

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

2 _____

3 VERNON NEWSON JR.,) No. 75932

4 Appellant,)

5 v.)

6)

7 THE STATE OF NEVADA,)

8 Respondent.)

Electronically Filed
Oct 25 2018 09:50 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

9 _____

10 **APPELLANT'S APPENDIX VOLUME VI PAGES 1045-1084**

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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
VERNON NEWSON, JR.,
Defendant.

CASE NO: C-16-313919-1
DEPT. III

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE
WEDNESDAY, FEBRUARY 28, 2018

**RECORDER'S TRANSCRIPT OF HEARING RE:
JURY TRIAL - DAY FIVE**

APPEARANCES:

For the State:

PAMELA C. WECKERLY, ESQ.
Chief Deputy District Attorney
KENNETH N. PORTZ, ESQ.
Deputy District Attorney

For the Defendant:

RYAN J. BASHOR, ESQ.
KAMBIZ SHAYGAN-FATEMI, ESQ.
Deputy Public Defenders

For the Jury:

KAREN M. DUUS, FOREPERSON

RECORDED BY: SARA RICHARDSON, COURT RECORDER

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1 **Las Vegas, Nevada; Wednesday, February 28, 2018**

2 [Proceeding commenced at 10:44 a.m.]

3
4 THE COURT: Mr. Newson is here with his attorneys. Ms.
5 Weckerly is here for the State right now. We're waiting on Mr. Portz. So
6 couple things: First off, I just want to go ahead and make a record. We
7 did talk on the phone, but we had a question from our jury, a two-part
8 question, and I got on a conference call with the attorneys and they
9 agreed what the response that I was going to give and I'll read all that
10 right now. Just make sure you guys can address whether or not I'm
11 reading correctly what you understood.

12 So the note that came out from the jury, there were two
13 questions in the note. The first question said, "are the child abuse
14 charges felonies?" and the second question said, "if so, does committing
15 murder during the commission of child abuse alter the murder charge in
16 any way?" So first off, we did get on a conference call, yes?

17 MR BASHOR: Yes.

18 MS. WECKERLY: Yes.

19 THE COURT: Okay. And the response that I gave him to the
20 first question was: The level of crime designation of the child abuse,
21 neglect or endangerment charges is irrelevant to deciding whether the
22 defendant is guilty or not guilty of any charges in the case. Is that what
23 you all understood was appropriate?

24 MS. WECKERLY: Yes, Your Honor.

25 MR. BASHOR: Yes, Your Honor.

1 THE COURT: Okay. And the response I gave him to the
2 second question was: Whether the defendant is guilty or not guilty of any
3 of the child abuse, neglect or endangerment charges does not alter the
4 murder charge in any way and has no bearing on any decision you reach
5 on the murder charge. That was acceptable as well?

6 MS. WECKERLY: Yes.

7 MR. BASHOR: Yes, Your Honor.

8 THE COURT: Okay. All right. So we'll have that filed as a
9 Court Exhibit.

10 **[COURT EXHIBIT ENTERED]**

11 THE COURT: Secondly, before we bring them in since I'm
12 anticipating, obviously, whatever the verdict is, we roll into producing the
13 second charge for them. So is anybody planning on making any kind of
14 opening statement on the charge?

15 MS. WECKERLY: Just, like, ten, you know, 30 seconds.

16 THE COURT: Okay.

17 MR. BASHOR: No.

18 THE COURT: Okay. And no witnesses from the State.

19 MS. WECKERLY: Correct.

20 THE COURT: For the Defense?

21 MR. BASHOR: No.

22 THE COURT: And you're just going to introduce a copy of the
23 conviction, I'm assuming?

24 MS. WECKERLY: Right. Which should be from the prelim.

25 THE COURT: Okay. Do we have that prelim exhibit?

1 THE CLERK: Yes. I should.

2 THE COURT: And then anticipated that you're going to -- are
3 you going to submit it from a closing argument standpoint? Are we going
4 to argue?

5 MS. WECKERLY: No. I mean, submit it.

6 THE COURT: All right. So let's talk about it and try and get
7 the jury instructions done so we can do all that. Was there any objection
8 to the instructions, Ryan, that you all received from the State?

9 MR. BASHOR: No, Your Honor.

10 THE COURT: Okay. Look, I mean, I can give the whole
11 packet if everybody's in agreement. There was just some of them that I
12 thought, I don't know, why we're being duplicitous of some things. I also
13 have never seen a instruction that says, the defendant is accused in a
14 second amended information alleging an open charge of ex-felon and
15 possession of a firearm.

16 MS. WECKERLY: Oh, I took out -- I didn't take out the -- I
17 should have taken out the open.

18 THE COURT: All right. So we don't need that. That's really
19 the one for a murder charge. So number one will be, it is now my duty as
20 Judge. Number two, if in these instructions. Number three, an
21 information is but a formal method. And that just lists the firearm count
22 now. Number four, a person who has been convicted of a felony.
23 Number five, you are instructed that a firearm. Number six, the law
24 recognizes two kinds of possession. Number seven, evidence that the
25 defendant committed or may have committed offenses. And then

1 number eight is going to be the one that tells them that all of their
2 instructions pertain.

3 So it's a little further back in your packet, but it begins all legal
4 instructions by the Court in this case, including these current instructions
5 and those previously given, constitute the law in this case and apply to
6 your deliberations regarding the instant charge. And then, do you want to
7 repeat the -- I always repeat the reasonable doubt instruction, but do you
8 want to repeat the constitute the crime charged as well?

9 MS. WECKERLY: I don't see a need to repeat it.

10 MR. BASHOR: No, Your Honor.

11 THE COURT: No. Okay. So we'll set that aside. Number
12 nine will be reasonable doubt. Evidence which you are to consider, you
13 guys want that or no?

14 MS. WECKERLY: In the --

15 THE COURT: We have it in the other packet, obviously.

16 MS. WECKERLY: Right. Anything that's in the other packet, I
17 don't think this -- I mean, the State's position is we don't need to repeat it.

18 THE COURT: Okay.

19 MR. BASHOR: Agree.

20 THE COURT: Agree? Okay. So we'll set that aside. We'll
21 set credibility of witnesses. I will give the, in your deliberation, you may
22 not consider punishment, so that's going to be ten. Expert witness we
23 don't need then. Though you are only to consider the evidence we don't
24 need. I will give them the same during the course of the trial in your
25 deliberations, don't communicate, investigate, et cetera. So that's going

1 to be 11. When you retire to consider your verdict, we give that as well.
2 If during your deliberation, we give that. Thirteen. And then, now you'll
3 listen to the arguments of counsel will be 14.

4 Okay. So and you all have a copy of the 14?

5 MS. WECKERLY: Yes.

6 THE COURT: Any objection to any of those 14 that we just
7 discussed?

8 MR. BASHOR: No, Your Honor.

9 MS. WECKERLY: No.

10 THE COURT: Everybody's okay with the verdict form as well?

11 MR. BASHOR: The only problem, and it's just typographical,
12 is it's written as Vernon New-wan [sic].

13 THE COURT: Oh, okay. I'll get Molly to correct that. All right.
14 And then you all -- did you file or e-file the third amended information?

15 MS. WECKERLY: Nick is printing that and coming up with it.

16 THE COURT: Okay. All right. So as soon as we get here,
17 we'll get that. I'm going to go ahead and get copies made of our jury
18 instructions.

19 MS. WECKERLY: And may we approach just for one
20 second?

21 THE COURT: Sure.

22 [Bench conference begins 10:50 a.m.]

23 MS. WECKERLY: So I don't -- I'm not trying to be
24 disrespectful, I have a PCR argument at 11:00 so as soon as we do this
25 little blurb, I'm probably not going to stay for these instructions. Nick will

1 be here.

2 THE COURT: Okay.

3 MS. WECKERLY: Is that okay?

4 THE COURT: Yeah.

5 MS. WECKERLY: 'Cause I'm -- I'm literally the only one on
6 that.

7 THE COURT: Are you going to -- is he going to do the
8 opening and cover everything for this hearing?

9 MS. WECKERLY: If he gets here, otherwise, I'll do it.

10 THE COURT: Okay. All right.

11 MS. WECKERLY: Because all I'm going to just say is, you
12 know, it's illegal to have a gun if you're a felon and you're going to hear
13 that he was a felon, so.

14 THE COURT: Okay.

15 MS. WECKERLY: But I just didn't want you to go why is she
16 walking out right now.

17 THE COURT: Oh, no, no, no. That's okay.

18 MR. BASHOR: Ironically, her argument is the same as mine.

19 [Bench conference ends at 10:51 a.m.]

20 THE COURT: All right. Give me a couple minutes. Do you
21 guys want the Constitutional right of the defendant to not testify?

22 MR. BASHOR: No.

23 THE COURT: No? Okay. I believe that's in the regular
24 packet, as well. Thank you.

25 [Proceedings resumed at 10:59 a.m.]

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[Outside the presence of the jury]

THE COURT: Okay. So the third amended information was filed in open court; any objection to that, Mr. Bashor?

MR. BASHOR: I'm sorry, Your Honor. I didn't hear you.

THE COURT: The third amended information.

MR. BASHOR: No, Your Honor.

THE COURT: No. Okay. Thank you. Okay. Do you guys have anything before I get the jury in?

MS. WECKERLY: No, Your Honor.

MR. BASHOR: No, Your Honor.

THE COURT: Okay. You can go ahead, Mike. Thank you.

THE MARSHAL: All rise for the jury.

[In the presence of the jury]

THE COURT: All right. You all can be seated. Thank you. All right. We're going to be back on the record. Mr. Newson's present with his attorneys. The State's attorneys are present. Jurors are present. Ms. Duus, you are the foreperson in my jury, correct?

MS. DUUS: Correct.

THE COURT: And my understanding is the jury has reached verdicts.

MS. DUUS: We have.

THE COURT: All right. Could you hand the verdict forms to the Marshal for me, please? Thank you.

All right. You can all stay seated.

Verdict. State of Nevada versus Vernon Newson, Jr.

1 We, the jury in the above entitled case, find the Defendant,
2 Vernon Newson, Jr., as follows:

3 Count 1, murder with use of a deadly weapon, guilty of first
4 degree murder with use of a deadly weapon.

5 Count 2, child abuse, neglect or endangerment, Major
6 Newson, guilty of child abuse, neglect or endangerment.

7 Count 3, child abuse, neglect or endangerment, Brandon
8 Berger, guilty of child abuse, neglect or endangerment.

9 Dated this 28th day of February, 2018, signed by Karen,
10 excuse me, Duus, our Foreperson.

11 Ladies and Gentlemen of the jury, are those your verdicts as
12 read so say you one, so say you all?

13 THE JURY PANEL: Yes.

14 THE COURT: Does either side wish to have the jury polled?

15 MS. WECKERLY: Not on behalf of the State.

16 MR. BASHOR: No, Your Honor.

17 THE COURT: No. Okay. We're going to go ahead and return
18 and record the verdict with the minutes of the Court.

19 MR. BASHOR: Your Honor, actually, I apologize, please do.

20 THE COURT: Okay. It's okay. We're going to poll you just by
21 number and we'll skip over number six where Mr. Rivera was so we'll just
22 go from five to seven, guys.

23 THE CLERK: Juror number 1, are these your verdicts as
24 read?

25 JUROR #1: Yes.

1 THE CLERK: Juror number 2, are these your verdicts as
2 read?
3 JUROR #2: Yes.
4 THE CLERK: Juror number 3, are these your verdicts as
5 read?
6 JUROR #3: Yes.
7 THE CLERK: Juror number 4, are these your verdicts as
8 read?
9 JUROR #4: Yes.
10 THE CLERK: Juror 5, are these your verdicts as read?
11 JUROR #5: Yes.
12 THE CLERK: Juror 7, are these your verdicts as read?
13 JUROR #7: Yes.
14 THE CLERK: Juror 8, are these your verdicts as read?
15 JUROR #8: Yes.
16 THE CLERK: Juror 9, are these your verdicts as read?
17 JUROR #9: Yes.
18 THE CLERK: Juror 10, are these your verdicts as read?
19 JUROR #10: Yes.
20 THE CLERK: Juror 11, are these your verdicts as read?
21 JUROR #11: Yes.
22 THE CLERK: Juror 12, are these your verdicts as read?
23 JUROR #12: Yes.
24 THE CLERK: Juror 13, are these your verdicts as read?
25 JUROR #13: Yes.

1 THE COURT: Okay. We'll now record the verdict into the
2 minutes of the Court. So your job is almost done. There is another
3 charge involved in the case that, by law, I can't -- we can't present to you
4 all until you return the verdict on the first three counts that were alleged in
5 the case. So we need to have you all participate in a second proceeding
6 that I anticipate's going to be a fairly short proceeding. You're still going
7 to be done today, I'm guessing.

8 So I'm going to read to you what the other charge was. It's
9 the same kind of theory that applies to this proceeding as the original
10 proceeding. So I'm not going to read you all that introductory material
11 because that stays the same way in terms of I read you the charge, I'll let
12 you know what the Defendant's plea was to the charge, then the
13 attorneys have the opportunity to present any cases in chief that they
14 wish. It's my understanding and belief that they're not presenting any
15 witnesses. They may just make some short argument to you about this.
16 And then you would go back and deliberate on this charge as well.

17 But the charge is, State of Nevada versus Vernon Newson, Jr.
18 The -- Vernon Newson, Jr., the Defendant above-named, having
19 committed the crime of ownership or possession of a firearm by a
20 prohibited person on or about the 13th day of December, 2015, within the
21 County of Clark, State of Nevada, contrary to the form, force, and effect
22 of statutes in such cases made and provided, and against the peace and
23 dignity of the State of Nevada,

24 Count 1, ownership or possession of firearm by prohibited
25 person did willfully, unlawfully, and feloniously own, or have in his

1 possession or under his control or custody or control, a firearm, the
2 Defendant being a convicted felon, having in 2009 been convicted of
3 forgery in Case Number C258156 in the Eighth Judicial District Court,
4 Clark County, a felony under the laws of the State of Nevada. To which
5 the Defendant had entered a plea of not guilty.

6 So we will start off with any opening statements that the State
7 wishes to make.

8 MR. PORTZ: Thank you, Your Honor. Good morning, again,
9 everyone. As the Court mentioned this phase of the trial will be far
10 shorter than the last phase that we just went through. On December 13,
11 2015, at the time that the crime of murder with use of a deadly weapon
12 was committed by the Defendant, he was, at that point in time, a
13 convicted felon sustaining conviction from forgery in 2009 here in Clark
14 County, Nevada. As such, on that date, it was illegal for him to be in
15 possession of a firearm.

16 So given your verdict already and given the facts conceded to
17 by the defense that the Defendant was in possession of a firearm at the
18 time that he shot and killed Anshanette McNeil, we will be submitting to
19 you a judgment of conviction showing that he was, in fact, a convicted
20 felon at the time that he possessed that firearm and we'll be asking that
21 you return a verdict of guilty as to the count alleged in the third amended
22 information. Thank you.

23 THE COURT: Thank you. Mr. Bashor or Mr. Shaygan, any
24 opening?

25 MR. BASHOR: We have nothing at this time, Your Honor.

1 THE COURT: Okay. State wish to call any witnesses in your
2 case in chief?

3 MR. PORTZ: The State does not, Your Honor. We'll be
4 moving to admit, pursuant to an agreement with the parties, what's been
5 marked for identification as State's Proposed Exhibit 250.

6 THE COURT: Okay. Can I take a look? Any objection to
7 250?

8 MR. BASHOR: No, Your Honor.

9 THE COURT: I will note for the record that it is a certified
10 copy of the documents related to that case. Just for the record, I think, all
11 that's probably necessary is the judging of conviction and this contains
12 the charging documents, court minutes, things like that. Are you all in
13 agreement on admitting that whole packet or just the judgment?

14 MR. BASHOR: I guess -- you're -- the judgment is probably
15 sufficient, Your Honor.

16 THE COURT: Okay. State, do you all have any objection to
17 me unstapling this and just having it -- the actual judgment of conviction
18 marked?

19 MS. WECKERLY: That's fine.

20 MR. PORTZ: No objection.

21 THE COURT: So 250 will be admitted as just the judgment of
22 conviction and, again, that is a certified copy. Okay.

23 **[STATE'S EXHIBIT 250 ADMITTED]**

24 THE COURT: All right. State rests their case in chief?

25 MR. PORTZ: Yes, Your Honor.

1 THE COURT: Defense wish to call any witnesses in their
2 case in chief?

3 MR. BASHOR: No, Your Honor.

4 THE COURT: Any argument from the State?

5 MR. PORTZ: The State will submit the matter to the jury, Your
6 Honor.

7 THE COURT: Mr. Shaygan or Mr. Bashor.

8 MR. BASHOR: Good morning, folks. We also submit it for
9 your deliberation.

10 THE COURT: Okay. Submit on any rebuttal argument, as
11 well?

12 MR. PORTZ: Yes, Your Honor.

13 THE COURT: Okay. Folks, in your chairs, when you came in,
14 there should have been another packet of jury instructions so I need,
15 again, to read those to you by law. It's a shorter packet, because both
16 packets really apply and there's an instruction in here, that'll tell you
17 about that. Some of them are duplicitous because, by law, I need to give
18 some of them to you again. But the instructions in the case are -- I
19 should have read this before I asked you all about your arguments, I
20 apologize.

21 [The Court reads the instructions to the jury]

22 THE COURT: The parties having waived their arguments and
23 submitted the case, we'll go ahead and ask you all to go with Mike back
24 to the deliberation room. The record will reflect that since Mike came in
25 today, we swore him in this morning to be one of the officers taking

1 charge of the jury. And we'll get the exhibit back to you all so you can
2 deliberate this charge. And yes. So there you go. Thank you.

3 THE MARSHAL: All rise for the jury.

4 [Outside the presence of the jury]

5 THE COURT: You guys have anything outside the presence?

6 MR. PORTZ: Not for the State, Your Honor.

7 MR. BASHOR: No, Your Honor.

8 THE COURT: All right. I'll give you back the rest of those
9 documents since we just marked the judgment.

10 MR. PORTZ: Sorry about that.

11 THE COURT: It's okay.

12 [Jury deliberations begin 11:23 a.m.]

13 [Proceedings resume at 11:46 a.m.]

14 THE MARSHAL: All rise for the jury.

15 [In the presence of the jury]

16 THE COURT: Okay. You all can be seated. Thank you.

17 We're back on the record. Mr. Newson's here with his attorneys. Mr.
18 Portz is here for the State. I had excused Ms. Weckerly because another
19 judge needed her, folks. So I apologize for that.

20 Ms. Duus, jury's reached a verdict?

21 MS. DUUS: Yes, we have, Your Honor.

22 THE COURT: Okay. If you could, again, hand the verdict
23 form to the Marshal. Thank you.

24 Okay. Verdict. State of Nevada versus Vernon Newson, Jr.

25 We, the jury in the above-entitled case, find the Defendant,

1 Vernon Newson, Jr., as follows:

2 Count 1, possession of a firearm by an ex-felon, guilty of
3 possession of a firearm by an ex-felon. Dated this 28th day of February,
4 2018, signed by Karen Duus, our Foreperson.

5 Ladies and Gentlemen of the jury, is that your verdict as read
6 so say you one, so say you all?

7 THE JURY PANEL: Yes.

8 THE COURT: Do you wish to have them polled again?

9 MR. BASHOR: No, Your Honor.

10 THE COURT: Okay. So we're going to return the verdict and
11 have it filed into the minutes of the Court and that concludes your jury
12 service now.

13 So in a minute, I'm going to be back to talk to you all. I need
14 to chat with the attorneys for just a second before I can do that, but the
15 main thing that I would be telling you now and back then is, you no longer
16 have that admonition about who you can talk to or not talk to any longer.
17 So you're free to talk to anybody that you want to about the case. You
18 also don't have to talk to anybody, whether it's me or anybody else.

19 So if after you leave here today, anybody persists in trying to
20 talk to you, wanting to find out about your jury duty, then by all means, if
21 you're not getting anywhere with telling them to leave you alone, then call
22 my chambers and we'll do what we need to do to help you out.

23 Oftentimes, the attorneys may want to chat with you after I get
24 done talking to you. Are you guys going to want to stick around and talk?

25 MR. PORTZ: Yes, Your Honor.

1 THE COURT: Okay. In which case, if you're willing to do that,
2 I would bring you back into the courtroom. The only people that would be
3 here are you and the attorneys and myself. And it's just an opportunity
4 for them to kind of learn a little bit about how they did things. People
5 cannot ask you about your deliberative process. That's why we close the
6 door and you're in there by yourself. But it is an opportunity for attorneys
7 to kind a get to -- get a feeling from you all since you sit in judgment of
8 the cases in our community. What did you think about jury selection and
9 how they presented witnesses and how they do things personally
10 because it's a good learning opportunity, obviously.

11 So if any of you are available to stick around for a few minutes
12 and answer questions, I know they would appreciate it. On the other
13 hand, if you need to get on your way, perfectly understand that as well.
14 Don't feel bad if you need to go. But with that, I'm going to have you go
15 back to the deliberation room so you can gather all your belongings. I'll
16 be back there in just a minute to chat with you and you have my great
17 thanks for having given us your time over these past several days, okay.
18 Thank you very much.

19 THE MARSHAL: All rise for the jury.

20 [Outside the presence of the jury]

21 THE COURT: Okay. And now that all the verdicts are
22 returned, gentlemen on behalf of Mr. Newson, I know there were some
23 issues you wanted to raise to the Court.

24 MR. SHAYGAN: Yes, Your Honor. With regards to the --

25 THE COURT: You guys can be seated again, thank you.

1 MR. SHAYGAN: -- Your Honor, with regards to the murder
2 count and the two child abuse counts, Defense at this time will move for a
3 directed verdict.

4 THE COURT: Okay.

5 MR. SHAYGAN: Based on insufficiency of the evidence.

6 THE COURT: Okay. What I'll tell you, Mr. Newson, is that,
7 you know, for the most part, when matters are submitted to juries like
8 that, it's very rare to, kind a, the Court to enter a directed verdict since so
9 much of -- of what happens, particularly in criminal cases, is based on a
10 jury making a factual determination of what they thought about certain
11 things.

12 This is certainly a case where I would not enter a directed
13 verdict. I think there was -- there was more than sufficient evidence for
14 the jury to return the verdicts that they had. So I will allow the verdicts on
15 Counts 1, 2, and 3 to stand.

16 That being said, we need to get a sentencing date in place.
17 So that will be in 50 days which would be --

18 THE CLERK: April 19th at 9:00 a.m.

19 THE COURT: Is that a date that works for everybody?

20 ALL COUNSEL: Yes, Your Honor.

21 THE COURT: Yes. Okay. And we'll refer the matter to the
22 Department of Parole and Probation for preparation of a presentence
23 report.

24 Are you guys going to stick around to chat as well?

25 MR. BASHOR: Yes, Your Honor.

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THE COURT: Okay.

MR. BASHOR: And, Your Honor, thank you for --

[Recording stopped and resumed 11:51]

MR. PORTZ: -- was ever put in place on this case, but if not --

MR. BASHOR: There is a bail of 1 million 25,000. We understand that that is now a no-bail situation.

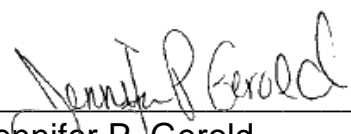
THE COURT: I'll leave the bail as stands.

All right. I'll be right back guys.

[Proceeding concluded at 11:51 a.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Jennifer P. Gerold
Court Recorder/Transcriber



DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

VERNON NEWSON JR.,

Defendant.

CASE NO. C-16-313919-1

DEPT. NO. III

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

THURSDAY, APRIL 19, 2018

**RECORDER'S TRANSCRIPT OF PROCEEDINGS
SENTENCING**

APPEARANCES:

For the State:

PAMELA WECKERLY
Chief Deputy District Attorney
KENNETH N. PORTZ
Deputy District Attorney

For the Defendant:

RYAN J. BASHOR
KAMBIZ SHAYGAN-FATEMI
Deputies Public Defender

RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 LAS VEGAS, NEVADA, THURSDAY, APRIL 19, 2018, 10:09 A.M.

2 * * * * *

3 THE COURT: All right. 313919, Mr. Newson's present in custody. This
4 is on for sentencing. Any legal cause or reason why sentencing should not go
5 forward?

6 MR. BASHOR: No, Judge. Just two administrative things.

7 THE COURT: Okay.

8 MR. BASHOR: Ironically, the danger eval issue of the last, we obviously
9 didn't get that.

10 THE COURT: Right.

11 MR. BASHOR: And we are prepared to waive it.

12 THE COURT: Okay.

13 MR. BASHOR: The other administrative concern is the bottom of page 4.
14 I spoke briefly with the State. We have no idea what murder: second degree
15 on a peace officer, fugitive from justice: arrest without warrant is. It's either,
16 W-A either stands for warrant or Washington. We don't know what it is. I'm
17 surprised there's a second degree on a peace officer, to be quite frank.

18 THE COURT: Yeah, I don't know what it is.

19 MR. BASHOR: We would just ask that that line or lines be stricken.

20 THE COURT: Pam, do you know anything about that?

21 MS. WECKERLY: I, you know, we never saw this in an N.C.I.C. or
22 anything like that. So I don't think we, I mean, we don't object to striking it.

23 THE COURT: All right. So I will make an order prior to adjudication that
24 the last line and a half on page 4, it begins with warrant -- or it begins with
25 W-A, colon, and then it says, Murder: second degree on peace officer, fugitive

1 from justice: arrest without warrant, we will strike all that information.

2 And then, Ryan, you guys just prepare an order showing that we
3 did that prior to adjudication and they'll take that off the P.S.I. in their
4 computer.

5 MR. BASHOR: We'll do, Your Honor, thank you.

6 THE COURT: Thank you.

7 MR. BASHOR: Other than that, Your Honor, no, there's no legal cause or
8 reason.

9 THE COURT: Okay. And, look, I -- sometimes I think it's kind of
10 arguable, but in a case in which the gentleman's been convicted of murder and
11 has to go to prison to serve a sentence, I think you -- you would be able to
12 waive having that evaluation on the child abuse charge that's in there. So we
13 will, understanding that, we'll go ahead and move forward today.

14 MR. BASHOR: Thank you, Judge.

15 THE COURT: Mr. Newson, I'm going to go ahead and adjudicate you
16 guilty today of Count 1, murder with use of a deadly weapon, that's first
17 degree murder; Counts 2 and 3, child abuse, neglect, or endangerment, both
18 felonies; Count 4, ownership or possession of firearm by a prohibited person,
19 also a felony.

20 State.

21 MR. PORTZ: Thank you, Your Honor. Before I begin, I do want to know,
22 the State noticed four separate witness, victim-witness speakers today. Of
23 those four, they've decided only Tyra Atkins, Anshanette's mother, would be
24 the one who has decided to speak today.

25 THE COURT: Okay.

1 MR. PORTZ: But I did want to point out that her sister, Arniece; her
2 cousin, Lionel; her daughter, Lazavia are all present here today in support along
3 with a number of family and friends of Ms. Anshanette McNeil.

4 THE COURT: Okay.

5 MR. PORTZ: And I think at this stage in the proceedings, Your Honor, the
6 biggest question this Court has to answer is whether or not Vernon Newson is
7 deserving of parole. And when we look at what sort of aspects that we should
8 consider when we make that determination, I think that there's a few that we
9 can look at with regards to Vernon Newson and -- and that will play into effect
10 of the State's recommendation today.

11 The first thing that the Court can look at is his prior stints on
12 supervision. He has, as an adult, been twice supervised, twice revoked. And
13 those revocations, as noticed in the P.S.I., were for issues such as maintaining
14 gang ties, noncompliance, picking up new felony offenses, and in one of them
15 in which the defendant reports to his supervisor after absconding, catch me
16 when you can. I think what that shows, when considering whether or not he is
17 capable of supervision, if he's even given the shot at parole, is that he
18 considers supervision to be a game, that he considers the rules of supervised
19 release as something that do not apply to him, and cannot be trusted to take
20 that seriously if given the opportunity in a sentencing from today's case.

21 Another factor the Court should consider and look at are, of course,
22 his prior offenses. Now, he does have a prior felony offense which he picked
23 up while he was on probation in another case, but the one that I would like to
24 focus on today, Judge, is the 2008 conviction for attempt pandering and the
25 original offenses that arose prior to that plea deal. And I think the classification

1 of the crime he was convicted of doesn't say much. But the crime itself and
2 the underlying offenses for which he was originally arrested speaks volumes as
3 to who this person is, as to how he abused women, women as property,
4 women as possessions, as something that are there to either make him money
5 or to satisfy other needs, and when they fail to do that they are beaten or they
6 are discarded. And I think that that mentality associated with that type of
7 offense, kind of bleeds into and is borne out of the offense of the instant case,
8 of the murder of Anshanette McNeil and what Your Honor heard during the
9 course of this trial.

10 And that is, as I think about it, Judge, and I don't mean to be
11 hyperbolic in any sense, but I cannot really think of a more cruel or undignified
12 way to be taken off of this earth. And I know this Court has seen a lot of
13 murder trials, and there's a lot of terrible ways to go. But to be seated in the
14 backseat of your car next to your two children, babies ages 8 months and 2
15 years respectively, and to have the defendant in this case turn around from the
16 front seat and fire off six shots at you, that you are injured to the point where
17 you can't get out of the car, that you're bleeding, that your children next to you
18 are covered in blood looking up at you, crying, scared, terrified, and the fact
19 that you can't protect yourself or your children, to be helpless in the face of
20 their helplessness only for him to then snatch her out of the car, throw her to
21 the side of the road, shoot her, and leave her there to die alone, I think shows
22 that this is the type of person and something that the Court should take into
23 consideration as to whether or not he deserves parole or a shot at parole in this
24 case.

25 So in short, you -- you look at the man himself. He is

1 unsupervisable, he's unapologetic, and simply just unworthy of probation or
2 parole in this case. He murdered this woman in front of her children. He left
3 her to die alone on the side of the highway like she was trash discarded from a
4 car passing. Literally, in some of these C.S.A. photos of this crime scene, you
5 see other people's trash in the immediate area and that's how this woman
6 was -- was treated.

7 Not only that, not only did he take her life in this manner, but he
8 destroyed the lives of those two little boys and all of her children, frankly. He
9 took their mother away from them. There are far more lives, as you will hear
10 from Ms. Atkins when she speaks to you today, that were affected by this
11 man's crime.

12 So the State's position is that the defendant is not someone who
13 even deserves a shot at parole. We're asking for life without parole as to
14 Count 1. We are going to submit to the Court to the remaining charges for
15 which he was convicted and I would note that there is restitution of \$4,467.61
16 and a \$300.00 extradition fee.

17 THE COURT: Mr. Newson, is there anything you wanted to say, sir,
18 before your attorneys speak on your behalf?

19 THE DEFENDANT: Yes, I -- yes, I would like to speak, Your Honor. I'm
20 sorry you gotta sort through such a tragedy this morning. And first and
21 foremost, I want to apologize to Tyra and Zay and the rest of Ann family, you
22 know. I sincerely remorseful, say that. Ann was my lover, my friend, and the
23 mother of my child and it's unreal to me that this actually took place. And I
24 wish during the trial I took the stand and expressed what happened that night,
25 you know, it'd be looked at different, I believe, and today I'm going to take the

1 time to explain what happened that night and how did it come to this.

2 That night we were going to drop my son, Major, off and Brandon;
3 and pick Zay up from one of Ann friend house, Danielle. And while we was at
4 Danielle house, Ann went in Danielle house to get Zay. Zay comes outside, Hi,
5 Mack. Hi, Zay. She kisses her brother and she gets her bags out the trunk and
6 she goes back in the house and Ann comes out probably about ten minutes
7 later and she knocks on the window, I roll the window down, yes, Ann.

8 She says, Did Zay ask you --

9 I said, Did Zay ask me what?

10 She say, Did Zay ask you can she spend the night?

11 I said, Zay is your daughter, Ann.

12 And she -- from me saying that, I guess it triggered her and -- and
13 she said, Well, I'm just gonna go get Zay.

14 And I said, Well, Ann, is they gonna make sure Zay get to school in
15 the morning?

16 She said, Yeah.

17 And then I say, It shouldn't be that big of a deal.

18 So at that point, Ann just got in the car and she got in the
19 backseat. We didn't pull up like that. When we drive in the car, she was -- I'm
20 driving, she in the passenger seat or she driving, I'm in the passenger seat. I
21 guess due to, you know, the disagreement, she got in the backseat.

22 So we leave, we leave to go drop the boys off and as I was
23 entering the freeway, Anshanette just choked me out of nowhere, she just
24 choked me. And my first reaction when she choked me was to grab her arm.
25 And as I grabbed her arm, of course the car, you know, jerked. So as I'm

1 holding one of her arms and getting control of the car, slowing down, when I
2 slowed down, you know what I'm saying, I was able to put her arm off of me,
3 she tells me I'm dead. And at that point, you know, due to Ann choke me
4 while I'm driving with the kids in the car, it kind of showed me, like, you know,
5 she meant that and she said I was dead. And when she said I was dead, you
6 know, that's when I reacted and I grabbed the gun out the center console and
7 I fired at Ann, you know what I'm saying. Ann was reaching in her purse and
8 as she pulled her hand out of her purse I fired at -- the gun at Ann and I kept
9 firing. And as I was firing at her she opened the door, and I kept firing at her.

10 I never got out the car and threw Ann, I never threw Ann out of
11 that car. I continued to shoot from that car. I never threw Ann out of the car,
12 that's a lie. And, you know, if I could take it back, I would, you know. And
13 I'm sorry to all-ya'll that's affected by it. And I know ya'll's already going
14 through something with your mother's death, you know. And it just was a
15 terrible -- it was a terrible situation. I reacted without thinking. And, you
16 know, I wish it never happened. And I'm truly sorry. I am. That's all I have to
17 say, Your Honor.

18 THE COURT: All right. Mr. Bashor or Mr. Shaygan.

19 MR. BASHOR: Your Honor, that version of what has occurred is always
20 been what Mr. Newson has disclosed to us throughout our representation of
21 him. Obviously, that's a very imperfect self-defense claim. I would submit,
22 Judge, that just like he did now, he has taken responsibility. If you recall at
23 trial, Judge, I wasn't asking the jury to let him go. I was asking the jury to
24 convict him of a second degree murder, a very serious charge. And I guess
25 what we were fighting over or litigating over in this case was what the legal

1 definition of this act or acts was. And, you know, the jury found it to be a
2 premeditated and deliberate killing.

3 And I know that this department, certainly any department in
4 Clark County's not going to punish a man simply for exercising the right to
5 legally disagree about the ultimate facts in the case. Clearly this was an
6 overreaction in a relationship that, from what we could hear about, obviously,
7 we weren't physical parts of it, but a relationship that -- that was not healthy at
8 all. I mean, it was the constant arguing, constant bickering, constant fighting.
9 It looks like both parties used drugs at times. They had the stress of a very
10 young family. Both, I'm sure, were struggling financially. And it's clear that
11 Vernon overreacted severely.

12 I think he's genuine and has been genuine with us about his
13 remorse and that he wish, you know, and I guess this is kind of popular with
14 defendants in these kinds of serious cases that if he could take it back, he
15 would. If he had a time machine, he'd go back, he'd react differently. But he
16 knows and realizes that he has to face the consequences.

17 THE COURT: I don't know that I would say that's popular in these kind
18 of cases, I think that's, like, an absolute.

19 MR. BASHOR: Yeah.

20 THE COURT: In these kind of cases. Every -- everybody that's involved
21 in that would like to go back in time.

22 MR. BASHOR: You know, I guess the debate in our case was hot
23 blooded versus cold blooded. I still think, while the jury found premeditation
24 and deliberation, I don't believe that -- that Vernon's a cold-blooded killer. I
25 think he's truly remorseful.

1 You know, he does have the one felony conviction. It was a
2 commercial situation where he attempted to pass bad checks. I understand
3 certainly Mr. Portz's experience, especially being on the domestic violence team
4 for quite some time, I think he's moved on from there, but he's familiar with the
5 dynamics of alleged pimp-prostitute relationships and so he rightfully argues
6 that the underlying circumstances of his gross misdemeanor could be more
7 severe than what was resolved. I would just submit to you, Judge, what he
8 pled to was a gross misdemeanor.

9 As for supervision, by the virtue of the jury's verdict, Mr. Newson is
10 going to spend, at minimum, 21 years in prison. That would make him a
11 56-year-old man. I would hope that any prior gang ties or maturity issues
12 would long be gone by that -- by that time. I would submit that an older man,
13 after serving a sentence such as that, certainly would be far more supervisable
14 than a young guy struggling to support himself, his family, without the skills
15 and as you can see from his juvenile experiences, that he, you know, he wasn't
16 going to be a C.E.O. of -- of a business out there. He -- he kind of set himself
17 up to struggle and -- and where he is now.

18 Judge, obviously, we think that he is supervisable. The gist of the
19 recommendation in the presentence investigation report is 25 years to life. We
20 would ask for 20 to 50 years on the first degree murder conviction with a
21 consecutive 1 to 2 and a half years for the deadly weapon. And we would ask
22 that the other counts concurrently.

23 THE COURT: All right. Mr. Portz, who is it that wanted to speak?

24 MR. PORTZ: Tyra Atkins, Your Honor.

25 THE COURT: Okay.

1 Could you -- thank you.

2 **TYRA LAVETTE ATKINS,**

3 [having been called as a speaker and first duly sworn, testified as follows:]

4 THE CLERK: Will you please state and spell your name for the record?

5 THE SPEAKER: Tyra Lavette Atkins, T-Y-R-A, L-A-V-E-T-T-E, A-T-K-I-N-S.

6 THE COURT: All right, Ms. Atkins, what would you like to tell me today?

7 THE SPEAKER: What I want to say today, well, he did a little bit of what

8 I was going to ask, I wanted to know what happened. What I want to say

9 today is the only thing I'm going to thank you for -- is it okay if I look at him?

10 THE COURT: Uh-huh.

11 THE SPEAKER: The only thing I want to thank you for is making sure

12 those two kids made it safely. Thank you. That's the only thing in this world

13 and thank you for giving me a little part of maybe what happened. Thank you.

14 What I want to say, this has ruined everyone in my family, ruined

15 every meeting we have, every picnic we have. It's -- it's all we talk about. We

16 miss her. We miss the things. We wonder what happened. We wonder what

17 caused death. We wonder that.

18 But I'm going to go to the six children before myself. There's six.

19 One, his natural son, they're saying 8 months, he was 5 and a half months. He

20 will never know my angel. He'll never know her. But I thank Facebook and

21 social media, some of it I don't even know how to work. We have her voice.

22 We have her dancing. We have her laughing. We have her happy times to

23 show him.

24 As for the other -- well, the other child that was in the car, they

25 wake up at night crying, trying to run. They don't sleep at night well. The

1 2-and-a-half-year-old at the time, he was having a problem speaking. He went
2 to only saying mama for a whole year. He has to go to a special school to get
3 that right. And the other children, it's just hard. She had a 15-year-old that
4 has to be raised without her mother. She was so upset at everything that was
5 going on she had backed away from everyone. She was angry. She's slowly
6 coming back.

7 I have -- you guys have offered us counseling. I'm the only person
8 that goes. I have done everything in my power, I can't get my life back
9 together. That was my best friend. I have no other chance of having a
10 daughter, no other chance. I have two granddaughters. I gotta hope and pray I
11 become close enough with them. And I wake up every morning and I wish this
12 dream was over. I wake up every morning, I wish this dream was over. This is
13 horrible. I wish that this happened to her was the last woman that had to die in
14 a domestic situation so no other mother goes through what I go through.

15 The -- when the officer called me, I was at the hospital looking for
16 her, I had been looking for her all night, and when he said -- *First 48's* my
17 favorite show -- Unfortunately, Ms. Atkins, I started screaming, I hung up the
18 phone. I was on the ground, they picked me up, you know. My son was in jail,
19 but he was on the phone with his girlfriend. The car door was open, and I
20 just -- I'm gonna look at him again, Vernon, I was at Summerlin, I started
21 walking to Maryland Parkway. I started walking to Maryland Parkway because I
22 wanted to go where Ann was.

23 Vernon, you knew me five, six years before her. You never thought
24 about, this is my friend, my homegirl, let's be real? You never thought, call,
25 you better come get her? You called me before, that's all I want to say about

1 that. You call me before. You could have called me. I would have walked. I
2 would have walked. I wasn't that far. I would have walked and I would have
3 told her, I'm walking, just stay on the phone. You know I'm telling the truth
4 about that. And I'm just saying, I don't know what to do still. I still don't
5 know what to do. I wake up, I don't know what to do.

6 It was times I'd be in the house by myself because people kind of
7 thought I was crazy. I'm not crazy, I don't know what's going on. I don't
8 know what's going on in life. And I'm sorry, but you didn't think about Major.
9 He's the wor -- worst victim in this whole deal. He's the worst. He has no
10 chance at a natural parent. No chance. And I -- also, I'm sorry, I thank you for
11 signing that paper, not putting a cause up extra because I had lost it. I had lost
12 it, this close to going into the insane asylum, this close.

13 Nobody would talk to me. Nobody would talk to me on the phone
14 because they thought I was crazy. I'm not crazy. I don't understand. I don't
15 understand this. I don't understand what happened with ya'll. I don't
16 understand what happened in that car. And I don't know, so I'm going to
17 counseling now. Now I have to see a psychiatrist starting next month. I don't
18 feel I'm crazy. But when I talked to the counselor, she told me --

19 THE COURT: You're not -- you're not crazy for going to a psychiatrist.

20 THE SPEAKER: She said I'm gonna get rid of the myth that everybody
21 tells you.

22 THE COURT: That's -- that's fine, don't worry about that.

23 THE SPEAKER: People tell me, oh, right now, I have on some of my
24 daughter's clothes, I've lost, he knows, I've lost that much weight, I can wear
25 her clothes. I just, I don't know. But I just feel like he'll never be able to walk

1 in front of Ann, he should never be able to walk in front of you. He will never
2 be able to hug Ann, he should never be able to hug you. He will never be able
3 to talk to Ann, he should never be able to talk to you. He will never be able to
4 hear I'm sorry for arguing with your daddy, making him that angry; he should
5 never be able to talk to you because he can never talk to her. The only reason
6 why he can hear her voice is because of social media.

7 I want you to remember this for all your days. Please, just think
8 about Major, if you don't think about anybody else. And she loved her other
9 children too. And it's just, I don't understand.

10 And I don't -- I don't think, I just, I don't -- I don't know how I
11 would feel and I just want to leave this earth knowing he will never be on the
12 grounds for my grandchildren to be feared again. And I don't know what we're
13 going to be doing with the two smaller children because the crying and stuff
14 that, it still happens. They running in they sleep. I don't know. All we could
15 do is just get 'em in and try to comfort them. But this goes on all the time.
16 But -- so that's my reason for saying this. If you had have response to me or
17 done something different or anything different, I might have stood here and
18 been okay with you doing some time. But 21, 25, 30, 50, 60 years is not
19 going to work for me, I'm sorry. That's all I'm gonna say, Your Honor.

20 THE COURT: Well --

21 THE SPEAKER: Thank you for giving me this time.

22 THE COURT: -- look, here's the reality, it should never work for you no
23 matter what I do, whether it's life without parole or life with parole or a 10 year
24 minimum or a 20 or whatever, that should never work for you because that
25 never replaces a human being, right?

1 THE SPEAKER: Right.

2 THE COURT: But the other thing is, what I would tell you, and this is
3 kind of what I've always thought as a parent as well, you should never bury
4 your children. You should never bury your children as a parent.

5 THE SPEAKER: And I had a hard time.

6 THE COURT: When you do, when you do and you enter that period of --
7 of your heart is so heavy and you grieve and you can't figure out how to get on
8 with life, at point what you have to think about is what would my child want
9 me to do because if anything I'm going to realize how precious life is and how
10 quickly it can be taken from you and I'm not going to waste any more days on
11 this earth worrying about things, I'm going to start living a lot more. And
12 you've got a lot of grandbabies to live for.

13 THE SPEAKER: Yeah.

14 THE COURT: Children to help raise and make sure they know who their
15 mom was and you do have the benefit of that through social media or
16 whatever, videos and pictures you have of her. And I'm sure she wouldn't
17 want everybody sitting around being sad all the time and having her children
18 see that.

19 THE SPEAKER: Yeah, she --

20 THE COURT: She would rather have that family be happy and figure out
21 a way to be joyful around the kids and give them as good an upbringing as you
22 can.

23 THE SPEAKER: I have had better days since counseling. And I've had --
24 I've had better days 'cause I kept feeling like I was gets slaps in the face when I
25 was asking things.

1 THE COURT: Right.

2 THE SPEAKER: I'm just being honest, but when my son explained to me
3 what first degree murder was, I just didn't understand. But when my
4 16-year-old granddaughter asked me, well, what's gonna happen when we go
5 to this trial, they gonna -- that's when they gonna tell him to get the death
6 penalty, I said, oh, no, I had to -- this is my first time ever being on Facetime,
7 so I had -- I had to, out of all my years gangbangng, I've stayed out all that
8 kind of stuff, I had to man up, look in my granddaughter's eyes and explain to
9 her that he was not getting the death penalty. And my granddaughter's words
10 to me, Why not, my mama got it? That's what she said to me. And you know,
11 Lazavia, she said it.

12 THE DEFENDANT: Uh-huh.

13 THE SPEAKER: So stuff like that, I have to answer. I don't know. I
14 wing it.

15 THE COURT: Right. Well, that's half of parenting is winging it, right?

16 THE SPEAKER: Yeah. No, this -- not these kids.

17 THE COURT: It's not easy.

18 THE SPEAKER: These kids is hard.

19 THE COURT: It's not easy. It's -- it's --

20 THE SPEAKER: These children know stuff, they're smart and every
21 holiday I go and I tell them, oh, my stomach is so hurt, I need to have that
22 surgery. I'm in the bathroom crying because my daughter cooked good. She
23 cooked. I did the meat. They call me the meat tenderizer. I did the meat, she
24 did bake.

25 I bake cakes now. She make better than sex cake. I bake them.

1 They've very good. I'm baking cakes. I never baked cakes. I bake cakes. I
2 have to do stuff. I have perfume because she always wore her stuff. I have to
3 remember her, see, other people remember other stuff. I have to remember, I
4 remember her pigeon toes. I could hear her she's -- when she came in from
5 work -- when she leaving for work, mom, I'm leaving. I'm even miss her
6 yelling.

7 THE COURT: Well, that's -- that's what you hold on to as well, right?

8 THE SPEAKER: Yeah, so.

9 THE COURT: You never want to forget those things.

10 THE SPEAKER: It's just --

11 THE COURT: Those are the things that kind of make --

12 THE SPEAKER: It's the worst thing here for me, more than anything and
13 I'm not taking it from the other children, I'm not even taking it from myself, it's
14 Major. I don't know how he's gonna feel when he finds out what happened,
15 like, truly because with him being 5 and a half months, of course he didn't
16 know, he just, the noise or whatever. But I went to the gun range one time and
17 I broke down because I had plugs and the thing fell out, I just couldn't imagine
18 being in that little car with that gunfire. I couldn't imagine.

19 THE COURT: All right. Thank you.

20 THE SPEAKER: Thank you.

21 THE COURT: Well, Mr. Newson, I'm sure if I polled everybody, pretty
22 much if you polled everybody in almost every murder case, I mean, victims'
23 families want the highest possible penalty available, your family probably and
24 yourself obviously wants the least, you know, available. And part of the
25 Court's obligation is to kind of filter through all that and murder cases are really

1 different because obviously the penalties, no matter what you choose, are very,
2 very high. But it's really hard trying to figure out, you know, what's the
3 circumstances of this murder versus that murder that results in who deserves
4 life without, who deserves a chance at parole. Obviously the courts aren't
5 involved in the death penalty aspect of it because that can only be done by
6 the -- the jury.

7 Things, just so everybody knows, things that I think are important
8 when you're looking at trying to decipher between life without and life with are
9 the nature of somebody's prior criminal history and prior violent criminal history
10 if that exists, the nature of -- of how a case took place, certainly. And, look, I
11 get your characterization today, respectfully, I disagree, I don't think that's
12 what occurred. I don't think that this woman continued to be shot from inside
13 the car. I think that is contrary to what I viewed the evidence to be which
14 obviously aggravates against you.

15 Your prior criminal history, I agree that you've got a couple of
16 matters there and there were some revocations, that's not really the main
17 concerning thing to me. It's more about what I view as three aspects of the
18 case. Number one, you never should have had a gun. You never should have
19 had a gun. And there's a reason a lot of times we look at it and say if you've
20 had these kind of convictions in your past we don't want you having a gun, and
21 that's because your convictions in the past kind of indicate some trouble
22 making good decisions and that's what happens, when you give somebody a
23 gun that shouldn't have a gun and they don't make good decisions, you end up
24 with situations like this.

25 The second aspect of it is obviously the shooting and killing of this

1 young lady. And the third aspect of it is just doing it in front of her children as
2 she's sitting right next to these two boys in car seats in the back of the car.
3 Overall, looking at the broad landscape of all homicide cases, I don't think it's a
4 life-without-the-possibility-of-parole-case. But it's going to be a substantial
5 period of time before you're ever eligible to ask for any type of release from
6 prison.

7 So, there's a 25.00 administrative fee, 150 D.N.A. fee that'll be
8 waived if it's collected previously, 750 indigent attorneys' fees since the matter
9 proceeded to trial, \$3.00 D.N.A. collection fee, \$300.00 extradition fees,
10 \$4,467.61 restitution payable to Victims of Crime.

11 And for purposes of the -- the murder charge, I have considered
12 under 193.165, the use of the weapon, any aggravating and mitigating
13 circumstances surrounding the use of the weapon, any other appropriate
14 circumstances under the statute to decide what the enhancement penalty
15 should be.

16 For the first degree murder charge, it's going to be life in the
17 Nevada Department of Prisons with a minimum 20 years before parole
18 eligibility, plus a consecutive 86 or excuse me, 96 to 240 months for the
19 weapon enhancement. On Count 2, child abuse, neglect, 24 to 72 months
20 running consecutive to Count 1; the Count 3, child abuse and neglect, 24 to 72
21 months running concurrent to Count 2; and on Count 4, ex-felon in possession
22 of a firearm charge, 24 to 72 months running consecutive to Count 2.

23 The aggregate sentence on Count 1 is 336, or excuse me, life with
24 a minimum 336 months before parole eligibility. The aggregate overall sentence
25 after adding in the other two consecutives makes that 384 months, so life with

1 a minimum 384 months before parole eligibility. I have 826 days credit time
2 served. Is that what you-all have?

3 MR. BASHOR: Yes, Your Honor.

4 MR. PORTZ: Yes, Your Honor.

5 THE COURT: Okay. And just since we have to do it in months instead of
6 years for anybody that's trying to add that up, that's life with a minimum 32
7 years before parole eligibility.

8 PROCEEDING CONCLUDED AT 10:40 A.M.

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio-video recording of this proceeding in the above-entitled case.

23 

24 SARA RICHARDSON
25 Court Recorder/Transcriber

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VERNON NEWSON JR.,) No. 75932
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 Appellant,)
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 v.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)

PHILIP J. KOHN Clark County Public Defender 309 South Third Street Las Vegas, Nevada 89155-2610 Attorney for Appellant	STEVE WOLFSON Clark County District Attorney 200 Lewis Avenue, 3 rd Floor Las Vegas, Nevada 89155 ADAM LAXALT Attorney General 100 North Carson Street Carson City, Nevada 89701-4717 (702) 687-3538 Counsel for Respondent
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I hereby certify that this document was filed electronically with the Nevada Supreme Court 24 on the day of October, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

VERNON NEWSON, #1051868
ELY STATE PRISON
P.O. BOX 1989
ELY, NV 89301

BY /s/ Rachel Howard
Employee, Clark County Public Defender's Office