur issued on November 1, 2011.

On December 6, 2017, Defendant filed the instant Motion for Modification of Sentence. The State responds as follows.

ARGUMENT

I. DEFENDANT’S CLAIM IS BARRED UNDER THE DOCTRINE OF RES JUDICATA AND LAW OF THE CASE

Re-litigation of this issue is precluded by the doctrine of res judicata. Excc. Mgmt. v. Ticor Titles Ins. Co., 114 Nev. 823, 834, 963 P.2d 465, 473 (1998) (citing Univ. of Nev. v. Tarkanian, 110 Nev. 581, 598, 879 P.2d 1180, 1191 (1994)). “The doctrine is intended to prevent multiple litigation causing vexation and expense to the parties and wasted judicial resources...” Id.; see also Mason v. State, 206 S.W.3d 869, 875 (Ark. 2005) (recognizing the doctrine’s availability in the criminal context); York v. State, 342 S.W. 3d 528, 553 (Tex. Crim. App. 2011); Bell v. City of Boise, 993 F.Supp.2d 1237 (D. Idaho 2014) (finding res judicata applies in both civil and criminal contexts).

“The law of a first appeal is law of the case on all subsequent appeals in which the facts are substantially the same.” Hall v. State, 91 Nev. 314, 315, 535 P.2d 797, 798 (1975) (quoting Walker v. State, 85 Nev. 337, 343, 455 P.2d 34, 38 (1969)). “The doctrine of the law of the case cannot be avoided by a more detailed and precisely focused argument subsequently made after reflection upon the previous proceedings.” Id. at 316, 535 P.2d at 799. Under the law of the case doctrine, issues previously decided on direct appeal may not be reargued in a habeas petition. Pellegrini v. State, 117 Nev. 860, 879, 34 P.3d 519, 532 (2001) (citing McNelton v. State, 115 Nev. 396, 414-15, 990 P.2d 1263, 1275 (1999)). Furthermore, this Court cannot overrule the Nevada Supreme Court or Court of Appeals. NEV. CONST. Art. VI § 6.

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1 Defendant is merely repeating his exact complaints from his previously denied
2 Petition for Writ of Habeas Corpus Post-Conviction and appeal. Defendant argues that he
3 was not informed that he could be treated as a habitual criminal, should not have received
4 habitual criminal treatment, and was not able to present this Court with any mitigating
5 evidence. Post-Conviction Petition for Writ of Habeas Corpus at 7, 9; Pickett v. State,
6 Docket No. 58191 (Order of Affirmance, November 1, 2011) at 4-5. Due to Defendant's
7 repetitive claims that have been previously denied res judicata and law of the case apply.
8 Accordingly, Defendant's instant motion should be denied.

9 II. DEFENDANT IS NOT ENTITLED TO SENTENCE MODIFICATION

10 In general, a district court lacks jurisdiction to modify a sentence once the defendant
11 has started serving it. Passanisi v. State, 108 Nev. 318, 321, 831 P.2d 1371, 1373 (1992).
12 However, a district court has inherent authority to correct, vacate, or modify a sentence that
13 violates due process where the defendant can demonstrate the sentence is based on a materially
14 untrue assumption or mistake of fact about the defendant's criminal record that has worked to
15 the *extreme detriment* of the defendant. Edwards v. State, 112 Nev. 704,707, 918 P.2d 321,
16 324 (1996) (emphasis added); see also Passanisi, 108 Nev. at 322, 831 P.2d at 1373.

17 Not every mistake or error during sentencing gives rise to a due process violation. State
18 v. Eighth Judicial Dist. Court, 100 Nev. 90, 97, 677 P.2d 1044, 1048 (1984). A district court
19 has jurisdiction to modify a defendant's sentence "only if (1) the district court actually
20 sentenced appellant based on a materially false assumption of fact that worked to appellant's
21 extreme detriment, and (2) the particular mistake at issue was of the type that would rise to the
22 level of a violation of due process." Passanisi, 108 Nev. at 322-23, 831 P.2d at 1373-74.

23 "Bare" and "naked" allegations are not sufficient to warrant post-conviction relief, nor
24 are those belied and repelled by the record. Hargrove v. State, 100 Nev. 498, 502, 686 P.2d
25 222, 225 (1984). "A claim is 'belied' when it is contradicted or proven to be false by the record
26 as it existed at the time the claim was made." Mann v. State, 118 Nev. 351, 354, 46 P.3d 1228,
27 1230 (2002).

28 //

1 Here, Defendant does not allege any untrue assumption or mistake of fact about his
2 criminal record. Defendant requests this Court to modify his sentence so that he would only
3 serve a five to twelve and a half year sentence “pursuant to the little habitual statute with credit
4 for time actually served only.” Motion at 6. Additionally, he contends that restitution should
5 be modified to pay only \$5,000 in restitution and \$5,000 in fines. Id.

6 Defendant claim that he was not aware he could receive habitual criminal treatment and
7 be sentenced to ten to twenty-five years is belied by the record. Motion at 6. The GPA reads:

8 Defendant stipulates to large habitual treatment under NRS
9 207.010. Parties stipulate to a 2-5 year sentence on Count 1,
10 Defendant treated as habitual under Count 2 and receive 10-25
11 year sentence, consecutive to Count 1 for a total of 12-20 years in
the Nevada Department of Corrections. All other counts to run
concurrent.

12 Guilty Plea Agreement, 3/11/2010 at 1-2.

13 Defendant’s plea canvas also rebuts the assertion that he did not know about the
14 potential consequences of habitual treatment in his plea.

15 The Court: And you further understand, sir, that you stipulated to
16 the use of the large habitual criminal which carries the following
17 penalty ranges: Life without the possibility of parole, life with the
18 possibility of parole with parole eligibility beginning after ten
19 years, or a definite term of twenty-five years in the Nevada
Department of Prisons with parole eligibility beginning after ten
years; you understand that?
The Defendant: Yes, sir.

20 Initial Arraignment Transcript, 3/11/10, at 4.

21 Additionally, at sentencing, Defendant was put on notice of his ability to present to the
22 Court mitigating factors before the Court sentenced him. Defendant waived his right to address
23 this Court.

24 The Court: With this multiple number of convictions you would
25 be eligible potentially for a life-without sentence, but the structure
26 as agreed upon and stipulated to was at the low range of that, the
27 ten to twenty-five. And it would be my inclination to follow that.
*Do you have anything else, and additional information you would
like to offer in mitigation, anything you’d like to tell me?*
28 The Defendant: No, sir. If you’re inclined to follow the
recommendation, that’s fine.

1 Sentencing Transcript 5/10/10 at 5 (emphasis added).

2 Although Defendant was presented with the opportunity to present mitigating factors
3 and did not do so, Defendant's Counsel did argue the following mitigating factors in his
4 defense at sentencing.

5 Mr. Almas: Judge, I would like to say that Mr. Pickett has always
6 taken responsibility for his actions, and he at no time tried to shirk
7 what occurred here. He's a very articulate individual, and I'm
hopeful that he gets the rehabilitation necessary and when he is
paroled out that he will stay on the right side of the law.

8 Id. at 5-6.

9 Defendant was specifically put on notice in his Guilty Plea Agreement that he
10 understood that he would be ordered to make restitution to the victim of the offense(s) to which
11 he was pleading guilty and to the victim of any related offense. Guilty Plea Agreement at 3.
12 Defendant's claim that he should only pay \$5,000 in restitution and \$5,000 in fines is not
13 supported by any law and is refuted by the record. Instead, the claim is supported by
14 Defendant's opinion that he can negotiate with this Court after his sentence and motivated by
15 the desire to pay less than what he owes. This Court should not deviate from Defendant's
16 Judgment of Conviction ordering restitution in the amount of \$11,948.60 jointly and severally
17 with co-defendant and \$1,550.00 individually because it is not an illegal or improper restitution
18 amount. Moreover, Defendant never objected to the fact that he would have to pay restitution
19 or claim the restitution amount this Court ordered at his sentencing was based upon a factual
20 misrepresentation. Defendant's claims are belied by the record and fail to meet the requirement
21 of demonstrating error working to his detriment. Therefore, his motion must be denied.

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1 **CONCLUSION**

2 For the forgoing reasons the State respectfully requests that Defendant's Motion to
3 Modify Sentence should be DENIED.

4 DATED this 28th day of December, 2017.

5 Respectfully submitted,

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

8
9 BY /s/ CHARLES W. THOMAN
10 CHARLES W. THOMAN
11 Deputy District Attorney
Nevada Bar #12649

12 **CERTIFICATE OF MAILING**

13 I hereby certify that service of the above and foregoing was made this 28th day of
14 Dccember, 2017, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

15 CARY PICKETT, BAC #57591
16 Northern Nevada Correctional Center
P.O. BOX 7000
17 Carson City, NV, 89702

18 BY /s/ L.M.
19 Secretary for the District Attorney's Office

20
21
22
23
24
25
26
27
28 CWT/al/llm/GANG



ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
NOREEN DEMONTE
Chief Deputy District Attorney
Nevada Bar #8213
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

CARY PICKETT,
#0725059

Defendant.

CASE NO: 10C262523-2
DEPT NO: XIX

**ORDER DENYING DEFENDANT'S PRO PER MOTION FOR MODIFICATION
OF SENTENCE**

DATE OF HEARING: January 03, 2018
TIME OF HEARING: 08:30 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 3rd day of January, 2018, the Defendant not being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through NOREEN DEMONTE, Chief Deputy District Attorney, and the Court having heard the arguments of counsel / without argument, based on the pleadings and good cause appearing therefor,

///

///

///

///

WA20102010F02742\10F02742-ORDR-(PICKETT_CARY)-001.DOCX

1 IT IS HEREBY ORDERED that the Defendant's Pro Per Motion For Modification of
2 Sentence, shall be, and it is DENIED.

3 DATED this 8th day of January, 2018.

4
5 Will K...
DISTRICT JUDGE

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

8
9 BY [Signature]

10 NOREEN DEMONTE
11 Chief Deputy District Attorney
12 Nevada Bar #8213

13 CERTIFICATE OF SERVICE

14 I certify that on the 10th day of January, 2018, I mailed a copy of the foregoing Order
15 to:

16 CARY PRITCHETT, BAC #57591
17 NORTHERN NEVADA CORRECTIONAL CENTER
18 P. O. BOX 7000
CARSON CITY, NV 89702

19
20 BY [Signature]

JANET HAYES
Secretary for the District Attorney's Office

21
22
23
24
25
26
27
28 10F02742B/jlh/GCU

Steven D. Grierson

Case No: 10C262523-2

Dept. No: XIX

IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK

THE STATE OF NEVADA

Petitioner/Plaintiff,

VS.

NOTICE OF APPEAL

CARY PICKETT

Respondent/Defendant,

NOTICE IS HEREBY GIVEN that: CARY PICKETT

hereby appeals the judgement entered in this Honorable court on or about the 8th day of

January, 20 18

DATED this 24th, day of January, 20 18


Petitioner / Plaintiff

Cary Pickett
(Print Name) In Proper Person

RECEIVED
JAN 30 2018
CLERK OF THE COURT

Case No: 10C262523-2

Dept No: XIX

Electronically Filed
1/30/2018 4:15 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CLARK

THE STATE OF NEVADA

Petitioner / Plaintiff

-VS-

CARY PICKETT

Respondent / Defendant

DESIGNATION OF RECORD
ON APPEAL

COMES NOW, CARY PICKETT Petitioner/Plaintiff herein designates the
record on appeal to be certified by the Clerk of the Court and transcribed to the Clerk of the Nevada
Supreme Court.

All Motions, Pleading, and Transcripts.

Dated this 24th day of January, 20 18

[Signature]

Petitioner / Plaintiff

Cary Pickett

(Print Name) In Proper Persona

RECEIVED

JAN 30 2018

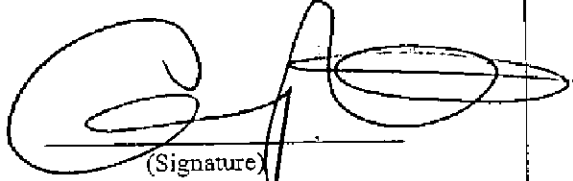
CLERK OF THE COURT

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PURSUANT TO N.R.S. 208.165, I understand that a false statement or answer to any question
In this declaration will subject me to penalties of perjury, I DECLARE UNDER PENALTY OF
PERJURY UNDER THE LAWS OF THE STATE OF NEVADA THAT THE FOREGOING
IS TRUE AND CORRECT. See N.R.S. 208.165.

Signed at KNCC
(Location)

1/27/18
(Date)


(Signature)

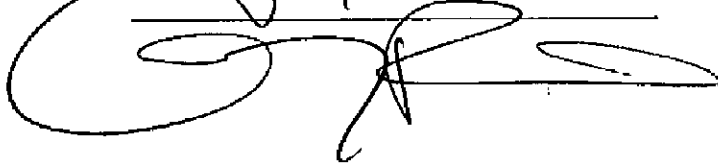
57591
(Inmate Number)

CERTIFICATE OF SERVICE BY MAIL

Pursuant to F.R.C.P. Rule 5(b), I hereby certify that I am the petitioner/Defendant named herein and
that on this 24th day of January 20 18, I deposited in the United States
Mails in Carson City, Nevada a true a correct copy of the foregoing addressed to:

CLARK County DA
RJC 200 LEWIS AVE
P.O. Box 552212
Las Vegas NV, 89155

Cathy Prockett 57591
P.O. Box 7000
Carson City NV 89702



AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, _____

NOTICE OF Appeal

(Title of Document)

filed in case number: 10C262523-2

☒ Document does not contain the social security number of any person

-OR-

☐ Document contains the social security number of a person as required by:

☐ A specific state or federal law, to wit:

(State specific state or federal law)

-or-

☐ For the administration of a public program

-or-

☐ For an application for a federal or state grant

-or-

☐ Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: 1-24-18

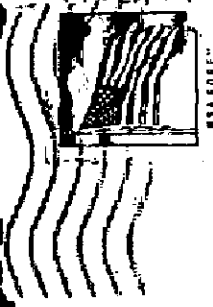

(Signature)

Cary Piccetti
(Print Name)

Proper
(Attorney for)

Cary Pickett 57591
P.O. Box 7000
Carson City NV, 89702

RENO NV 895
24 JAN 2018 PM 3 T



Chief of the Court
200 Lewis Ave
Las Vegas NV, 89155



0069310168

NORTH HAVEN RE-ENTRY CORRECTIONAL CENTER

JAN 24 2018



1 ASTA

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6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**

9 STATE OF NEVADA,

10 Plaintiff(s),

11 vs.

12
13 CARY J. PICKETT
14 aka GARY J. PICKETT,

15 Defendant(s),

Case No: 10C262523-2

Dept No: XIX

16
17 **CASE APPEAL STATEMENT**

18 1. Appellant(s): Cary Pickett

19 2. Judge: William D. Kephart

20 3. Appellant(s): Cary Pickett

21 Counsel:

22 Cary Pickett #57591

23 P.O. Box 7000

24 Carson City, NV 89702

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney

28 200 Lewis Ave.

Las Vegas, NV 89101
(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Appellant Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: March 3, 2010

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 58191

12. Child Custody or Visitation: N/A

Dated This 1 day of February 2018.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton
Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Cary Pickett

Steven D. Grierson

COSCC

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA

CASE NO.: 10C262523-2

VS

DEPARTMENT 19

CARY PICKETT

CRIMINAL ORDER TO STATISTICALLY CLOSE CASE

Upon review of this matter and good cause appearing,

IT IS HEREBY ORDERED that the Clerk of the Court is hereby directed to statistically close this case for the following reason:

DISPOSITIONS:

- ☐ Nolle Prosequi (before trial)
- ☐ Dismissed (after diversion)
- ☐ Dismissed (before trial)
- ☐ Guilty Plea with Sentence (before trial)
- ☐ Transferred (before/during trial)
- ☐ Bench (Non-Jury) Trial
- ☐ Dismissed (during trial)
- ☐ Acquittal
- ☐ Guilty Plea with Sentence (during trial)
- ☐ Conviction
- ☐ Jury Trial
- ☐ Dismissed (during trial)
- ☐ Acquittal
- ☐ Guilty Plea with Sentence (during trial)
- ☐ Conviction
- ☒ Other Manner of Disposition

DATED this 2nd day of February, 2018.

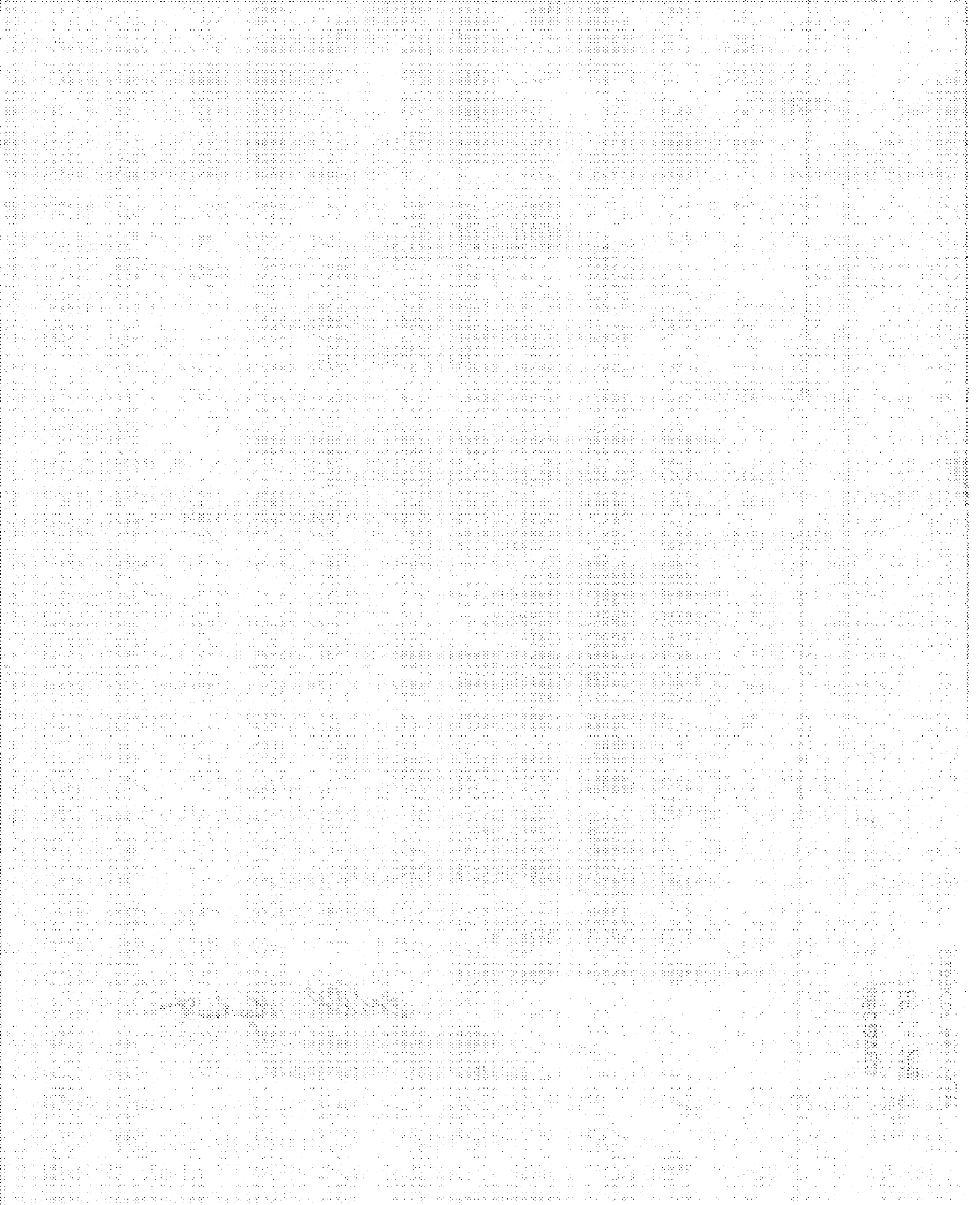
William D. Kephart

WILLIAM D. KEPHART
DISTRICT COURT JUDGE

CLERK OF THE COURT

FEB 14 2018 #24

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DOCUMENTARY EXHIBITS

ORIGINAL

FILED

FEB 21 3 42 PM '07

CLERK OF THE COURT

JOCP
DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
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-

CARY JERARD PICKETT,
#0725059

Defendant.

Case No: C226282

Dept No: 1

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime(s) of **TRANSPORT OF A CONTROLLED SUBSTANCE** (Category B, Felony), in violation of NRS 453.321; thereafter, on the 14th day of February, 2007, the Defendant was present in court for sentencing with his counsel, JAMES L. BUCHANAN II, ESQ., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in addition to the \$25.00 Administrative Assessment Fee, \$60.00 Drug Analysis fee and \$150.00 DNA Analysis fee are IMPOSED, the Defendant is sentenced as follows: to a MINIMUM of TWELVE (12) MONTHS and a MAXIMUM of THIRTY (30) MONTHS in the Nevada Department of Corrections (NDC), SUSPENDED; placed on PROBATION for FIVE (5) YEARS.

CONDITIONS:

1. Enter and complete Drug Court.

STATE'S
EXHIBIT

C 2625236

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CLERK OF THE COURT

FEB 21 2007

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CLERK OF THE COURT

FEB 20 2007

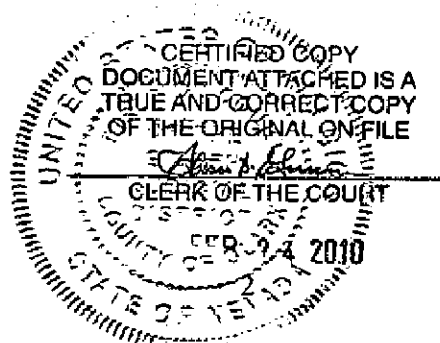
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- 1 2. Search Clause for illegal substances.
2 3. Maintain full-time employment.

3 DATED this 20 day of February, 2007.

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5 Kenneth Clary
6 DISTRICT JUDGE
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● ORIGINAL ●

1 GMEM
2 DAVID ROGER
3 DISTRICT ATTORNEY
4 Nevada Bar #002781
5 ERIC A. BAUMAN
6 Deputy District Attorney
7 Nevada Bar #009755
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

FILED IN OPEN COURT

OCT 17 2006

SHIRLEY B. PARRAGUIRRE, CLERK
BY Pamela Humphrey
DEPUTY
PAMELA HUMPHREY

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 CARY JERARD PICKETT,
13 #725059

14 Defendant.

CASE NO: C226282
DEPT NO: VII

15 GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty to: **TRANSPORT OF A CONTROLLED**
17 **SUBSTANCE (Category B Felony - NRS 453.321)**, as more fully alleged in the charging
18 document attached hereto as Exhibit "1".

19 My decision to plead guilty is based upon the plea agreement in this case which is as
20 follows:

21 The State has agreed to recommend a sentence of twelve (12) to thirty (30) months in
22 the Nevada Department of Corrections (NDC), consecutive to my parole violation in Case
23 No. C145127. Further, the State agrees to not seek treatment as a habitual criminal in this
24 case.

25 CONSEQUENCES OF THE PLEA

26 I understand that by pleading guilty I admit the facts which support all the elements of
27 the offense(s) to which I now plead as set forth in Exhibit "1".

28 ///

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1 I understand that as a consequence of my plea of guilty the Court must sentence me to
2 imprisonment in the Nevada Department of Corrections for a minimum term of not less than
3 one (1) year and a maximum term of not more than six (6) years. The minimum term of
4 imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I
5 understand that I may also be fined up to \$20,000. I understand that the law requires me to
6 pay an Administrative Assessment Fee. I also understand that a conviction of any violation
7 of NRS Chapter 453, the Uniform Controlled Substance Act, requires that I pay a controlled
8 substance analysis fee.

9 I understand that, if appropriate, I will be ordered to make restitution to the victim of
10 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
11 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
12 reimburse the State of Nevada for any expenses related to my extradition, if any.

13 I understand that I am eligible for probation for the offense to which I am pleading
14 guilty. I understand that, except as otherwise provided by statute, the question of whether I
15 receive probation is in the discretion of the sentencing judge.

16 I understand that if more than one sentence of imprisonment is imposed and I am
17 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order
18 the sentences served concurrently or consecutively.

19 I also understand that information regarding charges not filed, dismissed charges, or
20 charges to be dismissed pursuant to this agreement may be considered by the judge at
21 sentencing.

22 I have not been promised or guaranteed any particular sentence by anyone. I know
23 that my sentence is to be determined by the Court within the limits prescribed by statute.

24 I understand that if my attorney or the State of Nevada or both recommend any
25 specific punishment to the Court, the Court is not obligated to accept the recommendation.

26 I understand that if the State of Nevada has agreed to recommend or stipulate a
27 particular sentence or has agreed not to present argument regarding the sentence, or agreed
28 not to oppose a particular sentence, or has agreed to disposition as a gross misdemeanor

1 when the offense could have been treated as a felony, such agreement is contingent upon my
2 appearance in court on the initial sentencing date (and any subsequent dates if the sentencing
3 is continued). I understand that if I fail to appear for the scheduled sentencing date or I
4 commit a new criminal offense prior to sentencing the State of Nevada would regain the full
5 right to argue for any lawful sentence.

6 I understand if the offense(s) to which I am pleading guilty to was committed while I
7 was incarcerated on another charge or while I was on probation or parole that I am not
8 eligible for credit for time served toward the instant offense(s).

9 I understand that as a consequence of my plea of guilty, if I am not a citizen of the
10 United States, I may, in addition to other consequences provided for by federal law, be
11 removed, deported, excluded from entry into the United States or denied naturalization.

12 I understand that the Division of Parole and Probation will prepare a report for the
13 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
14 sentencing, including my criminal history. This report may contain hearsay information
15 regarding my background and criminal history. My attorney and I will each have the
16 opportunity to comment on the information contained in the report at the time of sentencing.
17 Unless the District Attorney has specifically agreed otherwise, then the District Attorney
18 may also comment on this report.

19 WAIVER OF RIGHTS

20 By entering my plea of guilty, I understand that I am waiving and forever giving up
21 the following rights and privileges:

22 1. The constitutional privilege against self-incrimination, including the right to refuse
23 to testify at trial, in which event the prosecution would not be allowed to comment to the
24 jury about my refusal to testify.

25 2. The constitutional right to a speedy and public trial by an impartial jury, free of
26 excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the
27 assistance of an attorney, either appointed or retained. At trial the State would bear the
28 burden of proving beyond a reasonable doubt each element of the offense charged.

1 3. The constitutional right to confront and cross-examine any witnesses who would
2 testify against me.

3 4. The constitutional right to subpoena witnesses to testify on my behalf.

4 5. The constitutional right to testify in my own defense.

5 6. The right to appeal the conviction, with the assistance of an attorney, either
6 appointed or retained, unless the appeal is based upon reasonable constitutional jurisdictional
7 or other grounds that challenge the legality of the proceedings and except as otherwise
8 provided in subsection 3 of NRS 174.035.

9 VOLUNTARINESS OF PLEA

10 I have discussed the elements of all of the original charge(s) against me with my
11 attorney and I understand the nature of the charge(s) against me.

12 I understand that the State would have to prove each element of the charge(s) against
13 me at trial.

14 I have discussed with my attorney any possible defenses, defense strategies and
15 circumstances which might be in my favor.

16 All of the foregoing elements, consequences, rights, and waiver of rights have been
17 thoroughly explained to me by my attorney.

18 I believe that pleading guilty and accepting this plea bargain is in my best interest,
19 and that a trial would be contrary to my best interest.

20 I am signing this agreement voluntarily, after consultation with my attorney, and I am
21 not acting under duress or coercion or by virtue of any promises of leniency, except for those
22 set forth in this agreement.

23 I am not now under the influence of any intoxicating liquor, a controlled substance or
24 other drug which would in any manner impair my ability to comprehend or understand this
25 agreement or the proceedings surrounding my entry of this plea.

26 ///

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28 ///

1 My attorney has answered all my questions regarding this guilty plea agreement and
2 its consequences to my satisfaction and I am satisfied with the services provided by my
3 attorney.

4 DATED this 17 day of ^{OCTOBER}~~September~~, 2006.

5 
6 CARY GERARD PICKETT
Defendant

7 AGREED TO BY:
8 

9
10 ERICA A. BAUMAN
11 Deputy District Attorney
Nevada Bar #009755
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1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of
3 the court hereby certify that:

4 1. I have fully explained to the Defendant the allegations contained in the charge(s)
5 to which guilty pleas are being entered.

6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.

8 3. All pleas of guilty offered by the Defendant pursuant to this agreement are
9 consistent with the facts known to me and are made with my advice to the Defendant.

10 4. To the best of my knowledge and belief, the Defendant:

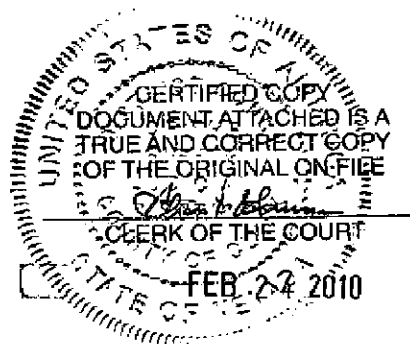
11 a. Is competent and understands the charges and the consequences of pleading
12 guilty as provided in this agreement.

13 b. Executed this agreement and will enter all guilty pleas pursuant hereto
14 voluntarily.

15 c. Was not under the influence of intoxicating liquor, a controlled substance or
16 other drug at the time I consulted with the defendant as certified in paragraphs
17 1 and 2 above.

18 Dated: This 17 day of OCTOBER, 2006.

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ATORNEY FOR DEFENDANT



djj

Shirley Chanagan
CLERK

1 **INFO**
2 **DAVID ROGER**
3 Clark County District Attorney
4 Nevada Bar #002781
5 **ERIC A BAUMAN**
6 Deputy District Attorney
7 Nevada Bar #009755
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 I.A. 09/26/06
10:30 A.M.
8 J. BUCHANAN II,
9 ESQ.
DISTRICT COURT
CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,
11
12 Plaintiff,

13 -vs-

14 CARY JERARD PICKETT,
15 #725059
16 Defendant.

Case No: C226282
Dept No: VII

INFORMATION

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

19 DAVID ROGER, District Attorney within and for the County of Clark, State of
20 Nevada, in the name and by the authority of the State of Nevada, informs the Court:

21 That CARY JERARD PICKETT, the Defendant(s) above named, having committed
22 the crime of **TRANSPORT OF A CONTROLLED SUBSTANCE (Category B Felony -**
23 **NRS 453.321)**, on or about the 14th day of July, 2006, within the County of Clark, State of
24 Nevada, contrary to the form, force and effect of statutes in such cases made and provided,

25 ///

26 ///

27 ///

28 ///

EXHIBIT "1"

1 and against the peace and dignity of the State of Nevada, did then and there wilfully,
2 unlawfully, and feloniously transport within Clark County, Nevada, a controlled substance,
3 to-wit: Cocaine.
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7 BY



8 DAVID ROGER
9 DISTRICT ATTORNEY
10 Nevada Bar #002781
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26 DA#06F13591X/djj
27 LVMPD EV#0607143059
28 TRANSPORT CS - F
(TK6)

ORIGINAL

16

1 JOCP
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

FILED

1997 OCT 17 A D 53

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 CARY JERARD PICKETT, aka
12 Gary Pickett, #0725059

13 Defendant.

Case No. C145127
Dept. No. XI
Docket S

15 JUDGMENT OF CONVICTION (PLEA)

16 WHEREAS, on the 18th day of September, 1997, the Defendant CARY JERARD
17 PICKETT, aka Gary Pickett, appeared before the Court herein with his counsel and entered a
18 plea of guilty to the crime(s) of BURGLARY (CATEGORY B FELONY), committed on or
19 about the 7th day of August, 1997, in violation of NRS 205.060 and

20 WHEREAS, thereafter on the 25th day of September, 1997, the Defendant, In Propria
21 Persona, being present in court with his counsel JORDAN, SAVAGE, ESQ., as Stand By
22 Counsel, and ARTHUR G. NOXON, Deputy District Attorney, also being present; the above
23 entitled Court did adjudge the Defendant guilty thereof by reason of his plea of guilty and, in
24 addition to the \$25.00 Administrative Assessment Fee, sentenced Defendant to a minimum of
25 thirty-six (36) months and a maximum of one-hundred twenty (120) months in the Nevada
26 Department of Prisons, to be served consecutive to sentence imposed in Case No. C143146,
27 suspended; placed on probation for an indeterminate period not to exceed five (5) years.
28 Conditions: 1. Search Clause for controlled substances and stolen property. 2. Complete Drug

CE-05

OCT 20 1997

STATE'S
EXHIBIT

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C 262523

CE31

OCT 14 1997

1 Court Program, noting there was no use of weapons in this incident. 3. Complete long-term
2 counseling, vocational and educational programs as deemed necessary. 4. Defendant to be
3 supervised in the Nevada Division of Parole and Probation's House Arrest Program for the first
4 four (4) months of probation. Defendant to receive thirty-five (35) days credit for time served.
5 Court referred matter to Drug Court, and Ordered, set for further proceedings on October 6,
6 1997 at 9:00 o'clock a.m. in Department X.

7 THEREFORE, the Clerk of the above entitled Court is hereby directed to enter this
8 Judgment of Conviction as part of the record in the above entitled matter.

9 DATED this 16th day of October, 1997, in the City of Las Vegas, County of Clark,
10 State of Nevada.

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13 DISTRICT JUDGE -23
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27 DA#97-145127X/pm
28 LVMPD EV#9708071616
BURG-F
(TK1)

ORIGINAL

1 GMEM
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 435-4711
8 Attorney for Plaintiff

FILED IN OPEN COURT

SEP 1-8-1997 19

LORETTA BOWMAN, CLERK

By *Jay Brown* Deputy

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 GARY PICKETT, aka
12 Cary Jerard Pickett, #0725059

13 Defendant.

Case No. C145127
Dept. No. XI
Docket S

14
15 GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty to: BURGLARY (CATEGORY B FELONY - NRS
17 205.060), as more fully alleged in the charging document attached hereto as Exhibit "1". I also
18 hereby agree to plead guilty to Grand Larceny (Category B Felony) in Case No. C143146.

19 My decision to plead guilty is based upon the plea agreement in this case which is as
20 follows:

21 The State has agreed to retain the right to argue at rendition of sentence. This is a
22 conditional plea. If the Court refuses probation or refuses to sentence to the maximum term of
23 imprisonment the Defendant and/or the State may withdraw this offer.

24 The Defendant and the State agree to request the following:

25 A) That the Defendant be sentenced to a minimum term of thirty-six (36) months to a
26 maximum term of one-hundred twenty (120) months in the Nevada Department of Prisons in this
27 case (C145127). That the Defendant be sentenced to a minimum term of thirty-six (36) months
28 to a maximum term of one-hundred twenty (120) months in the Nevada Department of Prisons

CE31

1 in Case No. C143146, consecutive to this case, for a total of a minimum term of seventy-two
2 (72) months to a maximum term of two-hundred forty (240) months in the Nevada Department
3 of Prisons. The Defendant is to have the sentence suspended and be placed on probation for an
4 indeterminate period not to exceed five (5) years with the following Special Conditions:

- 5 1. Search Clause for the detection of Controlled Substances and Stolen Property.
- 6 2. That the Defendant be released to the Division of Parole and Probation for Intensive
7 Supervision, including House Arrest for the first four (4) to six (6) months of probation as
8 deemed necessary by the Division of Parole and Probation.
- 9 3. Enter and successfully complete the Drug Court Program.
- 10 4. Enter and successfully complete any long term drug counseling, vocational, and
11 controlled education deemed necessary by the Division of Parole and Probation during and after
12 the Drug Court Program.
- 13 5. Complete eight (8) hours of Community Service not to exceed the provisions of NRS
14 176.087.

15 CONSEQUENCES OF THE PLEA

16 I understand that by pleading guilty I admit the facts which support all the elements of
17 the offense(s) to which I now plead as set forth in Exhibit "1".

18 I understand that as a consequence of my plea of guilty the Court must sentence me to
19 imprisonment in the Nevada State Prison for a minimum term of not less than one (1) year(s)
20 and a maximum term of not more than ten (10) years. The minimum term of imprisonment may
21 not exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may
22 also be fined up to \$10,000.00. I understand that the law requires me to pay an Administrative
23 Assessment Fee.

24 I understand that, if appropriate, I will be ordered to make restitution to the victim of the
25 offense(s) to which I am pleading guilty and to the victim of any related offense which is being
26 dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the
27 State of Nevada for any expenses related to my extradition, if any.

28 I understand that I am eligible for probation for the offense to which I am pleading guilty.

1 I understand that, except as otherwise provided by statute, the question of whether I receive
2 probation is in the discretion of the sentencing judge.

3 I understand that if more than one sentence of imprisonment is imposed and I am eligible
4 to serve the sentences concurrently, the sentencing judge has the discretion to order the
5 sentences served concurrently or consecutively.

6 I also understand that information regarding charges not filed, dismissed charges, or
7 charges to be dismissed pursuant to this agreement may be considered by the judge at
8 sentencing.

9 I have not been promised or guaranteed any particular sentence by anyone. I know that
10 my sentence is to be determined by the Court within the limits prescribed by statute. I
11 understand that if my attorney or the State of Nevada or both recommend any specific
12 punishment to the Court, the Court is not obligated to accept the recommendation.

13 I understand that the Division of Parole and Probation will prepare a report for the
14 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
15 sentencing, including my criminal history. This report may contain hearsay information
16 regarding my background and criminal history. My attorney and I will each have the
17 opportunity to comment on the information contained in the report at the time of sentencing.
18 Unless the District Attorney has specifically agreed otherwise, then the District Attorney may
19 also comment on this report.

20 WAIVER OF RIGHTS

21 By entering my plea of guilty, I understand that I am waiving and forever giving up the
22 following rights and privileges:

23 1. The constitutional privilege against self-incrimination, including the right to refuse to
24 testify at trial, in which event the prosecution would not be allowed to comment to the jury
25 about my refusal to testify.

26 2. The constitutional right to a speedy and public trial by an impartial jury, free of
27 excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the
28 assistance of an attorney, either appointed or retained. At trial the State would bear the burden

1 of proving beyond a reasonable doubt each element of the offense charged.

2 3. The constitutional right to confront and cross-examine any witnesses who would
3 testify against me.

4 4. The constitutional right to subpoena witnesses to testify on my behalf.

5 5. The constitutional right to testify in my own defense.

6 6. The right to appeal the conviction, with the assistance of an attorney, either appointed
7 or retained, unless the appeal is based upon reasonable constitutional jurisdictional or other
8 grounds that challenge the legality of the proceedings and except as otherwise provided in
9 subsection 3 of NRS 174.035.

10 VOLUNTARINESS OF PLEA

11 I have discussed the elements of all of the original charge(s) against me with my attorney
12 and I understand the nature of the charge(s) against me.

13 I understand that the State would have to prove each element of the charge(s) against me
14 at trial.

15 I have discussed with my attorney any possible defenses, defense strategies and
16 circumstances which might be in my favor.

17 All of the foregoing elements, consequences, rights, and waiver of rights have been
18 thoroughly explained to me by my attorney.

19 I believe that pleading guilty and accepting this plea bargain is in my best interest, and
20 that a trial would be contrary to my best interest.

21 I am signing this agreement voluntarily, after consultation with my attorney, and I am not
22 acting under duress or coercion or by virtue of any promises of leniency, except for those set
23 forth in this agreement.

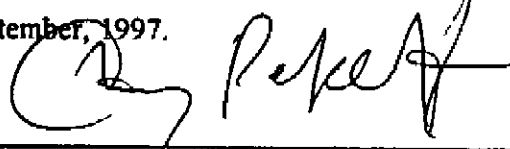
24 I am not now under the influence of any intoxicating liquor, a controlled substance or
25 other drug which would in any manner impair my ability to comprehend or understand this
26 agreement or the proceedings surrounding my entry of this plea.

27 My attorney has answered all my questions regarding this guilty plea agreement and its

28 ///

1 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

2 DATED this _____ day of September, 1997.



GARY PICKETT, aka Cary Jerard Pickett
Defendant, In Propria Persona

7 AGREED TO BY:



Deputy District Attorney

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of
3 the court hereby certify that:

4 1. I have fully explained to the Defendant the allegations contained in the charge(s) to
5 which guilty pleas are being entered.

6 2. I have advised the Defendant of the penalties for each charge and the restitution that
7 the Defendant may be ordered to pay.

8 3. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent
9 with the facts known to me and are made with my advice to the Defendant.

10 4. To the best of my knowledge and belief, the Defendant:

11 a. Is competent and understands the charges and the consequences of pleading
12 guilty as provided in this agreement.

13 b. Executed this agreement and will enter all guilty pleas pursuant hereto
14 voluntarily.

15 c. Was not under the influence of intoxicating liquor, a controlled substance or
16 other drug at the time I consulted with the defendant as certified in paragraphs 1
17 and 2 above.

18 Dated: This 18 day of September, 1997.

19 Jordan Savage
20 STAND-BY ATTORNEY FOR DEFENDANT
21
22
23
24
25
26
27
28

pm

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

John L. Johnson
CLERK OF THE COURT

2-22-2010

CRIMINAL COURT MINUTES

97-C-145127-C STATE OF NEVADA vs Pickett, Cary J

09/04/97 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
ARLENE BLAZI, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005065	Rushton, Kimberly M.	Y
0001 D1	Pickett, Cary J	Y
PUBDEF	Public Defender	Y
004235	Cichoski, Mark D.	Y

Ms. Maxson advised Court the defendant unconditionally waived Preliminary Hearing as part of the negotiations, but the defendant asked for this case to be transferred to Department XI and the State does not object to this. COURT ORDERED, CASE TRANSFERRED TO DEPARTMENT XI AND MATTER CONTINUED.

CUSTODY

9/11/97 9:00 AM ARRAIGNMENT CONTINUED (DEPT XI)

09/11/97 09:00 AM 00 ALL PENDING MOTIONS 09-11-97

HEARD BY: Don P. Chairez, Judge

OFFICERS: DOROTHY KELLY, Court Clerk
JENNIFER CHURCH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000981	Noxon, Arthur G.	Y
0001 D1	Pickett, Cary J	Y
PUBDEF	Public Defender	Y
001616	Franzen, George E.	Y

ARRAIGNMENT CONTINUED...MORGAN D. HARRIS' MOTION TO WITHDRAW AS COUNSEL

Mr. Noxon advised Court the deft will plead guilty in this case; he will be representing himself. He further stated deft went through the Faretta Canvass in his other case. Jordan Savage was standby counsel. He continued that the Public Defender feels he is not needed, as deft negotiated this case with his other case. COURT ORDERED, Morgan D. Harris' Motion To Withdraw As Counsel, GRANTED. COURT FURTHER ORDERED, Deft RELEASED on his Own Recognizance With Intensive Supervision. (State requested intensive supervision.) COURT FURTHER ORDERED, matter continued for Judge Douglas to conduct Faretta Canvass of deft on this case and to take his plea.

O.R. W/INTENSIVE SUPERVISION

CRIMINAL COURT MINUTES

97-C-145127-C STATE OF NEVADA

vs Pickett, Cary J

CONTINUED FROM PAGE: 001

09-15-97 9:00 A.M. ARRAIGNMENT CONTINUED

09/15/97 09:00 AM 01 ARRAIGNMENT CONTINUED

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: JOYCE BROWN, Court Clerk
CATHY NELSON, Reporter/RecorderPARTIES: STATE OF NEVADA
000981 Noxon, Arthur G.Y
Y

Court advised there had been a motion to withdraw from the previous attorney. Mr. Noxon advised the Defendant was allowed out without State's objection; and if Defendant did not show up, State would request a Bench Warrant. COURT ORDERED A NO BAIL BENCH WARRANT TO ISSUE. Mr. Noxon advised Mr. Savage was attempting to get the Defendant into Court.

B.W. (O.R. W/I.S.)

09/18/97 09:00 AM 00 STATE'S REQUEST QUASH BENCH WARRANT

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: JOYCE BROWN, Court Clerk
CATHY NELSON, Reporter/RecorderPARTIES: STATE OF NEVADA
000082 Weed, Randall F.
0001 D1 Pickett, Cary J
005480 Savage, Jordan S.Y
Y
Y
Y

Mr. Savage advised he was not affiliated with this case; Mr. Noxon asked him to come down as he was stand-by Counsel in another case for Defendant. COURT ORDERED, Mr. Savage appointed Counsel for this matter. DEFENDANT PICKETT examined as to the GUILTY PLEA AGREEMENT FILED IN OPEN COURT. NEGOTIATIONS: Defendant will plead guilty to the Information; also will plead guilty to one count of Grand Larceny in Case #C143146 which is before this Court; it is a conditional plea, if Defendant does not receive probation, he may withdraw his plea and go to trial; Defendant and State agree to request the following: sentence of minimum of 36 months to a maximum of 120 months in #145127; minimum of 36 months to a maximum of 120 months in #143146 to run consecutive for a total of a minimum of 72 months to a maximum of 240 months; the sentence would be suspended and Defendant placed on probation for an indeterminate period not to exceed five years

CONTINUED ON PAGE: 003

PRINT DATE: 02/19/10

PAGE: 002

MINUTES DATE: 09/18/97

CRIMINAL COURT MINUTES

97-C-145127-C STATE OF NEVADA

vs Pickett, Cary J

CONTINUED FROM PAGE: 002

with conditions which are stated in the Guilty Plea Agreement. DEFENDANT PICKETT ARRAIGNED AND PLED GUILTY TO COUNT I - BURGLARY (F). Court accepted the plea. Defendant advised a PSI was done in another case and would like to use that report and have the sentencing done on the same date as his other case. COURT ORDERED State's Request GRANTED and Bench Warrant QUASHED; and matter CONTINUED for sentencing.

O.R.

9-25-97 9:00 AM SENTENCING

09/25/97 09:00 AM 00 SENTENCING

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: SUSAN BURDETTE/sb, Court Clerk
JO ANN HANEMAN, Relief Clerk
CATHY NELSON, Reporter/Recorder

PARTIES: STATE OF NEVADA
000981 Noxon, Arthur G.
0001 D1 Pickett, Cary J
005480 Savage, Jordan S.

Y
Y
Y
Y

Larry Scott of the Division of Parole & Probation present. Court noted he has reviewed the Pre-Sentence Report and the Guilty Plea Agreement, noting that if the Court determines any thing other than negotiated, either party can determine that the deal is off. Statement by Mr. Noxon. By virtue of Deft's plea, DEFENDANT PICKETT ADJUDGED GUILTY OF COUNT I - BURGLARY (F). Following statements in mitigation of sentencing, Court stated its findings, and ORDERED, in addition to the \$25.00 Administrative Assessment Fee, Defendant SENTENCED to a MINIMUM of THIRTY-SIX (36) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Prisons, to be served CONSECUTIVE to sentence imposed in Case C143146, SUSPENDED; placed on PROBATION for an indeterminate period not to exceed FIVE (5) YEARS.

CONDITIONS:

1. Search Clause for controlled substances and stolen property.
2. Complete Drug Court Program, noting there was no use of weapons in this incident.
3. Complete long-term counseling, vocational and educational programs as deemed necessary.

Court stated he will not impose community service in this case.

4. Defendant to be supervised in the Nevada Div. of Parole and Probation's House Arrest Program for the first four (4) months of probation.

Deft. to receive 35 days credit for time served. FURTHER, COURT ORDERED, Deft. to report to the Div. of Parole and Probation at 215 East Bonanza upon release from custody; failure to do so will result in a bench warrant.

CONTINUED ON PAGE: 004

PRINT DATE: 02/19/10

PAGE: 003

MINUTES DATE: 09/25/97

CRIMINAL COURT MINUTES

97-C-145127-C STATE OF NEVADA

vs Pickett, Cary J

CONTINUED FROM PAGE: 003

Bond, if any, exonerated. Mr. Scott stated he will discuss House Arrest with Deft. Court referred matter to Drug Court, and ORDERED, set for FURTHER PROCEEDINGS.

NIC

10-06-97 9:00 AM FURTHER PROCEEDINGS (DEPT X)

10/06/97 09:00 AM 00 FURTHER PROCEEDINGS

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: MELISSA DAVIS, Court Clerk
DEBRA WINN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004353 Pace, Barter G.	Y
	0001 D1 Pickett, Cary J	Y
	001443 Gibson, David S.	Y

Defendant present in custody on other charges. COURT ORDERED, matter CONTINUED.

O.R. (COC)

10/13/97 9AM STATUS CHECK: FURTHER PROCEEDINGS

10/13/97 09:00 AM 00 STATUS CHECK: FURTHER PROCEEDINGS

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: NANCY NOBLE, Court Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004353 Pace, Barter G.	Y
	0001 D1 Pickett, Cary J	Y
	004620 Grauman, David A.	Y

Court noted defendant referred from Dept. XI. and is being referred to drug court on two charges. COURT ORDERED, matter CONTINUED.

O.R. (COC)

CONTINUED TO: 10/20/97 09:00 AM 01

CRIMINAL COURT MINUTES

97-C-145127-C STATE OF NEVADA

vs Pickett, Cary J

CONTINUED FROM PAGE: 004

10/20/97 09:00 AM 01 STATUS CHECK: FURTHER PROCEEDINGS

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: MELISSA DAVIS, Court Clerk
SHARLEEN NICHOLSON, Reporter/RecorderPARTIES: STATE OF NEVADA
004353 Pace, Barter G.
0001 D1 Pickett, Cary J
004620 Grauman, David A.Y
Y
Y
Y

Dean Prater with the Division of Parole and Probation also present. Officer Prater advised there is a hold on defendant and paperwork is being processed for revocation proceedings. COURT ORDERED, matter CONTINUED.

O.R. (COC)

CONTINUED TO: 11/03/97 09:00 AM 02

10/27/97 09:00 AM 00 STATE'S REQUEST FURTHER PROCEEDINGS

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: SUSAN BURDETTE/sb, Court Clerk
RITA LOPEZ, Relief Clerk
CATHY NELSON, Reporter/RecorderPARTIES: STATE OF NEVADA
000981 Noxon, Arthur G.
0001 D1 Pickett, Cary J
PRO SE Pro Se
005480 Savage, Jordan S.Y
Y
Y
Y
Y

Dean Prater of the Division of Parole & Probation present. Following conference at the bench, Court noted the new charges have not been formally filed at this point, but it does create a problem as to Drug Court and ORDERED, Deft. RELEASED only to P & P to be placed on the HOUSE ARREST Program; matter CONTINUED for STATUS CHECK as to Drug Court.

(See C143146)

H.A.

11-03-97 9:00 AM STATUS CHECK: FURTHER PROCEEDINGS (DEPT X)

11-24-97 9:00 AM STATUS CHECK: DRUG COURT (DEPT XI)

CONTINUED ON PAGE: 006

PRINT DATE: 02/19/10

PAGE: 005

MINUTES DATE: 10/27/97

CRIMINAL COURT MINUTES

97-C-145127-C STATE OF NEVADA vs Pickett, Cary J

CONTINUED FROM PAGE: 005

11/03/97 09:00 AM 02 STATUS CHECK: FURTHER PROCEEDINGS

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: MELISSA DAVIS, Court Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005065 Rushton, Kimberly M.	Y
	0001 D1 Pickett, Cary J	N
	004620 Grauman, David A.	Y

Defendant not present. COURT ORDERED, BENCH WARRANT WILL ISSUE, NO BAIL.

B.W. (O.R.)

11/24/97 09:00 AM 00 STATUS CHECK: DRUG COURT

HEARD BY: Michael I. Douglas, Judge; Dept. 11

OFFICERS: SUSAN BURDETTE/sb, Court Clerk
ARLENE BLAZI, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005122 Savage, Darin	Y
	0001 D1 Pickett, Cary J	N
	005480 Savage, Jordan S.	Y

Deft. not present. Mr. Savage stated Deft. is not in jail on any other charges being filed as of yet. State noted Deft. has another case in screening and does not know if it has been filed. Mr. Savage noted the basis of the pending violation was for the new charges and this was calendared to see if the new charges were going to be taken out of screening. Court noted Deft. has an outstanding Bench Warrant as of November 3 from Judge Lehman as to the Drug Court Program. Upon Court's inquiry, Mr. Savage stated Deft. was released to P & P and he has had no contact with him. Court stated he is not aware of any other outstanding cases. Mr. Savage concurred and requested that the State put this matter back on calendar if the new charges are filed. Court directed Mr. Savage to write to Deft. at his last known address advising him to take care of the outstanding Bench warrant in Drug Court, and ORDERED, this matter OFF CALENDAR.

(See Case C143146)

B.W. (O.R.)

CRIMINAL COURT MINUTES

97-C-145127-C STATE OF NEVADA vs Pickett, Cary J

CONTINUED FROM PAGE: 006

03/16/98 09:00 AM 00 BENCH WARRANT RETURN

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: NANCY NOBLE, Court Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004353	Pace, Barter G.	Y
0001 D1	Pickett, Cary J	Y
004620	Grauman, David A.	Y

COURT ORDERED bench warrant QUASHED and matter CONTINUED for Status Check Further Proceedings.

O.R.

04/27/98 9:00 AM STATUS CHECK: FURTHER PROCEEDINGS

03/26/98 09:00 AM 00 SET TIME CERTAIN: REVOCATION OF PROBATION

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: JOYCE BROWN, Court Clerk
CATHY NELSON, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005927	De La Garza, Melisa	Y
0001 D1	Pickett, Cary J	Y
005480	Savage, Jordan S.	Y

At Court's inquiry, both Counsel advised one week would be sufficient.
COURT ORDERED matter CONTINUED for revocation hearing.

CUSTODY

4-2-98 10:30 AM REVOCATION OF PROBATION

CRIMINAL COURT MINUTES

97-C-145127-C STATE OF NEVADA vs Pickett, Cary J

CONTINUED FROM PAGE: 007

04/02/98 10:30 AM 00 REVOCATION OF PROBATION

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: SUSAN BURDETTE/sb, Court Clerk
CATHY NELSON, Reporter/RecorderPARTIES: STATE OF NEVADA
005122 Savage, Darin
0001 D1 Pickett, Cary J
005480 Savage, Jordan S.

Y

Y

Y

Y

Dean Prater of the Division of Parole & Probation present. Mr. Savage stated this matter is resolved: Deft. to stipulate to the violations and counsel will argue as to what to do. Upon Court's inquiry, Deft. stipulated to the violations in the Revocation Report, made a statement and requested to be reinstated on probation and he will enter a drug treatment program.

Mr. Savage argued in support of Deft's reinstatement and entry into an in-patient counseling program, with Deft. to be released only to same, a Status Check be set and the parties can then come back and argue over what Deft. has done in the program; he is not requesting an immediate release.

State argued that Deft. needs to help himself, noting that within four (4) days of his release, Deft. broke his bracelet, and requested that Deft. be revoked, noting that Deft. was picked up on a Grand Larceny case in October, 1997.

Mr. Prater gave a brief history of the case, requesting that Deft.'s probation be revoked and the original sentence be imposed.

Further statements by Deft., noting he as only arrested for the new crime.

Court found a number of people, including the Court, attempted to help Deft. address his problems as the Court was aware they are drug-related, found Deft. did not accept responsibility, and found the problem is that Deft. had a conscious duty to get himself in line, and ORDERED, PROBATION REVOKED; original sentence of MINIMUM of THIRTY-SIX (36) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in Nevada Department of Prisons imposed with SIXTY-FOUR (64) DAYS Credit for Time Served; said sentence to be served CONSECUTIVELY to sentence imposed in Case C143146.

CONTINUED ON PAGE: 009

PRINT DATE: 02/19/10

PAGE: 008

MINUTES DATE: 04/02/98

CRIMINAL COURT MINUTES

97-C-145127-C

STATE OF NEVADA

vs Pickett, Cary J

CONTINUED FROM PAGE: 008

04/14/99 09:00 AM 00 ALL PENDING MOTIONS (4-14-99)

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: JOYCE BROWN, Court Clerk
CATHY NELSON, Reporter/RecorderPARTIES: STATE OF NEVADA
006163 Weckerly, Pamela C.

Y

Y

DEFT'S PRO PER MOTION FOR EXTENSION OF TIME, MOTION FOR TRANSCRIPTS, JUDGMENT OF CONVICTION, MOTION FOR PRE-SENTENCING REPORT, SENTENCING TRANSCRIPT, GUILTY PLEA MEMORANDUM, PRE-TRIAL AND ALL POST-TRIAL HEARING TRANSCRIPTS AND AMENDED INFORMATION TO RESPOND TO STATE'S OPPOSITION TO PETITIONERS WRIT OF HABEAS CORPUS...DEFT'S PRO PER PETITION FOR A WRIT OF HABEAS CORPUS (POST-CONVICTION)...DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

AS TO THE FIRST MOTION LISTED, COURT ORDERED motion DENIED. Court advised it would be appropriate to have the file sent to the Defendant by the previous Counsel, Mr. Savage, if he still had it.

AS TO DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS, COURT ORDERED motion GRANTED.

AS TO THE DEFT'S PRO PER PETITION FOR A WRIT OF HABEAS CORPUS (POST-CONVICTION), Court advised it was untimely; good cause had not been shown in this matter; and ORDERED, pursuant to NRS 34.726 the Petition was DENIED. Additionally, Court noted for the record, against the Court's advice, Mr. Pickett represented himself. Court further advised the petition was without merit; the Defendant had signed off on the negotiations; and he was canvassed thoroughly; as to Counsel, it was by his own design; and Court had ordered stand-by Counsel for him. State to prepare the order.

NDP

CRIMINAL COURT MINUTES

97-C-145127-C STATE OF NEVADA vs Pickett, Cary J

CONTINUED FROM PAGE: 009

07/31/01 09:00 AM 00 ALL PENDING MOTIONS 7-31-01

HEARD BY: Michael A Cherry, Judge; Dept. 17

OFFICERS: Penny Wisner, Court Clerk
Janie Olsen, Reporter/RecorderPARTIES: STATE OF NEVADA
006246 Campbell, Cara L.Y
YDEFT.'S PRO PER MOTION FOR MODIFICATION OF SENTENCE...DEFT.'S PRO PER MOTION
FOR LEAVE TO PROCEED IN FORMA PAUPERISCourt stated it had no jurisdiction to modify the Deft.'s sentence. COURT
ORDERED, motion for MODIFICATION DENIED; motion to proceed in forma pauperis
MOOT.

NDC

12/30/03 09:00 AM 00 ALL PENDING MOTIONS (12/30/03)

HEARD BY: Michael A Cherry, Judge; Dept. 17

OFFICERS: Penny Wisner/PW, Court Clerk
April Watkins, Relief ClerkPARTIES: STATE OF NEVADA
006639 Fattig, John TY
YDEFT'S PRO PER MOTION TO CORRECT AN ILLEGAL SENTENCE...DEFT'S PRO PER MOTION
TO PROCEED IN FORMA PAUPERISMr. Fattig advised the State was opposing any appointment of counsel on the
basis it was inappropriate pursuant to statute. COURT ORDERED, motion to
correct illegal sentence DENIED as the sentence is not illegal; motion to
proceed in forma pauperis GRANTED.

NDC

CONTINUED ON PAGE: 011

PRINT DATE: 02/19/10

PAGE: 010

MINUTES DATE: 12/30/03

CRIMINAL COURT MINUTES

97-C-145127-C STATE OF NEVADA

vs Pickett, Cary J

CONTINUED FROM PAGE: 010

07/02/04 09:00 AM 00 ALL PENDING MOTIONS (7/2/04)

HEARD BY: Michael A Cherry, Judge; Dept. 17

OFFICERS: April Watkins, Court Clerk
Elaine York/ey, Relief Clerk
Janie Olsen, Reporter/Recorder

PARTIES: STATE OF NEVADA
000346 Mitchell, Scott S.

Y
Y

DEFT'S PRO PER MOTION FOR REHEARING & MOTION TO CORRECT ILLEGAL
SENTENCE...DEFT'S PRO PER MOTION FOR APPOINTMENT OF COUNSEL...DEFT'S PRO PER
APPLICATION TO TRANSPORT/PRODUCE INMATE FOR HEARING

Mr. Mitchell stated to the court that all of these motions have previously
been heard and ruled upon and the only new allegation is the one regarding
the State trying to manipulate the Deft. Court FINDS, no viable issues to
litigate and ORDERED, motions DENIED IN TOTO.

CLERK'S NOTE: The above minute order has been distributed to: Deft. Cary
Pickett #57591, P.O. Box 208, Indian Springs, NV 89070. ey

02/28/06 10:00 AM 00 DEFT'S PRO PER MTN FOR RETURN OF
PROPERTY AND TO SUPPRESS FOR USE AS /34

HEARD BY: Michael A Cherry, Judge; Dept. 17

OFFICERS: Theresa Lee, Court Clerk
Janie Olsen, Reporter/Recorder

PARTIES: STATE OF NEVADA
006237 Brierly, Tracey J.

Y
Y

State's Response and Motion to Dismiss Deft's Petition for Writ of Habeas
Corpus (Post Conviction) FILED IN OPEN COURT. The Court agrees with the
opposition filed by the State, there is no good reason for delay and the
matter is time barred. COURT ORDERED, deft has not shown good cause, and in
accordance with the opposition, motion DENIED. State to prepare Order and
send a copy to deft.

NDC

CRIMINAL COURT MINUTES

97-C-145127-C STATE OF NEVADA vs Pickett, Cary J

CONTINUED FROM PAGE: 011

04/18/06 08:30 AM 00 DEFT'S PRO PER MOTION FOR REHEARING OF
MOTION FOR RETURN OF PROPERTY/35

HEARD BY: Michael A Cherry, Judge; Dept. 17

OFFICERS: Theresa Lee, Court Clerk
Janie Olsen, Reporter/RecorderPARTIES: STATE OF NEVADA
006237 Brierly, Tracey J.Y
YThe Court will adopt the District Attorney's opposition and ORDERED, motion
DENIED.

NDC

CLERK'S NOTE: A copy of this minute order was placed in the U.S. Mail to
deft ID#57591, at High Desert Correctional Center, P.O. Box 650, Indian
Springs, NV 89018

06/07/07 09:00 AM 00 ALL PENDING MOTIONS 6/7/07

HEARD BY: Douglas W Herndon, Judge; Dept. 3

OFFICERS: Carol Green, Court Clerk
Sharon Howard, Reporter/RecorderPARTIES: STATE OF NEVADA
009897 Rinetti, Dena I.N
YDEFT'S MOTION FOR TRANSPORTATION OR MOTION FOR APPEARANCE BY PHONE OR
VIDEO...DEFT'S PRO PER PETITION FOR WRIT OF MANDAMUS...DEFT'S PRO PER MOTION
TO PROCEED IN FORMA PAUPERISCOURT ORDERED, Defendant's Pro Per Motion to Proceed in Forma Pauperis is
GRANTED. Further, COURT ORDERED, Defendant's Motion For Transportation or
motion for appearance by Phone or Video is DENIED.Court noted that there are two filings in relation to this Defendant's Pro
Per Petition for Writ of Mandamus, and at least one was not served on the
Attorney General's Office. Court stated that it needs to be served on the
Attorney General's Office as it relates to the Parole Board. COURT ORDERED,
OFF CALENDAR.

CRIMINAL COURT MINUTES

97-C-145127-C STATE OF NEVADA vs Pickett, Cary J

CONTINUED FROM PAGE: 012

02/19/09 08:30 AM 00 DEFT'S MTN TO REOPEN CASE & SCHEDULE
STATUS CHECK/40

HEARD BY: Jackie Glass, Judge; Dept. 5

OFFICERS: Sandra Jeter, Court Clerk
Patricia Slattery, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
005734	Pandukht, Taleen R.	Y
0001 D1	Pickett, Cary J	N
007999	Bourassa, Mark J.	Y

APPEARANCES CONTINUED: Defendant not present and in custody at the Nevada Department of Corrections.

Mr. Bourassa advised defendant filed a proper person writ but failed to serve it properly; requested the case be re-opened. Ms. Pandukht stated there is no motion and nothing here. Court NOTED a determination was already made and ORDERED, motion DENIED. Mr. Bourassa will need to file a motion to cause the matter to be placed on calendar.

NDC

ORIGINAL

FILED

SEP 2 7 43 AM '97

Letta Luman
CLERK

1 INFO
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

9 I.A. 09/04/97
10 9:00 A.M.
11 PD

DISTRICT COURT
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,

13 Plaintiff,

14 -vs-

15 CARY JERARD PICKETT,
16 #0725059

17 Defendant.

Case No. C145127
Dept. No. V
Docket H

INFORMATION

18 STATE OF NEVADA }
19 COUNTY OF CLARK } ss:

20 STEWART L. BELL, District Attorney within and for the County of Clark, State of
21 Nevada, in the name and by the authority of the State of Nevada, informs the Court:

22 That CARY JERARD PICKETT, the Defendant(s) above named, having committed the
23 crime of BURGLARY (Felony - NRS 205.060), on or about the 7th day of August, 1997,
24 within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes
25 in such cases made and provided, and against the peace and dignity of the State of Nevada, did

26 ///

27 ///

28 ///

///

///

CE31

1 then and there wilfully, unlawfully, and feloniously enter, with intent to commit larceny, that
2 certain 1991 Honda, bearing Nevada License No. 718 BYV, owned by KATHLEEN ROLLI.

3 STEWART L. BELL
4 DISTRICT ATTORNEY
5 Nevada Bar #000477

6 BY *K Maxson*
7 KIMBERLY R. MAXSON
8 Deputy District Attorney
9 Nevada Bar #005065

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27 DA#97F11223X/jeh
28 LVMPD EV#9708071616
BURG - F
(TK4)

ORIGINAL

16

26

1 JOCP
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 435-4711
8 Attorney for Plaintiff

FILED

1997 OCT 17 A 8:51

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 GARY PICKETT, aka
12 Cary Jerard Pickett, #0725059

13 Defendant.
14

Case No. C143146
Dept. No. XI
Docket S

15 JUDGMENT OF CONVICTION (PLEA)

16 WHEREAS, on the 28th day of August, 1997, the Defendant GARY PICKETT, aka Cary
17 Jerard Pickett, appeared before the Court herein with his counsel and entered a plea of guilty to
18 the crime(s) of GRAND LARCENY (CATEGORY B FELONY), committed on or about the 3rd
19 day of May, 1997, in violation of NRS 205.220 and

20 WHEREAS, thereafter on the 25th day of September, 1997, the Defendant, In Propria
21 Persona, being present in court with his counsel JORDAN SAVAGE, ESQ., as Stand By
22 Counsel, and ARTHUR G. NOXON, Deputy District Attorney, also being present; the above
23 entitled Court did adjudge the Defendant guilty thereof by reason of his plea of guilty and, in
24 addition to the \$25.00 Administrative Assessment Fee, sentenced Defendant to a minimum of
25 thirty-six (36) months and a maximum of one-hundred twenty (120) months in the Nevada
26 Department of Prisons, suspended; placed on probation for an indeterminate period not to
27 exceed five (5) years. Conditions: 1. Search Clause for controlled substances and weapons.
28 2. Complete Drug Court Program, noting weapons were not involved. 3. Complete long-term

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STATE'S
EXHIBIT

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S

1 counseling, vocational and educational programs as deemed necessary by the Division of Parole
2 and Probation. 4. Complete eight (8) hours community service per month within the first three
3 (3) years of probation. 5. Pursuant to NRS 176.185, Defendant to be supervised in the Nevada
4 Division of Parole and Probation's House Arrest Program for the first four (4) months of
5 probation. Defendant to receive eighty-nine (89) days credit for time served. Court referred
6 matter to Drug Court, and Ordered, set for further proceedings on October 6, 1997 at 9:00
7 o'clock a.m. in Department X.

8 THEREFORE, the Clerk of the above entitled Court is hereby directed to enter this
9 Judgment of Conviction as part of the record in the above entitled matter.

10 DATED this 16th day of October, 1997, in the City of Las Vegas, County of Clark,
11 State of Nevada.

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13 
14 DISTRICT JUDGE 213
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27 DA#97-143146X/pm
28 LVMPD EV#9705030904
G/L-F
(TK1)

ORIGINAL

FILED IN OPEN COURT

AUG 28 1997 19

LORETTA BOWMAN, CLERK

BY Susan Burdette
Deputy

1 GMEM
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

Plaintiff,

-vs-

11 GARY PICKETT, aka
12 Cary Jerard Pickett, #0725059

Defendant.

Case No. CI43146
Dept. No. XI
Docket S

GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty to: GRAND LARCENY (CATEGORY B FELONY - NRS
17 205.220), as more fully alleged in the charging document attached hereto as Exhibit "I". I also
18 hereby agree to plead guilty to Burglary (Category B Felony), in Case No. 97F11223X.

19 My decision to plead guilty is based upon the plea agreement in this case which is as
20 follows:

21 The State has agreed to retain the right to argue at rendition of sentence. This is a
22 conditional plea. If the Court refuses probation or refuses to sentence to the maximum term of
23 imprisonment the Defendant and/or the State may withdraw this offer.

24 The Defendant and the State agree to request the following:

25 A) That the Defendant be sentenced to a minimum term of thirty-six (36) months to a
26 maximum term of one-hundred twenty (120) months in the Nevada Department of Prisons in this
27 case (CI43146). That the Defendant be sentenced to a minimum term of thirty-six (36) months
28 to a maximum term of one-hundred twenty (120) months in the Nevada Department of Prisons

CE31

8

1 in Case No. 97F11223X, consecutive to this case, for a total of a minimum term of seventy-two
2 (72) months to a maximum term of two-hundred forty (240) months in the Nevada Department
3 of Prisons. The Defendant is to have the sentence suspended and be placed on probation for an
4 indeterminate period not to exceed five (5) years with the following Special Conditions:

5 1. Search Clause for the detection of Controlled Substances and Stolen Property.

6 2. That the Defendant be released to the Division of Parole and Probation for Intensive
7 Supervision, including House Arrest for the first four (4) to six (6) months of probation as
8 deemed necessary by the Division of Parole and Probation.

9 3. Enter and successfully complete the Drug Court Program.

10 4. Enter and successfully complete any long term drug counseling, vocational, and
11 controlled education deemed necessary by the Division of Parole and Probation during and after
12 the Drug Court Program.

13 5. Complete eight (8) hours of Community Service not to exceed the provisions of NRS
14 176.087.

15 CONSEQUENCES OF THE PLEA

16 I understand that by pleading guilty I admit the facts which support all the elements of
17 the offense(s) to which I now plead as set forth in Exhibit "1".

18 I understand that as a consequence of my plea of guilty the Court must sentence me to
19 imprisonment in the Nevada State Prison for a minimum term of not less than one (1) year(s)
20 and a maximum term of not more than ten (10) years. The minimum term of imprisonment may
21 not exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may
22 also be fined up to \$10,000.00. I understand that the law requires me to pay an Administrative
23 Assessment Fee.

24 I understand that, if appropriate, I will be ordered to make restitution to the victim of the
25 offense(s) to which I am pleading guilty and to the victim of any related offense which is being
26 dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the
27 State of Nevada for any expenses related to my extradition, if any.

28 I understand that I am eligible for probation for the offense to which I am pleading guilty.

1 I understand that, except as otherwise provided by statute, the question of whether I receive
2 probation is in the discretion of the sentencing judge.

3 I understand that if more than one sentence of imprisonment is imposed and I am eligible
4 to serve the sentences concurrently, the sentencing judge has the discretion to order the
5 sentences served concurrently or consecutively.

6 I also understand that information regarding charges not filed, dismissed charges, or
7 charges to be dismissed pursuant to this agreement may be considered by the judge at
8 sentencing.

9 I have not been promised or guaranteed any particular sentence by anyone. I know that
10 my sentence is to be determined by the Court within the limits prescribed by statute. I
11 understand that if my attorney or the State of Nevada or both recommend any specific
12 punishment to the Court, the Court is not obligated to accept the recommendation.

13 I understand that the Division of Parole and Probation will prepare a report for the
14 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
15 sentencing, including my criminal history. This report may contain hearsay information
16 regarding my background and criminal history. My attorney and I will each have the
17 opportunity to comment on the information contained in the report at the time of sentencing.
18 Unless the District Attorney has specifically agreed otherwise, then the District Attorney may
19 also comment on this report.

20 WAIVER OF RIGHTS

21 By entering my plea of guilty, I understand that I am waiving and forever giving up the
22 following rights and privileges:

23 1. The constitutional privilege against self-incrimination, including the right to refuse to
24 testify at trial, in which event the prosecution would not be allowed to comment to the jury
25 about my refusal to testify.

26 2. The constitutional right to a speedy and public trial by an impartial jury, free of
27 excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the
28 assistance of an attorney, either appointed or retained. At trial the State would bear the burden

1 of proving beyond a reasonable doubt each element of the offense charged.

2 3. The constitutional right to confront and cross-examine any witnesses who would
3 testify against me.

4 4. The constitutional right to subpoena witnesses to testify on my behalf.

5 5. The constitutional right to testify in my own defense.

6 6. The right to appeal the conviction, with the assistance of an attorney, either appointed
7 or retained, unless the appeal is based upon reasonable constitutional jurisdictional or other
8 grounds that challenge the legality of the proceedings and except as otherwise provided in
9 subsection 3 of NRS 174.035.

10 VOLUNTARINESS OF PLEA

11 I have discussed the elements of all of the original charge(s) against me with my attorney
12 and I understand the nature of the charge(s) against me.

13 I understand that the State would have to prove each element of the charge(s) against me
14 at trial.

15 I have discussed with my attorney any possible defenses, defense strategies and
16 circumstances which might be in my favor.

17 All of the foregoing elements, consequences, rights, and waiver of rights have been
18 thoroughly explained to me by my attorney.

19 I believe that pleading guilty and accepting this plea bargain is in my best interest, and
20 that a trial would be contrary to my best interest.

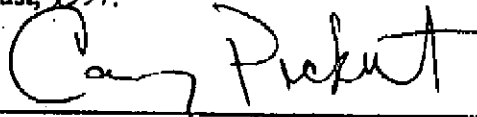
21 I am signing this agreement voluntarily, after consultation with my attorney, and I am not
22 acting under duress or coercion or by virtue of any promises of leniency, except for those set
23 forth in this agreement.

24 I am not now under the influence of any intoxicating liquor, a controlled substance or
25 other drug which would in any manner impair my ability to comprehend or understand this
26 agreement or the proceedings surrounding my entry of this plea.

27 My attorney has answered all my questions regarding this guilty plea agreement and its
28 ///

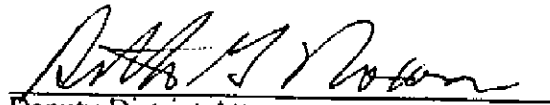
1 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

2 DATED this 27 day of August, 1997.

3 

4
5 GARY PICKETT, aka Cary Jerard Pickett
6 Defendant, In Propria Persona

7 AGREED TO BY:

8 
9 Deputy District Attorney

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of
3 the court hereby certify that:

4 1. I have fully explained to the Defendant the allegations contained in the charge(s) to
5 which guilty pleas are being entered.

6 2. I have advised the Defendant of the penalties for each charge and the restitution that
7 the Defendant may be ordered to pay.

8 3. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent
9 with the facts known to me and are made with my advice to the Defendant.

10 4. To the best of my knowledge and belief, the Defendant:

11 a. Is competent and understands the charges and the consequences of pleading
12 guilty as provided in this agreement.

13 b. Executed this agreement and will enter all guilty pleas pursuant hereto
14 voluntarily.

15 c. Was not under the influence of intoxicating liquor, a controlled substance or
16 other drug at the time I consulted with the defendant as certified in paragraphs 1
17 and 2 above.

18 Dated: This 17 day of August, 1997.

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pm

Jordan Savage
STAND-BY ATTORNEY FOR DEFENDANT

1 AINF
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,
9 Plaintiff,

10 -vs-

11 GARY PICKETT, aka
12 Cary Jerard Pickett, #0725059

13 Defendant.

Case No. C143146
Dept. No. XI
Docket S

AMENDED
INFORMATION

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

17 STEWART L. BELL, District Attorney within and for the County of Clark, State of
18 Nevada, in the name and by the authority of the State of Nevada, informs the Court:

19 That GARY PICKETT, aka Cary Jerard Pickett, the Defendant above named, having
20 committed the crime of GRAND LARCENY (FELONY - NRS 205.220), on or about the 3rd
21 day of May, 1997, within the County of Clark, State of Nevada, contrary to the form, force and
22 effect of statutes in such cases made and provided, and against the peace and dignity of the State
23 of Nevada, did then and there wilfully, unlawfully, and feloniously, with intent to deprive the
24 owner permanently thereof, steal, take, and carry away personal property of ROSS DRESS FOR
25 LESS, 121 North Nellis, Las Vegas, Clark County, Nevada, having a value of \$250.00, or more.

26 ///

27 ///

28 ///

1 to-wit: miscellaneous clothing items.

2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477

5 BY 
6 ARTHUR G. NOXON
7 Deputy District Attorney
8 Nevada Bar #000981

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

11	<u>NAME</u>	<u>ADDRESS</u>
12	BAKER, JAMES D.	LVMPD P#4895
13	HOOTEN, CHERYL D.	LVMPD P#5262
14	PIHLGREN, BRANDY DALE	5075 Spyglass Hill Dr. Las Vegas, NV 89122
15	REDIGER, CHRISTIAN J.	LVMPD P#1886
16	SOTO, FRANK ANTHONY (JR.)	LVMPD P#4516
17	SZUKIEWICZ, JOSEPH P.	LVMPD P#5411
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27	DA#97-143146X/pm	
28	LVMPD EV#9705030904	
	G/L-F	
	(TK!)	

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

4 Defendant GARY PICKETT, aka Cary Jerard Pickett, hereinbefore named, is placed on
5 notice that, in accordance with the authorization of NRS 207.010, punishment imposed pursuant
6 to the above-stated habitual criminal statute will be urged upon the Court if said Defendant is
7 found guilty on the primary offense of GRAND LARCENY, for which the Defendant is
8 presently charged.

9 This page concerning the prior convictions hereinbelow set forth is to be considered by
10 the Court in its discretion ONLY after the finding of guilty of Defendant on the primary charge
11 herein.

12 That said Defendant GARY PICKETT, aka Cary Jerard Pickett, has been four (4) times
13 convicted of crimes, which, under the laws of the situs of the crime and/or the State of Nevada,
14 amount to felonies, to-wit:

15 1. That on or about the 15th day of July, 1991, the Defendant was convicted in the Eighth
16 Judicial District Court, State of Nevada, in and for the County of Clark, for the crime of Attempt
17 Grand Larceny, in Case No. C99915.

18 2. That on or about the 10th day of December, 1992, the Defendant was convicted in the
19 Eighth Judicial District Court, State of Nevada, in and for the County of Clark, for the crime of
20 Burglary, in Case No. C107733.

21 3. That on or about the 21st day of January, 1993, the Defendant was convicted in the
22 Eighth Judicial District Court, State of Nevada, in and for the County of Clark, for the crime of
23 Attempt Grand Larceny, in Case No. C109725.

24 4. That on or about the 8th day of July, 1994, the Defendant was convicted in the Eighth

25 ///

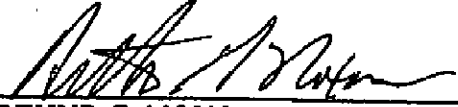
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1 Judicial District Court, State of Nevada, in and for the County of Clark, for the crime of Escape,
2 in Case No. C119000.

3 STEWART L. BELL
4 DISTRICT ATTORNEY
5 Nevada Bar #000477

6 BY 
7 ARTHUR G. NOXON
8 Deputy District Attorney
9 Nevada Bar #000981

10 DO NOT READ TO THE JURY
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26 DA#97-143146X/pm
27 LVMPD EV#9705030904
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(TKI)

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CLERK

1 INFO
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

9 I.A. 06/05/97
10 9:00 A.M.
11 P.D.

DISTRICT COURT
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,

13 Plaintiff,

14 -vs-

15 GARY PICKETT, aka
16 Cary Jerard Pickett, #0725059

17 Defendant(s).

Case No. C143146
Dept. No. XI
Docket S

INFORMATION

18 STATE OF NEVADA }
19 COUNTY OF CLARK } ss:

20 STEWART L. BELL, District Attorney within and for the County of Clark, State of
21 Nevada, in the name and by the authority of the State of Nevada, informs the Court:

22 That GARY PICKETT, aka Cary Jerard Pickett, the Defendant(s) above named, having
23 committed the crime of GRAND LARCENY (Felony - NRS 205.220), on or about the 3rd day
24 of May, 1997, within the County of Clark, State of Nevada, contrary to the form, force and
25 effect of statutes in such cases made and provided, and against the peace and dignity of the State
26 of Nevada, did then and there wilfully, unlawfully, and feloniously, with intent to deprive the
27 owner permanently thereof, steal, take, and carry away personal property of ROSS DRESS FOR
28 LESS, 121 North Nellis, Las Vegas, Clark County, Nevada, having a value of \$250.00, or more,

///

///

///

LUU. S

1 to-wit: miscellaneous clothing items.

2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477

5 BY Melisa De La Garza
6 MELISA DE LA GARZA
7 Deputy District Attorney
8 Nevada Bar #005927

9
10 Names of witnesses known to the District Attorney's Office at the time of filing this
11 Information are as follows:

12	<u>NAME</u>	<u>ADDRESS</u>
13	BAKER, JAMES D.	LVMPD P#4895
14	HOOTEN, CHERYL D.	LVMPD P#5262
15	PIHLGREN, BRANDY DALE	5075 Spyglass Hill Dr. Las Vegas, NV 89122
16	REDIGER, CHRISTIAN J.	LVMPD P#1886
17	SOTO, FRANK ANTHONY (JR.)	LVMPD P#4516
18	SZUKIEWICZ, JOSEPH P.	LVMPD P#5411

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26 DA#97F06803X/pm
27 LVMPD EV#9705030904
28 G/L-F
(TK1)

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

CLERK OF THE COURT

2-22-2010

CRIMINAL COURT MINUTES

97-C-143146-C STATE OF NEVADA vs Pickett, Gary

06/05/97 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: SUSAN BURDETTE/sb, Court Clerk
DEBRA WINN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004352	Owens, Steven S.	Y
0001 D1	Pickett, Gary	Y
PUBDEF	Public Defender	Y
002293	Creel, Craig D.	Y

DEFENDANT PICKETT ARRAIGNED, PLED NOT GUILTY TO COUNT I - GRAND LARCENY (F)
AND INVOKED THE 60 DAY RULE. COURT ORDERED, matter set for TRIAL.

CUSTODY

07-17-97 9:00 AM CALENDAR CALL

07-21-97 10:00 AM JURY TRIAL

07/14/97 09:00 AM 00 DEFT'S PRO PER REQUEST TO RECEIVE
FERETTA CANVASS

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: SUSAN BURDETTE/sb, Court Clerk
CATHY NELSON, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
001398	Bloxham, Ronald C.	Y
0001 D1	Pickett, Gary	Y
PUBDEF	Public Defender	Y
003749	Justice, Patricia R.	Y

Upon Court's inquiry, Deft. stated he wishes to represent himself as he and Ms. Justice have a conflict of interest; she does not believe he can win this case; she has insulted him and requested a psychological evaluation; he requested a substitution of counsel and she suggested that he represent himself. Court stated the penalty and admonished Deft. that if he represents himself at trial, the Court will not make any exceptions for him. Ms. Justice stated the defenses Deft. wants her to take at trial would be obvious ineffective assistance of counsel and it would be unethical to go forward. Following further statements by Deft., COURT ORDERED, matter CONTINUED; Ms. Justice to contact and discuss with Deft. Court stated he will have his office contact Mr. Savage for possible appointment -- not as counsel of record but as stand-by counsel if Deft. wishes to go forward and

CONTINUED ON PAGE: 002

PRINT DATE: 02/19/10

PAGE: 001

MINUTES DATE: 07/14/97

CRIMINAL COURT MINUTES

97-C-143146-C STATE OF NEVADA

vs Pickett, Gary

CONTINUED FROM PAGE: 001

represent himself. Deft. requested a copy of the discovery. COURT ORDERED, DENIED. Ms. Justice requested this matter be recalled at 2:00 p.m., and COURT SO ORDERED.

At 2:00 P.M., matter recalled with all parties present. COURT ORDERED, State excused. Court noted the Calendar Call and Jury Trial, noted that Deft. wishes to go forward and represent himself, and noted Ms. Justice's request to make certain representations on the record this date. Ms. Justice concurred and make in-camera representations as to this case. Statements by Deft. as to his defense. Court found that Deft. has a right a trial that is based on physical identification of physical evidence available.

CUSTODY

07-17-97 9:00 AM DEFT'S REQUEST: PRO PER MOTION TO RECEIVE FERETA CANVASS CANVASS ... CALENDAR CALL ... POSSIBLE CONFIRMATION OF COUNSEL (J. SAVAGE)

07-21-97 10:00 AM JURY TRIAL

CONTINUED TO: 07/17/97 09:00 AM 01

07/17/97 09:00 AM 00 ALL PENDING MOTIONS (07-17-97)

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: SUSAN BURDETTE/sb, Court Clerk
CATHY NELSON, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005218 Peterson, Tamara M.	Y
	0001 D1 Pickett, Gary	Y
	PUBDEF Public Defender	Y
	003749 Justice, Patricia R.	Y
	005480 Savage, Jordan S.	Y

DEFT'S PRO PER REQUEST TO RECEIVE FERETTA CANVASS ... POSSIBLE CONFIRMATION OF COUNSEL (J. SAVAGE) ... CALENDAR CALL

Ms. Justice stated she is prepared to proceed. Court noted Deft's concern as to representing himself; upon Court's inquiry, Deft. stated he is not satisfied that he can be properly represented by counsel. COURT ORDERED, Jury Trial VACATED; Deft's Pro Per Request to Receive Feretta Canvass and Possible Confirmation of Counsel CONTINUED; if need be, the Court will look at having either the State or Mr. Savage as stand-by; a new trial date will be set at that time.

CONTINUED ON PAGE: 003

PRINT DATE: 02/19/10

PAGE: 002

MINUTES DATE: 07/17/97

CRIMINAL COURT MINUTES

97-C-143146-C STATE OF NEVADA

vs Pickett, Gary

CONTINUED FROM PAGE: 002

CUSTODY

07-22-97 9:00 AM DEFT'S PRO PER REQUEST TO RECEIVE FERETTA CANVASS ...
 POSSIBLE CONFIRMATION OF COUNSEL (J. SAVAGE) ... TRIAL SETTING

07/22/97 09:00 AM 00 ALL PENDING MOTIONS 7-22-97

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: JOYCE BROWN, Court Clerk
 CATHY NELSON, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000981	Noxon, Arthur G.	Y
0001 D1	Pickett, Gary	Y
PUBDEF	Public Defender	Y
003749	Justice, Patricia R.	Y
005480	Savage, Jordan S.	Y

POSSIBLE CONFIRMATION OF COUNSEL (J. SAVAGE)...DEFT'S PRO PER REQUEST TO
 RECEIVE FERETTA CANVASS...TRIAL SETTING

Ms. Justice advised the Defendant still wanted to represent himself; she had explained what the Feretta canvass was and the repercussions of representing himself. Upon inquiry by the Court, Defendant Pickett advised he wanted to represent himself and made further statements to the Court. Court advised Defendant the Court would not interfere in negotiations between Defendant and State; the Court would not be pre-bound on what it was going to do; and unless it was in negotiations, the Court would not agree to anything. Mr. Noxon advised the Defendant would not be an automatic referral as Drug Court would have to accept him. Ms. Justice advised an offer had been made and the cap was twelve to thirty. Court gave the Feretta Canvass to Defendant. COURT ORDERED Mr. Savage would be Defendant's stand-by Counsel during the trial; but could not make objections during the trial or aid Defendant in any way; Court would allow Defendant to speak to Mr. Savage in preparation for trial. Court inquired of Defendant if he still wished to represent himself and he stated that he did. At Court's inquiry Defendant advised he had no formal law courses, had not sat through a trial, and did not know how to conduct a trial. Mr. Noxon advised the State had the option and may file habitual criminal on this case. COURT ORDERED matter set for trial in sixty days and a status check in mid-August for status of the trial.

CUSTODY

8-14-97 9:00 AM STATUS CHECK: TRIAL STATUS

8-28-97 9:00 AM CALENDAR CALL

CRIMINAL COURT MINUTES

97-C-143146-C STATE OF NEVADA

vs Pickett, Gary

CONTINUED FROM PAGE: 003

9-2-97 10:00 AM JURY TRIAL

08/14/97 09:00 AM 00 ALL PENDING MOTIONS (08-14-97)

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: SUSAN BURDETTE/sb, Court Clerk
JANICE LISTON, Reporter/RecorderPARTIES: STATE OF NEVADA
000981 Noxon, Arthur G.
0001 D1 Pickett, Gary
PRO SE Pro Se
005480 Savage, Jordan S.Y
Y
Y
Y
Y

STATUS CHECK: TRIAL STATUS ... STATE'S MOTION TO AMEND INFORMATION

As to STATUS CHECK: TRIAL STATUS: Upon Court's inquiry, Mr. Noxon noted the State is ready for trial. Deft. requested discovery as to the photos. Mr. Noxon lodged the photos and copies of Deft's four (4) prior convictions with Mr. Savage. Mr. Noxon requested that Deft. advise the State, so they can respond, if he challenges any of those convictions.

As to STATE'S MOTION TO AMEND INFORMATION: Mr. Noxon noted the State wishes to seek Habitual Criminal treatment. Deft. objected to the State filing Habitual Criminal treatment at this late date. Response by Mr. Noxon that per Statute, any time up to 15 days prior to sentencing, the State may file Habitual Criminal charges and will obtain the Statute and respond if the Court so wishes, noting the State is within the limit. He further stated that if Deft. wishes to discuss negotiations, he will do so. Court cited NRS 207.010, and ORDERED, State's Motion to Amend Information GRANTED, noting it is the State's prerogative to go forward with it, if appropriate. ORDER TO AMEND INFORMATION signed and FILED IN OPEN COURT. AMENDED INFORMATION FILED IN OPEN COURT. COURT ORDERED, Calendar Call and Jury Trial dates STAND. Mr. Noxon stated he will contact Mr. Savage as to negotiating this matter.

CUSTODY

08-28-97 9:00 AM CALENDAR CALL

09-02-97 10:00 AM JURY TRIAL

CONTINUED ON PAGE: 005

PRINT DATE: 02/19/10

PAGE: 004

MINUTES DATE: 08/14/97

CRIMINAL COURT MINUTES

97-C-143146-C STATE OF NEVADA vs Pickett, Gary

CONTINUED FROM PAGE: 004

08/28/97 09:00 AM 00 CALENDAR CALL

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: SUSAN BURDETTE/sb, Court Clerk
CATHY NELSON, Reporter/RecorderPARTIES: STATE OF NEVADA
000981 Noxon, Arthur G.
0001 D1 Pickett, Gary
PRO SE Pro Se
005480 Savage, Jordan S.Y
Y
Y
Y
Y

GUILTY PLEA AGREEMENT FILED IN OPEN COURT. Upon Court's inquiry, Deft. stated he withdrew his plea of Not Guilty. Mr. Noxon noted the State will request that Deft.'s case, 9711223X in Justice Court 4 that will go to District Court Dept. V, and will ask that it be transferred here after entering his plea; he will request the sentencing to be on the same date. As to NEGOTIATIONS, Mr. Noxon stated Deft. will plead guilty to Information; Deft. has four (4) prior felonies and after reviewing same, Deft. may have a drug problem; the State will request 3-10 years in this case and 3-10 years in the subsequent Burglary case; will request probation in this case and noted page 2 of the Guilty Plea Agreement as to the minimums; if Deft. successfully completes drug counseling and goes five (5) years without any problem, the State will look at 6-20 years, noting he has had some conversations with Deft. and with Mr. Savage there. Mr. Noxon further noted that because of the totality of that, this is a conditional plea; if Court is not inclined to follow that, Deft. will be allowed to withdraw his plea and proceed to trial; if the Court would not sentence Deft. to that much, the State would be able to withdraw his plea. Penalty stated. DEFENDANT PICKETT ARRAIGNED AND PLED GUILTY TO COUNT I - GRAND LARCENY (F). Court accepted plea, referred matter to P & P and ORDERED set for sentencing. FURTHER, COURT ORDERED, Trial date VACATED.

CUSTODY

09-25-97 9:00 AM SENTENCING

CRIMINAL COURT MINUTES

97-C-143146-C STATE OF NEVADA vs Pickett, Gary

CONTINUED FROM PAGE: 005

09/25/97 09:00 AM 00 SENTENCING

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: SUSAN BURDETTE/sb, Court Clerk
JO ANN HANEMAN, Relief Clerk
CATHY NELSON, Reporter/Recorder

PARTIES: STATE OF NEVADA
000981 Noxon, Arthur G.

0001 D1 Pickett, Gary
005480 Savage, Jordan S.

Y
Y

Y
Y

Larry Scott of the Division of Parole & Probation present. Court noted he has reviewed the Pre-Sentence Report and the Guilty Plea Agreement, noting that if the Court determines anything other than negotiated, either party can determine that the deal is off. Statement by Mr. Noxon. By virtue of Deft's plea, DEFENDANT PICKETT ADJUDGED GUILTY OF COUNT I - GRAND LARCENY (F). Following statements in mitigation of sentencing, Court stated its findings, and ORDERED, in addition to the \$25.00 Administrative Assessment Fee, Defendant SENTENCED to a MINIMUM of THIRTY-SIX (36) MONTHS and a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS in the Nevada Department of Prisons, SUSPENDED, placed on PROBATION for for an indeterminate period not to exceed FIVE (5) YEARS. CONDITIONS:

1. Search Clause for controlled substances and weapons.
2. Complete Drug Court Program, noting weapons were not involved.
3. Complete long-term counseling, vocational and educational programs as deemed necessary by P & P.
4. Complete eight (8) hours community service per month within the first three (3) years of probation.
5. Pursuant to NRS 176.185, defendant to be supervised in the Nevada Div. of Parole and Probation's House Arrest Program for the first four (4) months of probation.

Deft. to receive 89 days credit for time served. FURTHER, COURT ORDERED, Deft. to report to the Div. of Parole and Probation at 215 East Bonanza immediately upon being released; failure to do so will result in a bench warrant. Bond, if any, exonerated. Mr. Scott stated he will discuss House Arrest with Deft. Court referred matter to Drug Court, and ORDERED, set for FURTHER PROCEEDINGS.

NIC

10-06-97 9:00 AM FURTHER PROCEEDINGS (DEPT X)

CRIMINAL COURT MINUTES

97-C-143146-C STATE OF NEVADA vs Pickett, Gary

CONTINUED FROM PAGE: 006

10/06/97 09:00 AM 00 FURTHER PROCEEDINGS

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: MELISSA DAVIS, Court Clerk
DEBRA WINN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004353 Pace, Barter G.	Y
	0001 D1 Pickett, Gary	Y
	PUBDEF Public Defender	Y
	001443 Gibson, David S.	Y

Defendant present in custody on other charges. COURT ORDERED, matter CONTINUED.

BOND (COC)

10/13/97 9AM STATUS CHECK: FURTHER PROCEEDINGS

10/13/97 09:00 AM 00 STATUS CHECK: FURTHER PROCEEDINGS

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: NANCY NOBLE, Court Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004353 Pace, Barter G.	Y
	0001 D1 Pickett, Gary	Y
	PUBDEF Public Defender	Y
	004620 Grauman, David A.	Y

Defendant stated he is being held on Municipal charge also and will go to court tomorrow. State advised defendant has two charges that he was referred to drug court on from Dept. XI (Ref. C145127). COURT ORDERED, matter CONTINUED. If released defendant to report to Public Defender's office for orientation.

BOND (COC)

CONTINUED TO: 10/20/97 09:00 AM 01

CRIMINAL COURT MINUTES

97-C-143146-C STATE OF NEVADA vs Pickett, Gary

CONTINUED FROM PAGE: 007

10/20/97 09:00 AM 01 STATUS CHECK: FURTHER PROCEEDINGS

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: MELISSA DAVIS, Court Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004353	Pace, Barter G.	Y
0001 D1	Pickett, Gary	Y
PUBDEF	Public Defender	Y
004620	Grauman, David A.	Y

Dean Prater with the Division of Parole and Probation also present. Officer Prater advised there is a hold on defendant and paperwork is being processed for revocation proceedings. COURT ORDERED, matter CONTINUED.

BOND

CONTINUED TO: 11/03/97 09:00 AM 02

10/27/97 09:00 AM 00 STATE'S REQUEST FURTHER PROCEEDINGS

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: SUSAN BURDETTE/sb, Court Clerk
RITA LOPEZ, Relief Clerk
CATHY NELSON, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000981	Noxon, Arthur G.	Y
0001 D1	Pickett, Gary	Y
PRO SE	Pro Se	Y
005480	Savage, Jordan S.	Y

Dean Prater of the Division of Parole & Probation present. Following conference at the bench, Court noted the new charges have not been formally filed at this point, but it does create a problem as to Drug Court, and ORDERED, Deft. RELEASED only to P & P to be placed on the HOUSE ARREST Program; matter CONTINUED for STATUS CHECK as to Drug Court.

(See C145127)

H.A.

11-03-97 9:00 AM STATUS CHECK: FURTHER PROCEEDINGS (DEPT X)

CRIMINAL COURT MINUTES

97-C-143146-C STATE OF NEVADA

vs Pickett, Gary

CONTINUED FROM PAGE: 008

11-24-97 9:00 AM STATUS CHECK: DRUG COURT (DEPT XI)

11/03/97 09:00 AM 02 STATUS CHECK: FURTHER PROCEEDINGS

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: MELISSA DAVIS, Court Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005065 Rushton, Kimberly M.	Y
	0001 D1 Pickett, Gary	N
	004620 Grauman, David A.	Y

Defendant not present. COURT ORDERED, BENCH WARRANT WILL ISSUE, NO BAIL.

B.W. (BOND)

11/24/97 09:00 AM 00 STATUS CHECK: DRUG COURT

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: SUSAN BURDETTE/sb, Court Clerk
ARLENE BLAZI, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005122 Savage, Darin	Y
	0001 D1 Pickett, Gary	N
	005480 Savage, Jordan S.	Y

Deft. not present. Mr. Savage stated Deft. is not in jail on any other charges being filed as of yet. State noted Deft. has another case in screening and does not know if it has been filed. Mr. Savage noted the basis of the pending violation was for the new charges and this was calendared to see if the new charges were going to be taken out of screening. Court noted Deft. has an outstanding Bench Warrant as of November 3 from Judge Lehman as to the Drug Court Program. Upon Court's inquiry, Mr. Savage stated Deft. was released to P & P and he has had no contact with him. Court stated he is not aware of any other outstanding cases. Mr. Savage concurred and requested that the State put this matter back on calendar if the new charges are filed. Court directed Mr. Savage to write to Deft. at his last known address advising him to take care of the outstanding Bench Warrant in Drug Court, and ORDERED, this matter OFF CALENDAR.

(See Case C145127)

CRIMINAL COURT MINUTES

97-C-143146-C STATE OF NEVADA vs Pickett, Gary

CONTINUED FROM PAGE: 009

B.W. (O.R.)

03/16/98 09:00 AM 00 BENCH WARRANT RETURN

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: NANCY NOBLE, Court Clerk
SHARLEEN NICHOLSON, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004353 Pace, Barter G.	Y
	0001 D1 Pickett, Gary	Y
	004620 Grauman, David A.	Y

Upon Court's inquiry, defendant stated he will not be released for at least a month and is in on a probation violation. COURT ORDERED bench warrant QUASHED and if released, defendant to report to the Public Defenders office at 10:20 AM for drug court orientation. Matter CONTINUED for Status Check.

BOND

04/27/98 9:00 AM STATUS CHECK: FURTHER PROCEEDINGS

03/26/98 09:00 AM 00 SET TIME CERTAIN: REVOCATION OF PROBATION

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: JOYCE BROWN, Court Clerk
CATHY NELSON, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	005927 De La Garza, Melisa	Y
	0001 D1 Pickett, Gary	Y
	005480 Savage, Jordan S.	Y

At Court's inquiry, both Counsel advised one week would be sufficient. COURT ORDERED matter CONTINUED for revocation hearing.

CUSTODY

4-2-98 10:30 AM REVOCATION OF PROBATION

CRIMINAL COURT MINUTES

97-C-143146-C

STATE OF NEVADA

vs Pickett, Gary

CONTINUED FROM PAGE: 010

04/02/98 10:30 AM 00 REVOCATION OF PROBATION

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: SUSAN BURDETTE/sb, Court Clerk
CATHY NELSON, Reporter/RecorderPARTIES: STATE OF NEVADA
005122 Savage, Darin
0001 D1 Pickett, Gary
005480 Savage, Jordan S.

Y

Y

Y

Y

Dean Prater of the Division of Parole & Probation present. Mr. Savage stated this matter is resolved: Deft. is prepared to stipulate to the violations and counsel will argue as to what to do. Upon Court's inquiry, Deft. stipulated to the violations, made a statement and requested to be reinstated on probation, noting he will enter the Drug Treatment Program.

Mr. Savage stated Deft. declined an offer that would make this sentence and the sentence imposed in Case C145127 to run concurrent instead of the pending consecutive sentence, noting the offer extended was very favorable and that is why this is distressing; Deft. absconded and was not out there committing new crimes; if the Court is inclined to grant Deft. an in-patient counseling program, he would request that Deft. be released to an in-patient treatment only, and then be brought back here for a Status Check and the parties can argue over what he did in the program, noting he is not requesting an immediate release.

State argued that Deft. needs to help himself, noting Deft. was to do House Arrest, Vocational Training, and Complete Drug Court; within four (4) days of Deft's release, he broke the bracelet and has been gone since November; he requested that Deft. be revoked, noting that in October, 1997, Deft. was picked up for Grand Larceny.

Mr. Prater gave a brief history of the case noting that Deft. was arrested for Grand Larceny and cut the bracelet off; he requested that Deft.'s probation be revoked and the original sentence be imposed.

Further statements by Deft., noting he was only arrested for the new crime.

Court found he is aware of what went on and a number of people, including the Court, attempted to help Deft. address his problems as the Court was aware that they are drug-related; the ultimate problem is that Deft. did not accept responsibility and had a conscious duty to get himself in line, and ORDERED, PROBATION REVOKED; original sentence of MINIMUM of THIRTY-SIX (36) MONTHS and MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS Nevada Department of Prisons, will be imposed with SIXTY-FOUR (64) DAYS Credit for Time Served.

CUSTODY

CONTINUED ON PAGE: 012

PRINT DATE: 02/19/10

PAGE: 011

MINUTES DATE: 04/02/98

CRIMINAL COURT MINUTES

97-C-143146-C STATE OF NEVADA vs Pickett, Gary

CONTINUED FROM PAGE: 011

04/14/99 09:00 AM 00 ALL PENDING MOTIONS (04-14-99)

HEARD BY: Michael L Douglas, Judge; Dept. 11

OFFICERS: JOYCE BROWN, Court Clerk
CATHY NELSON, Reporter/RecorderPARTIES: STATE OF NEVADA
006163 Weckerly, Pamela C.Y
Y

DEFT'S PRO PER MOTION FOR EXTENSION OF TIME, MOTION FOR TRANSCRIPTS, JUDGMENT OF CONVICTION, MOTION FOR PRE-SENTENCING REPORT, SENTENCING TRANSCRIPT, GUILTY PLEA MEMORANDUM, PRE-TRIAL AND ALL POST-TRIAL HEARING TRANSCRIPTS AND AMENDED INFORMATION TO RESPOND TO STATE'S OPPOSITION TO PETITIONERS WRIT OF HABEAS CORPUS...DEFT'S PRO PER PETITION FOR A WRIT OF HABEAS CORPUS (POST-CONVICTION)...DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

AS TO THE FIRST MOTION LISTED, COURT ORDERED motion DENIED. Court advised it would be appropriate to have the file sent to the Defendant by the previous Counsel, Mr. Savage, if he still had it.

AS TO DEFT'S PRO PER MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS, COURT ORDERED motion GRANTED.

AS TO THE DEFT'S PRO PER PETITION FOR A WRIT OF HABEAS CORPUS (POST-CONVICTION), Court advised it was untimely; good cause had not been shown in this matter; and ORDERED, pursuant to NRS 34.726 the Petition was DENIED. Additionally, Court noted for the record, against the Court's advice, Mr. Pickett represented himself. Court further advised the petition was without merit; the Defendant had signed off on the negotiations; and he was canvassed thoroughly; as to Counsel, it was by his own design; and Court had ordered stand-by Counsel for him. State to prepare the order.

NDP

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

Alvin S. Johnson
CLERK OF THE COURT

2.22.2010

1 FRANKIE SUE DEL PAPA
2 Attorney General
3 By: WILLIAM P. HENRY
4 Senior Deputy Attorney General
5 Nevada Bar No. 101
6 401 South Third Street, #500
7 Las Vegas, NV 89101
8 (702) 486-3420
9 Attorneys for Plaintiff

7
FILED

JUL 28 12 37 PM '94

Letta Doman
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

11 STATE OF NEVADA,

12 Plaintiff,

13 vs.

14 CARY PICKETT a/k/a
GARY PICKETT,

15 Defendant.

CASE NO. C119000
DEPT. NO. VIII
DOCKET "M"

17 JUDGMENT OF CONVICTION

18 Date of Hearing: 7/08/94
19 Time of Hearing: 9 a.m.

20 On the 13th day of April, 1994, defendant CARY PICKETT a/k/a
21 GARY PICKETT pled guilty to the crime of Count I - Escape, a
22 felony, in violation of NRS 212.090.

23 On the 8th day of July, 1994, defendant CARY PICKETT a/k/a
24 GARY PICKETT, being present with his counsel Douglas P. DeJulio,
25 Deputy Public Defender, and William P. Henry, Senior Deputy
26 Attorney General, also being present, the above-entitled court,
27 in addition to requiring payment of a Twenty-five Dollar (\$25)
28 administrative assessment, adjudged the defendant guilty of

CE-01

AUG 01 1994

RA

CE31

ATTORNEY
GENERAL'S
OFFICE
NEVADA

STATE'S
EXHIBIT

4

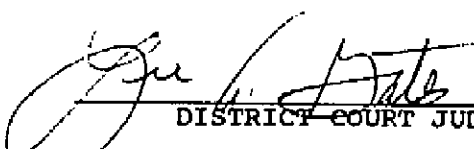
262536

1 Count I - Escape, a felony, and imposed a sentence of two and one-
2 half (2-1/2) years in the Nevada Department of Prisons to run
3 consecutively with the sentence imposed in Case No. C109725.

4 Pursuant to plea negotiation between counsel, Count II was
5 dismissed.

6 THEREFORE, the clerk of the above-entitled court is directed
7 to enter this Judgment of Conviction as part of the record of the
8 above-entitled matter.

9 DATED this 26 day of July, 1994.

10
11 
12 DISTRICT COURT JUDGE *leg*

13 SUBMITTED BY:

14 FRANKIE SUE DEL PAPA
15 Attorney General

16 By: 

17 William P. Henry
18 Senior Deputy Attorney General
19 Nevada Bar No. 101
20 401 South Third Street, #500
21 Las Vegas, NV 89101
22 Attorneys for Plaintiff
23
24
25
26
27
28

ATTORNEY
GENERAL'S
OFFICE

NEVADA



18-1577

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John B. Johnson
CLERK OF THE COURT

2.22.2010

FILED IN OPEN COURT
APR 13 1994 19

LORETTA BOWMAN, CLERK

BY

Landon Head
Deputy

1 FRANKIE SUE DEL PAPA
2 Attorney General
3 By: WILLIAM P. HENRY
4 Senior Deputy Attorney General
5 Nevada Bar No. 101
6 401 South Third Street, #500
7 Las Vegas, NV 89101
8 (702) 486-3420
9 Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

* * *

STATE OF NEVADA,

Plaintiff,

vs.

Cary
~~GARY~~ PICKETT,

Defendant.

CASE NO. C119000
DEPT. NO. VIII
DOCKET "M"

GUILTY PLEA MEMORANDUM

Date of Hearing: 4/13/94
Time of Hearing: 8:45 a.m.

17 I, *C* GARY PICKETT, unconditionally waive my preliminary hearing
18 and desire to enter a plea of guilty to the offense of Count I,
19 ESCAPE, a felony, as more fully alleged in the Criminal Informa-
20 tion, a copy of which is attached hereto.

21 My decision to plead guilty is based upon the plea bargain
22 in this case which I, my attorney, and the State represent is the
23 following:

24 / / / /

25 / / / /

AMENDED BY ORDER OF THE COURT
CLERK
BY *Landon Head* Deputy
APR 13 1994

26 ATTORNEY
27 GENERAL'S
28 OFFICE
AZUSA
404-1477



1 1. Defendant agrees to plead guilty to one (1) count of
2 Escape, a felony. At the time of sentencing, the State will not
3 recommend habitual criminal enhancement. In addition, while the
4 State is free to address the Court regarding Defendant's history
5 or claimed motives, it will not recommend any sentence. Finally,
6 all other counts in this Criminal Information will be dismissed.

7 2. By the Defendant entering his plea of guilty and by
8 accepting the terms, conditions and waivers set forth in this
9 Memorandum, the State agrees not to pursue the original charges
10 in this matter, which charges carry a harsher penalty upon
11 conviction than the penalty that he could receive under this
12 Memorandum.

13 CONSEQUENCES OF THE PLEA

14 I understand that by pleading guilty, I admit the facts
15 which support all the elements of the offense to which I now
16 plead.

17 I understand that the consequences of my plea of guilty are:
18 that I may be imprisoned in the Nevada Department of Prisons for
19 a period of up to ten (10) years; I understand that I may also be
20 fined up to \$10,000. I understand that I am required to pay an
21 administrative assessment fee.

22 In addition, I also understand that information regarding
23 charges not filed, dismissed charges, or charges to be dismissed
24 pursuant to this agreement may be considered by the judge at
25 sentencing.

26 I understand that if I am eligible for probation, whether
27 nor not I receive probation, is solely up to the sentencing
28 judge.

1 I understand that I have been guaranteed no particular
2 sentence by anyone and that sentencing is to be determined solely
3 by the Court.

4 I understand that, if my attorney and the State agree to
5 recommend an appropriate punishment to the Court, the Court is
6 not obligated to accept that recommendation.

7 I also understand that the Department of Parole and
8 Probation will prepare a report for the sentencing judge prior to
9 sentencing. This report will inform the judge of the nature,
10 scope and extent of my conduct regarding the charges against me
11 and related matters. This report will include all matters
12 relevant to the issue of sentencing, including my criminal
13 history. Further, I acknowledge that this report may contain
14 hearsay information regarding my background and criminal history.
15 My attorney and I will both have the opportunity of commenting on
16 information contained in this report at the time of sentencing.
17 If the State has reserved the right to make a sentencing
18 recommendation, then the State may also comment on this report.

19 WAIVER OF RIGHTS

20 In entering this plea of guilty, I know and understand that
21 I am waiving and give up the following constitutional rights and
22 privileges:

23 1. The right to a speedy and public trial by an impartial
24 jury. This right would be free from pretrial publicity. At the
25 time of trial, it would be the burden of the State to prove each
26 and every element of the offense(s) beyond a reasonable doubt.

27 / / / /

28 / / / /

1 2. The right to confront my accusers, that is, the right
2 to confront and cross-examine all witnesses who would testify at
3 trial.

4 3. The right to subpoena witnesses for the trial on my
5 behalf.

6 4. The right to testify in my own defense.

7 5. The right to refuse to testify. In this event, the
8 prosecution would not be allowed to comment to the jury upon my
9 refusal to testify.

10 6. The right to appeal any conviction to the Nevada
11 Supreme Court.

12 7. The right to the assistance of an attorney during all
13 stages of these proceedings.

14 VOLUNTARINESS OF PLEA

15 I have discussed the elements of the offense(s) with my
16 attorney, and I understand the nature of the charge(s) against
17 me.

18 I understand what the State would have to prove against me
19 at trial.

20 I have discussed possible defenses, defense strategies, and
21 circumstances in my favor with my attorney.

22 All of the foregoing rights, waiver of rights, elements and
23 consequences have been explained to me by my attorney.

24 I believe that pleading guilty to the offense set forth in
25 the charging document and the plea bargain are in my best
26 interest, and that a trial would be contrary to my best interest.

27 My plea of guilty is voluntary and not the result of any
28 threats, coercion, or promises of leniency.

1 I am signing this Memorandum voluntarily, after consultation
2 with my attorney, and I am not acting under duress, coercion, or
3 by virtue of any promises of leniency, aside from those recited
4 in this plea agreement.

5 I am not now under the influence of any controlled substance
6 or alcoholic beverage which would impair my ability to comprehend
7 or understand the proceedings surrounding my entry of this plea.

8 DATED this 13 day of April, 1994.

9
10 Gary Pickett
11 GARY PICKETT

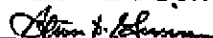
12 WITNESSED:

13 Charles Brand
14
15 NEVADA BAR NO. YJYK

16 FRANKIE SUE DEL PAPA
17 Attorney General

18 By: Karl W. Armstrong
19 for WILLIAM P. HENRY
20 Senior Deputy Attorney General
21 Nevada Bar No. 101
22 Criminal Justice Division
23 401 South Third Street, #500
24 Las Vegas, NV 89101
25 (702) 486-3420
26
27
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CLERK OF THE COURT

2-22-2010

CRIMINAL COURT MINUTES

94-C-119000-C STATE OF NEVADA vs Pickett, Cary

04/13/94 08:45 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: SANDRA ISRAEL, Court Clerk
YVONNE VALENTIN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	0001 D1 Pickett, Cary	Y
	PUBDEF Public Defender	Y
	004546 Brown, Curtis	Y

Carl Armstrong, DAG, present representing the State. Deft. advised his true name is CARY PICKETT. Court amended the Information and memorandum by interlineation to reflect deft.'s true name. Deft. arraigned and pled guilty as charged to Count I - Escape (F). Negotiations: Deft. to plead guilty to Count I; State will dismiss Count II at sentencing and will not seek habitual criminal. Further, State will make no recommendation at sentencing. State and deft. concurred. Following an examination of the deft. Court accepted the memorandum and deft.'s plea, referred the matter to P&P and ORDERED it continued for sentencing.

CUSTODY ... 5/20/94 @ 8:45 A.M. SENTENCING CT I/DISMISSAL CT II

05/20/94 08:45 AM 00 SENTENCING CT I/DISMISSAL CT II

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: SANDRA ISRAEL/SI, Court Clerk
ALONA CANDITO, Relief Clerk
YVONNE VALENTIN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	000101 Henry, William P.	Y
	0001 D1 Pickett, Cary	Y
	PUBDEF Public Defender	Y
	004546 Brown, Curtis	Y

Tressie Bland of P&P present. Matter trailed and recalled to enable deft. to review the PSI. Deft. stated he doesn't know whether he is prepared to go forward because he just received the PSI and he hasn't had enough time to challenge it. COURT ORDERED, matter continued.

CUSTODY

CONTINUED TO: 06/01/94 08:45 AM 01

CRIMINAL COURT⁷ MINUTES

94-C-119000-C STATE OF NEVADA vs Pickett, Cary

CONTINUED FROM PAGE: 001

06/01/94 08:45 AM 01 SENTENCING CT I/DISMISSAL CT II

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: SANDRA ISRAEL, Court Clerk
PATSY SMITH, Reporter/RecorderPARTIES: STATE OF NEVADA
000101 Henry, William P.
0001 D1 Pickett, Cary
PUBDEF Public Defender
004546 Brown, CurtisY
Y
Y
Y
Y

George Johnson of P&P present. COURT ORDERED, this matter continued to be heard before Judge Gates.

CUSTODY

CONTINUED TO: 06/17/94 08:45 AM 02

06/17/94 08:45 AM 02 SENTENCING CT I/DISMISSAL CT II

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: SANDRA ISRAEL, Court Clerk
JOY HINCK, Reporter/RecorderPARTIES: 0001 D1 Pickett, Cary
PUBDEF Public Defender
004546 Brown, CurtisN
Y
Y

Joy Mundy-Neal of P&P present. Mr. Brown advised deft. is in custody in the Nevada Department of Prisons. Further, Mr. Henry, DAG, needs the matter continued. COURT ORDERED, matter continued.

CUSTODY (COC-NDP)

CONTINUED TO: 07/01/94 08:45 AM 03

CONTINUED ON PAGE: 003

PRINT DATE: 02/19/10

PAGE: 002

MINUTES DATE: 06/17/94

CRIMINAL COURT MINUTES

94-C-119000-C STATE OF NEVADA vs Pickett, Cary

CONTINUED FROM PAGE: 002

07/01/94 08:45 AM 03 SENTENCING CT I/DISMISSAL CT II

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: SANDRA ISRAEL, Court Clerk
YVONNE VALENTIN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000101	Henry, William P.	Y
0001 D1	Pickett, Cary	N
PUBDEF	Public Defender	Y
004546	Brown, Curtis	Y

Larry Scott of P&P present. Mr. Brown stated deft. is in custody in the Nevada Department of Prisons and this matter has been continued several times for his presence. State requested one additional week and it will ensure deft.'s presence. Court Services officer advised deft. is at Indian Springs. COURT ORDERED, matter continued.

CUSTODY (COC-NDP)

CONTINUED TO: 07/08/94 08:45 AM 04

07/08/94 08:45 AM 04 SENTENCING CT I/DISMISSAL CT II

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: LINDA GROVES, Court Clerk
YVONNE VALENTIN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000101	Henry, William P.	Y
0001 D1	Pickett, Cary	Y
PUBDEF	Public Defender	Y
001231	Dejulio, Douglas P.	Y

Ms. Maxine Miller, Division of Parole and Probation, present. Mr. DeJulio stated this is Mr. Brown's case and that Mr. Brown wishes to be present at the defendant's sentencing and requested a continuance. Conference at the bench. Mr. DeJulio conferred with defendant. Defendant stated he is ready for sentencing with Mr. DeJulio. DEFENDANT PICKETT ADJUDGED GUILTY OF ESCAPE (F). Statements in mitigation of sentencing. Defendant stated he did not escape with a deadly weapon. Mr. DeJulio requested the Court strike the reference of use with a deadly weapon from the PSI. Mr. Henry stated he had no knowledge of the defendant using a deadly weapon while escaping and had no objection to it being stricken. COURT ORDERED, reference of the defendant using a deadly weapon is STRICKEN from the PSI. COURT ORDERED, in

CONTINUED ON PAGE: 004

PRINT DATE: 02/19/10

PAGE: 003

MINUTES DATE: 07/08/94

CRIMINAL COURT MINUTES

94-C-119000-C STATE OF NEVADA

vs Pickett, Cary

CONTINUED FROM PAGE: 003

addition to the \$25.00 Administrative Assessment Fee, Deft. SENTENCED to Nevada Department of Prisons for TWO AND ONE HALF (2 1/2) YEARS to run consecutive to C109725 with NO credit for time served. COURT FURTHER ORDERED, Count II is DISMISSED.

NDP

07/25/94 08:45 AM 00 AT REQUEST OF ATTORNEY GENERAL
ORAL MOTION TO AMEND CAPTION

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: LINDA GROVES, Court Clerk
ALONA CANDITO /AC, Relief Clerk
YVONNE VALENTIN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000101	Henry, William P.	Y
0001 D1	Pickett, Cary	N
PUBDEF	Public Defender	Y
004735	Roundtree, Stacey	Y

Mr. Henry requested to be allowed to submit a Judgment of Conviction with the defendant's AKA. Ms. Roundtree submitted matter. COURT ORDERED, MOTION GRANTED. Mr. Henry to prepare J.O.C.

NDP

CRIMINAL COURT MINUTES

94-C-119000-C STATE OF NEVADA vs Pickett, Cary

04/13/94 08:45 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: SANDRA ISRAEL, Court Clerk
YVONNE VALENTIN, Reporter/Recorder

PARTIES: STATE OF NEVADA

0001 D1 Pickett, Cary

PUBDEF Public Defender

004546 Brown, Curtis

Y

Y

Y

Y

Carl Armstrong, DAG, present representing the State. Deft. advised his true name is CARY PICKETT. Court amended the Information and memorandum by interlineation to reflect deft.'s true name. Deft. arraigned and pled guilty as charged to Count I - Escape (F). Negotiations: Deft. to plead guilty to Count I; State will dismiss Count II at sentencing and will not seek habitual criminal. Further, State will make no recommendation at sentencing. State and deft. concurred. Following an examination of the deft. Court accepted the memorandum and deft.'s plea, referred the matter to P&P and ORDERED it continued for sentencing.

CUSTODY ... 5/20/94 @ 8:45 A.M. SENTENCING CT I/DISMISSAL CT II

05/20/94 08:45 AM 00 SENTENCING CT I/DISMISSAL CT II

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: SANDRA ISRAEL/SI, Court Clerk
ALONA CANDITO, Relief Clerk
YVONNE VALENTIN, Reporter/Recorder

PARTIES: STATE OF NEVADA

000101 Henry, William P.

0001 D1 Pickett, Cary

PUBDEF Public Defender

004546 Brown, Curtis

Y

Y

Y

Y

Y

Tressie Bland of P&P present. Matter trailed and recalled to enable deft. to review the PSI. Deft. stated he doesn't know whether he is prepared to go forward because he just received the PSI and he hasn't had enough time to challenge it. COURT ORDERED, matter continued.

CUSTODY

CONTINUED TO: 06/01/94 08:45 AM 01

CRIMINAL COURT MINUTES

94-C-119000-C STATE OF NEVADA vs Pickett, Cary

CONTINUED FROM PAGE: 001

06/01/94 08:45 AM 01 SENTENCING CT I/DISMISSAL CT II

HEARD BY: A. William Maupin, Judge; Dept. 7

OFFICERS: SANDRA ISRAEL, Court Clerk
PATSY SMITH, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000101	Henry, William P.	Y
0001 D1	Pickett, Cary	Y
PUBDEF	Public Defender	Y
004546	Brown, Curtis	Y

George Johnson of P&P present. COURT ORDERED, this matter continued to be heard before Judge Gates.

CUSTODY

CONTINUED TO: 06/17/94 08:45 AM 02

06/17/94 08:45 AM 02 SENTENCING CT I/DISMISSAL CT II

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: SANDRA ISRAEL, Court Clerk
JOY HINCK, Reporter/Recorder

PARTIES:	0001 D1	Pickett, Cary	N
	PUBDEF	Public Defender	Y
	004546	Brown, Curtis	Y

Joy Mundy-Neal of P&P present. Mr. Brown advised deft. is in custody in the Nevada Department of Prisons. Further, Mr. Henry, DAG, needs the matter continued. COURT ORDERED, matter continued.

CUSTODY (COC-NDP)

CONTINUED TO: 07/01/94 08:45 AM 03

CRIMINAL COURT MINUTES

94-C-119000-C STATE OF NEVADA

vs Pickett, Cary

CONTINUED FROM PAGE: 002

07/01/94 08:45 AM 03 SENTENCING CT I/DISMISSAL CT II

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: SANDRA ISRAEL, Court Clerk
YVONNE VALENTIN, Reporter/RecorderPARTIES: STATE OF NEVADA
000101 Henry, William P.
0001 D1 Pickett, Cary
PUBDEF Public Defender
004546 Brown, CurtisY
Y
N
Y
Y

Larry Scott of P&P present. Mr. Brown stated deft. is in custody in the Nevada Department of Prisons and this matter has been continued several times for his presence. State requested one additional week and it will ensure deft.'s presence. Court Services officer advised deft. is at Indian Springs. COURT ORDERED, matter continued.

CUSTODY (COC-NDP)

CONTINUED TO: 07/08/94 08:45 AM 04

07/08/94 08:45 AM 04 SENTENCING CT I/DISMISSAL CT II

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: LINDA GROVES, Court Clerk
YVONNE VALENTIN, Reporter/RecorderPARTIES: STATE OF NEVADA
000101 Henry, William P.
0001 D1 Pickett, Cary
PUBDEF Public Defender
001231 DeJulio, Douglas P.Y
Y
Y
Y
Y

Ms. Maxine Miller, Division of Parole and Probation, present. Mr. DeJulio stated this is Mr. Brown's case and that Mr. Brown wishes to be present at the defendant's sentencing and requested a continuance. Conference at the bench. Mr. DeJulio conferred with defendant. Defendant stated he is ready for sentencing with Mr. DeJulio. DEFENDANT PICKETT ADJUDGED GUILTY OF ESCAPE (F). Statements in mitigation of sentencing. Defendant stated he did not escape with a deadly weapon. Mr. DeJulio requested the Court strike the reference of use with a deadly weapon from the PSI. Mr. Henry stated he had no knowledge of the defendant using a deadly weapon while escaping and had no objection to it being stricken. COURT ORDERED, reference of the defendant using a deadly weapon is STRICKEN from the PSI. COURT ORDERED, in

CONTINUED ON PAGE: 004

PRINT DATE: 02/19/10

PAGE: 003

MINUTES DATE: 07/08/94

CRIMINAL COURT MINUTES

94-C-119000-C STATE OF NEVADA

vs Pickett, Cary

CONTINUED FROM PAGE: 003

addition to the \$25.00 Administrative Assessment Fee, Deft. SENTENCED to Nevada Department of Prisons for TWO AND ONE HALF (2 1/2) YEARS to run consecutive to C109725 with NO credit for time served. COURT FURTHER ORDERED, Count II is DISMISSED.

NDP

07/25/94 08:45 AM 00 AT REQUEST OF ATTORNEY GENERAL
ORAL MOTION TO AMEND CAPTION

HEARD BY: Lee A Gates, Judge; Dept. 8

OFFICERS: LINDA GROVES, Court Clerk
ALONA CANDITO /AC, Relief Clerk
YVONNE VALENTIN, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000101	Henry, William P.	Y
0001 D1	Pickett, Cary	N
PUBDEF	Public Defender	Y
004735	Roundtree, Stacey	Y

Mr. Henry requested to be allowed to submit a Judgment of Conviction with the defendant's AKA. Ms. Roundtree submitted matter. COURT ORDERED, MOTION GRANTED. Mr. Henry to prepare J.O.C.

NDP

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

John J. [Signature]
CLERK OF THE COURT

2-22-2010

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APPROVED BY CLERK OF THE COURT
CLERK
APR 13 1994
BY *[Signature]* Deputy

CMC

ATTORNEY GENERAL'S OFFICE
NEVADA
(702-557)

FRANKIE SUE DEL PAPA
Attorney General
By: WILLIAM P. HENRY
Senior Deputy Attorney General
Nevada Bar No. 101
401 South Third Street, #500
Las Vegas, NV 89101
(702) 486-3420
Attorneys for Plaintiff

FILED

MAR 25 11 28 AM '94

[Signature]
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

o o o

STATE OF NEVADA,

Plaintiff,

vs.
Car-y
~~EARY~~ PICKETT,

Defendant.

Case No. C119000
Dept. No. VIII
Docket "M"

CRIMINAL INFORMATION

Date of Hearing: 4/13/94
Time of Hearing: 8:45 a.m.

FRANKIE SUE DEL PAPA, Attorney General, by William P. Henry, Senior Deputy Attorney General, informs the court that ~~EARY~~ PICKETT, the defendant above named, has committed the crimes of Escape, a felony, in violation of NRS 212.090; and Unauthorized Absence From Place of Classification Assignment, a felony, in violation of NRS 212.090 and 212.095, in the following manner:

.....
.....
.....

CE11

COUNT I

ESCAPE

On or about February 26, 1993, the defendant, GARY PICKETT, at and within the Goodsprings Township, County of Clark, State of Nevada, while in the lawful custody of the Nevada Department of Prisons (DOP), after having been convicted of a felony offense in Criminal Case No. C107733, in the Eighth Judicial District Court, Clark County, Nevada, and sentenced on or about December 10, 1992, and after having been convicted of a felony offense in Criminal Case No. C109725, in the Eighth Judicial District Court, Clark County, Nevada, and sentenced on or about January 21, 1993, to terms of imprisonment, did willfully, unlawfully, and feloniously escape from said custody, by means unknown, from the Jean Conservation Camp, Jean, Clark County, Nevada, all of which is a felony in violation of NRS 212.090.

COUNT II

UNAUTHORIZED ABSENCE FROM
PLACE OF CLASSIFICATION ASSIGNMENT

On or about February 26, 1993, the defendant, ^CGARY PICKETT, at and within the Goodsprings Township, County of Clark, State of Nevada, while in the lawful custody of the Nevada Department of Prisons (DOP), after having been convicted of a felony offense in Criminal Case No. C107733 in the Eighth Judicial District Court, Clark County, Nevada, and sentenced on or about December 10, 1992, and after having been convicted of a felony offense in Criminal Case No. C109725, in the Eighth Judicial District Court, Clark County, Nevada, and sentenced on or about January 21, 1993, to terms of imprisonment, did willfully, unlawfully and feloniously,

1 and without authority to do so and by means unknown, make himself
2 absent from his place of classification assignment, specifically
3 the Jean Conservation Camp, Jean, Clark County, Nevada, all of
4 which is a felony in violation of NRS 212.090 and .095.

5 All of the conduct alleged above is contrary to the force and
6 effect of statutes and against the peace and dignity of the State
7 of Nevada.

8 DATED this 24th day of March, 1994.

9 FRANKIE SUE DEL PAPA
10 Attorney General

11 By:

W P Henry
12 William P. Henry
13 Sr. Deputy Attorney General
14 Nevada Bar No. 101
15 401 South Third Street, #500
16 Las Vegas, NV 89101
17 Attorneys for Plaintiff
18
19
20
21
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CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

Alice B. Johnson

CLERK OF THE COURT

2.22.2010

FILED

DEC 10 10 35 AM '93

Robert J. Thompson
CLERK

1 REX BELL
DISTRICT ATTORNEY
2 Nevada Bar #001799
200 S. Third Street
3 Las Vegas, Nevada 89155
(702) 455-4711
4 Attorney for Plaintiff
THE STATE OF NEVADA
5
6

7 DISTRICT COURT

8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,)	CASE NO.	C109725
)		
10 Plaintiff,)	DEPT. NO.	V
)		
11 -vs-)	DOCKET NO.	H
)		
12 GARY PICKETT,)		
aka Cary Jerard Pickett)		
13 #0725059)		
)		
14 Defendant.)		
)		

STATE'S
EXHIBIT

5

C 262523 10/10/93

15
16 AMENDED

17 JUDGMENT OF CONVICTION (PLEA)

18 WHEREAS, on the 15th day of December, 1992, the defendant GARY
19 PICKETT aka Cary Jerard Pickett, appeared before the Court herein
20 with his counsel and entered a plea of guilty to the crime of
21 ATTEMPT GRAND LARCENY (Felony) committed on the 11th day of
22 November, 1992, in violation of NRS 205.220, 193.330; and

23 WHEREAS, thereafter on the 21st day of January, 1993, the
24 defendant being present in Court with his counsel MARK CICHOSKI,
25 Deputy Public Defender, and JAY L. SIEGEL, Deputy District
26 Attorney, also being present; the above entitled Court did adjudge
27 the defendant guilty thereof by reason of his plea of guilty and
28 sentenced defendant to THREE (3) years in the Nevada State Prison

DEC 07 1993

11-18

CE06

22

1 to run concurrent with C107733. Credit for time served 14 days.
2 \$25.00 Administrative Assessment Fee.

3 WHEREAS, on the 18th day of November, 1993, Defendant's Motion
4 for Amended Judgment of Conviction to Include Jail Time Credits is
5 granted and Defendant given an additional 30 days credit for time
6 served.

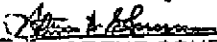
7 THEREFORE, the Clerk of the above entitled Court is hereby
8 directed to enter this Judgment of Conviction as part of the record
9 in the above entitled matter.

10 DATED this 18th day of November, 1993, in the City of Las
11 Vegas, County of Clark, State of Nevada.

12
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14 DISTRICT JUDGE
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27 92-109725X/kjh
28 LVMPD DR#9211111354
ATT G/L - F
TK4

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DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


CLERK OF THE COURT

2-22-2010

FILED

MAR 5 10 05 AM '93

Letitia Brown
CLERK

1 REX BELL
2 DISTRICT ATTORNEY
3 Nevada Bar #001799
4 200 S. Third Street
5 Las Vegas, Nevada 89155
6 (702) 455-4711
7 Attorney for Plaintiff
8 THE STATE OF NEVADA
9

DISTRICT COURT
CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA)
11)
12) Plaintiff,)
13 vs.) CASE NO. C109725
14) DEPT. NO. V
15) GARY PICKETT, aka)
16) Cary Jerard Pickett ID#0725059)
17) Defendant.) DOCKET NO. H
18)
19)

JUDGMENT OF CONVICTION (PLEA)

17 WHEREAS, on the 15th day of December, 1992, the Defendant GARY
18 PICKETT, aka Cary Jerard Pickett, appeared before the Court herein
19 with his counsel and entered a plea of guilty to the crime of
20 ATTEMPT GRAND LARCENY (Felony), committed on the 11th day of
21 November, 1992, in violation of NRS 205.220, 193.330; and

22 WHEREAS, thereafter on the 21st day of January, 1993, the
23 Defendant being present in Court with his counsel MARK D. CICHOSKI,
24 Deputy Public Defender, and JAY L. SIEGEL, Deputy District
25 Attorney, also being present; the above entitled Court did adjudge
26 the Defendant guilty thereof by reason of his plea of guilty and,
27 in addition to a \$25.00 Administrative Assessment Fee, sentenced
28 Defendant to three (3) years in the Nevada Department of Prisons.

CE14

FEB 24 1993

1-21
1-1735-B

1 concurrent with C107733. Defendant granted fourteen (14) days
2 credit for time served.

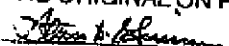
3 THEREFORE, the Clerk of the above entitled Court is hereby
4 directed to enter this Judgment of Conviction as part of the record
5 in the above entitled matter.

6 DATED this 4th day of March, 1993, in the City of Las
7 Vegas, County of Clark, State of Nevada.

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11 DISTRICT JUDGE
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27 DA/92-109725X/da
28 LVMPD DR/92-1111354
ATT GL - F

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CLERK OF THE COURT

2-22-2010

CRIMINAL COURT MINUTES

92-C-109725-C STATE OF NEVADA vs Pickett, Gary

12/15/92 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
MARY DAIGLE, Relief Clerk
SHIRLEE CHRISTOFFERSON, Reporter/Recorder

PARTIES: STATE OF NEVADA Y
001398 Bloxham, Ronald C. Y
0001 D1 Pickett, Gary Y
PUBDEF Public Defender Y
004235 Cichoski, Mark D. Y

NEGOTIATIONS: Defendant to plead guilty to AMENDED INFORMATION filed in open court CHARGING ATTEMPT GRAND LARCENY (F). State will make no recommendations at time of Sentencing. DEFENDANT ARRAIGNED, pled guilty to above charge. Court accepted plea, referred matter to P&P for PSI and set Sentencing date.

CUSTODY

1-19-93 - Sentencing

01/19/93 09:00 AM 00 SENTENCING

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: ALONA CANDITO, Court Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES: STATE OF NEVADA Y
000981 Noxon, Arthur G. Y
0001 D1 Pickett, Gary Y
PUBDEF Public Defender Y
003845 Williams, Kevin V. Y

P & P represented by Dennis Gilmore. Mr. Williams requested a continuance for Judge Sobel to hear as the recommendation is for time. COURT ORDERED, MATTER CONTINUED.

CUSTODY

CONTINUED TO: 01/21/93 09:00 AM 01

CRIMINAL COURT MINUTES

92-C-109725-C STATE OF NEVADA vs Pickett, Gary

CONTINUED FROM PAGE: 001

01/21/93 09:00 AM 01 SENTENCING

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE CHRISTOFFERSON, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004770 Do Not Use, -	Y
	0001 D1 Pickett, Gary	Y
	PUBDEF Public Defender	Y
	004235 Cichoski, Mark D.	Y

P & P represented by Elizabeth Brownlee. Defendant advised Court that he has not seen a copy of the P.S.I. Court advised Defendant that the recommendation is for three (3) years concurrent to other sentence. DEFENDANT PICKETT ADJUDGED GUILTY OF - ATTEMPT GRAND LARCENY (F). Statement by Defendant. Mr. Cichoski submitted matter on report. COURT ORDERED, IN ADDITION TO THE \$25. ASSESSMENT FEE, DEFENDANT SENTENCED TO A TERM OF THREE (3) YEARS IN THE NEVADA STATE PRISON, TO RUN CONCURRENT WITH DEFENDANT'S OTHER SENTENCE. 14 DAYS CREDIT FOR TIME SERVED. Defendant advised Court that he did not receive credit on his other case. COURT ORDERED, MATTER CONTINUED FOR A STATUS CHECK, Mr. Cichoski to check into credit.

CUSTODY

2/4/93 -- STATUS CHECK: CREDIT FOR TIME SERVED

02/04/93 09:00 AM 00 STATUS CHECK CREDIT FOR TIME SERVED

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE CHRISTOFFERSON, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003801 Robinson, Lynn M.	Y
	0001 D1 Pickett, Gary	N
	PUBDEF Public Defender	Y
	003845 Williams, Kevin V.	Y

Mr. Williams advised Court that defendant was sentenced in another department and Debra Owen, DPD's file in the other case indicated no credit for time served. COURT ORDERED, MATTER CONTINUED FOR THE STATE TO VERIFY THE PROPER CREDIT FOR TIME SERVED.

CUSTODY

CONTINUED TO: 02/09/93 09:00 AM 01

CONTINUED ON PAGE: 003

PRINT DATE: 02/19/10

PAGE: 002

MINUTES DATE: 02/04/93

CRIMINAL COURT MINUTES

92-C-109725-C STATE OF NEVADA vs Pickett, Gary

CONTINUED FROM PAGE: 002

02/09/93 09:00 AM 01 STATUS CHECK CREDIT FOR TIME SERVED

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
JUDY NORMAN/jn, Relief Clerk
SHIRLEE CHRISTOFFERSON, Reporter/Recorder

PARTIES: STATE OF NEVADA Y
000981 Noxon, Arthur G. Y

0001 D1 Pickett, Gary N
PUBDEF Public Defender Y
000806 Thompson, Robert H. Y

Mr. Thompson advised this is Mr. William's case. Colloquy between Court and Counsel regarding credit for time served. Mr. Thompson requested matter be continued in order to put in form of a letter and, COURT SO ORDERED.

CUSTODY

CONTINUED TO: 02/23/93 09:00 AM 02

02/23/93 09:00 AM 02 STATUS CHECK CREDIT FOR TIME SERVED

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE CHRISTOFFERSON, Reporter/Recorder

PARTIES: STATE OF NEVADA Y
004770 Do Not Use, - Y

0001 D1 Pickett, Gary Y
PUBDEF Public Defender Y
003845 Williams, Kevin V. Y

Statements by court and Mr. Williams regarding correct credit for time served. Mr. Williams advised court that the defendant is a Nevada parolee in case C99155. COURT ORDERED, CREDIT FOR TIME SERVED IS 14 DAYS AND MATTER OFF CALENDAR.

CUSTODY

CONTINUED ON PAGE: 004

PRINT DATE: 02/19/10

PAGE: 003

MINUTES DATE: 02/23/93

CRIMINAL COURT MINUTES

92-C-109725-C STATE OF NEVADA vs Pickett, Gary

CONTINUED FROM PAGE: 003

11/18/93 09:00 AM 00 PROPER PERSON MOTION FOR AMENDED JUDGMNT
OF CONVICTION TO INCLUDE JAIL TIME CREDIT

HEARD BY: Jeffrey Sobel, Judge

OFFICERS: ALONA CANDITO, Court Clerk
SHIRLEE CHRISTOFFERSON, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003495 Chairez, Don P.	Y
	0001 D1 Pickett, Gary	N
	PUBDEF Public Defender	Y
	003845 Williams, Kevin V.	Y

COURT ORDERED, DEFENDANT GRANTED THIRTY (30) DAYS CREDIT FOR TIME SERVED,
ANY ADDITIONAL TIME IS DENIED.

CUSTODY

Justice Court, Las Vegas Township

CASE NO. 92F8365X

STATE VS. PICKETT, GARY aka Cary Jerard Pickett

CHARGE	<u>GRAND LARCENY</u>
--------	----------------------

BAIL IN CUSTODY

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

11-19-92
J. BIXLER
D. BARKER, DA
M. CICHOSKI, PD APTD
D. GREEN, CR
M. SHANKLE, CLK

INITIAL ARRAIGNMENT
DEFT ~~PRESENT~~ IN Court In Custody
ADVISED/WAIVES
Motion by Defense for bail reduction or O/R, denied
Deft refused interview
Intake to re interview deft.
PH set

11-30-92 9:00 44

MS

11-30-92
J. BIXLER
R. BLOXHAM, DA
K. WILLIAMS, PD
D. GREEN, CR
M. SHANKLE, CLK

DEFT REMANDED TO THE CUSTODY OF THE SHERIFF.
TIME SET FOR PRELIMINARY HEARING
DEFT ~~PRESENT~~ IN Court In Custody
PER NEGOTIATIONS, DEFT WAIVES HIS RIGHT TO A
PRELIMINARY HEARING UNCONDITIONAL
BOUND OVER TO DISTRICT COURT AS CHARGED
APPEARANCE DATE SET TRUE NAME CARY J. PICKETT
DEFT REMANDED TO THE CUSTODY OF THE SHERIFF.

12-15-92 9:00 #5
DISTRICT COURT

DEC 3 1992

MS 1

44-38861-1439

JC-1 (Continued)
 Exp. 12/04

MINUTES — CRIMINAL

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OF THE ORIGINAL ON FILE

Alvin L. Johnson
CLERK OF THE COURT

2-22-2010

1 REX BELL
2 DISTRICT ATTORNEY
3 Nevada Bar #001799
4 200 S. Third Street
5 Las Vegas, Nevada 89155
6 (702) 455-4711
7 Attorney for Plaintiff
8 THE STATE OF NEVADA
9
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15
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— FILED IN OPEN COURT —

DEC 15 1992 19
LORETTA BOWMAN, CLERK
By *Alona Cantello* Deputy

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

vs.

GARY PICKETT, aka
Cary Jerard Pickett,
ID#0725059
Defendant.

CASE NO. *C109725*
DEPT. NO. V
DOCKET NO. H

AMENDED
INFORMATION

19 STATE OF NEVADA)
20) ss:
COUNTY OF CLARK)

ATTEMPT GRAND LARCENY (Felony -
NRS 193.330, 205.220)

21 REX BELL, District Attorney within and for the County of
22 Clark, State of Nevada, in the name and by the authority of the
23 State of Nevada, informs the Court:

24 That GARY PICKETT, aka Cary Jerard Pickett, the Defendant
25 above named, on or about the 11th day of November, 1992, at and
26 within the County of Clark, State of Nevada, contrary to the form,
27 force and effect of statutes in such cases made and provided, and
28 against the peace and dignity of the State of Nevada, did then and

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1 there wilfully, unlawfully, and feloniously, with intent to deprive
2 the owner permanently thereof, attempt to steal, take, and carry
3 away personal property of MERVYNS, 4700 Meadows Lane, Las Vegas,
4 Clark County, Nevada, having a value of \$250.00, or more, to-wit:
5 sweat jackets and sweat pants.

6 REX BELL
7 District Attorney
8 Nevada Bar #001799
9 Nevada Bar #001398

10 BY Ronald C. Bloxham
11 RONALD C. BLOXHAM
12 Chief Deputy District Attorney
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27 DA#92F8365X/da
28 LVMPD DR#92-11111354
ATT GL - F

FILED

DEC 11 8 44 AM '92

Loretta L. Brown
CLERK

1 REX BELL
2 DISTRICT ATTORNEY
3 Nevada Bar #001799
4 200 S. Third Street
5 Las Vegas, Nevada 89155
6 (702) 455-4711
7 Attorney for Plaintiff
8 THE STATE OF NEVADA

9 I.A. 12-15-92
10 DEPT. V
11 9:00 A.M.
12 PD

DISTRICT COURT
CLARK COUNTY, NEVADA

13 THE STATE OF NEVADA,)
14)
15 Plaintiff,)
16)
17 vs.)
18)
19 GARY PICKETT, aka)
20 Cary Jerard Pickett,)
21 ID#0725059)
22 Defendant.)

CASE NO. *C109725*
DEPT. NO. V
DOCKET NO. H

INFORMATION

23 STATE OF NEVADA)
24) ss: GRAND LARCENY (Felony -
25 COUNTY OF CLARK) NRS 205.220)

26 REX BELL, District Attorney within and for the County of
27 Clark, State of Nevada, in the name and by the authority of the
28 State of Nevada, informs the Court:

29 That GARY PICKETT, aka Cary Jerard Pickett, the Defendant
30 above named, on or about the 11th day of November, 1992, at and
31 within the County of Clark, State of Nevada, contrary to the form,
32 force and effect of statutes in such cases made and provided, and
33 against the peace and dignity of the State of Nevada, did then and

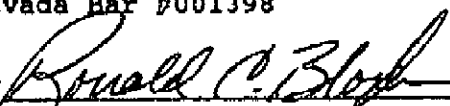
CMC

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30


1 there wilfully, unlawfully, and feloniously, with intent to deprive
2 the owner permanently thereof, steal, take, and carry away personal
3 property of MERVYNS, 4700 Meadows Lane, Las Vegas, Clark County,
4 Nevada, having a value of \$250.00, or more, to-wit: sweat jackets
5 and sweat pants.

6 REX BELL
7 District Attorney
8 Nevada Bar #001799
9 Nevada Bar #001398

10 BY 
11 RONALD C. BLOXHAM
12 Chief Deputy District Attorney
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27 DA/92F8365X/da
28 LVMPD DR/92-11111354
GL - F

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OF THE ORIGINAL ON FILE


CLERK OF THE COURT

2-22-2010

1 REX BELL
DISTRICT ATTORNEY
2 Nevada Bar #001799
200 S. Third Street
3 Las Vegas, Nevada 89155
(702) 455-4711
4 Attorney for Plaintiff
THE STATE OF NEVADA

MAR 9 10 30 AM '93

Letitia L. Loomis
CLERK

DISTRICT COURT

CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,)
8 Plaintiff,)
9 vs.)
10 CARY JERARD PICKETT)
aka Cary Jerrold Pickett)
11 #0725059)
12 Defendant.)

CASE NO. C107733X

DEPT. NO. III

DOCKET NO. E

STATE'S
EXHIBIT

6
C742523

AMENDED
JUDGMENT OF CONVICTION (PLEA)

15 WHEREAS, on the 27th day of August, 1992, the Defendant, CARY
16 JERARD PICKETT aka Cary Jerrold Pickett, appeared before the Court
17 herein with his counsel and entered a plea of guilty to the crime
18 of COUNT I - BURGLARY (FELONY), committed on the 9th day of June,
19 1992, in violation of NRS 205.060; and

20 WHEREAS, thereafter, on the 10th day of December, 1992, the
21 Defendant being present in Court with his counsel DEBORAH OWEN, and
22 KAREN L. VAN DE POL, Chief Deputy District Attorney, also being
23 present; the above entitled Court did adjudge Defendant guilty
24 thereof by reason of his plea of guilty and sentenced Defendant, in
25 addition to a \$25 Administrative Assessment Fee, to: three (3)
26 years in the Nevada State Prison with whatever credit for time
27 served defendant is entitled to. Count II dismissed.

28 WHEREAS, on the 2nd day of March, 1993, Defendant not being

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1 present, represented by DEBORAH OWENS and STEVEN S. OWENS, Deputy
2 District Attorney, also being present the Court amended Judgment of
3 Conviction to reflect Defendant given ten (10) days credit for time
4 served.

5 THEREFORE, the Clerk of the above entitled Court is hereby
6 directed to enter this Judgment of Conviction as part of the record
7 in the above entitled matter.

8 DATED this 8 day of March, 1993, in the City of Las Vegas,
9 County of Clark, State of Nevada.


DISTRICT JUDGE

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26 92-107733X/lib
27 LVMPD DR#9206090810
28 Burg - F
TK 3

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John B. Johnson
CLERK OF THE COURT

2.22.2010

1 REX BELL
DISTRICT ATTORNEY
2 Nevada Bar #001799
200 S. Third Street
3 Las Vegas, Nevada 89155
(702) 455-4711
4 Attorney for Plaintiff
THE STATE OF NEVADA

FILED

AUG 12 10 31 AM '92

James C. [unclear]
CLERK

5
6 *8-2792*
I.A. ~~8-17-92~~ DISTRICT COURT
7 Dept. VII
9:00 A.M. CLARK COUNTY, NEVADA
8 PD

9
10 THE STATE OF NEVADA,)
11 Plaintiff,)

12 vs.)

13 CARY JERARD PICKETT,)
14 ID#0725059, aka)
15 Cary Jerrold Pickett,)
Defendant.)

CASE NO. C107733

DEPT. NO. VII

DOCKET NO. P

III
E

16
17 INFORMATION

18 STATE OF NEVADA)
19) ss:
COUNTY OF CLARK)

BURGLARY (Felony - NRS 205.060);
and GRAND LARCENY (Felony - NRS
205.220)

20 REX BELL, District Attorney within and for the County of
21 Clark, State of Nevada, in the name and by the authority of the
22 State of Nevada, informs the Court:

23 That CARY JERARD PICKETT, aka Cary Jerrold Pickett, the
24 Defendant above named, on or about the 9th day of June, 1992, at
25 and within the County of Clark, State of Nevada, contrary to the
26 form, force and effect of statutes in such cases made and provided,
27 and against the peace and dignity of the State of Nevada,

28 ///

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(R)

1 COUNT I BURGLARY

2 did then and there wilfully, unlawfully, and feloniously
3 enter, with intent to commit larceny, that certain building
4 occupied by MERVYNS, located at 1155 East Twain, Las Vegas, Clark
5 County, Nevada.

6 COUNT II GRAND LARCENY

7 did then and there wilfully, unlawfully, and feloniously, with
8 intent to deprive the owner permanently thereof, steal, take, and
9 carry away personal property of MERVYNS, 1155 East Twain, Las
10 Vegas, Clark County, Nevada, having a value of \$250.00, or more,
11 to-wit: miscellaneous clothing, including shorts and shirts.

12 REX BELL
13 District Attorney
14 Nevada Bar #001799
15 Nevada Bar #000755

16 BY 
17 GARY L. GUYMON
18 Deputy District Attorney
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27 DA#92F4248X/da
28 LVMPD DR#92-06090810
BURG; GL - P

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John J. Johnson
CLERK OF THE COURT

2-22-2010

CRIMINAL COURT MINUTES

92-C-107733-C STATE OF NEVADA vs Pickett, Cary J

08/27/92 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: PONDA MEADOR, Court Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004232	Carroll, Thomas M.	Y
0001 D1	Pickett, Cary J	Y
PUBDEF	Public Defender	Y
004350	Owen, Deborah D.	Y

NEGOTIATIONS: Deft. to plead guilty to Count I, State retains right to argue at sentencing but will not oppose the dismissal of Count II, after sentencing State will dismiss Case #92F-5254. DEFT. PICKETT ARRAIGNED AND PLED GUILTY TO COUNT I. Court accepted plea and adjudged Deft. guilty. Ms. Owen requested an OR release for Deft. State had no objection. COURT ORDERED, Deft. released on his OR through Pre-Trial Services; matter set for sentencing.

CUSTODY

10/27/92 at 9:00 AM for Sentencing-Ct. I/F.P.-Ct. II

10/27/92 09:00 AM 00 SENTENCING-CT. I/F.P.-CT. II

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: PONDA MEADOR, Court Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
003151	Salvucci, Dina L.	Y
0001 D1	Pickett, Cary J	N
PUBDEF	Public Defender	Y
004350	Owen, Deborah D.	Y

Beverley Cunningham from Dept. of Parole & Probation present. Counsel requested a continuance to have Deft. present. COURT ORDERED, matter continued and if Deft. is not present at next Court date a no bail Bench Warrant will issue.

OR

CONTINUED TO: 11/03/92 09:00 AM 01

CRIMINAL COURT MINUTES

92-C-107733-C STATE OF NEVADA vs Pickett, Cary J

CONTINUED FROM PAGE: 001

11/03/92 09:00 AM 01 SENTENCING-CT. I/F.P.-CT. II

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: LEONE DUMIRE, Relief Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	N
000301	Lippis, Deborah J.	Y
0001 D1	Pickett, Cary J	N
PUBDEF	Public Defender	Y
001656	Christiansen, Peter J.	Y

JUANITA TYLER OF THE DEPT. OF P & P PRESENT. MR. CHRISTIANSEN STATED THEY HAD SENT DEFENDANT A LETTER AS TO APPEARING TODAY AND DID NOT KNOW WHY HE WAS NOT PRESENT.

COURT ORDERED: A NO BAIL BENCH WARRANT TO ISSUE FOR THE DEFENDANT.

BENCH WARRANT

12/03/92 09:00 AM 00 BENCH WARRANT RETURN

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: PONDA MEADOR, Court Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004352	Owens, Steven S.	Y
0001 D1	Pickett, Cary J	Y
PUBDEF	Public Defender	Y
004350	Owen, Deborah D.	Y

Robert Lawson from Dept. of Parole & Probation present. COURT ORDERED, matter set for sentencing.

CUSTODY

12/10/92 at 9:00 AM for Sentencing-Ct. I/F.P.-Ct. II

CRIMINAL COURT MINUTES

92-C-107733-C STATE OF NEVADA

vs Pickett, Cary J

CONTINUED FROM PAGE: 002

12/10/92 09:00 AM 00 SENTENCING -CT. I/F.P.-CT. II

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: PONDA MEADOR, Court Clerk
LINDA BARRY, Relief Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES: STATE OF NEVADA
000795 Van De Pol, Karen L.

Y
Y

0001 D1 Pickett, Cary J
PUBDEF Public Defender
004350 Owen, Deborah D.

Y
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Y

Darlene Castello from Dept. of Parole and Probation present. Statement in mitigation of sentencing. COURT ORDERED, in addition to the \$25 administrative assessment fee, Deft. sentenced to three (3) years in the Nevada State Prison with whatever credit for time served Deft. is entitled to. Count II dismissed.

CUSTODY

03/02/93 09:00 AM 00 PROPER PERSON MOTION FOR AMENDED
JUDGMENT OF CONVICTION

HEARD BY: Joseph S. Pavlikowski, Senior Judge; Dept. VJ30

OFFICERS: PONDA MEADOR, Court Clerk
JAMES HELLESO, Reporter/Recorder

PARTIES: STATE OF NEVADA
004352 Owens, Steven S.

Y
Y

0001 D1 Pickett, Cary J
PUBDEF Public Defender
004350 Owen, Deborah D.

N
Y
Y

State advised they had prepared a Response. COURT ORDERED, Deft. given an additional ten (10) days credit for time served.

CUSTODY-NSP (I.S.)

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William T. Buchanan
CLERK OF THE COURT

2-22-2010

Justice Court, Las Vegas Township

CASE NO. 92FO4248X

STATE VS. PICKETT, CARY JERARD aka, CARY JERROID PICKETT

CHARGE BURGLARY & GRAND LARCENY

BAIL _____

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

<p>JUNE 16, 1992 W. JANSEN for #3 G. GUYMON, DA P. CHRISTIANSEN, PD K. REMAKEL, CR M. MCCREARY, CLK</p>	<p>INITIAL ARRAIGNMENT DEFENDANT PRESENT IN COURT *IN CUSTODY* DEFENDANT ADVISED/WAIVES COURT ORDERED DEFT RELEASED ON O/R INTAKE SERVICES COURT ORDERED P/H SET WITHIN 15 DAYS P/H DATE SET COURT APPOINTS PD TO REPRESENT DEFT NOTIFY INTAKE SERVICES - INTENSIVE SUPERVISION DEFT TO CHECK IN DAILY IN PERSON/by form-mb</p>	<p>6-26-92 9:00 #3</p>
<p>JUNE 26, 1992 M. ROBINSON FOR #3 M. O'CALLAGHAN, DA S. IMMERMAN, PD D. NARGI, C.R. M. MCCREARY, CLK.</p>	<p>O/R CONTINUES TIME SET FOR PRELIMINARY HEARING DEFENDANT NOT PRESENT IN COURT B/W ISSUED - \$7,000/14,000 - COUNT I \$10,000/20,000 - COUNT II</p>	<p>mb JUN 30 1992 mm</p>
<p>7-21-92 D. AHLSTROM G. GUYMON, DA P. CHRISTIANSEN, PD B. KULISH, CR M. MCCREARY, CLK</p>	<p>Deft PRESENT In Court *IN CUSTODY* PH reset DEFT REMANDED TO THE CUSTODY OF THE SHERIFF</p>	<p>7-31-92 9:00 #3 MS</p>
<p>JULY 31, 1992 D. AHLSTROM G. GUYMON, DA D. OWEN, PD T. FERRIOLA, C.R. M. MCCREARY, CLK.</p>	<p>TIME SET FOR PRELIMINARY HEARING DEFENDANT PRESENT IN COURT IN CUSTODY PER NEGOTIATIONS: DEFENDANT UNCONDITIONALLY WAIVES PRELIMINARY HEARING DEFENDANT BOUND OVER AS CHARGED TO DISTRICT COURT APPEARANCE DATE SET DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF</p>	<p>8-27-92 9:00 #7 DISTRICT COURT AUG 4 1992 mm</p>

FILED

JAN 12 12 03 PM '93

Loretta L. L...
CLERK

1 REX BELL
2 DISTRICT ATTORNEY
3 Nevada Bar #001799
4 200 S. Third Street
5 Las Vegas, Nevada 89155
6 (702) 455-4711
7 Attorney for Plaintiff
8 THE STATE OF NEVADA

DISTRICT COURT

CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA)
10)
11 Plaintiff,)

12 vs.)

13 CARY JERARD PICKETT,)
14 aka Cary Jerrold Pickett,)
15 #0725059, Defendant.)

CASE NO. C107733X
DEPT. NO. III
DOCKET NO. E

JUDGMENT OF CONVICTION (PLEA)

16 WHEREAS, on the 27th day of August, 1992, the defendant CARY
17 JERARD PICKETT, aka Cary Jerrold Pickett, appeared before the Court
18 herein with his counsel and entered a plea of guilty to the crime
19 of COUNT I - BURGLARY (FELONY) committed on or about the 9th day of
20 June, 1992, in violation of NRS 205.060 and

21 WHEREAS, thereafter on the 10th day of December, 1992, the
22 defendant being present in Court with his counsel DEBORAH OWEN,
23 Deputy Public Defender, and KAREN L. VAN DE POL, Chief Deputy
24 District Attorney, also being present; the above entitled Court did
25 adjudge the defendant guilty thereof by reason of his plea of
26 guilty and sentenced defendant, in addition to the \$25.00
27 Administrative Assessment Fee, to three (3) years in the Nevada
28 State Prison with whatever credit for time served defendant is
entitled to. Count II dismissed.

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001-112-92

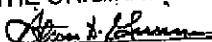
1 THEREFORE, the Clerk of the above entitled Court is hereby
2 directed to enter this Judgment of Conviction as part of the record
3 in the above entitled matter.

4 DATED this 11 day of January, 1993, in the City of Las
5 Vegas, County of Clark, State of Nevada.

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9 DISTRICT JUDGE
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27 DA#92-107733X/pm (TK3)
28 LVMPD DR#9206090810
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CLERK OF THE COURT

2-22-2010

FILED

Jun 24 11 27 AM '91

Loetta B. ...
CLERK

1 REX BELL
2 DISTRICT ATTORNEY
3 Nevada Bar #01799
4 200 South Third Street
5 Las Vegas, NV 89155
6 (702) 455-4711
7 Attorney for Plaintiff
8 STATE OF NEVADA

9 DISTRICT COURT
10 Clark County, Nevada

STATE'S
EXHIBIT

7

C-262523

11 THE STATE OF NEVADA,
12 Plaintiff

13 -vs-

14 CARY JERARD PICKETT
15 #0725059

16 Defendant,

CASE NO. C99915X

DEPT. NO. XIV

JUDGMENT OF CONVICTION

(PLEA)

17
18 (Commitment to Department of Prisons for Regimental Discipline)

19 WHEREAS, on the 24th day of April, 1991, the Defendant CARY
20 JERARD PICKETT, appeared before the Court herein with his coun-
21 sel, LEANNE WELLS-KENDALL, and entered a plea of guilty to the
22 crime of ATTEMPT GRAND LARCENY (F) committed on the 9th day of
23 January, 1991, in violation of NRS 205.220); and

24 WHEREAS, thereafter, on the 3rd day of June, 1991, the
25 defendant being present in Court with his counsel, LEANNE
26 WELLS-KENDALL, and GARY R. BOOKER, Deputy District Attorney,
27 also being present; the above entitled Court did adjudge
28 Defendant guilty thereof by reason of his plea of guilty and

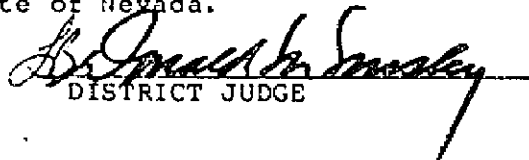
CE03



1 pursuant to NRS 176.2248 committed defendant to the custody of
2 the Director of the Department of Prisons of the State of
3 Nevada for a period of 150 days to undergo a program of regi-
4 mental discipline before sentencing.

5 THEREFORE, the Clerk of the above entitled Court is
6 hereby directed to enter this Judgment of Conviction as part of
7 the record in the above entitled matter.

8 DATED this 18th day of June, 1991, in the City of
9 Las Vegas, County of Clark, State of Nevada.

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11 DISTRICT JUDGE
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26 DA#91F99915X/1K
27 LVMPD DR#9101091173
28 Att. G/L - F
TK1

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John D. Johnson
CLERK OF THE COURT

2522 2010

CRIMINAL COURT MINUTES

91-C-099915-C STATE OF NEVADA vs Pickett, Cary J

04/24/91 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: LOIS BAZAR, Court Clerk
 CONNIE MC CARTHY, Reporter/Recorder

PARTIES:	STATE OF NEVADA	N
	000101 Henry, William P.	Y
	0001 D1 Pickett, Cary J	Y
	PUBDEF Public Defender	Y
	003841 Wells, Mary L.	Y

Amended Information filed in open court. NEGOTIATIONS: defendant Pickett to enter plea of guilty to "Attempt Grand Larceny" (F); State agrees to argue for no more than four years and will not file habitual criminal allegations against the defendant. State concurred. DEFENDANT PICKETT ARRAIGNED, ENTERED A PLEA OF GUILTY TO THE AMENDED INFORMATION. Court accepted plea. COURT ORDERED, continued for sentencing; P.S.I. ordered.

CUSTODY

6/03/91 @ 9:00 A.M. SENTENCING (AI)

05/08/91 09:00 AM 00 MOTION FOR RELEASE ON OWN RECOGNIZANCE
 OR IN THE ALTERNATIVE BAIL REDUCTION

HEARD BY: Jack Lehman, Judge; Dept. 10

OFFICERS: PAULETTE TAYLOR, Court Clerk
 SHARLEEN NICHOLSON, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	001802 Jorgenson, Eric G.	Y
	0001 D1 Pickett, Cary J	Y
	PUBDEF Public Defender	Y
	001104 Austin, Victor J.	Y

Court continued for Judge Mosley to hear.

CUSTODY

5-10-91 @ 9:00 A.M. DEFT'S MOTION FOR O.R. RELEASE OR BAIL REDUCTION

CONTINUED TO: 05/10/91 09:00 AM 01

CRIMINAL COURT MINUTES

91-C-099915-C STATE OF NEVADA

vs Pickett, Cary J

CONTINUED FROM PAGE: 001

05/10/91 09:00 AM 01 MOTION FOR RELEASE ON OWN RECOGNIZANCE
OR IN THE ALTERNATIVE BAIL REDUCTION

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: LOIS BAZAR, Court Clerk
CONNIE KENNEDY, Reporter/Recorder

PARTIES:	STATE OF NEVADA	N
002028	Booker, Gary R.	Y
0001 D1	Pickett, Cary J	Y
PUBDEF	Public Defender	Y
003841	Wells, Mary L.	Y

Ms. Wells-Kendall advised the defendant had already posted a \$3,000 bond he would ask to be released on. Court asked if the defendant wouldn't appear for a traffic matter, why would he appear on a Grand Larceny. Statement by defendant. State submitted scope sheet to the Court. COURT ORDERED, defendant to remain in custody; no bail.

CUSTODY (BAIL)

06/03/91 09:00 AM 00 SENTENCING

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: LOIS BAZAR, Court Clerk
DONNA LITTLE, Reporter/Recorder

PARTIES:	STATE OF NEVADA	N
001799	Bell, Jr., Rex A.	Y
0001 D1	Pickett, Cary J	Y
PUBDEF	Public Defender	Y
003841	Wells, Mary L.	Y

Alexander Konopka, P&P, also present. Defendant Pickett adjudged guilty of "Attempt Grand Larceny" (F). State submitted. Statements by defendant and counsel. COURT ORDERED, the 150-Day Boot Camp is ordered.

CUSTODY

CONTINUED ON PAGE: 003

PRINT DATE: 02/19/10

PAGE: 002

MINUTES DATE: 06/03/91

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2-22-2010

John D. Johnson
CLERK OF THE COURT

CRIMINAL COURT MINUTES

91-C-099915-C STATE OF NEVADA vs Pickett, Cary J

CONTINUED FROM PAGE: 002

07/15/91 09:00 AM 00 SENTENCING 150 DAY RETURN (P&P)

HEARD BY: Donald M. Mosley, Judge; Dept. 14

OFFICERS: LOIS BAZAR, Court Clerk
DONNA LITTLE, Reporter/Recorder

PARTIES:	STATE OF NEVADA	N
000101	Henry, William P.	Y
0001 D1	Pickett, Cary J	Y
PUBDEF	Public Defender	Y
004065	Blaskey, Rebecca A.	Y

Joy Mundy-Neal, P&P, also present. Court stated it understood that defendant Pickett, because of health reasons, was unable to complete boot camp. Statement by State. COURT ORDERED, defendant is sentenced to two (2) years Nevada State Prison with credit for time served of 114 days. Defendant to pay \$231.94 restitution. \$25.00 administrative assessment fee is imposed. Bond, if any, exonerated.

CUSTODY

Justice Court, Las Vegas Township

CASE NO. 1050X-91P

STATE VS. PICKETT, CARY JERALD

CHARGE GRAND LARCENY

BAIL _____

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

2-20-91 R.E. WOLF L. JOHNSON, DA M. RYAN, CLK	ACTIVATE WARRANT DEFENDANT NOT PRESENT IN COURT	brk
2-24-91	\$3,000 Surety Bond Posted by Danny's Bail Bonds	
2-25-91 R. WOLF O. PORTERFIELD, DA T. FERRIOLA, CR M. RYAN, CLK.	INITIAL ARRAIGNMENT DEFT. NOT PRESENT IN COURT Apperance Date Set BOND CONTINUES	3-18-91 8:00 #1 rr
MARCH 18, 1991 R.E. WOLF L. JOHNSON, DA R. SUROWIEC, CR M. RYAN, CLK 3-19-91	CONTINUED INITIAL ARRAIGNMENT DEFENDANT NOT PRESENT IN COURT B/W AND NOTICE OF INTENT ISSUED: \$5,000/10,000 MOTION TO PLACE ON CALENDAR FILED	brk
MARCH 27, 1991 R.E. WOLF O. PORTERFIELD, DA R. SUROWIEC, CR M. RYAN, CLK P. JUSTICE, PD APPOINTED	CONTINUED INITIAL ARRAIGNMENT DEFENDANT PRESENT IN COURT IN CUSTODY DEFENDANT ADVISED AND WAIVES COURT ORDERS TO VACATE 4-2-91 8:00 #1 MOTION BY DEFENDANT TO QUASH B/W -- MOOT P/H SET FOR DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF	4-9-91 9:00 #1 brk
4-9-91 R.E. WOLF O PORTERFIELD, DA D NARGI, CR M RYAN, CLK ML WELLS-KENDALL, PD	TIME SET FOR PRELIMINARY HEARING Deft PRESENT in court*IN CUSTODY* PER NEGOTIATIONS: Deft UNCONDITIONALLY WAIVES HIS RIGHT TO HIS PRELIMINARY HEARING-Deft BOUND OVER TO DISTRICT COURT AS CHARGED--Appearance Date Set Motion for OR or bail reduction by Defnse-GRANTED Bail Reset 3000/6000 DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF	APR 12 1991 DISTRICT COURT APRIL 24, 1991 9:00am Dept #14 mr

1.

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL FILE

2.22.2016

CLERK OF THE COURT

FILED

APR 23 1 26 PM '91

Robert B. [unclear]
CLERK

1 REX BELL
2 DISTRICT ATTORNEY
3 Nevada Bar #001799
4 200 S. Third Street
5 Las Vegas, NV 89155
6 (702) 455-4711
7 Attorney for Plaintiff
8 THE STATE OF NEVADA

9 IA 4-24-91
10 Dept. XIV
11 9:00 A.M.
12 PD

13 DISTRICT COURT
14 Clark County, Nevada

15 THE STATE OF NEVADA,)
16)
17 Plaintiff)

18 -vs-)

19 CARY JERARD PICKETT,)
20 #0725059)

21 Defendant,)
22)
23)

CASE NO. 099915

DEPT. NO. XIV

DOCKET NO. T

INFORMATION

GRAND LARCENY (Felony -
NRS 205.220)

24 STATE OF NEVADA)
25) ss:
26 COUNTY OF CLARK)

27 REX BELL, District Attorney within and for the County of
28 Clark, State of Nevada, in the name and by the authority of the
State of Nevada, informs the Court:

That CARY JERARD PICKETT, the defendant above named, on or
about the 9th day of January, 1991, at and 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, did then and there wilfully,

///

CE

(f)

1 unlawfully, and feloniously, with intent to deprive the owner
2 permanently thereof, steal, take and carry away personal property
3 of SEARS, ROEBUCK AND COMPANY, 4000 Meadows Lane, Las Vegas,
4 Clark County, Nevada, having a value of \$250.00, or more, to-wit:
5 Four (4) pair of Levi jeans, one (1) leather jacket, one (1)
6 canvas jacket and one (1) sweater.

7 REX BELL
8 District Attorney
9 NEVADA BAR #001799
10 NEVADA BAR #004031

11 By 
12 OWEN PORTERFIELD
13 Deputy District Attorney
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27 91F1050X/kjh
28 LVMPD DR#9101091173
Grand Larceny - F

1 REX BELL
DISTRICT ATTORNEY
2 Nevada Bar #001799
200 S. Third Street
3 Las Vegas, NV 89155
(702) 455-4711
4 Attorney for Plaintiff
THE STATE OF NEVADA

FILED IN OPEN COURT
April 24 1991
LORETA BOWMAN, CLERK
By Lois Bogan Deputy

8 DISTRICT COURT
9 Clark County, Nevada

11 THE STATE OF NEVADA,)
12 Plaintiff)

13 -vs-)

14 CARY JERARD PICKETT,)
10725059)

16 Defendant,)

CASE NO. C99915
DEPT. NO. XIV
DOCKET NO. T

15 AMENDED
INFORMATION

ATTEMPT GRAND LARCENY
(Felony - NRS 205.220,
193.330)

18 STATE OF NEVADA)
19) ss:
COUNTY OF CLARK)

20 REX BELL, District Attorney within and for the County of
21 Clark, State of Nevada, in the name and by the authority of the
22 State of Nevada, informs the Court:

23 That CARY JERARD PICKETT, the defendant above named, on or
24 about the 9th day of January, 1991, at and within the County of
25 Clark, State of Nevada, contrary to the form, force and effect of
26 statutes in such cases made and provided, and against the peace
27 and dignity of the State of Nevada, did then and there wilfully,

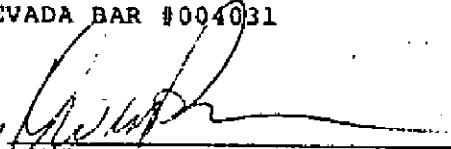
28 / / /

CE




1 unlawfully, and feloniously, with intent to deprive the owner
2 permanently thereof, attempt to steal, take and carry away
3 personal property of SEARS, ROEBUCK AND COMPANY, 4000 Meadows
4 Lane, Las Vegas, Clark County, Nevada, having a value of \$250.00,
5 or more, to-wit: Four (4) pair of Levi jeans, one (1) leather
6 jacket, one (1) canvas jacket and one (1) sweater.

7 REX BELL
8 District Attorney
9 NEVADA BAR #001799
10 NEVADA BAR #004031

11 By 
12 OWEN PORTERFIELD
13 Deputy District Attorney
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27 91F1050X/kjh
28 LVMPD DR#9101091173
Att G/L - F

CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


CLERK OF THE COURT

2.22.2010

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 11, 2010**

10C262523-2

State of Nevada
vs
Cary Pickett

March 11, 2010**10:30 AM****Initial Arraignment**

**INITIAL
ARRAIGNMENT
Court Clerk: Karina
Kennedy/klk/Sylvia
Courtney
Reporter/Recorder:
Kiara Schmidt Heard
By: Kevin Williams**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Almase, Caesar V.
Pickett, Cary J
Robinson, Lynn M.

Attorney
Defendant
Attorney

JOURNAL ENTRIES

- AS TO DEFT DANIELS: Deft present and in custody. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. DANIELS ARRAIGNED AND PLED GUILTY TO CT-1-BURGLARY WHILE IN POSSESSION OF A FIREARM (F), CT-2-CONSPIRACY TO COMMIT ROBBERY (F), CT-3-ROBBERY WITH USE OF A DEADLY WEAPON (F) and CT-4-POSSESSION OF FIREARM BY EX-FELON (F). Court ACCEPTED plea and, ORDERED, matter referred to the Division of Parole and Probation (P&P) and set for SENTENCING.

AS TO DEFT PICKETT: Deft present and in custody. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. PICKETT ARRAIGNED AND PLED GUILTY TO

PRINT DATE: 04/05/2018

Page 1 of 7

Minutes Date: March 11, 2010

CT-1-BURGLARY WHILE IN POSSESSION OF A FIREARM (F), CT-2-CONSPIRACY TO COMMIT ROBBERY (F), CT-3-ROBBERY WITH USE OF A DEADLY WEAPON (F) and CT-4-POSSESSION OF FIREARM BY EX-FELON (F). Court ACCEPTED plea and, ORDERED, matter referred to the Division of Parole and Probation (P&P) and set for SENTENCING.
CUSTODY(BOTH)
05.10.10 8:15 A.M. SENTENCING (DEPT 18)(BOTH)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 10, 2010**

10C262523-2

State of Nevada
vs
Cary Pickett

May 10, 2010**8:15 AM****Sentencing**

SENTENCING
Court Clerk: Sharon
Chun
Reporter/Recorder:
Richard Kangas
Heard By: David
Barker

HEARD BY: Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Sharon Chun**RECORDER:** Richard Kangas**REPORTER:****PARTIES****PRESENT:**

Almase, Caesar V.
Nelson III, Roy L.
Pickett, Cary J

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- The State lodged seven (7) certified copies of Deft Pickett's prior Judgments of Convictions in support of their request for Habitual Criminal enhancement. Exhibits were marked as State's Exhibits and admitted. COURT FOUND documents to be accurate and sufficient to support and FOUND DEFT PICKETT AN HABITUAL CRIMINAL pursuant to NRS 207.010.

DEFT. PICKETT ADJUDGED GUILTY of COUNT 1 - BURGLARY WHILE IN POSSESSION OF A FIREARM (F); COUNT 2 - CONSPIRACY TO COMMIT ROBBERY (F); COUNT 3 - ROBBERY WITH USE OF A DEADLY WEAPON (F); AND COUNT 4 - POSSESSION OF FIREARM BY EX-FELON (F).

In addition to the \$25.00 Administrative Assessment fee, COURT ORDERED, Deft Pickett to PAY

PRINT DATE: 04/05/2018

Page 3 of 7

Minutes Date: March 11, 2010

RESTITUTION in the AMOUNT of \$11,948.60 JOINTLY and SEVERALLY with co-deft, an INDIVIDUAL RESTITUTION of \$1,550.00, and SENTENCED, as follows:

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

COUNT 2 - A MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC);

COUNT 3 - Habitual Criminal Enhancement with a MAXIMUM term of TWENTY-FIVE (25) YEARS and a MINIMUM of TEN (10) YEARS in the NV Dept of Corrections, SENTENCE CONSECUTIVE TO COUNT 1;

COUNT 4 - A MAXIMUM of SIXTY (60) MONTHS and a MINIMUM of TWENTY-FOUR (24) MONTHS in the Nevada Department of Corrections (NDC), CONCURRENT TO COUNT 2.

COURT REITERATED that COUNTS 1 AND 3 ARE CONSECUTIVE and COUNTS 2 and 4 ARE CONCURRENT, with 88 DAYS CREDIT for time served.

COURT FURTHER ORDERED, DNA fee and testing WAIVED, having been previously submitted.

If bond, exonerated.

9/27/10-MINUTES CORRECTED TO REFLECT CORRECT DEFT'S NAME, AND THE SENTENCING MINUTE ORDER OF DEFT PICKETT HAS NOW BEEN SEPARATED FROM THE SENTENCING MINUTE ORDER OF DEFT DANIELS. /SSC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 19, 2011**

10C262523-2

State of Nevada

vs

Cary Pickett

January 19, 2011**8:15 AM****Motion to Withdraw as
Counsel****HEARD BY:** Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Roshonda Mayfield**RECORDER:** Richard Kangas**REPORTER:****PARTIES****PRESENT:** Almase, Caesar V.

Attorney

JOURNAL ENTRIES

- Upon review of the materials provided, COURT ORDERED, motion GRANTED pursuant to EDCR 7.40. Further, counsel is to forward a copy of the file to the Defendant and keep record of the contact.

NDC

CLERK'S NOTE: A copy of this minute order has been mailed to: #57591 P.O. Box 650 Indian Springs, Nevada 89070. (rm 1/20/11)

PRINT DATE: 04/05/2018

Page 5 of 7

Minutes Date: March 11, 2010

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 06, 2011**

10C262523-2 State of Nevada
 vs
 Cary Pickett

**April 06, 2011 8:15 AM Petition for Writ of Habeas
Corpus**

HEARD BY: Barker, David**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Roshonda Mayfield**RECORDER:** Richard Kangas**REPORTER:****PARTIES**

PRESENT: Graham, Stephanie Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Court advised, the Defendant has filed a post conviction relief action under 4 grounds. Following review of the matter, COURT ORDERED, petition DENIED as there has been no supportive evidence provided for consideration.

NDC

CLERK'S NOTE: A copy of this minute order has been mailed to the Defendant at: High Desert State Prison #57591 P.O. BOX 650 Indian Springs, Nevada 89070. (rm 4/6/11)

PRINT DATE: 04/05/2018

Page 6 of 7

Minutes Date: March 11, 2010

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 03, 2018

10C262523-2 State of Nevada
vs
Cary Pickett

January 03, 2018 8:30 AM Motion to Modify Sentence

HEARD BY: Kephart, William D. **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Tia Everett

RECORDER: Christine Erickson

REPORTER:

PARTIES

PRESENT: Demonte, Noreen C. Attorney
State of Nevada Plaintiff

JOURNAL ENTRIES

- Court noted Defendant not present and in custody with the Nevada Department of Corrections. Court finds Defendant has failed to establish that the sentencing Judge relied on any misrepresentation and/or material mistake of fact at the time of sentencing. Further, the record indicates that the sentencing Judge followed the stipulated sentence which was negotiated between the parties and Defendant has failed to provide any information which would allow this Court to retain jurisdiction over the matter; therefore, COURT ORDERED, Motion DENIED.

NDC

CLERK'S NOTE: The above minute order has been distributed to:

CARY PICKETT # 57591
NORTHERN NEVADA CORRECTIONAL CENTER
PO BOX 7000
CARSON CITY, NV 89702

PRINT DATE: 04/05/2018

Page 7 of 7

Minutes Date: March 11, 2010

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated March 14, 2018, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises three volumes with pages numbered 1 through 641.

STATE OF NEVADA,

Plaintiff(s),

vs.

CARY PICKETT
aka GARY J. PICKETT,

Defendant(s),

Case No: 10C262523-2

Dept. No: XIX

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 5 day of April 2018.

Steven D. Grierson, Clerk of the Court



Amber Lasby, Deputy Clerk

