

1 NOAS

2 PHILIP J. KOHN, PUBLIC DEFENDER  
3 NEVADA BAR No. 0556  
4 309 South Third Street, Suite 226  
5 Las Vegas, Nevada 89155  
6 (702) 455-4685  
7 Attorney for Defendant

Electronically Filed  
May 23 2018 11:51 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA, )  
11 )  
12 Plaintiff, ) CASE NO. C-16-314260-1  
13 )  
14 v. ) DEPT. NO. VIII  
15 )  
16 ALFRED C. HARVEY, )  
17 )  
18 Defendant. )  
19 \_\_\_\_\_ ) NOTICE OF APPEAL

20 TO: THE STATE OF NEVADA

21 STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY,  
22 NEVADA and DEPARTMENT NO. VIII OF THE EIGHTH JUDICIAL  
23 DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE  
24 COUNTY OF CLARK.

25 NOTICE is hereby given that Defendant, Alfred C. Harvey,  
26 presently incarcerated in the Nevada State Prison, appeals to the  
27 Supreme Court of the State of Nevada from the judgment entered  
28 against said Defendant on the 4 day of May, 2018, whereby the  
Order Denying Defendant's Motion for New Trial and Defendant's  
Motion to Reconstruct the Record was entered.

DATED this 16 day of May, 2018.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Sharon G. Dickinson  
SHARON G. DICKINSON, #3710  
Deputy Public Defender



1                                    **CERTIFICATE OF ELECTRONIC FILING**

2                    I hereby certify that service of the above and foregoing  
3 was made this 16 day of May, 2018, by Electronic Filing to:

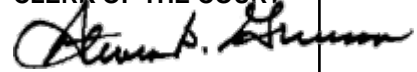
4                                    District Attorneys Office  
5                                    E-Mail Address:

6                                    [PDMotions@clarkcountyda.com](mailto:PDMotions@clarkcountyda.com)

7                                    [Jennifer.Garcia@clarkcountyda.com](mailto:Jennifer.Garcia@clarkcountyda.com)

8                                    [Eileen.Davis@clarkcountyda.com](mailto:Eileen.Davis@clarkcountyda.com)

9  
10                                   /s/ Carrie M. Connolly  
11                                   Secretary for the  
12                                   Public Defender's Office



CAS

PHILIP J. KOHN, PUBLIC DEFENDER  
NEVADA BAR No. 0556  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
(702) 455-4685  
Attorney for Defendant

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C-16-314260-1
	)	
v.	)	DEPT. NO. VIII
	)	
ALFRED C. HARVEY,	)	
	)	
Defendant.	)	
_____	)	

CASE APPEAL STATEMENT

1. Appellant filing this case appeal statement:  
Alfred C. Harvey.

2. Judge issuing the decision, judgment, or order  
appealed from: Douglas E. Smith.

3. All parties to the proceedings in the district  
court (the use of et al. To denote parties is prohibited): The  
State of Nevada, Plaintiff; Alfred C. Harvey, Defendant.

4. All parties involved in this appeal (the use of  
et. al. to denote parties is prohibited): Alfred C. Harvey,  
Appellant; The State of Nevada, Respondent.

1           5.    Name, law firm, address, and telephone number of  
2 all counsel on appeal and party or parties whom they represent:

3 PHILIP J. KOHN  
4 Clark County Public Defender  
309 South Third Street, #226  
5 Las Vegas, Nevada 89155-2610

STEVEN B. WOLFSON  
Clark County District Attorney  
200 Lewis Avenue, 3<sup>rd</sup> Floor  
Las Vegas, Nevada 89155

6 Attorney for Appellant

ADAM LAXALT  
Attorney General  
100 North Carson Street  
8 Carson City, Nevada 89701-4717  
(702) 687-3538

9 Counsel for Respondent

10           6.    Whether appellant was represented by appointed or  
11 retained counsel in the district court: Appointed.

12           7.    Whether appellant is represented by appointed or  
13 retained counsel on appeal: Appointed.

14           8.    Whether appellant was granted leave to proceed in  
15 forma pauperis, and the date of entry of the district court  
16 order granting such leave: N/A.

17           9.    Date proceedings commenced in the district court  
18 (e.g., date complaint, indictment, information, or petition was  
19 filed): Information filed 04/19/16.

20           DATED this 16 day of May, 2018.

21                           PHILIP J. KOHN  
22                           CLARK COUNTY PUBLIC DEFENDER

23  
24                           By: /s/ Sharon G. Dickinson  
25                               SHARON G. DICKINSON, #3710  
26                               Deputy Public Defender  
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28

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District Attorneys Office  
E-Mail Address:  
[PDMotions@ccdandv.com](mailto:PDMotions@ccdandv.com)  
  
[Jennifer.Garcia@ccdandv.com](mailto:Jennifer.Garcia@ccdandv.com)  
  
[Eileen.Davis@ccdandv.com](mailto:Eileen.Davis@ccdandv.com)

3

DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. C-16-314260-1**

**State of Nevada**  
**vs**  
**Alfred Harvey**

§	Location:	<b>Department 8</b>
§	Judicial Officer:	<b>Smith, Douglas E.</b>
§	Filed on:	<b>04/18/2016</b>
§	Case Number History:	
§	Cross-Reference Case	<b>C314260</b>
§	Number:	
§	Defendant's Scope ID #:	<b>7013098</b>
§	ITAG Booking Number:	<b>0</b>
§	ITAG Case ID:	<b>1786023</b>
§	Lower Court Case # Root:	<b>16F05049</b>
§	Lower Court Case Number:	<b>16F05049X</b>
§	Metro Event Number:	<b>1603303003</b>
§	Supreme Court No.:	<b>72829</b>

**CASE INFORMATION**

<b>Offense</b>	<b>Deg</b>	<b>Date</b>	<b>Case Type:</b>	<b>Felony/Gross Misdemeanor</b>
Jurisdiction: <b>District Court</b>				
1. ROBBERY	F	03/30/2016	Case Flags:	<b>Appealed to Supreme Court</b>
PCN: 0025615145 ACN: 1603303003				<b>Custody Status - Nevada</b>
Filed As: ROBBERY WITH USE OF A DEADLY WEAPON	F	4/19/2016		<b>Department of Corrections</b>
Arrest: 03/30/2016 MET - Metro				<b>Bond/Bail Surrendered</b>
				<b>Charge Description Updated</b>
				<b>JC Custody Status at Time of B/O</b>
<b>Statistical Closures</b>				<b>APR 20 2016 10:00AM: IN CUSTODY</b>
03/24/2017 Guilty Plea with Sentence (before trial) (CR)				
<b>Bonds</b>				
Surety #IS50K-119384 \$40,000.00				
6/1/2016 Surrendered				
5/13/2016 Active				
Counts: 1				

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

Case Number	C-16-314260-1
Court	Department 8
Date Assigned	11/10/2016
Judicial Officer	Smith, Douglas E.




**PARTY INFORMATION**

<b>Defendant</b>	<b>Harvey, Alfred C</b>	<i>Lead Attorneys</i>
		<b>Public Defender</b>
		<i>Public Defender</i>
		702-455-4685(W)
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Wolfson, Steven B</b>
		702-671-2700(W)














**DATE**

**EVENTS & ORDERS OF THE COURT**

**INDEX**

04/18/2016	 Criminal Bindover Packet Las Vegas Justice Court
04/19/2016	 Information <i>Information</i>
04/19/2016	 Amended Criminal Bindover Packet Las Vegas Justice Court

DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. C-16-314260-1**





04/19/2016	 Amended Criminal Bindover Packet Las Vegas Justice Court
04/20/2016	 <b>Initial Arraignment</b> (10:00 AM) (Judicial Officer: De La Garza, Melisa)
04/20/2016	<b>Plea</b> (Judicial Officer: Smith, Douglas E.) 1. ROBBERY Not Guilty PCN: 0025615145 Sequence:
04/21/2016	 Motion <i>Motion For Own Recognizance Release Under Intensive Supervision</i>
04/29/2016	 Opposition <i>State's Opposition To Defendant's Motion For Own Recognizance Release Or For Bail Reduction</i>
05/04/2016	 <b>Motion for Own Recognizance Release/Setting Reasonable Bail</b> (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Motion for Own Recognizance Release Under Intensive Supervision</i>
05/10/2016	 Motion <i>Notice Of Motion And Motion To Compel Discovery</i>
05/13/2016	 Bail Bond <i>Bail Bond #IS50K-119384 \$40,000.00</i>
05/13/2016	 Bail Bond Receipt <i>Bail Bond Receipt</i>
05/18/2016	 Reporters Transcript <i>Reporter's Transcript of Preliminary Hearing 4/18/16</i>
06/01/2016	 Response <i>State's Response to Defendant's Motion to Compel Discovery</i>
06/01/2016	<b>Motion to Compel</b> (9:30 AM) (Judicial Officer: Miley, Stefany) <b>06/01/2016-06/02/2016</b> <i>Defendant's Motion To Compel Discovery</i>
06/01/2016	<b>Bench Warrant Return</b> (9:30 AM) (Judicial Officer: Miley, Stefany)
06/01/2016	 <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Bench Warrant Return; Deft's Motion to Compel Discovery</i>
06/02/2016	<b>Status Check</b> (9:15 AM) (Judicial Officer: Miley, Stefany) <i>Status Check: Custody/Bond Status</i>
06/02/2016	 <b>All Pending Motions</b> (9:15 AM) (Judicial Officer: Miley, Stefany) <i>Defendant's Motion To Compel Discovery; Status Check: Custody /Bond Status</i>
06/10/2016	 Notice <i>Notice of Intent to Seek Punishment as a Habitual Criminal</i>















DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. C-16-314260-1**

06/13/2016	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses</i>
06/14/2016	 Notice <i>Defendant's Notice Of Witnesses, Pursuant To NRS 174.234</i>
06/15/2016	 <b>Calendar Call</b> (9:30 AM) (Judicial Officer: Miley, Stefany)
06/20/2016	<b>CANCELED Jury Trial</b> (1:00 PM) (Judicial Officer: Miley, Stefany) <i>Vacated</i>
06/29/2016	 <b>Status Check</b> (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Status Check: Resetting of Trial / New Counsel</i>
07/28/2016	 Motion <i>Motion For Own Recognizance Release Under Intensive Supervision Or On House Arrest</i>
08/02/2016	 Opposition <i>State's Opposition to Defendant's Motion for O.R. Release or for Bail Reduction</i>
08/03/2016	 <b>Motion for Own Recognizance Release/Setting Reasonable Bail</b> (9:30 AM) (Judicial Officer: Miley, Stefany) <i>Def't's Motion For Own Recognizance Release Under Intensive Supervision Or On House Arrest</i>
10/17/2016	 Notice of Witnesses and/or Expert Witnesses <i>Supplemental Notice of Witnesses</i>
10/19/2016	 Motion <i>Motion to Dismiss or, in the Alternative, for a Curative Jury Instruction on the State's Failure to Gather or Preserve Material Evidence</i>
10/21/2016	 Motion to Suppress <i>Motion To Suppress Show-Up Identification And Subsequent In-Court Identification</i>
10/21/2016	 Addendum <i>Addendum To Motion To Dismiss, OR In The Alternative, For A Curative Jury Instruction On The State's Failure To Gather OR Preserve Material Evidence</i>
10/25/2016	 Motion <i>Motion To Allow Defendant To Cover His Face Tattoo</i>
10/31/2016	 Opposition <i>State's Opposition to Defendant's Motion to Allow Defendant to Cover His Face Tattoos</i>
10/31/2016	 <b>Motion to Dismiss</b> (9:30 AM) (Judicial Officer: Miley, Stefany) <b>10/31/2016, 11/02/2016, 11/09/2016</b> <i>Defendant's Motion To Dismiss, Or In The Alternative, For A Curative Jury Instruction On The State's Failure To Gather Or Preserve Material Evidence</i>
10/31/2016	 Opposition <i>State's Opposition to Defendant's Motion to Suppress Show-Up Identification and Subsequent In-Court Identification</i>









DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. C-16-314260-1**

11/01/2016	 <b>Response</b> <i>State's Response to Defendant's Motion to Dismiss and/or Sanborn Instruction</i>
11/02/2016	<b>Calendar Call (9:30 AM)</b> (Judicial Officer: Miley, Stefany) <b>11/02/2016, 11/09/2016</b>
11/02/2016	<b>Motion (9:30 AM)</b> (Judicial Officer: Miley, Stefany) <i>Defendant's Motion To Suppress Show-Up Identification And Subsequent In-Court Identification</i>
11/02/2016	<b>Motion (9:30 AM)</b> (Judicial Officer: Miley, Stefany) <i>Deft's Motion To Allow Defendant To Cover His Face Tattoo</i>
11/02/2016	 <b>All Pending Motions (9:30 AM)</b> (Judicial Officer: Miley, Stefany) <i>Calendar Call; Defendant's Motion To Dismiss, Or In The Alternative, For A Curative Jury Instruction On The State's Failure To Gather Or Preserve Material Evidence; Defendant's Motion To Suppress Show-Up Identification And Subsequent In-Court Identification; Deft's Motion To Allow Defendant To Cover His Face Tattoo</i>
11/04/2016	 <b>Notice of Witnesses and/or Expert Witnesses</b> <i>Second Supplemental Notice of Witnesses</i>
11/07/2016	<b>CANCELED Jury Trial (1:00 PM)</b> (Judicial Officer: Miley, Stefany) <i>Vacated</i>
11/08/2016	 <b>Motion in Limine</b> <i>Motion in Limine</i>
11/09/2016	<b>Evidentiary Hearing (11:00 AM)</b> (Judicial Officer: Miley, Stefany)
11/09/2016	<b>Motion in Limine (11:00 AM)</b> (Judicial Officer: Miley, Stefany)
11/09/2016	 <b>All Pending Motions (11:00 AM)</b> (Judicial Officer: Miley, Stefany) <i>Calendar Call; Evidentiary Hearing; Defendant's Motion To Dismiss, Or In The Alternative, For A Curative Jury Instruction On The State's Failure To Gather Or Preserve Material Evidence; Deft's Motion in Limine</i>
11/10/2016	 <b>Overflow (8:30 AM)</b> (Judicial Officer: Barker, David) <i>OVERFLOW (23) - S. ROSE/KOHN - J. SPELLS/3-4 DAYS/7-8 WITNESSES/NO OUT OF STATE</i>
11/14/2016	<b>CANCELED Jury Trial (1:00 PM)</b> (Judicial Officer: Miley, Stefany) <i>Vacated</i>
11/15/2016	 <b>Jury Trial (9:30 AM)</b> (Judicial Officer: Bixler, James) <b>11/15/2016-11/18/2016</b> <i>Jury Trial - Overflow</i>
11/15/2016	 <b>Jury List</b>
11/16/2016	 <b>Miscellaneous Filing</b> <i>Defendant's Proposed Jury Instructions And Verdict Form</i>
11/16/2016	 <b>Amended Information</b> <i>Amended Information</i>













DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. C-16-314260-1**

11/17/2016	 Instructions to the Jury																		
11/17/2016	 Proposed Jury Instructions Not Used At Trial																		
11/17/2016	 Proposed Jury Instructions Not Used At Trial																		
11/18/2016	 Verdict																		
12/15/2016	 PSI																		
01/04/2017	 <b>Sentencing</b> (8:00 AM) (Judicial Officer: Bixler, James) <b>01/04/2017, 03/08/2017</b>																		
02/17/2017	 PSI - Letters																		
02/24/2017	 PSI - Letters																		
03/06/2017	 Memorandum <i>Sentencing Memorandum</i>																		
03/08/2017	<b>Disposition</b> (Judicial Officer: Smith, Douglas E.) 1. ROBBERY Guilty PCN: 0025615145 Sequence:																		
03/08/2017	<b>Sentence</b> (Judicial Officer: Smith, Douglas E.) 1. ROBBERY Adult Adjudication Sentenced to Nevada Dept. of Corrections Term: Minimum:36 Months, Maximum:144 Months Credit for Time Served: 344 Days Fee Totals: <table border="0" style="margin-left: 40px;"><tr><td>Administrative Assessment Fee</td><td>25.00</td></tr><tr><td>\$25</td><td></td></tr><tr><td>DNA Analysis Fee</td><td>150.00</td></tr><tr><td>\$150</td><td></td></tr><tr><td>Genetic Marker Analysis AA Fee</td><td>3.00</td></tr><tr><td>\$3</td><td></td></tr><tr><td>Indigent Defense Civil Assessment</td><td>250.00</td></tr><tr><td>Fee - ASK</td><td></td></tr><tr><td>Fee Totals \$</td><td>428.00</td></tr></table>	Administrative Assessment Fee	25.00	\$25		DNA Analysis Fee	150.00	\$150		Genetic Marker Analysis AA Fee	3.00	\$3		Indigent Defense Civil Assessment	250.00	Fee - ASK		Fee Totals \$	428.00
Administrative Assessment Fee	25.00																		
\$25																			
DNA Analysis Fee	150.00																		
\$150																			
Genetic Marker Analysis AA Fee	3.00																		
\$3																			
Indigent Defense Civil Assessment	250.00																		
Fee - ASK																			
Fee Totals \$	428.00																		
03/17/2017	 Judgment of Conviction <i>JUDGMENT OF CONVICTION (PLEA OF GUILTY)</i>																		
04/10/2017	 Notice of Appeal (criminal) <i>Notice of Appeal</i>																		
04/10/2017	 Case Appeal Statement <i>Case Appeal Statement</i>																		












DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. C-16-314260-1**

05/01/2017	 Request <i>Appellant's Request for Certified Transcript of Proceedings</i>
05/24/2017	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing Re: Initial Arraignment April 20, 2016</i>
06/02/2017	 Recorders Transcript of Hearing <i>Transcript of Proceedings: Evidentiary Hearing November 9, 2016</i>
06/08/2017	 Recorders Transcript of Hearing <i>Transcript of Proceedings: Defendant's Motion for Own Recognizance Release Under Intensive Supervision May 4, 2016</i>
06/08/2017	 Recorders Transcript of Hearing <i>Transcript of Proceedings: Bench Warrant Return Defendant's Motion to Compel Discovery June 1, 2016</i>
06/08/2017	 Recorders Transcript of Hearing <i>Recorders Transcript of Status Check: Custody/Bond Status And Defendant's Motion to Compel Discovery June 2, 2016</i>
06/08/2017	 Recorders Transcript of Hearing <i>Transcript of Proceedings: Calendar Call June 15, 2016</i>
06/08/2017	 Recorders Transcript of Hearing <i>Transcript of Proceedings: Status Check: Resetting of Trial / New Counsel June 29, 2016</i>
06/08/2017	 Recorders Transcript of Hearing <i>Transcript of Proceedings: Defendant's Motion for Own Recognizance Release Under Intensive Supervision or on House Arrest August 3, 2016</i>
06/08/2017	 Recorders Transcript of Hearing <i>Transcript of Proceedings: Defendant's Motion to Dismiss, or in the Alternative, for a Curative Jury Instruction on the State's Failure to Gather or Preserve Material Evidence October 31, 2016</i>
06/08/2017	 Recorders Transcript of Hearing <i>Transcript of Proceedings: Defendant's Motion to Suppress Show-up Identification and Subsequent In-Court Identification Defendant's Motion to Allow Defendant to Cover His Face Tattoos Defendant's Motion to Dismiss, or in the Alternative, for a Curative Jury Instruction on the State's Failure to Gather or Preserve Material Evidence Calendar Call November 2, 2016</i>
07/21/2017	 Recorders Transcript of Hearing <i>Recorder's Transcript of Sentencing. Heard on March 8, 2017</i>
07/21/2017	 Recorders Transcript of Hearing <i>Recorder's Transcript of Sentencing. Heard on January 4, 2017</i>
07/21/2017	 Recorders Transcript of Hearing <i>Recorder's Transcript of Jury Trial Day 1. Heard on November 15, 2016</i>
07/21/2017	

DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. C-16-314260-1**

	 <b>Recorders Transcript of Hearing</b> <i>Recorder's Transcript of Jury Trial Day 2. Heard on November 16, 2016</i>
07/21/2017	 <b>Recorders Transcript of Hearing</b> <i>Recorder's Transcript of Jury Trial Day 3. Heard on November 17, 2016</i>
07/21/2017	 <b>Recorders Transcript of Hearing</b> <i>Recorder's Transcript of Jury Trial Day 4. Heard on November 18, 2016</i>
02/07/2018	 <b>Status Check (8:00 AM)</b> (Judicial Officer: Smith, Douglas E.) <i>Status Check: Supreme Court Order Granting Motion to Withdraw and Remanding to Secure Counsel</i>
02/14/2018	 <b>Status Check (8:00 AM)</b> (Judicial Officer: Smith, Douglas E.) <i>Status Check : Confirmation of Public Defender as Appellate Counsel</i>
04/05/2018	 <b>Motion for New Trial</b> Filed By: Defendant Harvey, Alfred C <i>Motion For New Trial Pursuant to NRS 176.515 Based on Grounds of Newly Discovered Evidence and Motion for Evidentiary Hearing and Decision by Trial Judge</i>
04/05/2018	 <b>Motion</b> Filed By: Defendant Harvey, Alfred C <i>Defendant's Motion to Reconstruct The Records and Motion Asking Trial Judge to Make a Decision in this Matter</i>
04/16/2018	<b>Motion for New Trial (8:00 AM)</b> (Judicial Officer: Smith, Douglas E.) <b>04/16/2018, 04/30/2018</b> <i>Deft.'s Motion for New Trial Pursuant to NRS 176.515 Based on Grounds of Newly Discovered Evidence and Motion for Evidentiary Hearing and Decision by Trial Judge</i>
04/16/2018	<b>Motion (8:00 AM)</b> (Judicial Officer: Smith, Douglas E.) <b>04/16/2018, 04/30/2018</b> <i>Deft.'s Motion to Reconstruct the Records and Motion Asking Trial Judge to Make a Decision in this Matter</i>
04/16/2018	 <b>All Pending Motions (8:00 AM)</b> (Judicial Officer: Smith, Douglas E.) <i>Deft.'s Motion for New Trial Pursuant to NRS 176.515 Based on Grounds of Newly Discovered Evidence and Motion for Evidentiary Hearing and Decision by Trial Judge . . .</i> <i>Deft.'s Motion to Reconstruct the Records and Motion Asking Trial Judge to Make a Decision in this Matter</i>
04/17/2018	 <b>Opposition</b> Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion to Reconstruct the Record</i>
04/17/2018	 <b>Opposition</b> Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion for New Trial and Evidentiary Hearing</i>
04/23/2018	 <b>Ex Parte Order</b> <i>Ex Parte Order for Expedited Transcript</i>
04/23/2018	 <b>Reply to Opposition</b> <i>Defendant's Reply to State's Opposition to Defendant's Motion to Reconstruct the Record and</i>

DEPARTMENT 8  
**CASE SUMMARY**  
**CASE NO. C-16-314260-1**

	<i>Motion Asking for Trial Judge to Make a Decision in this Matter</i>	
04/23/2018	 Reply to Opposition <i>Defendant's Reply to State's Opposition to Defendant's Motion for a New Trial and Motion for Evidentiary Hearing and Decision by Trial Judge</i>	
04/25/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceedings: Defendant's Motion for New Trial Pursuant to NRS 176.515 Based on Grounds of Newly Discovered Evidence and Motion for Evidentiary Hearing and Decision by Trial Judge Defendant's Motion to Reconstruct the Records and Motion Asking Trial Judge to make a Decision in this Matter April 16, 2018</i>	
04/27/2018	 Supplement <i>Supplement to Defendant's Reply to State's Opposition to Defendant's Motion to Reconstruct the Record and For Judge to Make a Decision</i>	
04/27/2018	 Supplement <i>Supplement to Defendant's Reply to State's Opposition to Defendant's Motion for a New Trial and Motino for Evidentiary Hearing and Dec by Trial Judge</i>	
04/30/2018	 <b>All Pending Motions (8:00 AM)</b> (Judicial Officer: Smith, Douglas E.) <i>Deft.'s Motion for New Trial Pursuant to NRS 176.515 Based on Grounds of Newly Discovered Evidence and Motion for Evidentiary Hearing and Decision by Trial Judge . . . Deft.'s Motion to Reconstruct the Records and Motion Asking Trial Judge to Make a Decision in this Matter</i>	
05/02/2018	 Opposition Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion to Reconstruct the Record</i>	
05/04/2018	 Order <i>Order Denying Defendant's Motion fo rNew Trial and Defendant's Motion to Reconstruct the Record</i>	
05/07/2018	 Ex Parte Order Filed By: Defendant Harvey, Alfred C <i>Ex Parte Order for Expedited Transcript</i>	
05/10/2018	 Recorders Transcript of Hearing <i>RECORDER'S TRANSCRIPT OF PROCEEDINGS: DEFENDANT'S MOTION FOR NEW TRIAL PURSUANT TO NRS 176.515 BASED ON GROUNDS OF NEWLY DISCOVERED EVIDENCE AND MOTION FOR EVIDENTIARY HEARING AND DECISION BY TRIAL JUDGE. DEFENDANT'S MOTION TO RECONSTRUCT THE RECORDS AND MOTION ASKING TRIAL JUDGE TO MAKE A DECISION IN THIS MATTER. HEARD ON APRIL 30, 2018</i>	
05/16/2018	 Notice of Appeal (criminal) <i>Notice of Appeal</i>	
05/16/2018	 Case Appeal Statement <i>Case Appeal Statement</i>	

DATE

FINANCIAL INFORMATION

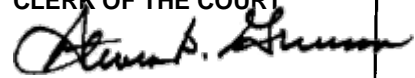
**Defendant** Harvey, Alfred C  
Total Charges  
Total Payments and Credits

431.50  
3.50

DEPARTMENT 8  
**CASE SUMMARY**  
CASE NO. C-16-314260-1

Balance Due as of 5/17/2018

428.00



**ORDR**

Judge Douglas E. Smith  
Eighth Judicial District Court  
Department VIII  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, Nevada 89155  
(702)671-4338

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,  
Plaintiff,

-vs-

ALFRED HARVEY,  
#7013098

Defendant.

CASE NO: C-16-314260-1

DEPT NO: VIII

**ORDER DENYING DEFENDANT'S MOTION FOR NEW TRIAL AND  
DEFENDANT'S MOTION TO RECONSTRUCT THE RECORD**

DATE OF HEARING: April 30, 2018  
TIME OF HEARING: 8:00 A.M.

THIS MATTER, having come on for hearing before the above entitled Court on the 30<sup>th</sup> day of April, 2018, the Defendant not being present, represented by JASMIN SPELLS and SHARON DICKINSON, Deputy Public Defenders, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through BRYAN SCHWARTZ, Deputy District Attorney, and the Court having heard the arguments of counsel and good cause appearing therefor,

THIS COURT FOUND the allegations presented by Defendant did not constitute new "evidence," the Court having found that Judge Bixler does not recall the jury question.

THIS COURT HAVING FURTHER FOUND that in response to the discovered jury question, Judge Bixler did not remember whether or not the question was presented to attorneys.

///



1 THIS COURT HAVING FURTHER FOUND that even if the question was presented  
2 to the attorneys, the question held the notation "The Court is not at liberty to supplement the  
3 evidence" would have been the proper and legal response to respond to the jury inquiry,  
4 attached as Exhibit A.

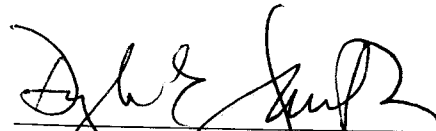
5 THIS COURT HAVING FURTHER FOUND that the Defendant failed to show that a  
6 different outcome would have been probable;

7 IT IS HEREBY ORDERED that the Defendant's Motion for New Trial shall be and it  
8 is Denied.

9 THIS COURT HAVING FOUND that the Defendant failed to show that it was  
10 necessary to reconstruct the record, and that it would be unfair to allow the Defendant to  
11 reconstruct the record using the juror affidavits;

12 IT IS HEREBY ORDERED that the Defendant's Motion to Reconstruct the Record  
13 shall be and it is Denied.

14 DATED this 4<sup>th</sup> day of May 2018.

15  
16 

17 DOUGLAS E. SMITH  
18 DISTRICT COURT JUDGE

19  
20 **CERTIFICATE OF SERVICE**

21 I hereby certify that on the 4<sup>th</sup> day of May 2018, a copy of this Order was  
22 electronically served to all registered parties in the Eighth Judicial District Court  
23 Electronic Filing Program and/or placed in the attorney's folder maintained by the  
24 Clerk of the Court and/or transmitted via facsimile and/or mailed, postage prepaid,  
by United States mail to the proper parties or per the attached list as follows:

25 Bryan Schwartz, [bryan.schwartz@clarkcountyda.com](mailto:bryan.schwartz@clarkcountyda.com)

26 DA motions, [Motions@clarkcountyda.com](mailto:Motions@clarkcountyda.com)

27 Jasmin Spells, [lillyjd@clarkcountynv.gov](mailto:lillyjd@clarkcountynv.gov)

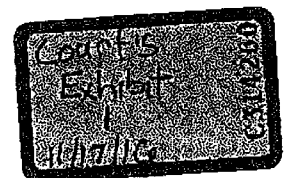
28 Sharon Dickinson, [dickinsg@clarkcountynv.gov](mailto:dickinsg@clarkcountynv.gov)

  
Jill Jacoby, Judicial Executive Assistant

The Court is not at liberty to supplement the evidence.

Can we have  
elaboration on the  
definition, by  
means of force or  
violence or fear of  
injury.

Michelle Moline



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 20, 2016**

C-16-314260-1      State of Nevada  
vs  
Alfred Harvey

**April 20, 2016      10:00 AM      Initial Arraignment**

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

**COURT CLERK:** Roshonda Mayfield

**RECORDER:** Kiara Schmidt

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Bunnett, Matthew T.	Attorney
	HARVEY, ALFRED C	Defendant
	Hillman, Ralph R.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- DEFT. HARVEY ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. COURT FURTHER ORDERED, counsel has 21 days from the filing of the preliminary transcript to file any writs. COURT FURTHER ORDERED, the discovery motion requested by defense is GRANTED pursuant to NRS 174.235.

CUSTODY

6/15/16 9:30 A.M. CALENDAR CALL (DEPT. 23)

6/20/16 1:00 P.M. JURY TRIAL (DEPT. 23)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 04, 2016**

C-16-314260-1      State of Nevada  
vs  
Alfred Harvey

<b>May 04, 2016</b>	<b>9:30 AM</b>	<b>Motion for Own Recognizance Release/Setting Reasonable Bail</b>	<b>Defendant's Motion for Own Recognizance Release Under Intensive Supervision</b>
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**HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

<b>PRESENT:</b>	HARVEY, ALFRED C	Defendant
	Spells, Jasmin	Attorney

**JOURNAL ENTRIES**

- Licensed Deputy District Attorney Jory Scarborough present. Statement by Deft. Argument by counsel. Argument by the State. Further argument by counsel. COURT ORDERED, motion DENIED. FURTHER, request for bail reduction DENIED. Trial date STANDS.

**CUSTODY**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 01, 2016**

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C-16-314260-1      State of Nevada  
                                 vs  
                                 Alfred Harvey

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**June 01, 2016**

**9:30 AM**

**All Pending Motions**

**Bench Warrant  
Return; Deft's  
Motion to Compel  
Discovery**

**HEARD BY:** Miley, Stefany

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Katherine Streuber

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	HARVEY, ALFRED C	Defendant
	Holthus, Mary Kay	Attorney
	Leven, Pandora L.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Deft. present in custody on the returned warrant. Counsel noted State requested additional time to file Response. Matter recalled. COURT ORDERED, motion CONTINUED and matter SET for status check.

CUSTODY

06-02-16 9:15 AM DEFT'S MOTION TO COMPEL DISCOVERY; STATUS CHECK:  
CUSTODY/BOND STATUS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

C-16-314260-1      State of Nevada  
vs  
Alfred Harvey

<b>June 02, 2016</b>	<b>9:15 AM</b>	<b>All Pending Motions</b>	<b>Defendant's Motion To Compel Discovery; Status Check: Custody /Bond Status</b>
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**HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

<b>PRESENT:</b>	HARVEY, ALFRED C	Defendant
	Schwartz, Bryan A.	Attorney
	Spells, Jasmin	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Counsel advised she had spoken with bail bond company, noted she was told Deft. paid \$1,600, however, total bond was \$4,400.00 and stated Deft. was to make payments. Counsel then noted Deft. did not have any collateral as he would not put his vehicle as collateral, therefore, he was take into custody on a bail bond surrender. Colloquy regarding premium. Counsel advised Deft. lost \$1,600.00. Argument by the State noting Deft's criminal history. Upon Court's inquiry regarding Deft's attendance, counsel advised Deft. had no court appearances while out of custody and noted Deft. stayed out of trouble. Further argument by the State. Argument by counsel. State opposed own recognizance release. Argument by counsel. Statement by Deft. COURT ORDERED, Deft. to be RELEASED on his Own Recognizance (O.R.) with House Arrest. Argument by counsel. Court admonished the State. Colloquy regarding Deft's Motion to Compel Discovery. COURT ORDERED, motion GRANTED under Brady. Colloquy regarding reciprocal discovery. Counsel advised they

would comply.

O.R./H.A.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 15, 2016**

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C-16-314260-1      State of Nevada  
                                 vs  
                                 Alfred Harvey

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**June 15, 2016      9:30 AM      Calendar Call**

**HEARD BY:** Miley, Stefany      **COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Katherine Streuber

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	HARVEY, ALFRED C	Defendant
	Schwartz, Bryan A.	Attorney
	Spells, Jasmin	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Counsel advised Deft. will waive speedy trial right and noted Deft. wanted to retain Caesar Almase Esq. State advised they were prepared for trial. Deft. WAIVED speedy trial right. COURT ORDERED, trial date VACATED and matter SET for status check.

O.R./H.A.

06-29-16 9:30 AM STATUS CHECK: RESETTING OF TRIAL / NEW COUNSEL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 29, 2016**

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C-16-314260-1      State of Nevada  
                                 vs  
                                 Alfred Harvey

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**June 29, 2016**

**9:30 AM**

**Status Check**

**Status Check:  
Resetting of Trial/  
New Counsel**

**HEARD BY:** Miley, Stefany

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Katherine Streuber

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	HARVEY, ALFRED C	Defendant
	Rose, Robert E.	Attorney
	Schwartz, Bryan A.	Attorney
	Spells, Jasmin	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Counsel advised Deft. was unable to retain private counsel and requested trial date be set. State advised all discovery had been provided. COURT ORDERED, matter SET for trial.

O.R./H.A.

11-02-16 9:30 AM CALENDAR CALL

11-07-16 1:00 PM TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 03, 2016**

C-16-314260-1      State of Nevada  
vs  
Alfred Harvey

<b>August 03, 2016</b>	<b>9:30 AM</b>	<b>Motion for Own Recognizance Release/Setting Reasonable Bail</b>	<b>Deft's Motion For Own Recognizance Release Under Intensive Supervision Or On House Arrest</b>
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**HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

<b>PRESENT:</b>	HARVEY, ALFRED C	Defendant
	Rose, Robert E.	Attorney
	Schwartz, Bryan A.	Attorney
	Spells, Jasmin	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Matter recalled. Argument by counsel. Argument by the State. Court stated its findings and ORDERED, motion DENIED. trial date STANDS.

**CUSTODY**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 31, 2016**

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C-16-314260-1      State of Nevada  
                                 vs  
                                 Alfred Harvey

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<b>October 31, 2016</b>	<b>9:30 AM</b>	<b>Motion to Dismiss</b>	<b>Defendant's Motion To Dismiss, OR In The Alternative, For A Curative Jury Instruction On The State's Failure To Gather Or Preserve Material Evidence</b>
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**HEARD BY:** Miley, Stefany

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Katherine Streuber

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	HARVEY, ALFRED C	Defendant
	Spells, Jasmin	Attorney
	State of Nevada	Plaintiff
	Sudano, Michelle L.	Attorney

**JOURNAL ENTRIES**

- State advised they needed to file an Opposition. COURT ORDERED, matter CONTINUED.

**CUSTODY**

11-02-16 9:30 AM Defendant's Motion To Dismiss, Or In The Alternative, For A Curative Jury Instruction On The State's Failure To Gather Or Preserve Material Evidence

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 02, 2016**

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C-16-314260-1      State of Nevada  
                                 vs  
                                 Alfred Harvey

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<b>November 02, 2016</b>	<b>9:30 AM</b>	<b>All Pending Motions</b>	<b>Calendar Call; Defendant's Motion To Dismiss, Or In The Alternative, For A Curative Jury Instruction On The State's Failure To Gather Or Preserve Material Evidence; Defendant's Motion To Suppress Show- Up Identification And Subsequent In- Court Identification; Deft's Motion To Allow Defendant To Cover His Face Tattoo</b>
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**HEARD BY:** Miley, Stefany

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Katherine Streuber

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	HARVEY, ALFRED C	Defendant
	Rose, Robert E.	Attorney
	Schwartz, Bryan A.	Attorney
	Spells, Jasmin	Attorney
	State of Nevada	Plaintiff

## JOURNAL ENTRIES

- Mr. Schwartz advised they are not ready for trial as he beginning an invoked trial next week and stated they had noticed the defense that they would be requesting a continuance. Counsel announced ready. Colloquy regarding trial setting. COURT ORDERED, trial date VACATED and RESET. As to Deft's Motion to Dismiss or In The Alternative For a Curative Jury Instruction on the State's Failure to Gather or Preserve Material Evidence: Argument by counsel noting there were two witnesses who were filming with their cellphones and noted their investigator spoke with them which they stated they were deleted. Court inquired whether individuals had provided copies to officer or the State. Argument by counsel. Court inquired whether individuals were being called as witnesses. Counsel believed a hearing was needed in order to flush out the details as it goes to either bad faith or gross negligence. Argument by the State noting they did not believe officer knew witness(es) had taken photographs or videos. Court stated it appeared to be speculation. Further argument by the State. Court stated it did not have adequate information to make proper ruling and ORDERED, matter SET for hearing; As to Deft's Motion to Suppress Show-Up Identification and Subsequent In-Court Identification: Argument by counsel. Argument by the State noting the surveillance video zooms in on Deft's face. COURT ORDERED, motion DENIED as to In-Court Identification and GRANTED as to Show-Up Identification; As to Deft's Motion to Allow Defendant to Cover His Face Tattoos: Counsel advised it would be only as to Deft's face tattoos, not any other part of his body. Court noted in this case identity is an issue and pointed out what victim might be perceiving. Argument by counsel regarding apprehension of fear. Court pointed out everyone perceives people differently. Additional argument by counsel. Argument by the State noting the jury will have to state they have no bias and pointed out surveillance video shows Deft's face. Statement by Deft. Argument by counsel. COURT ORDERED, motion DENIED as relevant to identification and relevant to elements of crime.

### CUSTODY

11-09-16 11:00 AM HEARING; DEFT'S MOTION TO DISMISS OR IN THE ALTERNATIVE FOR A CURATIVE JURY INSTRUCTION ON THE STATE'S FAILURE TO GATHER OR PRESERVE MATERIAL EVIDENCE; CALENDAR CALL

11-14-16 1:00 PM TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

C-16-314260-1      State of Nevada  
vs  
Alfred Harvey

<b>November 09, 2016</b>	<b>11:00 AM</b>	<b>All Pending Motions</b>	<b>Calendar Call; Evidentiary Hearing; Defendant's Motion To Dismiss, Or In The Alternative, For A Curative Jury Instruction On The State's Failure To Gather Or Preserve Material Evidence; Deft's Motion in Limine</b>
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**HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

<b>PRESENT:</b>	HARVEY, ALFRED C	Defendant
	Jones, Kelley R.	Attorney
	Rose, Robert E.	Attorney
	Spells, Jasmin	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Court noted hearing was set as parties were speculating as to what happened with the officer. Court then noted Deft. had filed a Motion in Limine which had been set for November 28, 2016 and stated the motion would be addressed after the hearing. Court advised the trial would be referred to

Overflow as it had an Invoked trial which would take priority. Counsel advised they had spoken with the State in an attempt to resolve the issues contained in the motion, however, no agreement could be reached, therefore, motion was filed. Arguments by counsel regarding the presence of Deft's children at the incident. Court stated it did not see the relevance. Further arguments by counsel. Testimony and exhibits presented. (See worksheets) CONFERENCE AT THE BENCH. Testimony and exhibits presented. (See worksheets) Arguments by counsel. Court stated its findings and ORDERED, Deft's Motion to Dismiss is DENIED. Colloquy regarding Deft's Motion in Limine. Based upon representations of the State, COURT ORDERED, requests # 2 and #3 are GRANTED. Arguments by counsel. Court advised it had reconsidered its original standing in regards to the children and ORDERED, request #1 DENIED. FURTHER, matter REFERRED to Overflow.

#### CUSTODY

11-10-16 8:30 AM OVERFLOW (23) - S. ROSE/KOHN - J. SPELLS/3-4 DAYS/7-8 WITNESSES/NO OUT OF STATE WITNESSES

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 10, 2016**

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C-16-314260-1      State of Nevada  
                                 vs  
                                 Alfred Harvey

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**November 10, 2016      8:30 AM      Overflow**

**HEARD BY:** Barker, David      **COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Alan Castle

**RECORDER:** Michelle Ramsey

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	HARVEY, ALFRED C	Defendant
	Jones, Kelley R.	Attorney
	Schwartz, Bryan A.	Attorney
	Spells, Jasmin	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Parties announced ready. COURT ORDERED, trial date set in Department VIII, Courtroom 11B and will be heard by Senior Judge Bixler. Court directed to contact Paula, the JEA in that department. Upon Court's inquiry, counsel (SCHWARTZ, BRYAN, S. ROSE / K. JONES, J. SPELLS) estimated

3 - 4 DAYS

6 WITNESSES / NO OUT-OF-STATE

CUSTODY

11/15/16 9:30 a.m. JURY TRIAL (DEPT. 8)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 15, 2016**

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C-16-314260-1      State of Nevada  
vs  
Alfred Harvey

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**November 15, 2016      9:30 AM      Jury Trial**

**HEARD BY:** Bixler, James

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Steve Rose, Dep DA, and Bryan Schwartz, Dep DA, present on behalf of the State; Jasmin Spells, Dep PD, and Kelley Jones, Dep PD, present on behalf of Deft. Harvey, who is also present.

9:35 a.m. Jury Trial commenced. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Court noted the State is requesting leave of Court to file an Amended Information; they want to change miscellaneous clothing items to miscellaneous items (page 1, line 24) and her to his (page 1, line 25). Argument by Ms. Spells; the Defense has no objection to the "her" to "his" change; however, there is an objection to the deletion of the word "clothing" as it is a significant change and is a change in the State's theory of prosecution which requires a change in the Deft.'s theory of defense. Additionally, the amendment came after the Calendar Call and after the Overflow Calendar Call and as soon as the Defense was informed of the amendment, they notified the State that they would be REQUESTING a CONTINUANCE. Therefore, the Defense is not ready to proceed because they need to rethink their theory of defense and re-evaluate the evidence. If the State withdraws the amendment, the Defense would then be ready to proceed. Argument by Mr. Schwartz; the State has not changed their theory of prosecution. The Deft. went into a T.J. Maxx and took three (3) items; i.e., a wallet, lotions, and some fragrances. Since these are not clothing items, the State just wanted to make that clarification to the Information; colloquy.

Ms. Spells requested to make a record without the State present. OUTSIDE THE PRESENCE OF THE STATE; discussion held with the Court as to how the change affects their theory of defense; the Deft. did not commit the offense as alleged by the State.

STATE PRESENT: Court noted that no clothing items were taken; therefore, the State has mistakenly alleged a crime which the facts do not support and are requesting to correct the charging document hours before trial. Argument by Mr. Schwartz; he suggested a solution. Mr. Rose discussed NRS 173.095 and Viray V. State. Argument by Ms. Jones; their defense is based on both the Complaint and the Information, which are the same and both are based on miscellaneous clothing items. COURT ORDERED, Ms. Spells' request is DENIED; this matter will proceed to trial on the original Complaint and Information. Although clothing items were not taken, the items taken can be bought in a clothing store.

Colloquy; if the State is adamant about changing the language in the Information, the Court will grant the Defense a continuance. Otherwise, the Court will proceed to trial at this time. Mr. Schwartz advised that the State would WITHDRAW their request to amend the Information.

Additionally, Ms. Spells advised that the Defense filed a motion to cover the Deft.'s face tattoos. Mr. Schwartz advised the State has no objection to the Defense covering the tattoos on the Deft.'s cheek and the one over his eye. COURT ORDERED, Ms. Spells' request is GRANTED.

PROSPECTIVE JURORS PRESENT: Court and counsel begin Voir Dire examination of the prospective Jurors.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS: Challenge to the Jury Venire by Ms. Spells; she does not believe it is a fair cross-section of the community for the reasons stated on the record and, therefore, she would request a new panel or the opportunity to question the Jury Commissioner as to process of how these prospective Jurors were procured. Argument by Mr. Rose; there is no requirement for the Jury Venire to match exactly the cross-section of the community, there just cannot be a systematic exclusion from the Jury selection process on the basis of race.

It is the Court's opinion that there is no need to question the Jury Commissioner with regard to the selection process as it is a generalized process which does not provide for any kind of exclusion. Therefore, COURT ORDERED, Ms. Spells' request to obtain a new panel is DENIED.

PROSPECTIVE JURORS PRESENT: Court and counsel continued Voir Dire examination of the prospective Jurors. Jury and two (2) alternate selected and sworn. Opening statement by Mr. Rose; Ms. Spells reserved her opening statement.

OUTSIDE THE PRESENCE OF THE JURY: Argument by Ms. Spells regarding the 911 calls; there are two (2) and the first issue is with regard to the named victim's 911 call where the operator references the children at the end of the call and the second issue is with regard the call made by the witness, Erral Appel, where he made hearsay statements. Argument by Mr. Rose. COURT ORDERED, Ms.

Spells' request to STRIKE the witness' statement about the incident is DENIED; however, the Court will GRANT Ms. Spells' request to STRIKE the statement by the 911 operator. The State should make the appropriate redactions.

4:16 p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED.

CUSTODY

CONTINUED TO: 11/15/16 10:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 16, 2016**

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C-16-314260-1      State of Nevada  
                                 vs  
                                 Alfred Harvey

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**November 16, 2016      10:00 AM      Jury Trial**

**HEARD BY:** Bixler, James

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Steve Rose, Dep DA, and Bryan Schwartz, Dep DA, present on behalf of the State; Jasmin Spells, Dep PD, and Kelley Jones, Dep PD, present on behalf of Deft. Harvey, who is also present.

10:35 a.m. Jury Trial resumed. Amended Information FILED IN OPEN COURT; "her" was changed to "his" as the Court directed. Clerk read the Amended Information to the Jury and stated the Deft. s plea thereto.

Testimony and exhibits presented (see worksheets).

OUTSIDE THE PRESENCE OF THE JURY: Court canvassed Deft. with regard to his right not to testify or to testify in this case.

JURY PRESENT: Opening Statement by Ms. Jones; Testimony and exhibits presented (see worksheets).

5:30 p.m. Court ADJOURNED; COURT ORDERED, Jury Trial CONTINUED.

**CUSTODY**

CONTINUED TO: 11/17/16 10:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 17, 2016**

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C-16-314260-1      State of Nevada  
                                 vs  
                                 Alfred Harvey

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**November 17, 2016      10:00 AM      Jury Trial**

**HEARD BY:** Bixler, James

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Steve Rose, Dep DA, and Bryan Schwartz, Dep DA, present on behalf of the State; Jasmin Spells, Dep PD, and Kelley Jones, Dep PD, present on behalf of Deft. Harvey, who is also present.

10:00 a.m. OUTSIDE THE PRESENCE OF JURY: Jury Instructions and Verdict form settled on the record.

JURY PRESENT: Court instructed the Jury. Closing arguments by Mr. Rose and Ms. Spells; rebuttal by Mr. Schwartz. At the hour of 12:42 p.m., the Jury retired to deliberate; Court thanked and excused the alternates.

For the record, Court noted that if the Jury has not reached a Verdict by 5:00 p.m., the Court will ask the Marshall to inquire as to whether the Jury is making progress or would prefer to take a break and return in the morning.

5:00 p.m. The Jury elected to recess and return in the morning at 9:30 a.m. to continue their deliberations. Therefore, COURT ORDERED, Jury Trial CONTINUED.

**CUSTODY**

CONTINUED TO: 11/18/16 9:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 18, 2016**

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C-16-314260-1      State of Nevada  
                                 vs  
                                 Alfred Harvey

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**November 18, 2016      9:30 AM      Jury Trial**

**HEARD BY:** Bixler, James

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Phyllis Irby

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	HARVEY, ALFRED C	Defendant
	Jones, Kelley R.	Attorney
	Rose, Robert E.	Attorney
	Schwartz, Bryan A.	Attorney
	Spells, Jasmin	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- JURY PRESENT. Verdict reached at the hour of 11:10 am. The Court thanked and excused the jury. OUTSIDE THE PRESENCE OF THE JURY. The Defense requested to have Judge Bixler do the sentencing. The State will provide PowerPoint as exhibit.  
COURT ORDERED, DEFT HELD WITHOUT BAIL. SENTENCING SET.

CUSTODY

1-04-17 8:00 AM SENTENCING (DEPT. VIII)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 04, 2017**

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C-16-314260-1      State of Nevada  
                                 vs  
                                 Alfred Harvey

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**January 04, 2017      8:00 AM      Sentencing**

**HEARD BY:** Bixler, James

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Jill Jacoby

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Steven Rose, Dep DA, present on behalf of the State and Jasmin Spells, Dep PD, present on behalf of Deft. Harvey, who is also present.

This is the time set for Sentencing. Ms. Spells advised that the Defense is not ready to proceed; she previously notified the Court and the State of her request for a continuance and would like to prepare a Sentencing Memorandum. There also are some issues with the Presentence Investigation (PSI) report. Specifically, on page 3, the Gang Activity/Affiliation; Ms. Spells requested and received the Field Interview (FI) Cards; colloquy.

With regard to the issues in the PSI, they are as follows:

Page 2 - Deft.'s Social Security Number in the left column as well as the Additional Social Security Number in the right column are not correct.

Page 3 - The Mental Health History and the Gang Activity/Affiliation are not correct. Ms. Spells is challenging both; however, she did receive the FI Cards from the State and the Deft. has signed several releases so she can obtain his Mental Health records from California. With regard to the FI Cards, one Card indicated that there was no gang affiliation and the other one indicated that the gang

affiliation came through an interview at the Clark County Detention Center (CCDC). Ms. Spells' investigator pulled the jail interviews and there is no indication in those interviews of any gang affiliation so she would like to do some further research on this issue.

Page 6 - There are issues with the August 6, 2006, and June 17, 2012, arrest dates and dispositions. The Deft. was under the impression that he only had Misdemeanors on his record and the Felonies had been cleared due to a particular proposition in California. Ms. Spells advised that she has not had an opportunity to review these issues.

Page 7 - Ms. Spells would request that the Court order that Parole and Probation (P&P) change the Offense Synopsis with regard to the weapon. Although the original charge was Robbery with use of a Deadly Weapon, the Jury did not find, beyond a reasonable doubt, that there was a weapon used so Ms. Spells would like that to be reflected in the Offense Synopsis.

Argument by Mr. Rose; SCOPE reflects the initial Social Security Number but not the additional one; the PSI stated that the Deft. reported no significant mental health concerns so he has no knowledge of any, unless Deft. reported some to his counsel; the State provided Ms. Spells with the FI Cards; P&P can look into the issues with the prior arrests, the State will make copies of those and provide them to the Defense; and with regard to the Offense Synopsis, although the verdict returned by the Jury shows that they did not find, beyond a reasonable doubt, that a weapon was used, it is what the testimony showed and the PSI reflects the offense as a Robbery and not a Robbery with use. If Ms. Spells wants to have a specific notation that the Deft. was convicted of Robbery and not Robbery with use of a Deadly Weapon, the State has no objection.

Court advised that the testimony that came out at trial did, in fact, indicate that the Deft. pulled out a knife, waived it, and then held it by his side; however, the Jury did not feel as though the testimony was sufficient to convict the Deft. of Robbery with use of a Deadly Weapon. For the reasons stated on the record, the Court will not STRIKE out the part of the synopsis that says the Deft. pulled a knife out but it is clear in the PSI that the Deft. was convicted of Robbery and not Robbery with use of a Deadly Weapon. If counsel believes that a special notation is necessary, the Court has no objection.

Colloquy as to how long it may take to supplement the PSI; Ms. Spells advised there are substantial Mental Health records that she needs to procure from California; although there are no competency issues, the records are relevant to show Deft.'s history of mental health issues and may also be relevant with regard to the Specialty Court programs that Deft. has applied to, which will be more fully explained in her Sentencing Memorandum.

COURT ORDERED, Sentencing CONTINUED for sixty (60) days for a Supplemental PSI; the sentencing will go forward next date whether Ms. Spells has been able to obtain the Deft.'s Mental Health records from California or not. Further, the Court noted that the Deft. has six (6) Felony convictions along with others so his chances of getting probation are slim.

CUSTODY

CONTINUED TO: 03/08/17 8:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 08, 2017**

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C-16-314260-1      State of Nevada  
                                 vs  
                                 Alfred Harvey

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**March 08, 2017      8:00 AM      Sentencing**

**HEARD BY:** Bixler, James

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Steven Rose, Dep DA, present on behalf of the State and Jasmin Spells, Dep PD, present on behalf of Deft. Harvey, who is also present.

Ms. Spells advised that the November 30, 2016, Presentence Investigation (PSI) report indicates on page 3 that the Deft. is a confirmed active member of the "Blood, 456 Pomona Island Piru" street gang; however, Deft. has denied any gang membership; colloquy. COURT ORDERED, that the following shall be added to the Judgment of Conviction and noted for the PSI.

CORRECTIONS TO THE PRESENTENCE INVESTIGATION (PSI) REPORT: the Deft., at this point, disavows any gang affiliation.

Pursuant to the Jury's verdict, DEFT. HARVEY ADJUDGED GUILTY of ROBBERY (F). Mr. Rose is requesting that the Deft. be adjudicated as an habitual criminal; he provided six (6) certified copies of the Deft.'s Judgments of Conviction, which were marked collectively as State's Exhibit 1 and ADMITTED. For the reasons stated on the record the State is requesting a sentence of eight (8) to twenty (20) years; there is no restitution. Ms. Spells filed a Sentencing Memorandum on March 6, 2017, which she would like the Court to review, which it did. The Defense is requesting a sentence of two (2) to five (5) or three (3) to eight (8) years; argument. The Court will NOT adjudicate the Deft. as

an habitual criminal.

COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, the \$150.00 DNA Analysis fee including testing to determine genetic markers, the \$3.00 DNA Collection fee, and an Indigent Defense Civil Assessment fee in the amount of \$250.00, Deft. SENTENCED to a MAXIMUM of ONE HUNDRED FORTY-FOUR (144) MONTHS and a MINIMUM of THIRTY-SIX (36) MONTHS in the Nevada Department of Corrections (NDC), with THREE HUNDRED FORTY-FOUR (344) DAYS credit for time served. The Court has no opposition to the Deft. being referred to the 184 program.

BOND, if any, EXONERATED

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 07, 2018**

C-16-314260-1      State of Nevada  
vs  
Alfred Harvey

<b>February 07, 2018</b>	<b>8:00 AM</b>	<b>Status Check</b>	<b>Supreme Court Order Granting Motion to Withdraw and Remanding to Secure Counsel</b>
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**HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Gina Villani**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Jonathan Cooper, Chf Dep DA, present on behalf of the State and Kelli DeVaney-Sauter, Dep PD, present on behalf of Deft. Harvey, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

This is the time set for the Status Check regarding the Supreme Court Order Granting Motion to Withdraw and Remanding to Secure Counsel. Court noted that Timothy Treffinger, Esq., was appellate counsel for the Deft.; however, he has withdrawn as counsel of record so the Supreme Court has remanded the appeal for the limited purpose of securing new counsel for appellate. This Court's staff contacted the Office of Appointed Counsel and was told that the Public Defender could be appointed as counsel for the Deft. Therefore, COURT ORDERED, matter set for status check: the Public Defender's office is to perform a conflict check and confirm, if possible, next date.

NDC

02/14/18 8:00 AM STATUS CHECK: CONFIRMATION OF PUBLIC DEFENDER AS APPELLATE COUNSEL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 14, 2018**

C-16-314260-1      State of Nevada  
                                  vs  
                                  Alfred Harvey

**February 14, 2018****8:00 AM****Status Check**

**Confirmation of  
Public Defender as  
Appellate Counsel**

**HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Gina Villani**REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Vivian Luong, Dep DA, present on behalf of the State and Kelli DeVaney-Sauter, Dep PD, present on behalf of Deft. Harvey, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

This is the time set for the Status Check on Confirmation of Public Defender as Appellate Counsel. Ms. DeVaney-Sauter advised that the Public Defender's office performed a conflict check and it appears there are none; therefore, they can CONFIRM as Appellate Counsel at this time. COURT SO NOTED.

NDC



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 16, 2018**

C-16-314260-1      State of Nevada  
vs  
Alfred Harvey

**April 16, 2018****8:00 AM****All Pending Motions****HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Gina Villani**REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- DEFT.'S MOTION FOR NEW TRIAL PURSUANT TO NRS 176.515 BASED ON GROUNDS OF NEWLY DISCOVERED EVIDENCE AND MOTION FOR EVIDENTIARY HEARING AND DECISION BY TRIAL JUDGE . . . DEFT.'S MOTION TO RECONSTRUCT THE RECORDS AND MOTION ASKING TRIAL JUDGE TO MAKE A DECISION IN THIS MATTER

Brian Schwartz, Dep DA, present on behalf of the State; Sharon Dickinson, Chf Dep PD, and Jasmin Spell, Dep PD, present on behalf of Deft. Harvey, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC). Ms. Spells requested that the Deft.'s presence be WAIVED.

This is the time set for hearing on the above-named motions; Mr. Schwartz advised that the State has not had an opportunity to respond to the motions but will get their Oppositions filed today. With regard to the trial judge hearing the motions, the State submits.

Ms. Spells advised that the Defense is requesting that this Court set this matter at a time when Judge Bixler would be available to hear it; she understands that Judge Bixler is a Senior Judge but he is the Judge who presided over the trial. This case was heavily litigated; the matter was originally assigned to Judge Miley, who heard and decided most of the motions. The matter was then sent to Overflow,

picked up by this Department, and heard by Judge Bixler. The issue that the parties are dealing with occurred during the trial and that is why they believe Judge Bixler should be the one to decide it because he is the one who is most familiar with the facts and circumstances of the underlying issue.

Court noted that the newly discovered evidence is the note from the Jury, which reads as follows: "Can we have elaboration on the definition, by means of force or violence or fear of injury." To which the Court responded, "The Court is not at liberty to supplement the evidence." Defense claims that they never saw the question and were not consulted on a possible answer to the question.

Colloquy as to whether or not the Court is at liberty to supplement the Jury Instructions; Ms. Spells believes there are numerous arguments she could make in support of the Jury's question but she would like an opportunity to see the State's Oppositions and respond before this Court makes a final determination. COURT ORDERED, Motions CONTINUED.

NDC

CONTINUED TO: 04/30/18 8:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 30, 2018**

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C-16-314260-1      State of Nevada  
                                 vs  
                                 Alfred Harvey

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**April 30, 2018**

**8:00 AM**

**All Pending Motions**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Carol Donahoo

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- DEFT.'S MOTION FOR NEW TRIAL PURSUANT TO NRS 176.515 BASED ON GROUNDS OF NEWLY DISCOVERED EVIDENCE AND MOTION FOR EVIDENTIARY HEARING AND DECISION BY TRIAL JUDGE . . . DEFT.'S MOTION TO RECONSTRUCT THE RECORDS AND MOTION ASKING TRIAL JUDGE TO MAKE A DECISION IN THIS MATTER

Brian Schwartz, Dep DA, present on behalf of the State; Sharon Dickinson, Chf Dep PD, and Jasmin Spells, Dep PD, present on behalf of Deft. Harvey, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

This is the time set for hearing on Deft.'s Motion for New Trial and Motion to Reconstruct the Record. Upon Court's inquiry, Ms. Spells advised that the newly the newly discovered evidence is the note from the Jury that was marked as an exhibit. Counsel found the note during the appellate process and the parties were not notified at the time the Jury was deliberating that there was a question. The noted said, "Can we have elaboration on the definition, by means of force or violence or fear of injury," which is one of the elements of a robbery charge. At the top of the note the Court's response was as follows: "The Court is not at liberty to supplement the evidence."

Ms. Dickinson advised that in the note, the Jury was asking for a legal definition but the response had

to do with evidence so that is not what they were asking for. Ms. Dickinson believes the Court should have brought the trial attorneys back into court to look at the instruction, formulate an answer, and decide what to do; she discussed NRS 175.451, Gonzales v. State, and Jeffries v. State. When the parties were last present, the Court indicated that Judge Bixler did not remember this case so Defense Counsel spoke with a few of the Jurors; Supplemental Points and Authorities were submitted. The Jurors remember giving the note and one of the Jurors made comments about the response given by the Court's Marshal, which brings up further concern because the trial attorneys were not made aware of any of this because none of it is a part of the record. Therefore, Ms. Dickinson believes an Evidentiary Hearing is necessary to ascertain why the procedures were not correctly followed and what happened with the note.

Colloquy; the Court believes that "The Court is not at liberty to supplement the evidence" is the appropriate response to the question and that it is not new evidence; the appropriate evidence and arguments were presented at the time of trial, there is no new evidence. Although a mistake may have occurred, what difference would it have made because if the trial attorneys would have been brought back into court, the response the Court gave would have been the response of the trial attorneys.

Ms. Spells advised that the note is not evidence but a clarification on what the law is. The Jury is the trier of fact and the Court informs the Jury on what the law is. Ms. Spells believes that the Jury was confused as to what the law was. If Defense counsel would have had the opportunity, they would have objected to the Court's response to the note, directed the Jurors to the appropriate Jury Instruction, or proffered new ones. Court noted that the Jury Instructions cannot be supplemented once the Jury begins their deliberations. COURT ORDERED, the Motion is DENIED.

Ms. Spells advised that there is an additional argument; Defense counsel believes there was possible misconduct because the Deft. was aware that there was a holdout Juror prior to the Jury coming back with a verdict. Additionally, in speaking with some of the Jurors, they indicated that there were additional conversations between the Jurors and the Court's Marshal about procedural aspects and he may have provided them with his cell phone number. Defense Counsel was not made aware of the conversations; they should have been done in writing or placed on the record, neither occurred and the cell phone issue also needs to be explored. Therefore, Ms. Spells is requesting that the Court set an Evidentiary Hearing. COURT FURTHER ORDERED, the prior ruling STANDS, the Motion is DENIED. State to prepare Findings of Fact and Conclusions of Law consistent with their Opposition.

With regard to the Motion to Reconstruct the Records, Ms. Dickinson advised that Defense Counsel needs to have the record reconstructed to determine how the note ended up in the District Court's evidence vault; there is nothing in the record which explains that; colloquy. COURT ORDERED, Ms. Dickinson is free to file a reconstruction; however, her request to use the Declarations from the Jurors is DENIED. State to prepare the Order.

NDC

# EXHIBIT(S) LIST

Case No.: C314260

Jury Trial Date: 11/15/16

Dept. No.: VIII

Judge: James Bixler

Court Clerk: Carol Donahoo

Plaintiff: The State of Nevada

Recorder / Reporter: Jill Jacoby

Counsel for Plaintiff: Steve Rose/Bryan Schwartz

vs.

Defendant: Alfred C. Harvey

Counsel for Defendant: Jasmin Spells/Kelley Jones

## JURY TRIAL BEFORE THE COURT

### STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1.	Photograph	11/16/16	NO	11/16/16
2.	Photograph	11/16/16	NO	11/16/16
3.	Photograph	11/16/16	NO	11/16/16
4.	Photograph			
5.	Photograph			
6.	Photograph			
7.	Photograph			
8.	Photograph	11/16/16	NO	11/16/16
9.	Photograph			
10.	Photograph			
11.	Photograph			
12.	Photograph			
13.	Photograph			
14.	Photograph			
15.	Photograph			
16.	Photograph			
17.	Photograph	11/16/16	NO	11/16/16

# EXHIBIT(S) LIST

Case No: C314260

The State of Nevada

VS.

Alfred C. Harvey

## STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
18.	Photograph	11/16/16	NO	11/16/16
19.	Photograph			
20.	Photograph			
21.	Photograph			
22.	Photograph			
23.	Photograph			
24.	Photograph			
25.	Photograph			
26.	Photograph			
27.	Photograph			
28.	Photograph			
29.	Photograph			
30.	Photograph			
31.	Photograph			
32.	Photograph			
33.	Photograph			
34.	Photograph			
35.	Photograph			
36.	Photograph			
37.	Photograph			
38.	Photograph			
39.	CD – Fist and Second Calls	11/16/16	NO	11/16/16
40.	CD – TJ Maxx	11/16/16	NO	11/16/16
41.	Photograph	11/16/16	NO	11/16/16

## EXHIBIT(S) LIST

**Case No: C314260**

## The State of Nevada

VS.

**Alfred C. Harvey**

## COURT'S EXHIBITS

[illegible]

## EXHIBIT(S) LIST

Case No.: C314260

Sentencing: 03/08/17

Dept. No.: VIII

Judge: Douglas Smith

Court Clerk: Carol Donahoo

Plaintiff: The State of Nevada

Recorder / Reporter: Gina Villani

Counsel for Plaintiff: Steve Rose

vs.

Defendant: Alfred Harvey

Counsel for Defendant: Jasmin Spells

### HEARING BEFORE THE COURT

#### STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1.	Judgments of Conviction (6)			03/08/17





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

**PHILIP J. KOHN, PUBLIC DEFENDER**  
**309 S. THIRD ST., SUITE 226**  
**LAS VEGAS, NV 89155**

**DATE: May 17, 2018**  
**CASE: C-16-314260-1**

**RE CASE: STATE OF NEVADA vs. ALFRED C. HARVEY**

NOTICE OF APPEAL FILED: May 16, 2018

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

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

☐

Case Appeal Statement

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

☐

Order

☒

Notice of Entry of Order

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

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

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT  
DOCKET ENTRIES; ORDER DENYING DEFENDANT'S MOTION FOR NEW TRIAL AND  
DEFENDANT'S MOTION TO RECONSTRUCT THE RECORD; DISTRICT COURT MINUTES;  
EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

ALFRED C. HARVEY,

Defendant(s).

Case No: C-16-314260-1

Dept No: VIII

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 17 day of May 2018.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk