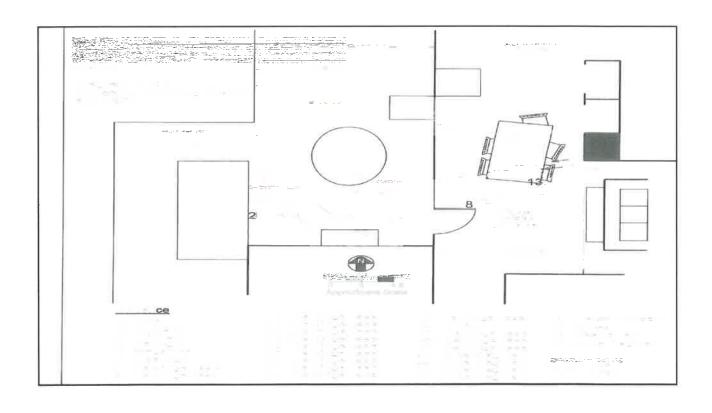




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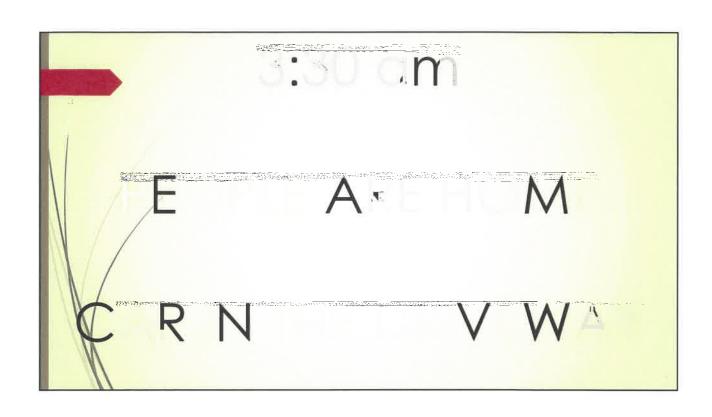




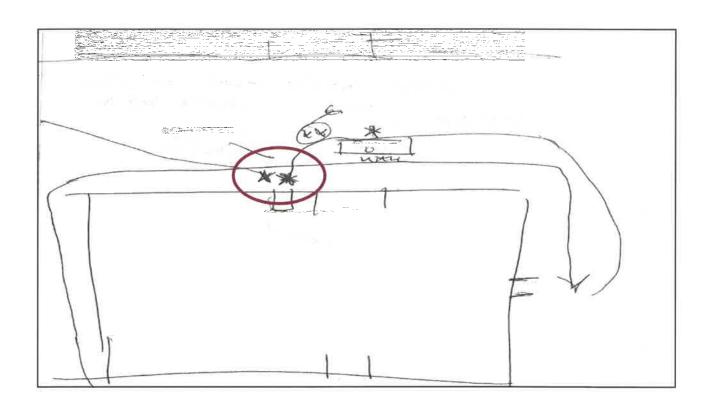




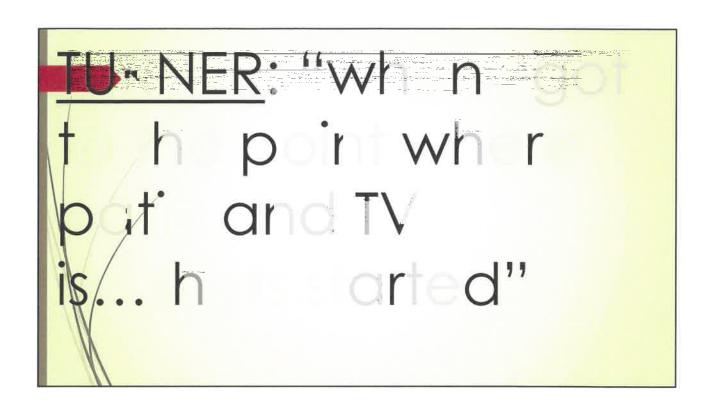




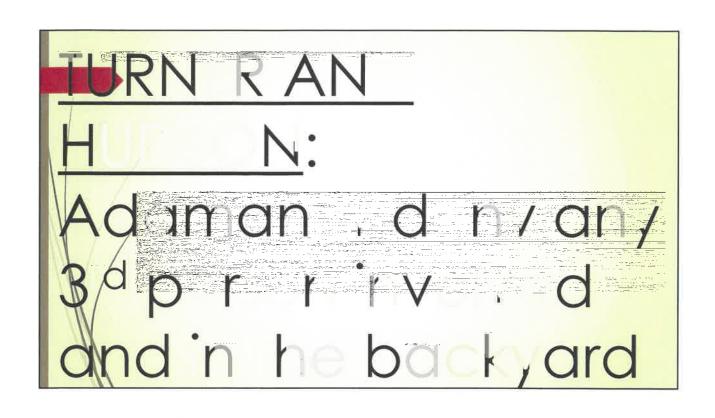
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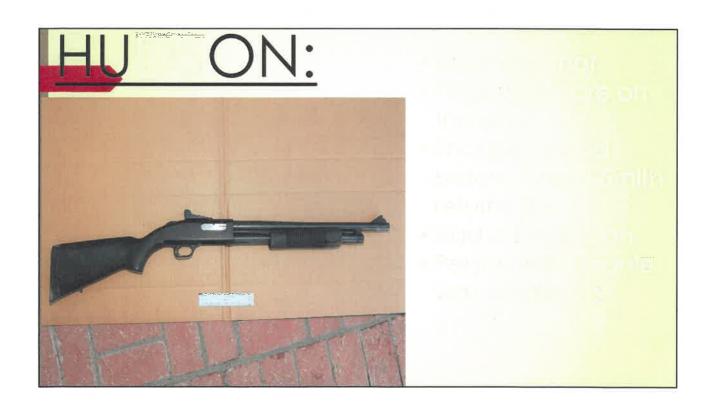


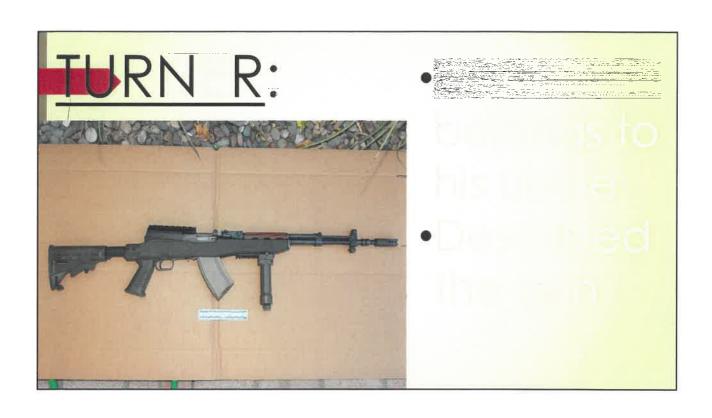


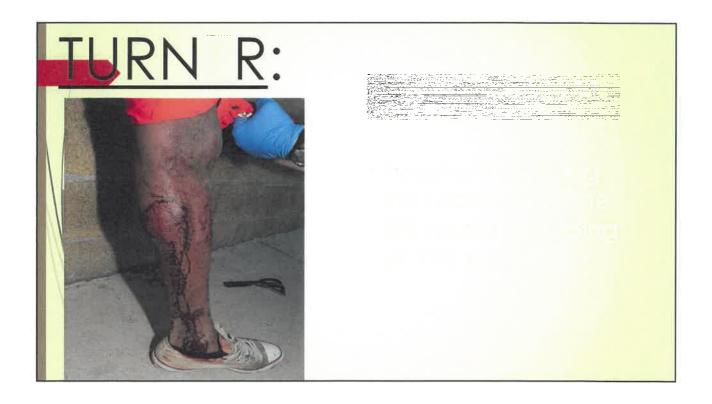


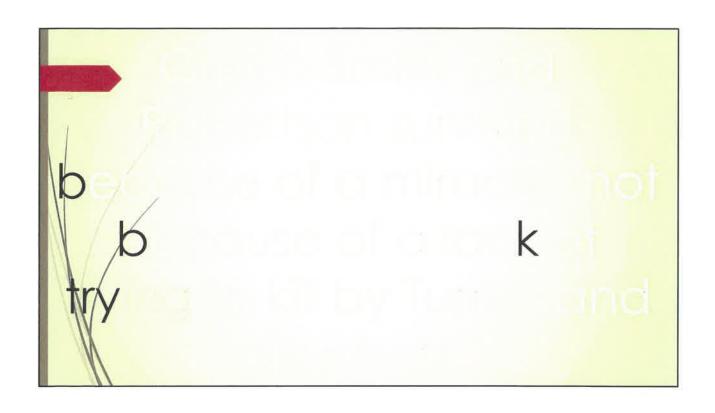
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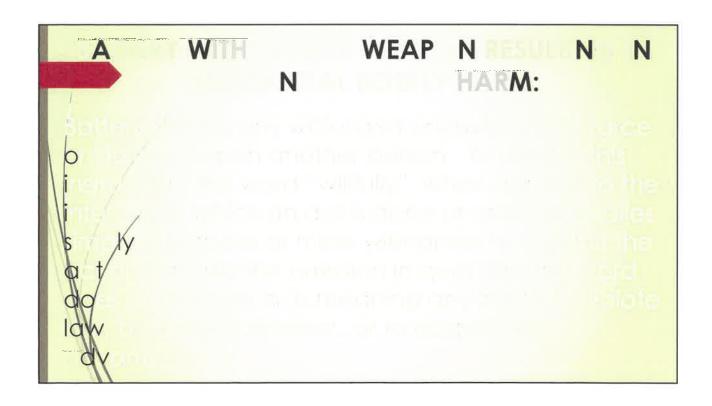


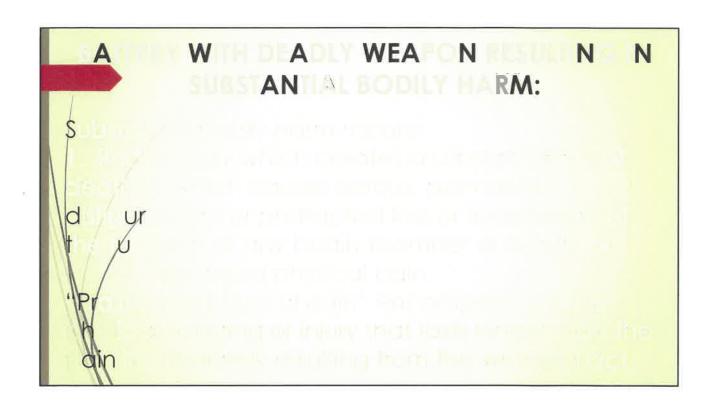






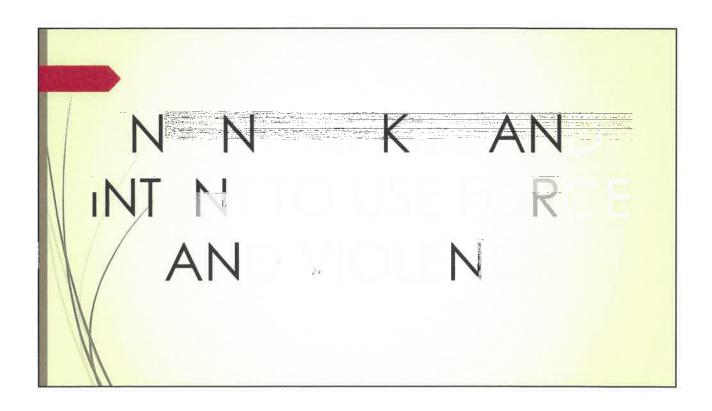


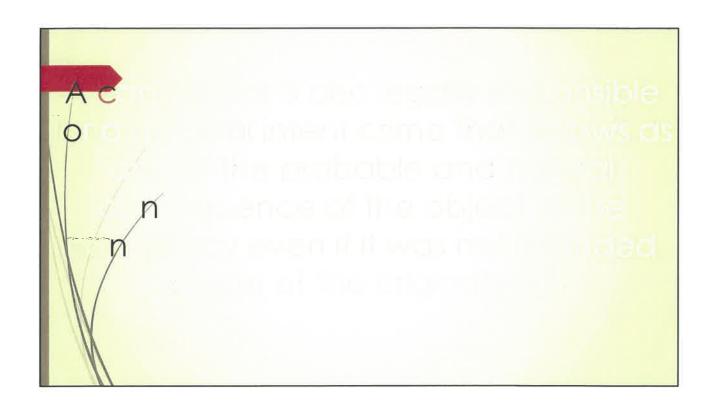


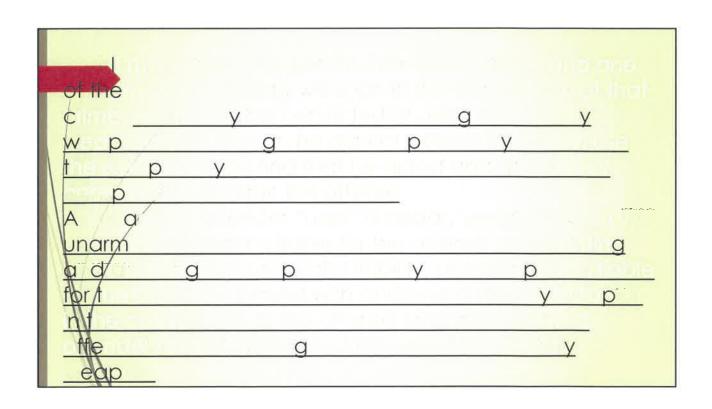










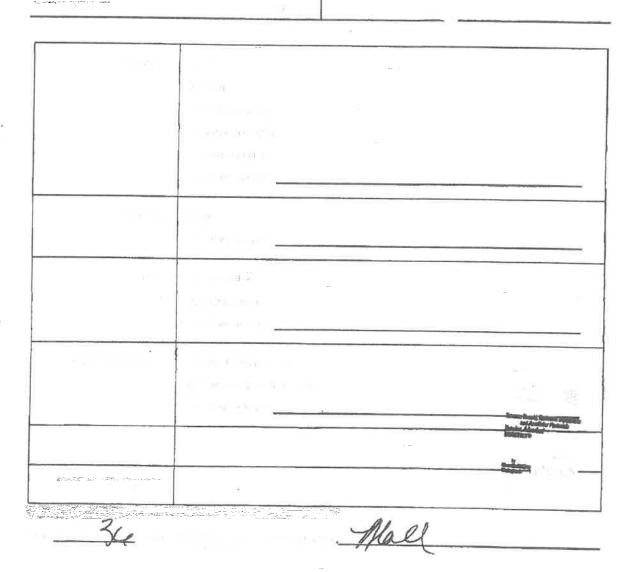


## GUILTY OF ALL 5 CHARGES

1		
2	IN THE SUPREME COURT (	OF THE STATE OF NEVADA
3		
4	STEVEN TURNER, )	No. 76465
5	)	
6	Appellant, )	
7	vi. )	
8	)	
9	THE STATE OF NEVADA, )	
10	Respondent. )	
11		
12	APPELLANT'S APPENDIX V DARIN F. IMLAY	OLUME XI PAGES 2193-2402 STEVE WOLFSON
13	Clark County Public Defender 309 South Third Street Las Vegas, Nevada 89155-2610	Clark County District Attorney 200 Lewis Avenue, SFloor Las Vegas, Nevada 89155
14		
15	Attorney for Appellant	AARON FORD Attorney General 100 North Carson Street
16 17		Carson City, Nevada 89701-4717 (702) 6873538
18		Counsel for Respondent
19		OF SERVICE
20	, ,	ument was filed electronically with the Nevada
		y_, 2019. Electronic Service of the foregoing
21	document shall be made in accordance w	ith the Master Service List as follows:
22	AARON FORD STEVEN S. OWENS	DEBORAH L. WESTBROOK HOWARD S. BROOKS
23		a copy of this document by mailing a true and
24	correct copy thereof, postage pre-paid, ac	ddressed to:
25 26	STEVEN TURNER, #1200863 HIGH DESERT STATE PRISON	
27	P.O. BOX 650	
28	INDIAN SPRINGS, NV 89070 BY/s/ C	Carrie M. Connolly
_		Clark County Public Defender's Office







Docket 76465 Document 2019-05318

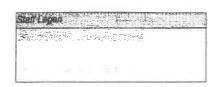
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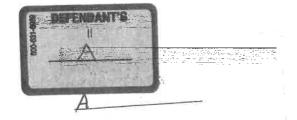




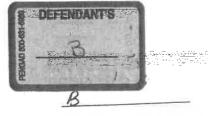


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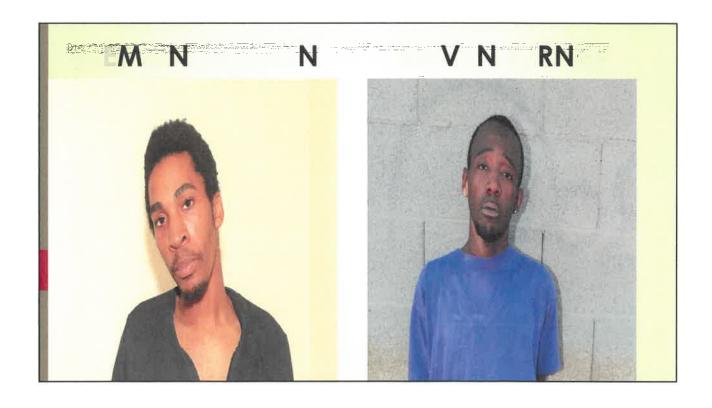
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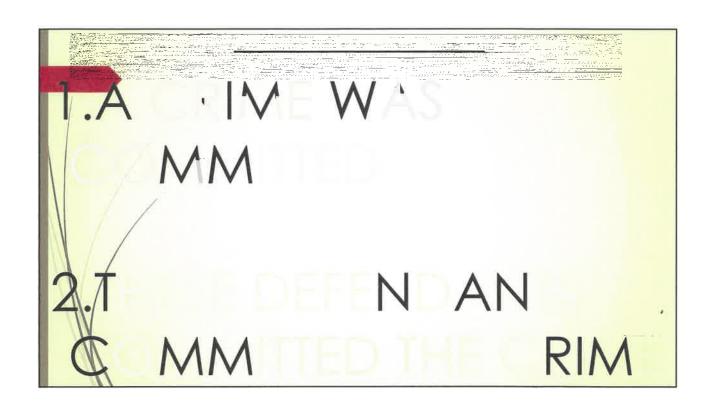
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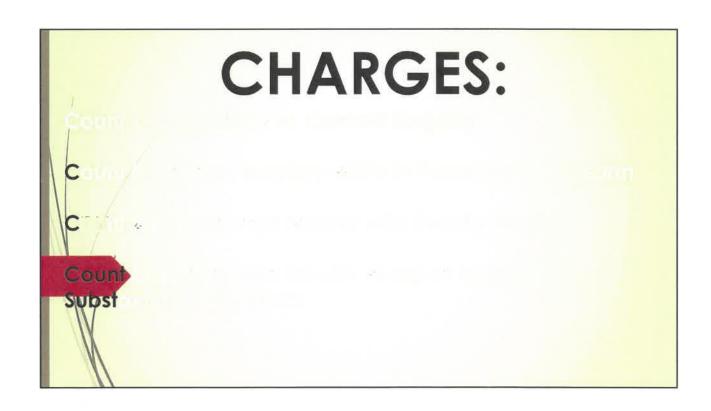
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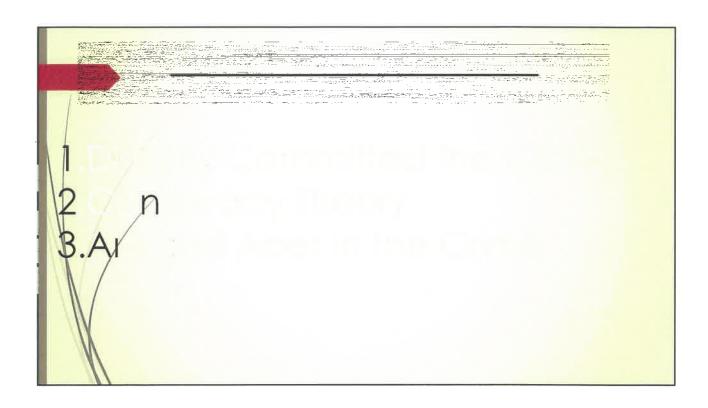
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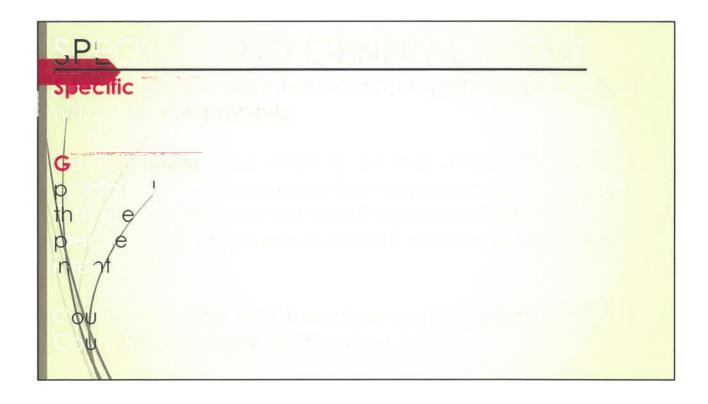
## STATE OF NEVADA VS. STEVEN TURNER AND CLEMON HUDSON

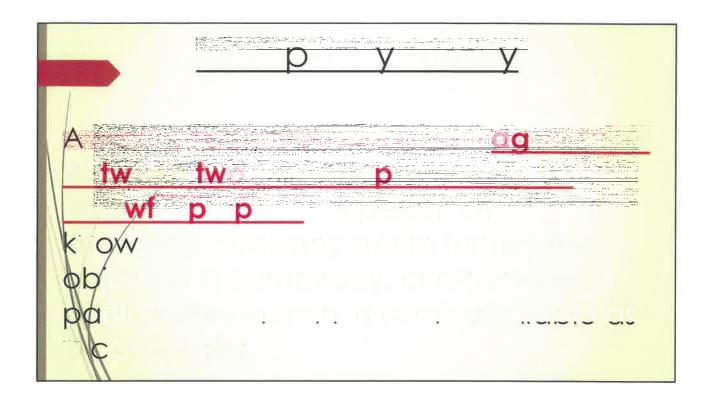


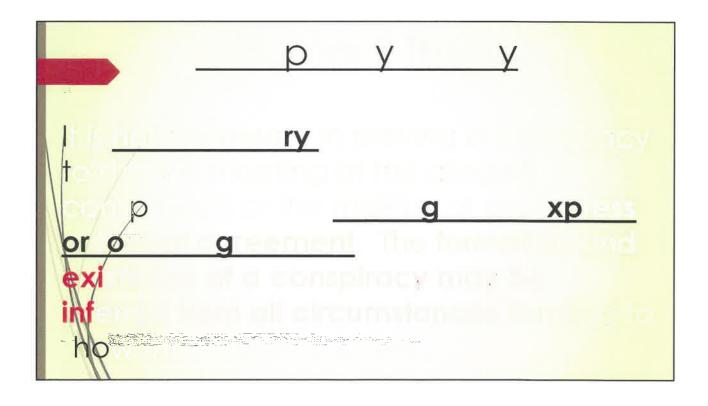


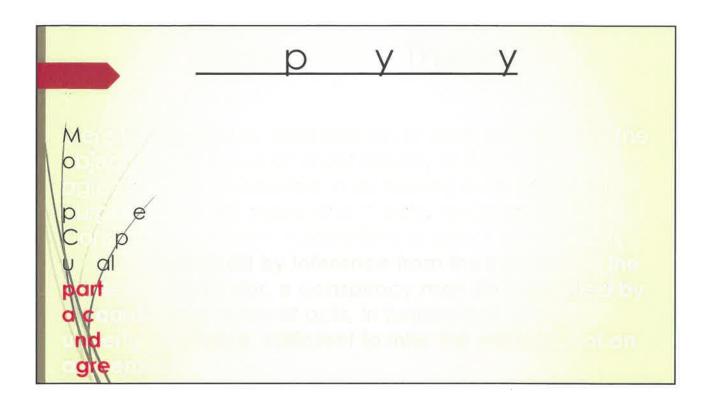


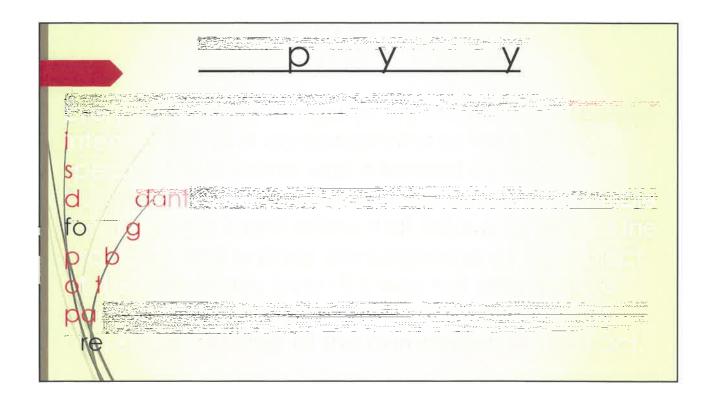




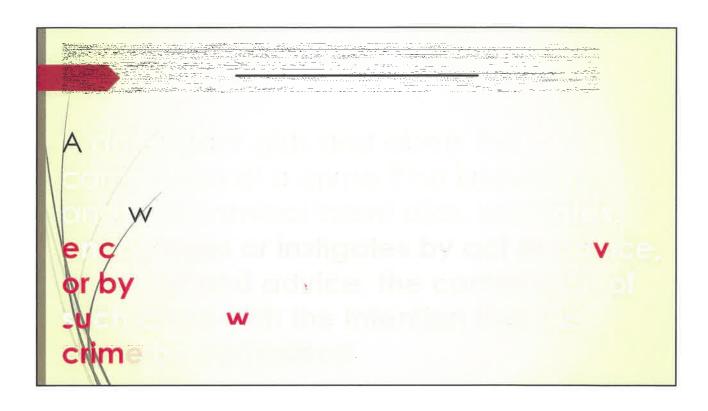


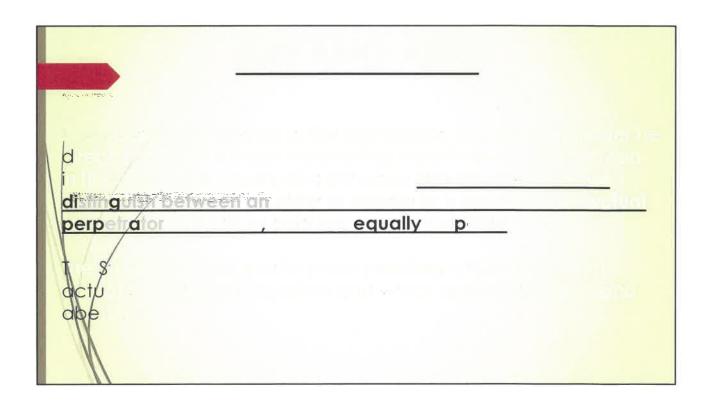


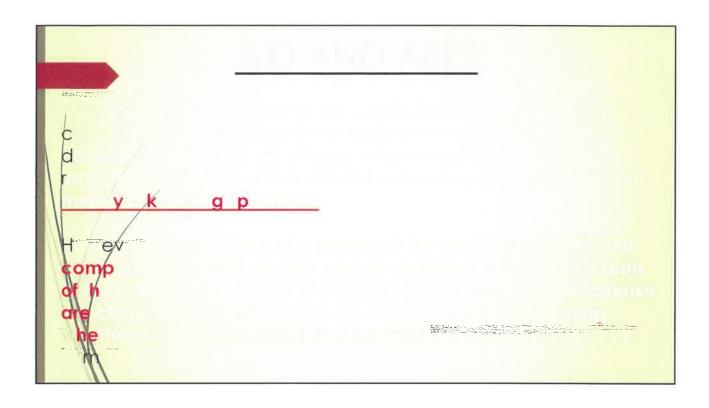


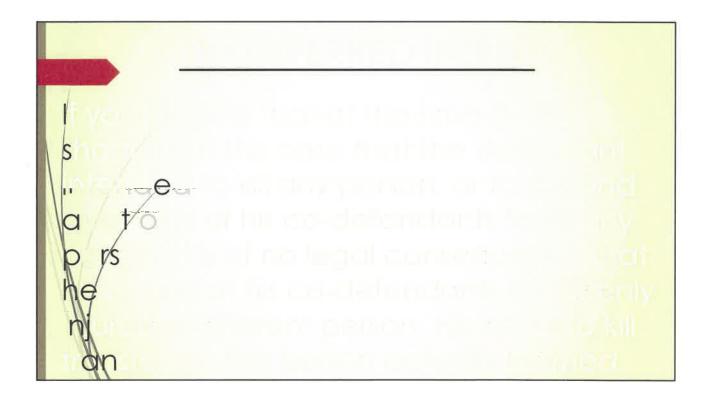


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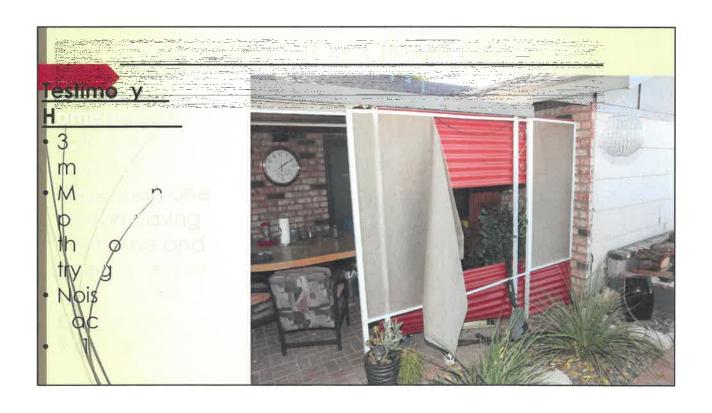


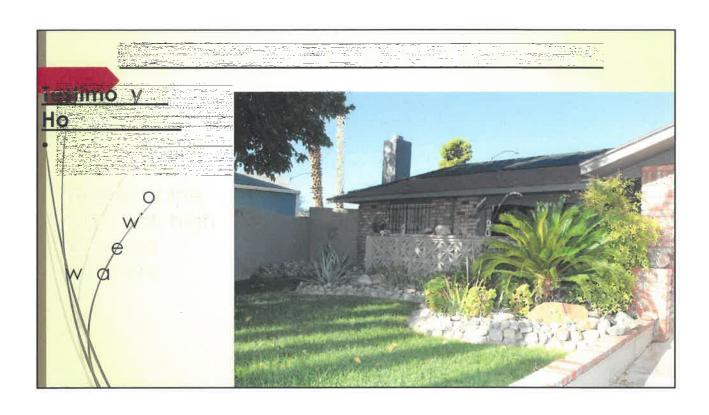


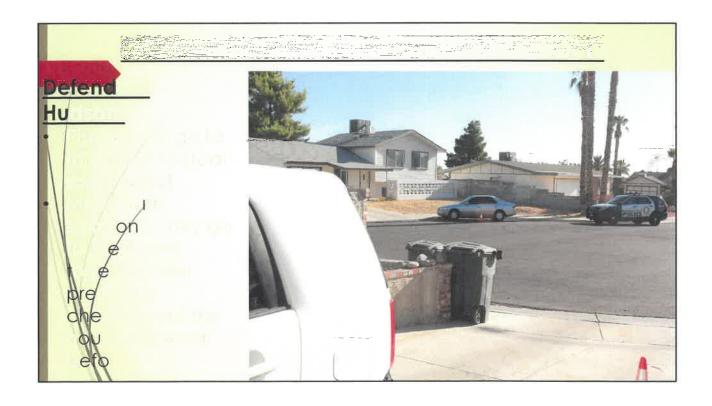


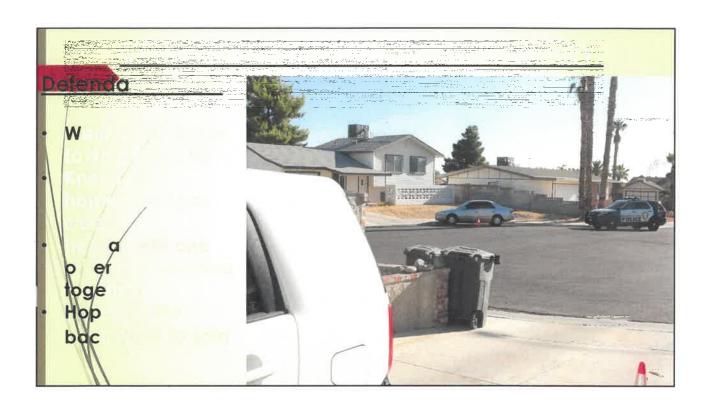


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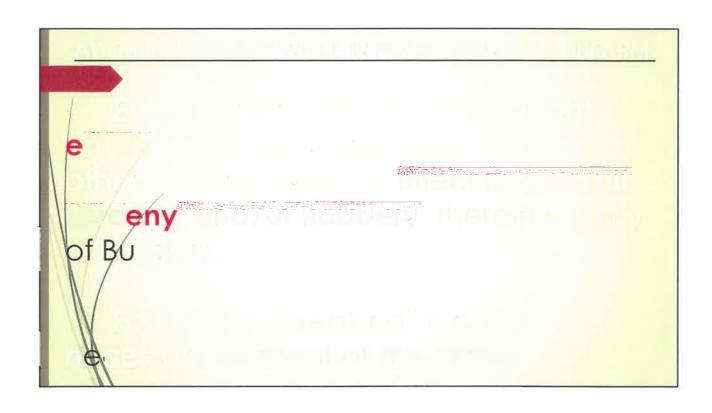


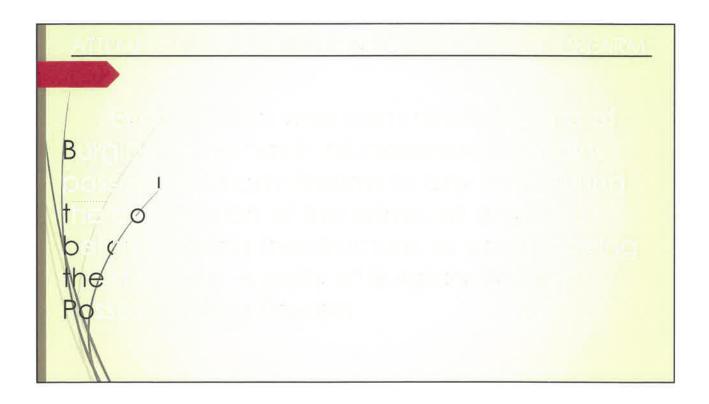


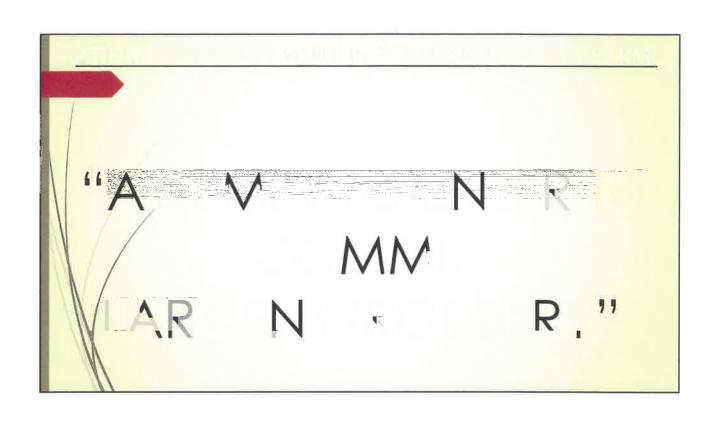




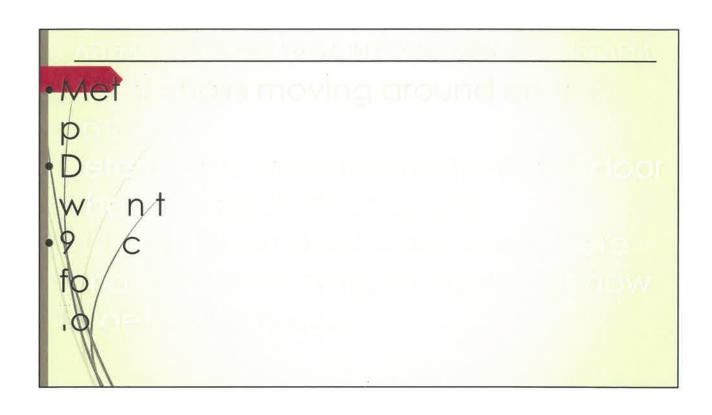


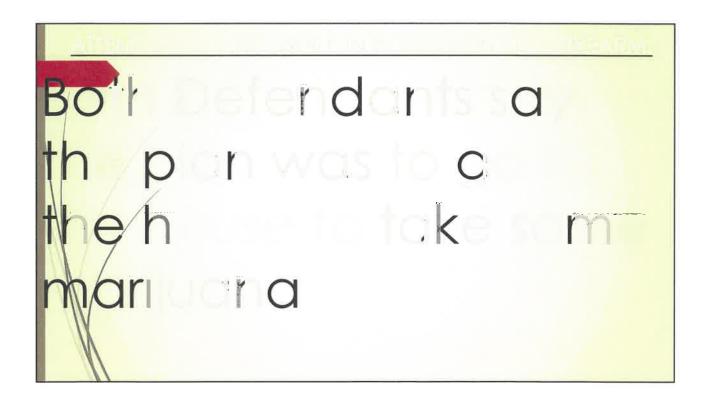


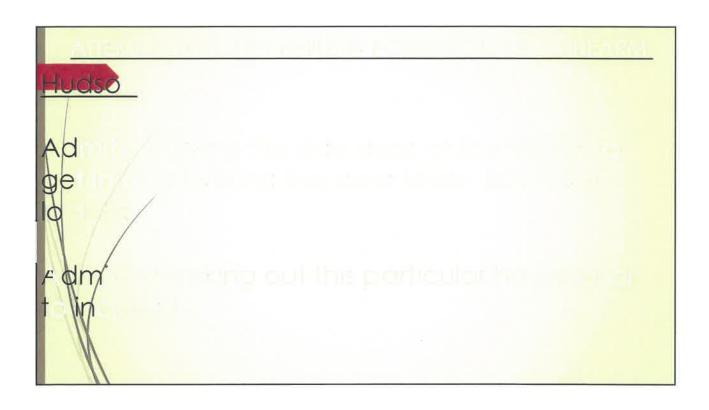


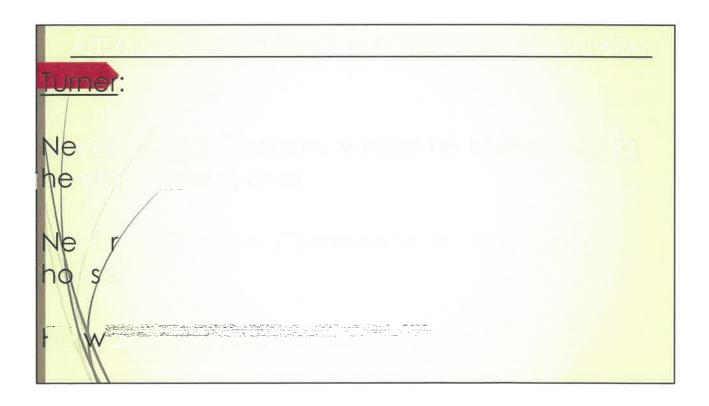


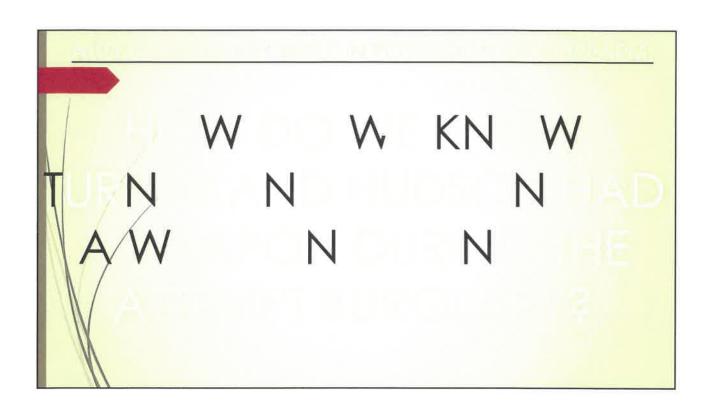


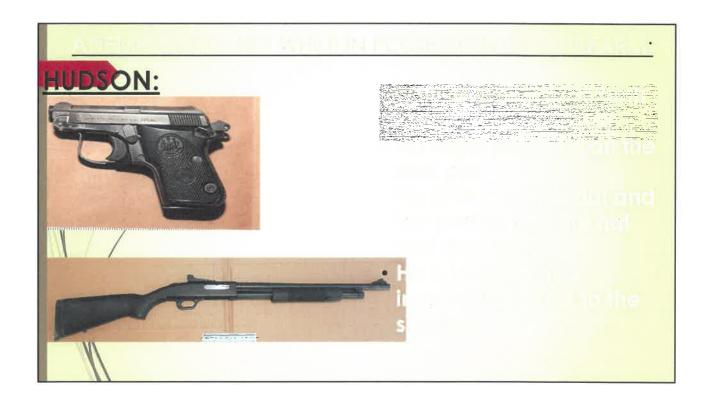


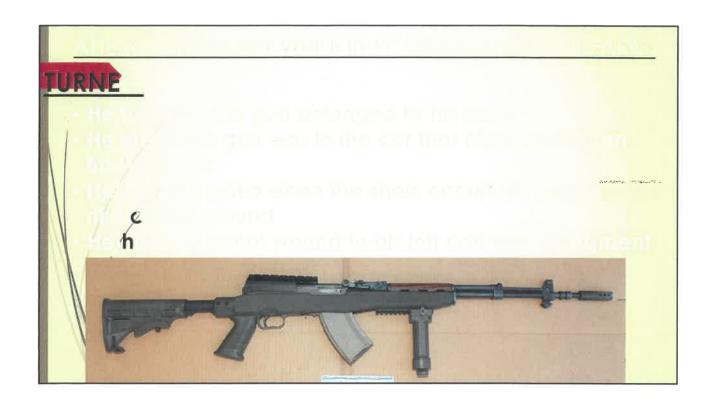


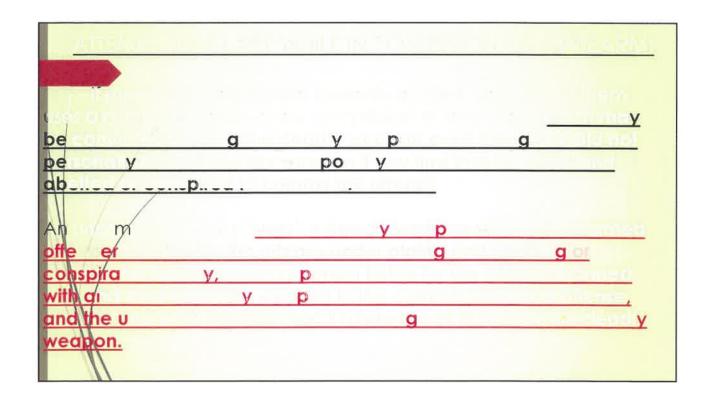


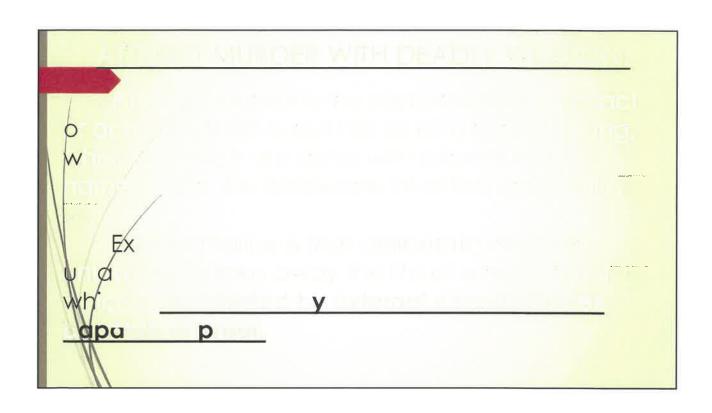


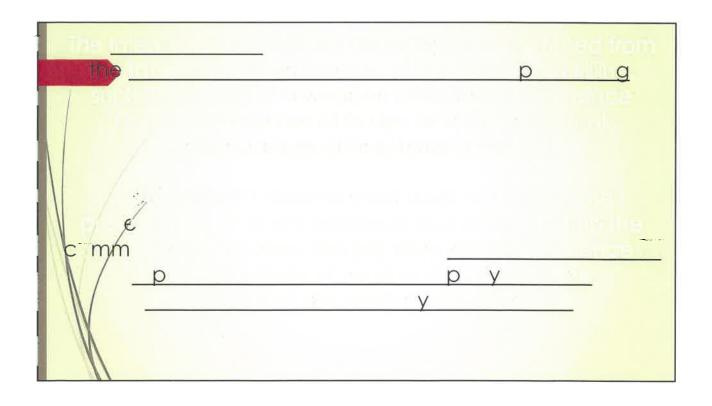


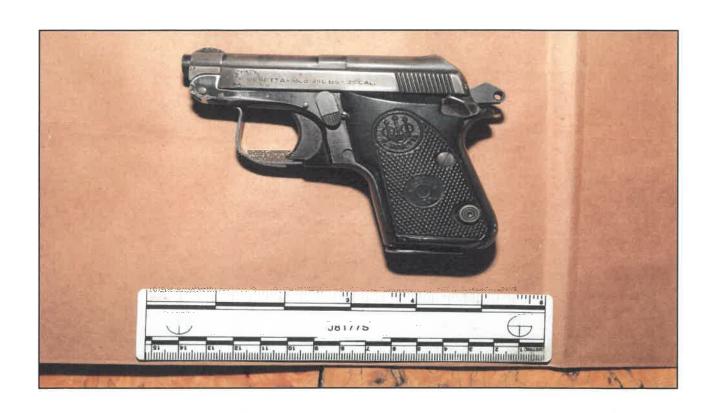














Edward & JoAnn Merritt 19174 Mendota St. Detroit, MI 48221 313-342-6765

To Whom It May Concern,

My name is JoAnn Merritt one of ten aunts to Clemon Lamar Hudson, on his father's side, who is Clemon Hudson jr. I retired from Gale Research as an Associate Editor for 15 years. I truly love this young man. He is the only young man who has demonstrated at a young age his desire to take care of me. That was truly amazing since he was only ten years old at that time, for a young man to make a vow of that magnitude to me his aunt. I am now 70 plus years young, and I believed that he would, if he could, in his own loving way.

We were pleased and honored when asked to write a character reference for Lamar. We are aware of the serious infractions he is faced with. Yet, we feel compelled to offer our opinion and observation of Clemon Lamar Hudson. My Husband Edward Merritt now retired from Ford Motor Co in 2007 as a Service Engineer for 30 years and I have known him every since he was born to Karen and Clemon Hudson jr. Both of Lamar's parents were raised to teach children to honor and respect to others and their property. I know because of his up-bringing that he is truly remorseful of his actions.

Overall and in conclusion, we respectfully request that this character reference be considered in your decision regarding an appropriate sentence in this chase.

Sincerely yours, Edward and JoAnn Merritt



## **Character letter**

1 message

joyce tipke <joycetipke3@gmail.com> To: kcaregiver77@gmail.com Fri, Jun 8, 2018 at 12:19 AM

June 07, 2018 From: Joyce Ann Tipke Career: Caregiver State: Spokane WA

Ch: letter Judge Mark Bailus In Connection with Clemon Lamar Hudson C-15-3095782

I Joyce Tipke, The Oldest Aunt on his mother side of the family.

I have Known Clemon Lamar Hudson all his life, he is the second born of the family.

I baby set him on many occasions, he grew up in a very loving family and strong supported family, we are godly family,

The nephew I know is a sweet and caring person that has Respect man kind.

Our family is under a hardships at this moment, and our heart are burden, the young man we the family know is not a thug or a threat to anyone, and hope that you as a person of honest and moral will see our family member as human that made a poor decisions that deserves a fair chance in life,

I know without a doubt this has made a very wise person out of (Clemon Lamar Hudson).

Thank you for listening to my plee.

Joyce Ann Tipke.



## (no subject)

1 message

adrian Elias <adriandawn23@yahoo.com>
To: "kcaregiver77@gmail.com" <kcaregiver77@gmail.com>

Thu, Jun 7, 2018 at 10:01 PM

Adrian D. Elias 1929 Merze Ave Henderson, NV 89011 702-901-1956 Adriandawn23@yahoo.com

June 7,2018

The honorable Judge Mark Bailus RE: Sentencing of Clemen Hudson C-15-309578-2

I am Adrian Elias, Mr. Hudson's older cousin. I'm 28 years old, moved here from California in 2003. I attended Valley High School where I graduated in June of 2008. I proceeded my education as I attended College Of Southern Nevada while studying Criminal Justice. After a few semesters I placed my dreams on hold to start a family with my fiancé of 5 years. I'm well aware of the charges Mr. Hudson is facing. However, I'm more than happy to offer an endorsement of Mr. Hudson's good character.

I've been around around Mr. Hudson for all of his life. Even though we are cousins we grew up much more like siblings. Our parents raised us in church where we attended every Sunday. We're a very close family. Mr. Hudson have always been a positive and generous person. I remember one summer weekend I spent with his family, Mr. Hudson and his brothers had all got new toys and he got a new basketball and court. Me being a female I wasn't basketball savvy. However, Mr. Hudson would invite me outside to play basketball with him and friends. He would be eager to teach me how to do tricks and make different shots. Even when I become flustered and wanting to give up, he wouldn't let me. He would encourage me to keep trying! Told me it's ok to not make the basket but to keep trying. He's such an positive and light energy to be around! I can go on and on about the person Mr.Hudson is but this is just an small instance, along with many others giving an example of Mr. Hudson's reputation of love and generosity in our family. Thank you for you're time your honor.

Sent from Yahoo Mail for iPhone

Cherise A. Merritt 4824 Capitol Ave #2 Omaha, NE 68132

To whom it may concern.

I am one of Clemon Lamar Hudson's older cousin and pleased to have the opportunity to let you know of my personal experience with my cousin Lamar.

I am currently residing in Omaha Nebraska, and a few years ago I had the pleasure of living with my Uncle Clemon in Las Vegas Nevada. This encounter was the first time I was able to visit with my younger cousins for longer periods of time and was able to truly get to know my cousins heart and spirit.

Our parent raised us to do right, be honorable, decent and in order. This is not restricted to just inside the house but in this world as well. My Uncle Clemon Hudson raised his sons to walk in this exact light. I witnessed Lamar attending Sunday school every Sunday as well as working on the Church property Saturday mornings putting together "go" bags and handing them out to the homeless. He also displayed this kind of enthusiasm at home, I know this because I was his baby sitter sometimes.

This is Lamar, a kind, mindful, polite, young man

Cherise Merritt Treasury Analysis, Corporate Finance



### Clemon Lamar Hudson

1 message

Renee Hazziez <hazziezrenee@yahoo.com> Reply-To: "hazziezrenee@yahoo.com" <hazziezrenee@yahoo.com> To: "Kcaregiver77@gmail.com" <Kcaregiver77@gmail.com>

Wed, Jun 6, 2018 at 7:40 PM

Greetings addressing the court respectfully,

I'm writing this letter in regards to Clemon Lamar Hudson. I've known this young man and his family for many years since he was a child. He comes from a very blessed beautiful family, salt of the earth. He has always been a respectful young man with a good heart. I'm sure you see letters of this sort alot. Truly this is not a hard hearted young man. He is a young man who always was close to family and doing honorable things. It saddens my heart that he has found himself in this predicament. He comes from a very solid foundation and loving wonderful family. Truly I love this young man dearly and am praying God's best for him. I love him dearly and his family. He has never been anything but a kind respectful young man. My prayers and heart are definitely with him. Thank you for taking time to read this letter. Very Sincerely, Renee Hazziez

Renee Hazziez **Employed Las Vegas Conventions** 

Sent from Yahoo Mail on Android

June 6, 2018

The Honorable Mark B. Bailus Department XVIII Eighth Judicial District Court 330 S. 3rd St. Las Vegas, NV 89101

Dear Judge Bailus:

My name is Juanita Watson, and I am writing a letter on behalf of my cousin, Clemon Lamar Hudson. I am the mother of one daughter and a son-in-law, grandmother of seven and great-grandmother of three. I am a Contracts Administrator for a commercial real estate company based in Santa Monica, CA.

Lamar, as he is affectionately called by his family, is my first cousin, my uncle's son. I have known him his entire life. This young man grew up in a two-parent Christian home, and has been sheltered, shielded and protected by his loving family who have surrounded and supported him his entire life.

Lamar is a very kind, gentle young man and it is always a pleasure visiting his home in Las Vegas, NV. The whole family is very loving, warm and welcoming and we always have a wonderful time together whether during holidays or summer vacations, since Lamar was born. I miss him very much and I pray he comes home soon.

Thank you.

Juanita Watson

Juanita Watson

June 5, 2018

To Whom It May Concern:

My name is Evelyn Williams and I am the younger sister of Karen Hudson and the youngest of Clemon Jr's aunts. The purpose of this letter is to bare witness to the positive character of Clemon Lamar Hudson Jr. I have a son very close in age to Clemon, who we affectionately refer to by his middle name "Lamar", and my son and the rest of his cousins grew up together in Vegas like brothers. Ever since Lamar was a kid he has always been a mild mannered, calm and even-tempered individual. I can honestly not remember a time when I saw him angry. Lamar grew up in a devout Christian household with two loving entrepreneurial parents and a very intelligent older brother who set a great example for both of his younger brothers. Prior to this incident Lamar never had any problems with the law or any other area.

From as far back as I can remember Lamar has always been a smart brave young man and a leader of his younger cousins. As a child he taught himself and the rest of the boys how to skateboard, mastering many difficult tricks. He also taught himself how to do all types of flips on and off the trampoline. I always admired that he had such a bright and determined mind. Lamar was obedient, never disrespectful, and very helpful around the house. Our family has always been very close; growing up Lamar never missed a family gathering. He was always there to make us smile.

Lamar is an important part of this family and we miss him terribly. While I can't explain this situation, I know Lamar is remorseful for the decisions he made.

Since he's been away, he's been blessed with a beautiful daughter who will suffer without a father as she grows older. I know Lamar would do anything to care and be a good example for her and if given the opportunity I truly do not believe he would make the same mistakes ever again. If given the opportunity I know Lamar would be an outstanding citizen positively to society and taking care of his beautiful baby girl. Please consider this letter from someone who has been able to watch Lamar grow from an infant as you make any further decisions about his life.

Respectfully,

**Evelyn Williams** 

June 8, 2018 Judge Mark Bailus, Regarding: Clemon Hidson C-15-309578 He is a well-mannered and very respectful young man. He was brought up in a Rome with love, sound teaching, and strong morals. He also attended sunday school and shurch services every sunday. At the mercy of the court, I'm asking that Clemon he given the, lightest sentence possible, because he has no criminal record heside this, and I personally believe that he would do sletter is he is given the opportunity L'ue known him you almost twenty years, and I have known him to be a med mannered gerson I geel this was an awakening moment you him Please consider this character letter on his behaly. Johna Samuel zamily griend

### To Whom This Way Concern,

This letter is a character reference of Clemon Lamar Hudson. Clemon Lamar has been a shy young man. He was always willing to learn and very attentive in attending Believers in Christ Ministries. Lamar has always been positive in working with others, but has a reserve attitude of being often to himself, not normally being with a crowd or group. He mostly stay close to home, strength, always fair, honest, kind appreciation for family and caring for others. He has respect for the authority and reference for faith in God.

lam Pastor Tapplin, whom which has served him and his family while being a part of Believers in Christ Ministries. He has helped feed the Homeless, Cleaned the church and participated in helping with the Children's Ministry. I think his character, respect, attitude and behavior was always good and well to be around. His family has always taught and showed Lamar the best way to handle himself in crisis and difficult situations. I believe he has the right upbringing and manners to make positive decisions. I would rule in favor of Clemon Lamar being a positive child and adult in his community. I believe his fear and respect for authority have a heart as a believer to conduct himself in a community to be positive and honorable. His behavior and judgement receive favorable results in what he say or do.

Senior Pastor Michael Tapplin

Sincerely

p.1

Contessa Handy 5609 Deodar Dr. Las Vegas, NV 89108

June 2, 2018

The Honorable Judge Mark Bailus Clark County Regional Justice Center 200 Lewis St. Las Vegas, Nevada 89101

Re: Sentencing of Clemon Lamar Hudson, III, Case No. C-15-309578-2

Dear Judge Mark Bailus,

My name is Contessa Handy, a dearest and close aunt of Clemon Lamar Hudson, III. I have been in his life all his earthly beings. I know Clemon to be a young man of strong moral character who treats others with courtesy and respect. I admire that in him! He joined church and was baptized at an early age. His upbringing involved his Christian parents, relatives, and family friends. The parents, being very protective and close-knit to their children, instilled Christian and Family values at a very early age, taking them to Church; Sunday school; Bible study; hosting weekly Prayer meetings in their home where other families and neighbors were invited to attend; family gatherings; feeding and clothing the homeless; and, by parents interpretation, a part of God's plan of action ("A family that pray together, stay together"). We will never want him to think that the family will stop loving him and God want forgive him because that will be ludicrous!

Clemon attended Western high school in Las Vegas, Nevada. Some of his greatest high school sports attributes were playing varsity football and baseball. He really excelled in those two varsity levels. In his pastime, he enjoys playing video games, champion of "All."

Just seeing Clemon in jail attire, the battered look on his face, scared and confused, brought tears to our eyes, especially his parents. He's trying to be strong for the family but found it very hard to look our way. We believe he realizes that he made a grave mistake and being incarcerated is a reality. We love him and will always be there for him.

I would like to thank you for your time in reading family and friends character reference letters about my nephew. I hope they have provided helpful context for understanding the type of person Clemon truly is.

Your Honor, please take under consideration this is his first offence. He has never been in trouble before.

Thanking you in advance!

Sincerely,

Contessa Handy

### **EXHIBIT B**

# Certificate of Appreciation

This certificate is awarded to

### Clemon Hudson

From The

## Believers In Christ Ministries

Signature of Senior Pastor

Signature of Senior Pastor

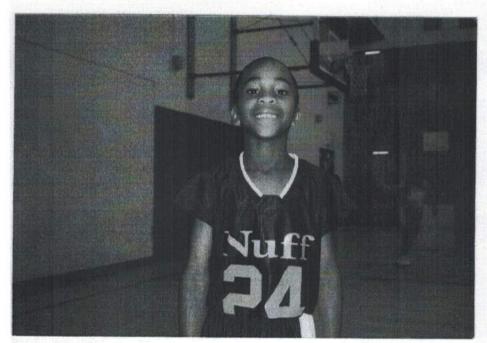
Date



### **EXHIBIT C**









### DISTRICT COURT CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor COURT MINUTES

May 17, 2016

C-15-309578-2

State of Nevada

VS

Clemon Hudson

May 17, 2016

9:00 AM

**Defendant's Motion For Bail Reduction** 

Attorney

**Attorney** 

Plaintiff

Defendant

**HEARD BY:** Scotti, Richard F.

COURTROOM: RJC Courtroom 11D

COURT CLERK: Shelly Landwehr

**RECORDER:** Elsa Amoroso

**REPORTER:** 

PARTIES PRESENT:

Beverly, Leah C. Hudson, Clemon Marchese, Jess R. State of Nevada

### **JOURNAL ENTRIES**

- Mr. Marchese argued in support of his motion. Representations by Mr. Marchese as to the shots fired and defendant's role. Arguments by Ms. Beverly. Following further arguments, COURT ORDERED, motion DENIED without prejudice. Court invited Mr. Marchese to refile the motion with more information such as defendant's background, character and reputations in the community.

**CUSTODY** 

PRINT DATE: 05/23/2016 Page 1 of 1 Minutes Date: May 17, 2016

### DISTRICT COURT CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor COURT MINUTES

June 16, 2016

C-15-309578-2

State of Nevada

VS

Clemon Hudson

June 16, 2016

9:00 AM

**Defendant's Motion For Bail Reduction** 

**HEARD BY:** Scotti, Richard F.

COURTROOM: RJC Courtroom 11D

COURT CLERK: Shelly Landwehr

**RECORDER:** Patti Slattery

**REPORTER:** 

PARTIES PRESENT:

Beverly, Leah C. Attorney
Coumou, Frank J. Attorney
Hudson, Clemon Defendant
Marchese, Jess R. Attorney
State of Nevada Plaintiff

### **JOURNAL ENTRIES**

- Mr. Marchese argued in support of his motion. Arguments by Ms. Beverly and Mr. Coumou. COURT ORDERED, BAIL MODIFIED. BAIL SET AT \$200,000.00

**CUSTODY** 

PRINT DATE: 06/17/2016 Page 1 of 1 Minutes Date: June 16, 2016

### DISTRICT COURT **CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

**COURT MINUTES** 

January 24, 2017

C-15-309578-2

State of Nevada

Clemon Hudson

January 24, 2017

9:00 AM

**Defendant's Motion For Bail Reduction** 

**HEARD BY:** Scotti, Richard F.

COURTROOM: RJC Courtroom 11D

COURT CLERK: Shelly Landwehr/STL

Aja Brown

**RECORDER:** 

Dalyne Easley

**REPORTER:** 

**PARTIES** PRESENT: Hudson, Clemon Marchese, Jeff Beverly, Leah

Defendant

**Attorney Attorney** 

### **JOURNAL ENTRIES**

- Mr. Marchese argued in support of his motion regarding defendant's criminal history, employment and gang affiliation. Arguments by Ms. Beverly regarding a previous reduction in bail and noted the State was ready for trial and it was continued at the request of defendant.

Following conference at the bench, COURT ORDERED, motion DENIED. Court stated it considered the NRS factors; however, gave more weight to the seriousness of the crime.

**CUSTODY** 

PRINT DATE: Page 1 of 1 02/13/2017 Minutes Date: January 24, 2017

### C-15-309578-2

final." Id. at 59 (emphasis added).

- B. "Specific request" for favorable material under Brady:
  - 1. Written Discovery Request To State

The Defendant should submit to the State a written request for specific information/documents which the Defendant claims to be material. *U.S. v. Agurs*, 427 U.S. 97 (1976).

Upon receipt of such request, the "prosecutor must decide what, if anything, it should voluntarily submit to defense counsel." *U.S. v. Agurs*, 427 U.S. 97 (1976). *Mazzan v. Warden*, 116 Nev. 48 (2000) ("The prosecutor is responsible for determining whether evidence is material and should be disclosed."). The Prosecutor should produce any evidence that is favorable to the defendant. *Mazzan v. Warden*, 116 Nev. 48 (2000) (exculpatory evidence, evidence to attack the police investigation, and impeachment evidence).

Evidence is material if there is a "reasonable possibility" that the evidence "would [] affect[]" "the outcome of trial." *Robert v. State,* 110 Nev. 1121 (1994). "A 'reasonable probability' is a probability sufficient to undermine the confidence in the outcome." *Penn v. Ritchie,* 480 U.S. 39 (1987).

Upon request for specific information/documents that may be material, the State has a duty to examine the information/documents and determine whether it should be disclosed. *Lay v. State*, 116 Nev. 1185, 1194 (2000). "The prudent prosecutor will resolve doubtful questions in favor of disclosure." *U.S. v. Agurs*, 427 U.S. 97, 108 (1976).

If necessary, the Court may order the State to respond in writing to the Defendant's request.

### 2. Motion To Compel

The Defendant may file a motion to compel the State to either (a) produce the information/documents, or (b) submit the material to the Court for in camera review. *Penn. v. Ritchie*, 480 U.S. 39 (1987) ("If a defendant is aware of specific information contained in the file . . . he is free to request it directly from the court, and argue in favor of its materiality."); *U.S. v. Agurs*, 427 U.S. 97 (1976).

Requirements to prevail on a motion to compel:

a. The Defendant must present **facts tending to prove the State possesses** the specific information/documents.

The Defendant must demonstrate that it is "aware" that the State possesses "specific information" (*Penn. v. Ritchie*, 480 U.S. 39 (1987)). This "requires a presentation of 'facts which would tend to show that the Government is in possession of information helpful to the defense." *U.S. v. Santiago*, 46 F.3d 885 894 (9<sup>th</sup> Cir. 1995). *See Roberts v. State*, 110 Nev. 1121 (1994) (defendant presented affidavit with evidentiary support for the claim that the State possesses the information).

"Possession" includes actual or constructive possession, by anybody on the prosecution team, including (a) "others acting on the government's behalf in [the] case," and (b) any arm of the government where the prosecutor is in

PRINT DATE: 05/11/2017 Page 2 of 3 Minutes Date: May 11, 2017

### C-15-309578-2

the unique position to obtain information known to other agents of the government." *Kyles v. Whitley,* 514 U.S. 419, 437 (1995); *Banks v. Dretke,* 540 U.S. 668, 691 (2004); *Carriger v. Stewart,* 132 F.3d 463 (9<sup>th</sup> Cir. 1997),

If the State denies that it has possession of the requested information/documents, and the Defendant has no factual basis to rebut the denial, then that ends the inquiry, and the Defendant is not entitled to any order compelling disclosure, inspection, or in camera review by the Court.

b. The Defendant must assert a **claim of materiality**, and present a **"factual predicate"** with a **"substantial basis"** for claiming materiality.

The Defendant must claim that the requested information is material (Penn. v. Ritchie, 480 U.S. 39 (1987)).

"A defendant must advance some **factual predicate** which makes it reasonably likely the requested file will bear information material to his or her defense. A bare assertion that a document 'might" bear such fruit is insufficient." *Sonner v. State*, 112 Nev. 1328 (1996).

The Defendant must have a "**substantial basis**" for claiming materiality. *U.S. Agurs,* 427 U.S. 97 (1976); *Roberts v. State,* 110 Nev. 1121 (1994).

If the Defendant submits a motion to compel that fails to address each of the aforementioned requirements, then the Court will deny the motion without prejudice.

The Court will rule upon specific requests on an individual basis if the Defendant submits a motion to compel that addresses each of the aforementioned requirements.

PRINT DATE: 05/11/2017 Page 3 of 3 Minutes Date: May 11, 2017

### DISTRICT COURT **CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

**COURT MINUTES** 

May 25, 2017

C-15-309578-2

State of Nevada

Clemon Hudson

May 25, 2017

3:00 PM

**Minute Order** 

**HEARD BY:** Scotti, Richard F.

**COURTROOM:** Chambers

**COURT CLERK:** Kory Schlitz

**RECORDER:** 

**REPORTER:** 

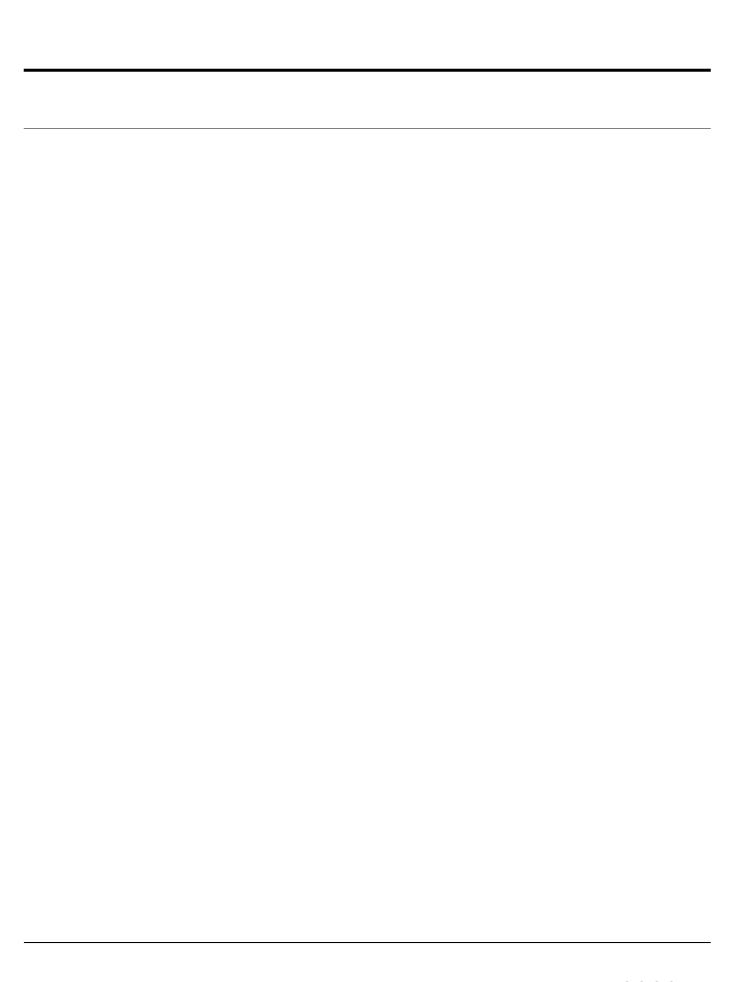
**PARTIES** PRESENT: None - Minute Order Issued from Chambers

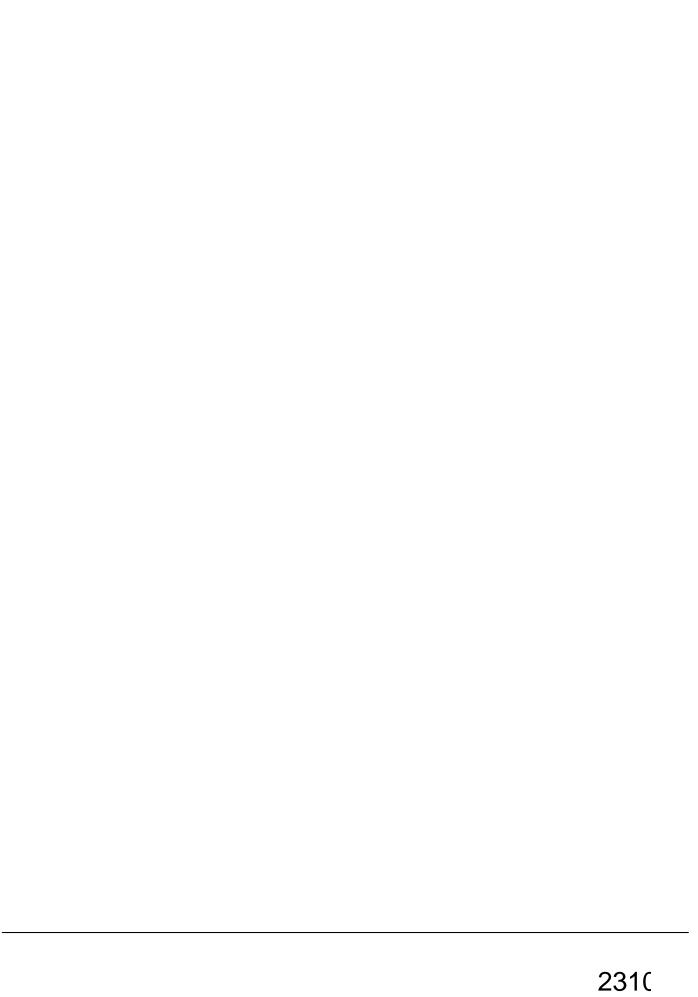
### **JOURNAL ENTRIES**

- On 5/11/17 the Court issued a minute order continuing Defendant's Discovery Motion to allow Mr. Mueller to file supplemental points and authorities in compliance with the Court's discovery protocol. That supplemental motion was due by 5/18/17. As of 5/24/17, the Court is still not in receipt of any supplemental motion. Accordingly, COURT ORDERED the 5/30/17 hearing is hereby VACATED.

CLERK'S NOTE: A copy of the foregoing minute order has been distributed through the Attorney Folders located at the Regional Justice Center of: Craig Mueller Esq. (Mueller Hinds & Associates) and the Clark County District Attorney. (5-25-17 ks)

PRINT DATE: 05/25/2017 Page 1 of 1 Minutes Date: May 25, 2017





April 05, 2018 09:00 AM Defendant's Motion for Additional Discovery

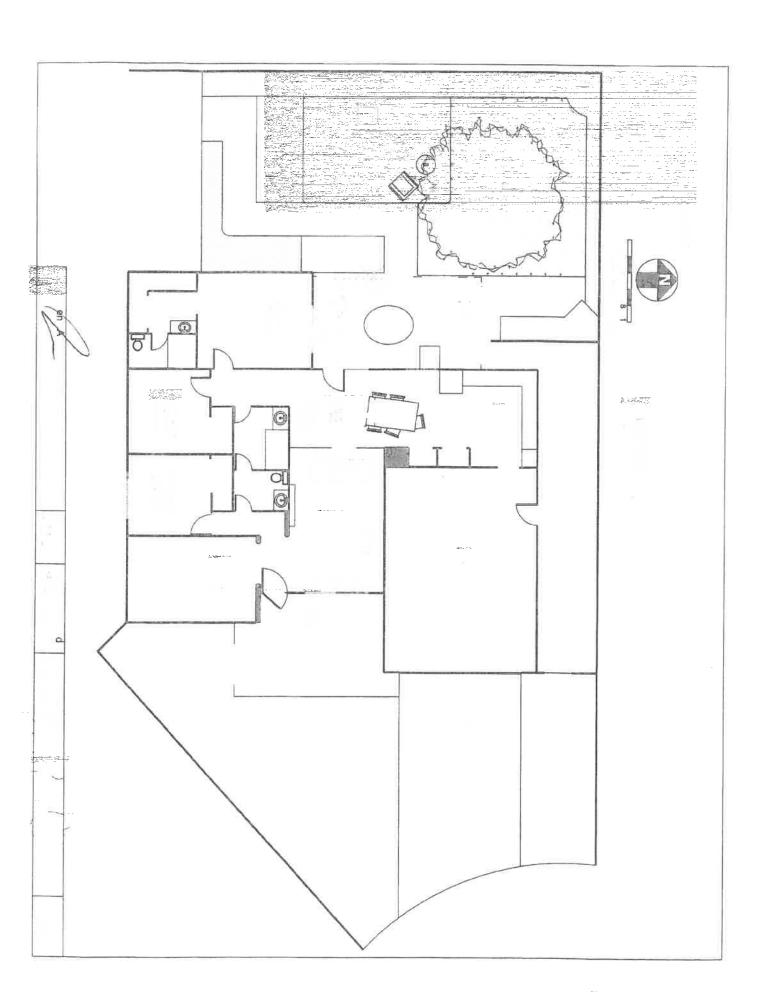
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COURT CLERK:

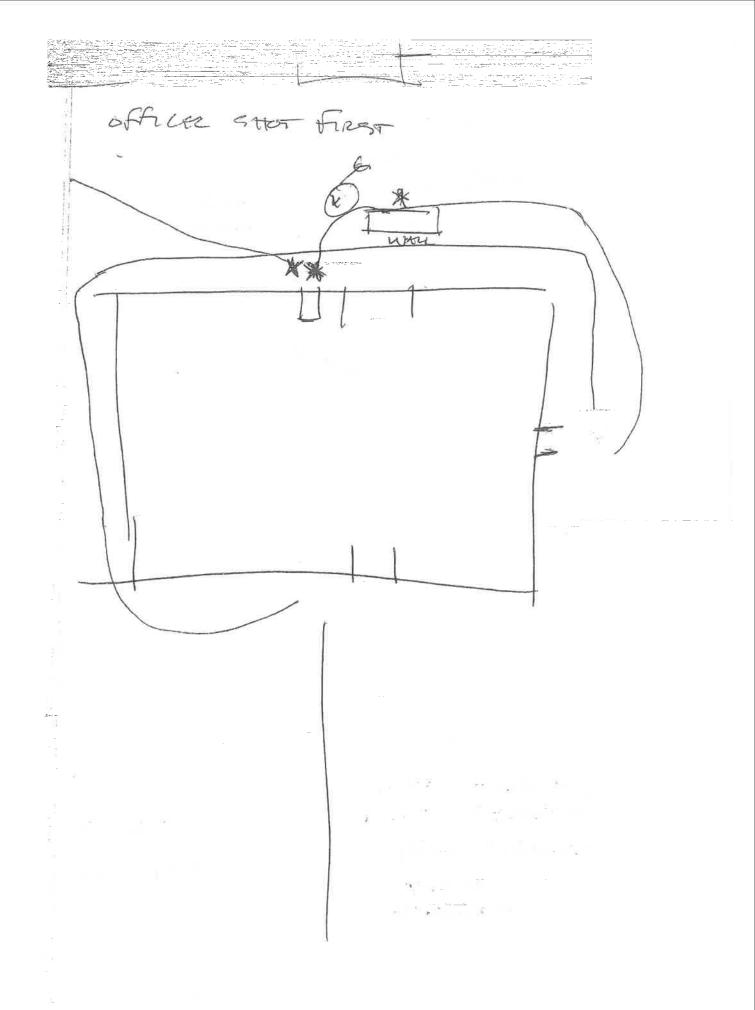
RECORDER: REPORTER:

PARTIES PRESENT:















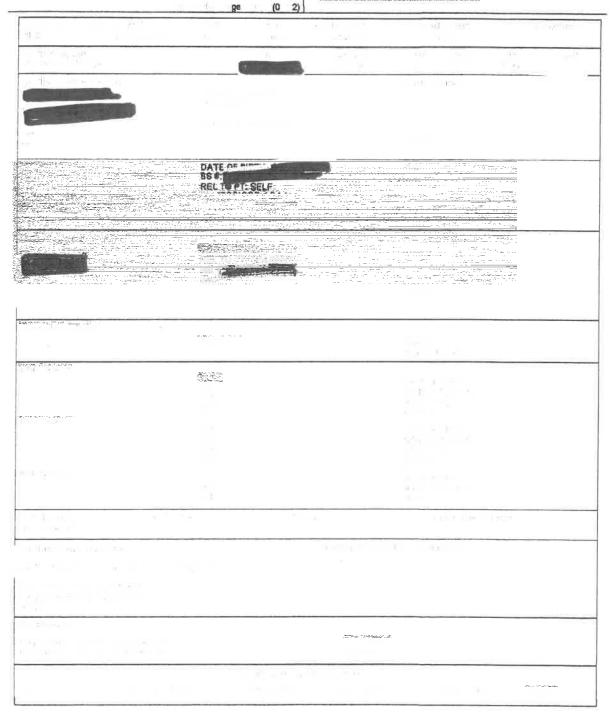
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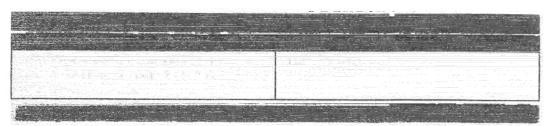
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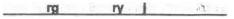
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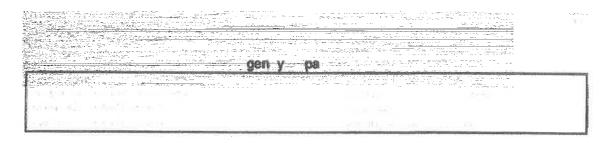
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admission in his Motion, there is no indication that he would be employed or be able to get a job if released from custody.

## **Prior Criminal History:**

While Defendant lacks a criminal history, he is only twenty years old. At such a young age, Defendant is already carrying high powered weapons, breaking into homes and committing crimes as egregious as shooting at police officers. Given that his first offense is so violent in nature, this gives the State great concern about his willingness to stay out of trouble if the bail settlement is altered in any manner.

## Nature of the Offense and Likelihood of Conviction

The facts and circumstances of this case are extremely violent and concerning to the State. The fact that the Defendant has access to handguns and high powered weapons and is clearly willing to use those weapons is alarming. Finally, the likelihood of conviction in this case is very strong which gives Defendant little incentive to return to court and face the charges against him:

### **CONCLUSION**

The State also notes that Co-Defendant Turner filed a similar Own Recognizance Motion in November of 2015. The Court denied Co-Defendant Turner's request to modify bail setting despite his lack of criminal history. As such, the State respectfully requests that the instant Motion for Bail Reduction for Defendant Hudson also be denied and that the current bail setting of \$200,000 remain in the case.

DATED this 540 day of January, 2017.

Respectfully submitted,

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

BY

LEAH C. BEVERLY
Deputy District Attorney
Nevada Bar #012556

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that service of STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR BAIL REDUCTION was made this 544 day of January, 2017, by facsimile transmission to:

JESS R. MARCHESE, ESQ. ATTORNEY FOR DEFENDANT FAX#702-598-1425

BY: P. Warris

P. Manis

Secretary for the District Attorney's Office

LCB/pm/L-2

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		CLERK OF THE COURT
1 2 3 4 5 6	SUBT CRAIG A. MUELLER, ESQ. Nevada Bar No. 4703 MUELLER, HINDS & ASSOCIATES, CHTD. 600 S. Eighth Street Las Vegas, Nevada 89101 Phone: (702) 940-1234 Facsimile: (702) 940-1235 criminal@muellerhinds.com	
7	EIGHTH JUDICIA	L DISTRICT COURT
8	CLARK COU	JNTY, NEVADA
9		Case No.: C-15-309578-2-1
.0	Plaintiff,	Dept. No.: 2
1	VS.	
12	CLEMON HUDSON,	SUBSTITUTION OF ATTORNEY
3  4	Defendant.	
15 16		y consents to and does hereby substitute attorney of MUELLER, HINDS & ASSOCIATES CHTD., as
17 18	his attorneys in the above-entitled action, in the plant DATED this Day of February, 2017	
19		1. 
20		CLEMON HUDSON
21		
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1	CRAIG A. MUELLER, the undersigned, hereby agrees to be substituted as Attorney of Record
2	for Defendant, CLEMON HUDSON, in the above-entitled action in the place and instead of JESS R.
3	MARCHESE, ESQUIRE.
4	DATED this Day of February, 2017.
5	MUELLER, HINDS & ASSOCIATES, CHTD.
6	
7	CRAIG A. MUELLER, ESQ.
8	Nevada State Bar No. 4703 600 S. Eighth Street
9	Las Vegas, Nevada 89101 (702) 940-1234
10	(702) 940-1235 criminal@muellerhinds.com
11	cmueller@muellerhinds.com
12	JESS R. MARCHESE, ESQUIRE, the undersigned, hereby agrees to be substituted a
13	Attorney of Record for Defendant, CLEMON HUDSON, by CRAIG A. MUELLER, ESQUIRE, is
<ul><li>14</li><li>15</li></ul>	the above-entitled action in his place and stead.
16	DATED this Day of February, 2017.
17	LAW QEFICE OF JESS R. MARCHESE
18	1 1 Lubs M
19	JESS'R. MARCHESE, ESQ. Nevada State Bar No.: 8175
20	601 S. Jones Blvd. Las Vegas, NV 89101
21	(702) 385-5377 (702) 474-4210
22	<u>marcheselaw@msn.com</u>
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### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the \_\_\_\_\_ Day of February, 2017, I served a true and correct copy of the foregoing SUBSTITUTION OF ATTORNEY, upon each of the parties by **electronic service** through Wiznet, the Eighth Judicial District Court's e-filing/e-service system, pursuant to N.E.F.C.R.9; and by depositiong a copy of the same in a sealed envelope in the United States mail, Postage Pre-Paid, addressed as follows:

Clark County District Attorney's Office 200 Lewis Ave., 3rd Floor Las Vegas, NV 89155 motions@clarkcountyda.com

JESS R. MARCHESE, ESQ. Nevada State Bar No.: 8175 601 S. Jones Blvd. Las Vegas, NV 89101 (702) 385-5377 (702) 474-4210 marcheselaw@msn.com

/s/ Cinnamon O'Brien

An Employee of Mueller, Hinds & Associates, CHTD

Substitution of Attorney

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**CLERK OF THE COURT** 

MDIS

MUELLER, HINDS & ASSOCIATES CRAIG A. MUELLER, ESQ.

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Nevada Bar No. 4703 600 South Eighth Street

Las Vegas, Nevada 89101

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(702) 940-1234 Attorney for Defendant CLEMSON HUDSON

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THE STATE OF NEVADA,

Plaintiff,

VS.

CLEMON HUDSON,

Defendant.

DISTRICT COURT

CLARK COUNTY, NEVADA

CASE NUMBER: C-15-309578-2 DEPT. NUMBER: 2

NOTICE OF MOTION AND MOTION FOR DISCOVERY

COMES NOW, CLEMON HUDSON, by and through his attorney CRAIG A. MUELLER, ESQ., and moves the Court for an Order requiring the Plaintiff to reveal, produce and permit the Defendant to inspect and copy all information and material favorable to a defense of this cause (including all photographs, videos, books, papers, records, documents and objects and all facts or information of whatever source or form in the possession of, or known to, the Plaintiff or any of its agents), which material and information are or may become of benefit to the Defendant, either on the merits of the case or one the question of credibility of witness.

Defendant has requested discovery on two other occasion thru other channels, which has been unsuccessful. Defendant states that said inspection, information and statements are necessary for the preparation of her defense and for the Defendant to obtain a fair trial and constitutional due process of law.

28

# NOTICE OF MOTION

THE STATE OF NEVADA, Plaintiff, and, 10:

TO: CLARK COUNTY DISTRICT ATTORNEY:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing Motion on for hearing on the 16 day of MAY 2017, at the hour of

9:00 \_, or as soon thereafter as counsel may be heard.

am DATED this 21st day of April, 2017.

Respectfully Submitted,

MUELLER, HINDS & ASSOCIATES

CRAIG A. MUELLER, ESQ.

Nevada Bar No. 4703 600 South Eighth Street Las Vegas, Nevada 89101

(702) 940-1234

Attorney for Defendant

# POINTS AND AUTHORITIES

NRS 174.235: 1. Except as otherwise provided in NRS 174.233 to 174.295, inclusive, at the request of a defendant, the prosecuting attorney shall permit the defendant to inspect and to copy or

- (a) Written or recorded statements or confessions made by the defendant, or any written or recorded statements made by a witness the prosecuting attorney intends to call during the case in chief of the state, or copies thereof, within the possession, custody or control of the state, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney;
- (b) Results or reports of physical or mental examinations, scientific tests or scientific experiments made in connection with the particular case, or copies thereof, within the possession, custody or control of the state, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney; and
- (c) Books, papers, documents, tangible objects, or copies thereof, which the prosecuting attorney intends to introduce during the case in chief of the state and which are within the

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27 28 possession, custody or control of the state, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney.

2. The defendant is not entitled, pursuant to the provisions of this section, to the discovery or inspection of:

(a) An internal report, document or memorandum that is prepared by or on behalf of the prosecuting attorney in connection with the investigation or prosecution of the case.

(b) A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the constitution or laws of this state or the Constitution of the United States.

3. The provisions of this section are not intended to affect any obligation placed upon the prosecuting attorney by the constitution of this state or the Constitution of the United States to disclose exculpatory evidence to the defendant.

(Added to NRS by 1967, 1419; A 1995, 264; 1997, 2367)

# NRS 174.245: Disclosure by defendant of evidence relating to defense; limitations.

- 1. Except as otherwise provided in NRS 174.233 to 174.295, inclusive, at the request of the prosecuting attorney, the defendant shall permit the prosecuting attorney to inspect and to copy or
  - (a) Written or recorded statements made by a witness the defendant intends to call during the case in chief of the defendant, or copies thereof, within the possession, custody or control of the defendant, the existence of which is known, or by the exercise of due diligence may become known, to the defendant;
  - (b) Results or reports of physical or mental examinations, scientific tests or scientific experiments that the defendant intends to introduce in evidence during the case in chief of the defendant, or copies thereof, within the possession, custody or control of the defendant, the existence of which is known, or by the exercise of due diligence may become known, to the
  - (c) Books, papers, documents or tangible objects that the defendant intends to introduce in evidence during the case in chief of the defendant, or copies thereof, within the possession, custody or control of the defendant, the existence of which is known, or by the exercise of due diligence may become known, to the defendant.
- 2. The prosecuting attorney is not entitled, pursuant to the provisions of this section, to the discovery or inspection of:
  - (a) An internal report, document or memorandum that is prepared by or on behalf of the defendant or his attorney in connection with the investigation or defense of the case.
  - (b) A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the constitution or laws of this state or the Constitution of the United States. (Added to NRS by 1967, 1419; A 1969, 350; 1995, 265; 1997, 2368)

NRS 200.604 Capturing image of private area of another person; distributing, disclosing, displaying, transmitting or publishing image of private area of another person; penalties; exceptions; confidentiality of image.

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- 1. Except as otherwise provided in subsection 4, a person shall not knowingly and intentionally capture an image of the private area of another person:
  - (a) Without the consent of the other person; and
- (b) Under circumstances in which the other person has a reasonable expectation of privacy.
- 2. Except as otherwise provided in subsection 4, a person shall not distribute, disclose, display, transmit or publish an image that the person knows or has reason to know was made in violation of subsection 1.
  - 3. A person who violates this section:
  - (a) For a first offense, is guilty of a gross misdemeanor.
- (b) For a second or subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.
- 4. This section does not prohibit any lawful law enforcement or correctional activity, including, without limitation, capturing, distributing, disclosing, displaying, transmitting or publishing an image for the purpose of investigating or prosecuting a violation of this section.
- 5. If a person is charged with a violation of this section, any image of the private area of a victim that is contained within:
  - (a) Court records;
- (b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;
  - (c) Records of criminal history, as that term is defined in NRS 179A.070; and
  - (d) Records in the Central Repository for Nevada Records of Criminal History,

is confidential and, except as otherwise provided in subsections 6 and 7, must not be inspected by or released to the general public.

- 6. An image that is confidential pursuant to subsection 5 may be inspected or released:
- (a) As necessary for the purposes of investigation and prosecution of the violation;
- (b) As necessary for the purpose of allowing a person charged with a violation of this section and his or her attorney to prepare a defense; and
  - (c) Upon authorization by a court of competent jurisdiction as provided in subsection 7.
- 7. A court of competent jurisdiction may authorize the inspection or release of an image that is confidential pursuant to subsection 5, upon application, if the court determines that:
- (a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the inspection or release; and
- (b) Reasonable notice of the application and an opportunity to be heard have been given to the victim.
  - 8. As used in this section:
- (a) "Broadcast" means to transmit electronically an image with the intent that the image be viewed by any other person.
- (b) "Capture," with respect to an image, means to videotape, photograph, film, record by any means or broadcast.
  - (c) "Female breast" means any portion of the female breast below the top of the areola.
- (d) "Private area" means the naked or undergarment clad genitals, pubic area, buttocks or female breast of a person.

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- (e) "Under circumstances in which the other person has a reasonable expectation of privacy" means:
- (1) Circumstances in which a reasonable person would believe that he or she could disrobe in privacy, without being concerned that an image of his or her private area would be carried or
- (2) Circumstances in which a reasonable person would believe that his or her private area would not be visible to the public, regardless of whether the person is in a public or private place.

  (Added to NRS by 2007, 642)

The prosecution has the duty to disclose to the Defendant all exculpatory evidence. Brady v. Maryland, 373, U.S. 83 (1963); see also, Giles v. Maryland, 386 U.S. 66 (1967); Dennis v. U.S., 384 U.S. 855, 873 (1966).

A Defendant has the right to any prior statements given by witnesses who testify against him.

Mears v. State, 83 Nev. 3, 422P.2d230 (1967). The better practice is to furnish the Defendant with the statements prior to trial to avoid trial delay and disruption. Mears v. State, supra.

DATED this 21st day of April 2017.

Respectfully Submitted,

MUELLER, HINDS & ASSOCIATES

CRAIG A. MUELLER, ESQ.

Nevada Bar No. 4703 600 South Eighth Street

Las Vegas, Nevada 89101

(702) 940-1234

Attorney for Defendant

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st Day of April, 2017 I served a true and correct copy of the foregoing MOTION AND NOTICE OF MOTION FOR DISCOVERY, upon each of the parties by electronic service through Wiznet, the Eighth Judicial District Court's e-filing/e-service system, pursuant to N.E.F.C.R.9; and/or by depositiong a copy of the same in a sealed envelope in the United States mail, Postage Pre-Paid, addressed as follows:

Clark County District Attorney's Office 200 Lewis Ave., 3rd Floor Las Vegas, NV 89155

motions@clarkcountyda.com
pdmotions@clarkcountyda.com

3.

/s/ Giselle D. Villa

An Employee of Mueller, Hinds & Associates, CHTD

1 2 3 4 5 6	MOT CRAIG A. MUELLER, ESQ. Nevada Bar No. 4703 MUELLER HINDS & ASSOCIATES, CHTD 600 S. Eighth St. Las Vegas, NV 89101 Tel (702) 940-1234 Fax (702) 940-1235 cmueller@muellerhinds.com	8/28/2017 7:35 AM  CLERK OF THE COURT
7	EIGHTH JUDICIAL	DISTRICT COUPT
8		
9	CLARK COUN	TY, NEVADA
10	STATE OF NEVADA,	) CASE NO.: C-15-309578-2
11	Plaintiff,	) DEPT. NO.: XVIII
12	vs.	) MOTION TO SEVER; NOTICE
13	CLEMON HUDSON,	)
14	Defendants.	)
15		ý ,
16		
17	COMES NOW, CLEMON HUDSON, by and	through his attorney, Craig A. Mueller, Esq., of the
18	law firm Mueller Hinds & Associates, hereby move	the court to sever the codefendants in this case into
19	two separate cases. This motion is made based on	the following points and authorities and any oral
20	arguments made at the time of the hearing of this motivate	on.
21	DATED this 23 <sup>rd</sup> August, 2017.	
22		
23	COAIC	A MUELLER, ESQ.
24		Bar No: 4703
25		

-1-

### **NOTICE OF MOTION**

TO: THE STATE OF NEVADA, Plaintiff,

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the above and foregoing MOTION will be heard before the above entitled Court on the 7th day of September 2016, at

a.m., or as soon thereafter as counsel may be heard.

### **POINTS AND AUTHORITIES**

### I. FACTUAL BACKGROUND

According to the police report, on September 4, 2015 Eric Clarkson heard a noise and saw an unknown subject on his patio, got out of bed, got his cell phone and woke up his roommate, Willoughby Grimaldi, and called 9-11. Ultimately, police officers Robertson and Greco-Smith arrived, saw Steven Turner and Clemon Hudson, on the patio. Officers took a position, unlocked the door when Turner fired an AK47 rifle striking Officer Robertson in the leg, and Clemon Hudson allegedly fired one shot from the shotgun into the doorway missing the officers.

Turner fled but was seen limping and jaywalking nearby where a person stop was conducted. The officers interviewed Turner who identified his friend Clemon Hudson, AKA "Mar," as the person who he was with when they planned to go to someone's house to "steal their weed" on Westcliff and Rainbow. After changing his story a couple of times, Turner stated he waited in a car while "Mar" grabbed a SKS rifle and shotgun and jumped in the backyard of the house. Turner thought Mar was taking too long so he jumped over the fence too. Turner claims that "Mar" walked toward the glass patio door, that he saw the door open and "Mar" started to shoot.

### II. APPLICABLE LAW

Section 173.135 of the Nevada Revised Statutes provides:

Two or more defendants may be charged in the same indictment or information if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses. Such defendants may be charged in or or more counts together or separately and all of the defendants need not be charged in each count.

Under section 174.165 of the Nevada Revised Statutes:

If it appears that a defendant or the State of Nevada is prejudiced by a joinder of offenses or
of defendants in an indictment or information, or by such joinder for trial together, the court
may order an election or separate trials of counts, grant a severance of defendants or
provide whatever other relief justice requires.

2. In ruling on a motion by a defendant for severance the court may order the district attorney to deliver to the court for inspection in chambers any statements or confessions made by the defendants which the State intends to introduce in evidence at trial.

Of course, the ability to join defendants is not unlimited. The Confrontation Clause in the Sixth Amendment to the United States Constitution provides the right to confront and cross-examine the accuser in a criminal case. See Bruton v. United States, 391 U.S. 123, 135-37 (1968). That right is violated where a non-testifying codefendant makes a confession that incriminates the defendant. See Romero v. State, 2016 Nev. LEXIS 512, 9, 2016 WL 3257826, Nev. SC No. 67731 (filed June 10, 2016) citing Bruton v. United States, 391 U.S. 123 (1968).

The party seeking severance bears the burden of proof of prejudice and such a case must be severed "if there is a serious risk that [it] would compromise a specific trial right of one of the defendants, or prevent the jury from making a reliable judgment about guilty or innocence." See Rimer v. State, 351 P.3d 697, 711 (Nev. 2015), citing Marshall v. State, 118 Nev. 642, 647 (2002) (quoting Zafiro v. United States, 506 U.S. 534, 539 (1993)). Another way to state the law was also provided in Rimer: "To require severance, the defendant must demonstrate that a joint trial would manifestly prejudicial. The simultaneous trial of the offenses must render the trial fundamentally unfair, and hence, result in the violation of due process." See Rimer v. State, 351 P.3d 697, 710-11 (Nev. 2015), citing Honeycutt v. State, 118 Nev. 660 (2002), overruled on other grounds by Carter v. State, 121 Nev. 759, 765 (2005).

### III. ANALYSIS

The case must be severed under <u>Bruton</u>. The State intends to introduce the statements of a non-testifying defendant Steven Turner, the codefendant in this case, against Clemon Hudson by the alias "Mar" that tend to implicate Hudson. Because Hudson will not have the ability to confront and cross-examine Turner, his rights under the Confrontation Clause would be violated by the introduction of these statements. This would render the trial fundamentally unfair and result in a violation of due process. Therefore, the case must be severed.

### IV. **CONCLUSION**

We pray that the defendants in this case be severed into two separate cases.

CRAIG A. MUELLER, ESQ. Nevada Bar No: 4703

-5-

### **CERTIFICATE OF SERVICE**

I, an employee of Mueller Hinds & Associates, Chtd., certify that this document was served to the following persons or entities through the Wiznet e-service system:

DATED this 23<sup>rd</sup> day of August, 2017.

Employee of Mueller Hinds & Associates, CHTD.

-6-

Electronically Filed

Steven D. Grierson



STEVEN B. WOLFSON Clark County District Attorney Nevada Bar #001565 LEAH BEVERLY Chief Deputy District Attorney Nevada Bar #12556 200 Lewis Avenue Las Vegas, Nevada 89155-2212 (702)671-2500 Attorney for Plaintiff

### DISTRICT COURT CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-VS-

CLEMON HUDSON #7025101

Defendant.

CASE NO: C-15-3095782

**DEPT NO: XVIII** 

### STATE'S OPPOSITION TO DEFENDANT'S MOTION TO SEVER

DATE OF HEARING: October 12, 2017 TIME OF HEARING: 9:00 am

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through LEAH BEVERLY, Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendantis To Sever.

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

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# POINTS AND AUTHORITIES STATEMENT OF THE CASE:

Trial is currently set to begin on November 13, 2017. Defendant filed the instant Motion to Severon August 28, 2017

### STATEMENT OF FACTS

On September 4, 2015, at approximately 3:45AM, the two co-defendants, armed we multiple firearms, startled the victims awake in their home. The residents of the home, E Clarkson and Willoughby Grimaldi, were sleeping when they heard suspicious noises in the backyard. They observed two figures, who were later identified as the two defendants, runnacross the backyard. The police were notified and dispatched and Officers Robertson Greco-Smith arrived to investigate. Officer Robertson spotted the co-defendants in backyard and began to open the back door when Defendant Turner fired three rounds from AK-47 rifle. One of the rounds hit Officer Robertson in the leg and immediately after Defendant Hudson fired a round at the officers from his shotgun, hitting the doorway mexit them. Officer Greco-Smith returned fire at Defendants Hudson and Turner. Defendant Turner dropped his rifle and fled the scene while Hudson hid in the backyard. A canine police of from the K9 unit had to physically remove Defendant Hudson from where he was hidilibecause he would not respond to Officers when ordered to surrender.

///

Officer Robertson was extracted from the residence and was transported to UN Trauma to be treated for his shattered right femur. He was taken into surgery where he requal a titanium rod and plates to be inserted in its broken femur.

In his interview after the shooting altercation, Defendant Hudson admitted to armin himself with the shotgun and a handgun to steal a pound of marijuana from the residence intentionally entered the backyard of the home and admittering the shotgun into the house.

Defendant Hudson in violation of the Confrontation Clause. This claim is without merit are should be denied.

NRS 173.135 which controls the joinder of two or more defendants in a single action star

Two or more defendants may be charged in the same indictment or information if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses. Such defendants may be charged in one or more counts together or separately and all of the defendants need not be charged in each count.

NRS 174.165 provides the guidelines to be followed in the event of a prejudicial joinde

If it appears that a defendant or the State of Nevada is prejudiced by a:

1. joinder of offenses or of defendants in an indictment or information, or by such joinder for trial together, the court may order an election or separate trials of counts, grant a severance of defendants or provide whatever other relief justice requires.

In ruling on a motion by a defendant for severance

2. the court may order the district attorney to deliver to the court for inspection in chambers any statements or confessions made by the

2. the court may order the district attorney to deliver to the court for inspection in chambers any statements or confessions made by the defendants which the State intends to introduce in evidence at the trial.

The decision to sever defendants

1185 (2008) (citing <u>Buff_v. State</u> , 114 Nev. 1237, 1245, 970 P.2d 564, 569 (1998)
that in order to establish that joinder is prejudicial a defendant must demonstrate more
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Marshall v. State118 Nev. 642, 647, 56 P.3d 376, 379 (2002); Middleton v. State, 114 Ne
1089, 1108, 968 P.2d 296, 309 (1998). The determination of risk associated to a joint tria
to be made by the district court, based upon the individual facts of the case. Chartier, 124 l
at 765, 191 P.3d at 1185While this is true, the Nevada Supreme Court has also stated th
a specific trial right of one of the defendants, or prevent the jury from making a reliat
judgment about guilt dinnocence 🚾 🗺 The Court has acknowledged that such prejudice ma
to present evidence or the cumulative effect creates a substantial rapus effect Id.
The public policy for joint trials is strong, as recognized by the United States Supre
Court in United States v. Brady
committed the same offense expedites the administration of justice, reduces the congestion
trial dockets, conserves judicial time, lessens the burdens upon citizens to sacrifice time
money to serve on juries and avoids the necessity of recalling witnesses who would other
be called upon to testing and a different and
have been jointly indicted they should be tried jointly, absent compelling reasons to
□□□□□□ <u>Jonesīvī\$ta</u> te, 1111 Nēv. 848, 853, 899 P.2d 544, 547 (1995). While the decis

efficiency as well as consistent verdicts and is preferred as long as it does not compromi

likely is not sufficient, rather a defendant must demonstrate a substantial and injurious ef
from the joinder <u>Id</u> .
Defendant Hudson claims that severance is required to protect his Confrontation Cla
rights. Defenda accompanion ac
The Confrontation Clause in the Sixth Amendment of the United States Constituti
guarantees the right of a criminal defendant to be confronted with the witnesses against
The United States Supreme Court in Bruton v. United States, 391 U.S. 123, 88 S.Ct. 1
(1968) held that since there is a substantial risk that a jury will use facially incriminating
confession of a non-testifying defendant as evidence of the guilt of his co-defendant,
admission of the confession in a joint trial violates the confrontation clades 1 U.S. at
126, 88 S.Ct. at 1622. The threshold question is whether the challenged statemer
testimonial; if it is not, the accompanies and accompanies and accompanies and the accompanies are the accompanies and the accompanies are the accompanies and the accompanies are the acc
Confrontation Clause, the Bruton rule, like the Confrontation Clause itself, does not apply
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whether a statement itsestimonial
and an analysis of the second and a second a
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v. State, 122 Nev. 974, 987, 143 P.3d 706, 714 (2006) (quotations omitted).
Subsequent tthe Bruton decision, numerous Circuit Courts of Appeal employed the
use of redacting references to the defendant and substituting neutral pronouns. For example 1
the Ninth Circuit Court of Appeals approved the use of a counterfeiter's confession when
and itoan associationUnited

Other Circuits adopted this same procedure. See, United States v. Weinrich, 586 F United States v. Stewart, 579 F.2d 356 (5th Cir. 1978) (admission by non-testifying of Holleman, 575 F.2d 139 (7th Cir. 1978) (non-testifying co-defendant's redacted statem which made it clear that he was assisted by two others in a robbery was proper where accomplices were not identified by race, age, size, or any means except sex). Later, the High Court clarified its holding in Bruton in the case of Richardson v. Mars 481 U.S. 200, 107 S.Ct. 1702 (1987). Initially, the Court explained that Bruton is on implicated when the netestifying co-\_\_\_\_\_\_ Additionally, the Court ob a company of the court ob a company of the court of the assuring compliance would be to try defendants separately whenever an incriminat statement of one of them is sought to be used. That is not as facile or as just a remedy as seem. Joint trials play a vital role in the criminal justice system, counting for almost one the \_\_\_\_\_ It would impair both the efficiency and the fairness of the criminal justice system to require on alcases of joint crimes where incriminating statements exist, that prosecutors bri separate proceedings, presenting the same evidence again and again, requiring victims witnesses to repeat the inconvenience (and sometimes trauma) of testifying, deadly an favoring the last - tried defendants who have the advantage of knowing the prosecutioh's

States v. Sears, 663 F.2d 896, 902 (9th Cir. 1981), cert. denied, 455 U.S. 1027, 102 S.Ct.

(1982). See alsonited States v. Gonzales, 749 F.2d 1329, 1344 (9th Cir. 1984) (substitution)

before hand. Joint trials generally serve the interest of justice by avoiding inconsistent verd

and enabling more accurate assessment of relative culpability - advantages which somet

operate to the defendant's benefit. Even apart from these tactical considerations, joint t

generally serve the interest of justice by avoiding the scandal and equity of inconsist verdicts. The other way of assuring compliance with an expaßsixten rule would be to forego use of co-defendant's confessions. That price also is too high, since confessions more than merely 'desirable'; they are essential to society's compelling interest in findiconvicting and punishing those who violate the law. (Citations omitted) Id.

Consequently, the High Court in Richards approved of the procedure redacting to

by the admission of a non-testifying co-defendant's confession with a proper limiting instruction, when, as here, the confession is redacted to eliminate not only the defendant name, but any reference to her existence. 481 U.S. at 211, 107 S.Ct. at 1709. The Court

Thereafter, the Eleventh Circuit in U.S. v. Vasquez, 874 F.2d 1515, 1518 (11th C 1989), cert. denied 493 U.S. 1046, 110 S.Ct 845 (1990), held that a co-defendant's confest that was redacted to eliminate references to the defendant's name and substituted the Incomplete Incomp

An argument common to confessing co-defendants is that the redacted confession once considered along with other evidence, clearly identifies them as the unnamed personal unwarranted extension of Bruton v. United States, supra. See, United States v. Holler supra (no need to further cripple the use of confessions in joint trials); United States v. Date 536 F.2d 675 (6th Cir. 1976) (inference that if one defendant is guilty the co-defendants of also have been, is based not on the redacted confession but on the other independent evid United States vs. Trudo, 449 F.2d 649 (2nd Cir.), cert. denied, 405 U.S. 926, 92 S.Ct. 1

redacted statement)

redacted statement).
United States v. Fullette, 430 F.2d 1055 (2nd Cir. 1970) typifies the attitude toward
contextual inculpationThere, two defendants, Biggins and Nelson, were tried jointly for ban
prior to the robbery. Other evidence in trial established a close resemblance between Ne
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confession. The court nevertheless felt there was no violatiemuton
As noted in <u>United States v. Trudo                     Bruton cases, [citation s  </u>
omitted] reveals that the confessions, even as redacted, mentions some unident
accomplice. The confession by its terms would lead to speculation by the jury as to when
or not a co-defendant was the other person. In none of these cases was any violation of B
found even though the ad accommon and accommon to the advantage of the adv
In <u>Lisle v. Stat</u> e, 113 Nev. 679, 688 P.2d 459, 466 (1997), the court addressed
following analysis:
On December 29, 1995, Lisle filed a motion to sever his trial from that of Lopez.
based this motion on the statement that Lopez made to Melcher, incriminating Lis
specifically, Lopez told Melcher that he observed Lisle shoot Justin at the rear of the car.
so as to exclude any reference to Lisle. Accordingly, when Melcher testified, he stated
///

	<u>Lisle</u> cites <u>Bruton v. United State</u> s
	constitutional right to cross
	statements, which inculpate Lisle, were admitted. However, Lisle fails to cite Richardso
	March, 481 U.S. 200 (1987). Richardson held that if a statement is not incriminating on
	face, but only when linked with other evidence introduced later at trial, then a limiting
	instruction will cure any prejudice. Id. at 211. Therefore, a redacted version of the statem
	may be admitted. Id.
	The United States Court of Appeals for the Ninth Circuit extended this concept to allo
	his name was not used. United States v. Enrique-Estrada, 999 F.2d 1355, 1359 (9th Cir. 1
	Later, in <u>Ducksworth v. Sta</u> te, 114 Nev. 951, 966 P.2d 165 (1998), the Court explain
	that a defendant can only establish prejudice, when faced with the co-
	statement, when the evidence of guilt is largely circumstantial.
	More recently, federal courts have approved the use of redacted statements that ar
	statements to identify that person and an analysis statements to identify that person are also and an analysis and a statements to identify that person are also and a statements to identify that person are also and a statements to identify that person are also as a statement of the statements to identify that person are also as a statement of the statement of t
	that does not render the statement inadmissible; the Supreme Court has explicitly stated
	this possibility does not render an otherwise properly redacted statement constitution
	Aug. 29, 2005).
	and an ather assumption that the State will a
	State uses the statements of Defendant Turner, any reference to Defendant Hudson ca
	redacted or replaced with a neutral pronoun as approved by cases lauch, there is no basis
I	to sever

# CONCLUSION

The State submits that the Defendant has not demonstrated a basis for severance,	а
	] [
DATED this 15th day of September, 2017.	
Respectfully submitted,	
STEVEN B. WOLFSON Clark County District Attorney Nevada Bar #01565	
BY /s/ Leah C. Beverly  LEAH C. BEVERLY  Chief Deputy District Attorney  Nevada Bar #2556	
CERTIFICATE OF ELECTRONIC FILING	
I hereby certify that service of StateOpposition to Defendant s Motion to Sever, wa	as
made this 18 day of September, 2017, by Electronic Filing to:	
CRAIG MUELLER, ESQ. cmueller@muellerhinds.com	
BY: /s/ Stephanie Johnson Employee of the District	

15F13307A/LB/saj/MVU

	<b>  -</b>	FILED IN OPEN COOK
1	MDIS MILET ED HINDS 8 ASSOCIATES CHTD	STEVEN D. GRIERSON CLERK OF THE COURT
2	MUELLER, HINDS & ASSOCIATES, CHTD. Craig A. Mueller, Esq.	
3	Nevada Bar No. 4703	MAR 2 9 2018
	600 South Eighth Street	1720 · 1
4	Las Vegas, NV 89101	ALAN PAUL CASTLE, SR, DEPUTY
5	Telephone: (702) 940-1234 Facsimile: (702) 940-1235	ALMINI NOE ONO GET, ON, EEL EN
6	criminal@muellerhinds.com	
_	Attorney for Defendant	
7	Clemon Hudson	
8		•
9	1	L DISTRICT COURT
10	CLARK COO	INTY, NEVADA
	State of Nevada,	Case No.: C-15-309578-2
11	Plaintiff	,
12		j 4-5-18 P
13	vs.	) Dept. No: XVIII ) 4-5-18 12 ) 9:00 A.M.
	Clemon Hudson,	) DEFENDANT'S MOTION FOR ) ADDITIONAL DISCOVERY
14	Defendant	)
15		j
16		
17	COMES NOW, Defendant Clemon Hu	idson, by and through his attorney of record,
18	CRAIG A. MUELLER, of Mueller, Hinds & Asso	ociates, CHTD., hereby submits this Defendant's
19	Motion for Additional Discovery.	
20	This Motion is made and based upon	all the papers and pleadings on file herein, the
21	This Motion is made and based upon	an the papers and pleadings on the herein, the
22	attached points and authorities in support h	ereof, and oral argument at the time of hearing,
23	if deemed necessary by this Honorable Cour	t.
24	///	
25		C-15-309578-2
26		MDIS Motion for Discovery 4733908
	///	## / DOJ BAT RATE OF DOTAL FOR A MATERIAL CONTROL OF THE CONTROL O
27		
28		/

## **NOTICE OF HEARING** TO: THE STATE OF NEVADA, Plaintiff; and TO: DEPUTY DISTRICT ATTORNEY: YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the undersigned will bring the above and foregoing motion on for hearing on the 5th day of APRIL, 2018, at the hour of 9Am, before the above-entitled Court, or as soon thereafter as counsel can be heard. DATED this 29 day of March, 2018. MUELLER, HINDS & ASSOCIATES. Respectfully Submitted By: /s/ Craig Mueller CRAIG A. MUELLER, ESQ. **Attorney for Defendant**

#### **MEMORANDUM OF POINTS AND AUTHORITIES**

Pursuant to NRS 174.235-45 as well as the law set forth in *Brady v. Maryland*, 373, U.S. 83 (1963) and its progeny, Defense respectfully requests the following additional discovery items from the Prosecution for inspection prior to trial. The below-listed information may contain exculpatory information necessary for the formation of the Defendant's full and complete defense to the instant case:

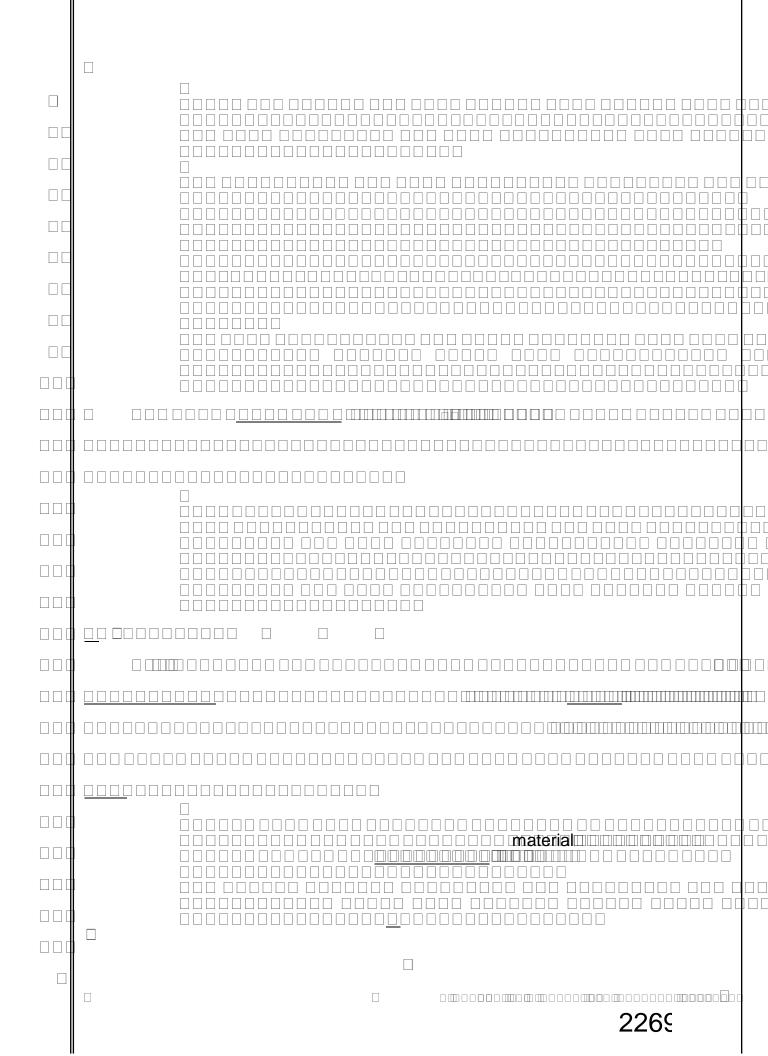
- The disciplinary files of all Las Vegas Metropolitan Police Officers at the scene of the incident which give rise to the allegations in the above-referenced case, specifically:
  - o Any incidents of disciplinary action or complaints involving a firearm;
  - o Any incidents of disciplinary action or complaints involving use of force;
  - Any incidents of disciplinary action or complaints alleging improper or insufficient training;
  - Any incidents of disciplinary action or complaints involving misconduct, whether or not such misconduct occurred in the course of the Officers' official duties;
  - Details regarding the Officers' training, instruction, and certifications regarding firearms;
  - Any internal memorandum or documentation which may have substantiated any of the above-listed allegations or complaints.

///

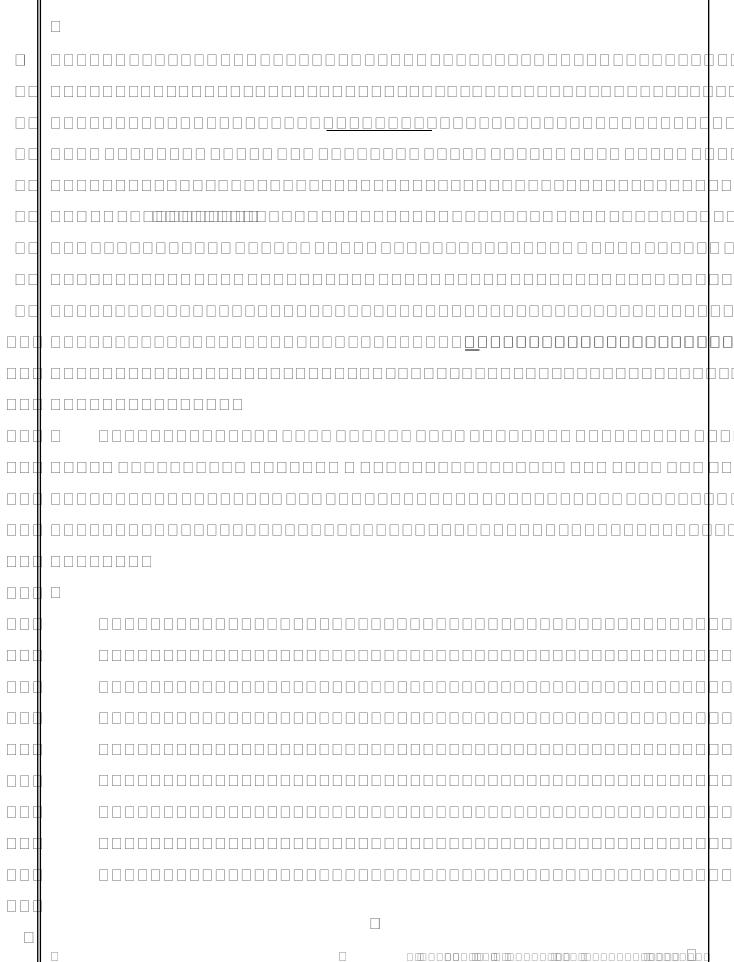
1 2 DATED this 29 day of March, 2018. 3 4 By: MUELLER, HINDS & ASSOCIATES, CHTD. 5 6 By: \_\_\_\_/s/ Craig Mueller 7 Craig A. Mueller, Esq. Nevada Bar No. 4703 8 600 South Eighth Street Las Vegas, Nevada 89101 9 (702) 940-1234 10 11 **CERTIFICATE OF SERVICE** 12 I HEREBY CERTIFY that on the 29 day of March, 2018 I served a true and correct 13 copy of the foregoing MOTION, upon each of the parties by electronic service through 14 Wiznet, the Eighth Judicial District Court's e-filing/e-service system, pursuant to 15 N.E.F.C.R.9; and by depositiong a copy of the same in a sealed envelope in the United States 16 mail, Postage Pre-Paid, addressed as follows: 17 Clark County District Attorney's Office 18 200 Lewis Avenue Las Vegas, Nevada 89101 19 20 /s/ Craig Mueller Employee of Mueller, Hinds & Associates 21 22 23 24 25 26 27 28

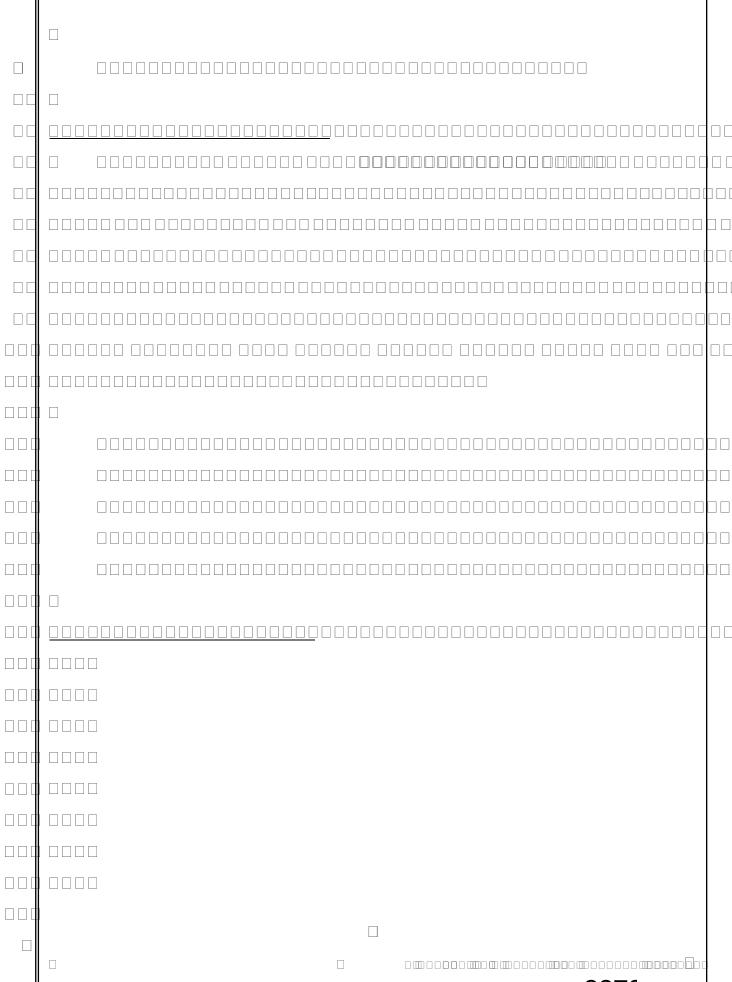
RSPN	1
STATE'S RESPONSE TO DEFENDANT'S MOTION FOR ADDITIONAL DISCOVERY	

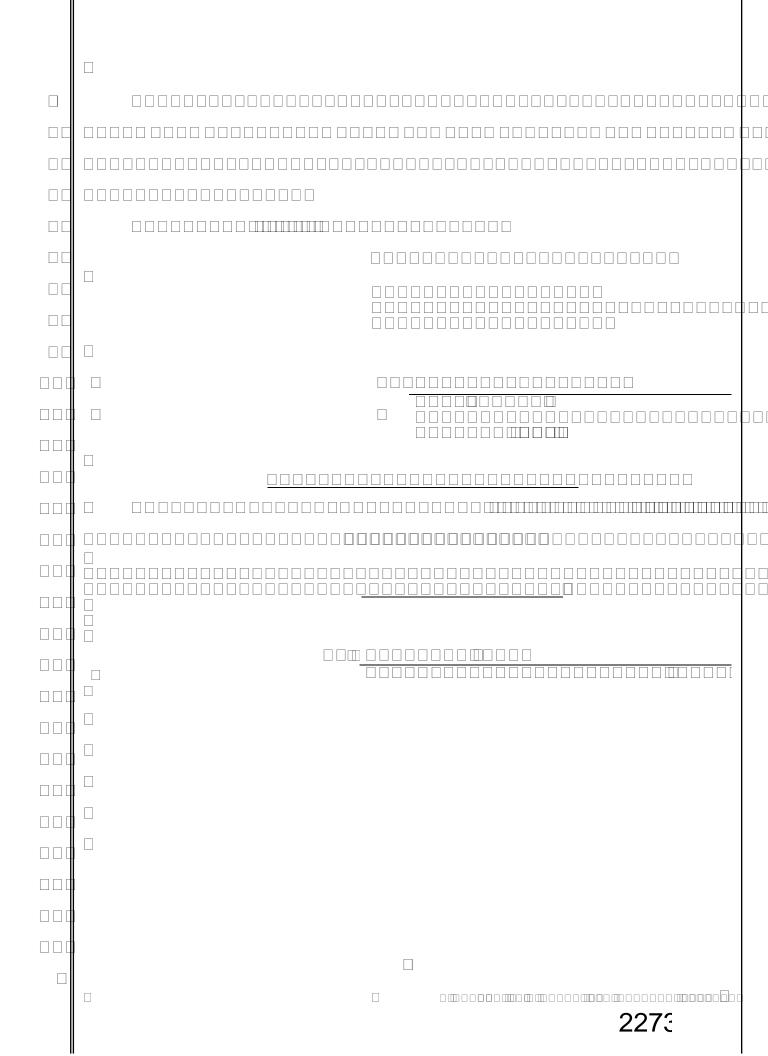
## POINTS AND AUTHORITIES STATEMENT OF THE CASE ARGUMENT



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The Ctate responds to Defendant's list of responds to tall according	
The State responds to Defendant's list of requests as follows:	
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This Notice is necessary because Counsel was retained to substitute in on May 25, 2018, prior counsel has not responded to Counsel's request for a signed Substitution of Attorneys, and Counsel wishes to appear on May 31, 2018 for co-defendant's Steven Turner's Motion for a New Trial. Counsel plans to submit a substitution of attorneys once prior counsel responds to the request.

DATED this 2018.

LAW OFFICE OF ALEXIS PLUNKETT

ALEXIS PLUNKETT, ESQ.

Nevada Bar No. 11245

LAW OFFICE OF ALEXIS PLUNKETT

2657 Windmill Parkway #613 Henderson, Nevada 89074 Attorney for Defendant

### **CERTIFICATE OF EMAIL**

I hereby certify that service of the above and forgoing was made this <u>day</u> of May, 2018, by email to:

CLARK COUNTY DISTRICT ATTORNEY

Email: Motions@clarkcountyda.com

BY:

\_\_\_\_ 6/20/2018 10:19 AM Steven D. Grierson

1 **MEMO** ALEXIS A. PLUNKETT, ESQ. 2 Nevada Bar No. 11245 LAW OFFICE OF ALEXIS PLUNKETT 3 2657 Windmill Parkway #613 Henderson, Nevada 89074 4 Telephone: (702) 675-4613 Facsimile: (702) 446-8215 5 Email: alexis@plunkettfirm.com 6 Attorney for Defendant Yerandy Gonzalez

#### EIGHTH JUDICIAL DISTRICT COURT

#### **CLARK COUNTY, NEVADA**

CASE NO.: C-15-309578-2 THE STATE OF NEVADA, **DEPT. NO.: 18** Plaintiff, Sentencing Date: June 21, 2018 VS. Sentencing Time: 9:00am CLEMON HUDSON, Defendant.

### SENTENCING MEMORANDUM ON BEHALF OF DEFENDANT CLEMON HUDSON

COMES NOW, the Defendant, CLEMON HUDSON, by and through his attorney of record, ALEXIS A. PLUNKETT, ESQ. of the LAW OFFICE OF ALEXIS PLUNKETT, and hereby submits the following Sentencing Memorandum for the Court's consideration.

DATED this day of June, 2018.

LAW OFFICE OF ALEXIS PLUNKETT

ALEXIS PLUNKETT, ESQ. Nevada Bar No. 11245 2657 Windmill Parkway #613 Henderson, Nevada 89074 Attorney for Defendant

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#### SENTENCING MEMORANDUM

#### I. Introduction.

This matter comes before the Court upon a guilty verdict following jury trial. This office was brought on after the jury verdict and did not represent Mr. Hudson at trial. Mr. Hudson's family has retained an attorney separate from this office to pursue any type of appellate or post-conviction review opportunities.

# II. We are respectfully requesting that this Court consider the attached exhibits and counsel's oral argument at sentencing before making a decision.

This office was brought on for sentencing alone and was considering a continuance to complete a full sentencing memorandum and obtain Mr. Hudson's relevant medical records, which were recently ordered. This Court will not have a criminal calendar as of July 2018, and it is our understanding that a continuance would result in a different judge sentencing Mr. Hudson and his co-defendant, as opposed to this trial Court. Therefore, we have decided to move forward with a shorter sentencing memorandum and are requesting the Court's consideration for our oral argument regarding a possible sentence.

## i. Complete Lack of Criminal History

As evidenced by the PSI, Clemon Hudson has absolutely no criminal history whatsoever—no felony convictions, no misdemeanor convictions, no prior prison terms, no probation, no parole, and no arrests at all prior to the instant matter. Mr. Hudson is not affiliated with a gang and does not have an illicit drug problem.

## ii. Family support

Clemon Hudson has an incredible amount of family support, and this is evidenced by the attached support letters and those who plan to be in attendance at sentencing. See Exhibit A; support letters. Mr. Hudson was raised in a two-parent home and grew up playing sports and going to church. See Exhibit B; church certificate. See Exhibit C; photos. Mr. Hudson has a

two-year-old daughter who lives locally with her mother.

Mr. Hudson was diagnosed with Attention Deficit Hyperactivity Disorder as a child and is not currently seeking treatment, but we believe this issue could have affected Mr. Hudson's thinking and thought process in general. We ordered Mr. Hudson's relevant medical records on an emergency basis but did not receive them prior to the sentencing date.

#### **III. Conclusion**

We respectfully request that this Court consider Mr. Hudson's extensive family support and complete lack of criminal history in making a sentencing decision. Further, this office represents inmates at parole release hearings and handles ancillary inmate issues and occasional civil rights cases—plain and simple, this is *not* the type of the case where the Board will grant parole (based on the underlying facts alone).

In our extensive experience, Mr. Hudson could be a model inmate for his entire prison term and his likelihood of being granted parole is *still* incredibly, incredibly small. We ask that this Court consider the back number in deciding a sentence as opposed to the front number, because we genuinely believe that Mr. Hudson is likely to expire whatever sentence imposed. We believe in light of all circumstances, an appropriate sentence in this matter would include thirty (30) years at the back end with Mr. Hudson expected to expire rather than parole. Thank you for your consideration.

DATED this 2018.

LAW OFFICE OF ALEXIS PLUNKET

ALEXIS PLUNKETT, ESQ.

Nevada Bar No. 11245

2657 Windmill Parkway #613

Henderson, Nevada 89074

Attorney for Defendant

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## **CERTIFICATE OF EMAIL**

I hereby certify that service of the above and forgoing was made this 20 day of June, 2018, by email to:

CLARK COUNTY DISTRICT ATTORNEY

Email: Motions@clarkcountyda.com

RY.

Electronically Filed

Steven D. Grierson

1 **EXHS** ALEXIS A. PLUNKETT, ESQ. 2 Nevada Bar No. 11245 LAW OFFICE OF ALEXIS PLUNKETT 3 2657 Windmill Parkway #613 Henderson, Nevada 89074 4 Telephone: (702) 675-4613 Facsimile: (702) 446-8215 5 Email: alexis@plunkettfirm.com 6 Attorney for Defendant Clemon Hudson 7

Atomik, Branco

#### EIGHTH JUDICIAL DISTRICT COURT

#### **CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

VS.

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13 CLEMON HUDSON,

Defendant.

CASE NO.: C-15-309578-2

**DEPT. NO.: 18** 

Sentencing Date: June 21, 2018

Sentencing Time: 9:00am

## EXHIBITS IN SUPPORT OF SENTENCING MEMORANDUM ON BEHALF OF DEFENDANT CLEMON HUDSON

COMES NOW, the Defendant, CLEMON HUDSON, by and through his attorney of record, ALEXIS A. PLUNKETT, ESQ. of the LAW OFFICE OF ALEXIS PLUNKETT, and hereby submits the following Exhibits in support of his Sentencing Memorandum.

DATED this day of June, 2018.

LAW OFFICE OF ALEXIS PLUNKETT

ALEXIS PLUNKETT, ESQ.

Nevada Bar No. 11245

2657 Windmill Parkway #613 Henderson, Nevada 89074

Attorney for Defendant

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## **CERTIFICATE OF EMAIL**

I hereby certify that service of the above and forgoing Exhibits in Support of Sentencing Memorandum was made this 20 day of June, 2018, by email to:

CLARK COUNTY DISTRICT ATTORNEY

Email: Motions@clarkcountyda.com

RV.

# **EXHIBIT A**

Parents of Clemon Hudson
Mr. & Mrs. Clemon Hudson
5713 Eugene Ave
Las vegas, Nv. 89108

Honorable Judge Bailus C-15-309578-2

Dear Judge Mark Bailus,

First we would like to address the court with a sincere and honest apology on behalf of our son Clemon Hudson.

We want to let everyone know how Godly sorrowful we are especially to Officer Roberts for the injury he encountered.

We would like to give some insight of the type of parents Clemon was raised by. We have been a sounding pillar of the community for over 20 plus years here in our home. I, Karen(mom) have been serving in the ministry for many years as a Sunday School Teacher even before Clemon was born. we taught Clemon values of great morals, respect and kindness toward all people. Clemon (dad) have always been there help guiding him in the right direction, and most of all taught Clemon the importance of working to make a living for himself. We would have never imagine anything of this magnitude to happen to our family of this sort. We truly don't know how he got so far off track from what he was taught, but we do feel that this incident has shaken Clemon to his very core and feel he realized how quick things can happen and spend out of control.

We are grateful to God that Clemon did not shoot anyone, we realized that Clemon made an irresponsible decision being involved in dealing with a gun and going to someone home with it.

It is our pray that Officer Roberts find it in his heart to forgive our son for his careless action.

Your Honor please consider this letter on behalf of our son Clemon Hudson.

Sincerely,

Clemon & Karen Hudson

Angela Merritt 3631 Winkler Ave. Ext 428 Fort Myers, FL 33916 772-444-5998 angelanm@leeschools.net

FROM: (Angela Merritt)

My name is Angela Merritt, and I am a cousin to Clemon Lamar Hudson. I am the daughter of Edward and JoAnn Merritt. I have known Lamar ever since he was born. I have seen how he interacts with family members and at family functions such as church events and family reunions. Clemon Lamar Hudson is an intelligent young man, who has shown the family he can overcome and succeed through many of life's obstacles. He is still a young man full of life, with spontaneity, peace, and love for his family.

I am a teacher in Fort Myers, Florida. I have been teaching for the past 17 years at Dunbar High School as an English Teacher. After teaching for the past 17 years in the educational system and seeing what I see with our youth, I understand the tragedy that occurs to many of our youth today. I know that our children are our future and they need saving. Also, I have never heard of, or witnessed Lamar act out of character or become disrespectful in any capacity.

The information contained in this statement is true and accurate to the best of my knowledge, belief and recollection. I submit this statement of my own free will, and no one has persuaded or coerced me to submit it.

## Character reference letter for court

Tyler Mark Hudson 5713 Eugene Ave Las Vegas, NV 89108 June 4, 2018

Re: Clemon Hudson #C-15-309578-2

To: The Honorable Judge Mark Bailus

My name is Tyler Hudson sibling of Clemon Hudson

Clemon and I have been raised by two loving and respectful parents in the same family unit, for whatever length of time that I can recall, we have been brought up in the fear and reverence of the Lord.

our whole family was shocked of the news of my sibling being involved in such seriousness of this kind, he has never been stuck in an unfortunate situation and never been the sort to do anything that would cause our folks any huge dissatisfaction. as Clemon's only youthful sibling, I lived intimately with him growing up and I can state that he has dependably driven an exceptionally positive way of life; showing me all that I know originating from skateboarding to baseball, to driving and notwithstanding helping me with my math homework. he is likewise an exceptionally given sibling who adored his music so much he would have yielded all that he have to me.

Clemon has never been included with ransacking and unquestionably doing as such with weapons, did not have any criminal record. he has clarified to me amid our discussions that what he did was a major objection to where we originate from, he is my big brother, my spine. I counsel with him about things in life generally, he gives advice to me when I really need someone to talk to. Furthermore, now he isn't with me, I miss him in particular!!!

it is my earnest expectation the court takes this letter notwithstanding the present case, despite everything, I trust Clemon Hudson to be a respectable individual and a better person due to being away from his family.

Sincerely, Tyler Hudson

IN THE SUPREME COURT OF THE STATE OF NEVADA	
Electronically Filed Feb 04 2019 12:34 p.m. Elizabeth A. Brown	
Blizabeth A. Brown  Glerk of Supreme Court	
APPELLANT'S APPENDIX VOLUME XI PAGES 2193-2402	
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3	Amended Indictment filed 04/15/1.8	558-562	
4	Amended Jury List filed 04/27/18	564.	
5	Defendant's Exhibit A dated 04/18/18	2359-2360	
6	Defendant's Exhibit B dated 04/18/18	236.1-2362	
7	Defendant's Motion for AdditionaDiscovery (Hudson) Date of Hrg: 04/05/18	2263-2265	
9	Defendant's Motion to Suppress Statements and Request for Jackson v. Der Date of Hrg: 03/06/18	no Hearing 478:520	•
10	Defendant's Notice of Witnesses filed 04/09/18	556-557	
11	District Court Minutes from 09/235 through 06/21/18	7.09-742	
12	District Court Minutes (Hudson) from 05/17/16 through 04/05/.18	2301-2312	
13	Exhibits in Support of Sentencing Memorandum (Hudson) filed 06/20/1.8	2280-2300	
14	Ex Parte Motion for Release of Medical Records filed 04/15/16	216-21.7	
15	Ex Parte Motion and Order for Release of Medical Records filed 03/23/18	543-544	
16	Indictment filed 09/23/15	16	
17	Indictment Warrant filed 09/23/15	78.	
18	Indictment Warrant Return filed 09/24/15	9-10	
19	Instructions to the Jury filed 04/27/18	565:617	
20	Judgment of Conviction (Jury Trial) filed 07/02/18	7.01-703	
21 22	Joinder to Coefendant Clemon Hudson's Motion to Sever Date of Hrg: 10/12/17	276.472	
23	Jury List filed 04/17/18	563	
24	Letters in Support of Sentencing Date of Hrg: 06/21/18	68.17.00	
25 26	Media Request and Ord <b>At</b> lowing Camera Access to Court Proceedings filed 10/01/15	181-184	
26 27	Motion for Bail Reduction Date of Hrg: 11/10/15	185-187	
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1	Motion for Bail Reduction (Hudson) Date of Hrg: 05/17/16	195	
2	Motion for Bail Reduction (Hudson) Date of Hrg: 06/14/16	214	
4	Motion for Bail Reduction (Hudson) Date of Hrg: 01/24/172223-2	229	
5 6	Motion for New Trial Date of Hrg: 05/15/18620:	647	
7	Motion for Production of Discovery Date of Hrg: 06/12/16	254	
9	Motion in Limine Date of Hrg: 03/06/18530:	538	
10 11	Motion to Continue Trial Date Date of Hrg: 11/02/17474:	477	
12	Motion to Sever (Hudson) Date of Hrg: 09/07/172247.2	252	
13	Notice of Appeal filed 07/18/187.04	707	
14	Notice of Appearance of Counsel (Hudson) filed 05/30/1822742	275	
15	Notice of Motion and Motion for Discover(Hudson) Date of Hrg: 05/16/172241.2	246	
16	Notice of Witnesses and/or Expert Witnesses filed 04/1.4/.1.6	213	
17	Order filed 09/05/18	7.09.	. <b>.</b> .
18 19	Order Releasing Medical Records filed 04/15/1621.4		
20	Receipt of Copy filed 10/18/1.7	4.7.3.	
21	Second Supplemental Noti <b>o</b> Witnesses and/or Expert Witnesses filed 11/08/16261:	275	
22	Sentencing Memorandum (Hudson) filed 06/20/182276-2	279	
23	State's Exhibit 6 dated 04/19/1823.13-2	314	
24	State's Exhibit 90 dated 04/23/18	358	
25	State's Exhibit 400	316	
26 27	State's Opposition to Defendant's Motion for Bail Reduction  Date of Hrg: 11/10/15188:	-191	
28	State's Opposition to Defendant's Motion for Bail Reduction (Hudson) Date of Hrg: 05/17/1621.96-2	202	

1	State's Opposition to Defendant's Motion for Bail Reduction (Hudson) Date of Hrg 06/14/16221.5-2222
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3	State's Opposition to Defendant's Motion for Bail Reduction (Hudson) Date of Hrg: 01/24/172230-2237
4	State's Opposition to Defendant's Motion for New Trial
5	Date of Hrg: 05/15/18
5	State's Opposition to Defendant's Motion for Production of Discovery
6	Date of Hrg: 07/26/16
7	State's Opposition to Defendant's Motion in Limine
	Date of Hrg: 03/22/18539.542
8	State's Opposition to Defendant's Motion to Suppress
9	State s Opposition to Defendant's Motion to Suppress Statements and Request for Jackson v. Denno Hearing
40	Date of Hrg:03/06/18
10	State's Opposition to Motion to Sever (Hudson)
11	Date of Hrg: 10/12/17
12	State's Supplemental Opposition to Defendant's Motion for New Trial
	Date of Hrg: 06/19/18
13	State's Response to Defendant's Motion for Additionab Divery (Hudson)
14	Date of Hrg: 04/05/182267.2273
15	State's Third Supplemental Nation of Witnesses
15	State's Third Supplemental Notice of Witnesses and/or Expert Witnesses filed 04/04/18545-555
16	· ·
17	Stipulation and Order to Reconstruct the Record filed 01/30/1923632365
	Stipulation and Order to Reconstrute Record filed 01/31/192366-2402
18	Substitution of Attorney (Hudson) filed 02/09/172238-2240
19	
20	Supplemental Briefing for Motion for New Trial Date of Hrg: 06/19/18
20	Date of Fig. 00/19/1b
21	Supplemental Notice of Witnesses and/or Expert Witnesses filed 04/19/16218-226
22	Verdict filed 04/27/18
23	
24	
25	Recorder's Transcript
26	Doto of Hray 04/16/19
26	Date of Hrg: 04/16/18
27	Recorder's Transcript
28	Date of Hrg: 04/17/181021.1243
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1	Recorder's Transcript
2	Date of Hrg: 04/18/181.244-1371
3	Recorder's Transcript
4	Date of Hrg: 04/19/18
5	Recorder's Transcript
6	Date of Hrg: 04/20/18
7	Recorder's Transcript
8	Date of Hrg: 04/23/18
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10	Date of Hrg: 04/24/181.801.1952
11	Recorder's Transcript
12	Date of Hrg: 04/25/181.953-1976
13	Recorder's Transcript
14	Date of Hrg: 04/26/18
15	Recorder's Transcript
16	Date of Hrg: 04/27/18
17	Recorder's Transcript Calendar Call
18	Date of Hrg: 05/03/16
19 20	Recorder's Transcript Calendar Call Date of Hrg: 11/29/16
21	Recorder's Transcript
22	Calendar Call Date of Hrg: 07/06/17
23	Recorder's Transcript
24	Calendar Call Date of Hrg 04/10/18863.867
25	Recorder's Transcript
26	Defendant's Motion for Bail Reduction Date of Hrg: 11/10/15
27	Recorder's Transcript
28	Defendant's Motion for New Trial Date of Hrg: 05/31/1821.23-2139=

1 2	Recorder's Transcript Defendant's Motion for New Trial Date of Hrg: 06/19/182140-214		
3	Recorder's Transcript Defendant's Motion for Production of Discovery Date of Hrg: 07/12/16		
5			
6	Recorder's Transcript Defendant's Motion for Production of Discovery Date of Hrg: 07/26/16		
7	Recorder's Transcript		
8	Defendan's Motion for Production of Discovery Date of Hrg: 08/04/16		
9	Recorder's Transcript		
10	Defendant's Motion to Continue Trial Date: Status Check: Negotiations/Trial Setting Date of Hrg: 11/02/17		
11			
12	Recorder's Transcript Grand Jury Indictment Retos		
13	Date of Hrg: 09/23/15		
14	Recorder's Transcript Initial Arraignment; Indictment Warrant Return Date of Hrg: 10/01/15		
15	Date of Hrg: 10/01/15		
16 17	Recorder's Transcript Pretrial Conference and Decision: Defendant's Motion to Suppress Statements and Request for Jackson v. Denno Hearing Date of Hrg: 03/29/18		
18			
19	Recorder's Transcript Pretrial Conference; Defendant's Joinder to Defendant Clemon Hudson's Motion to Sever		
20	Date of Hrg: 10/12/17		
	Recorder's Transcript		
21	Pretrial Conference; Defendant's MotionLimine; Defendant's Motion to Suppress Statements and Request Jackson v. Denno Hearing		
22	Date of Hrg: 03/06/18		
23	Recorder's Transcript		
24	Pretrial Conference; Defendant's Motion in Limine; Defendant's Motion to Suppress Statements and Request Jackson v. Denno Hearing Date of Hrg: 03/22/18847.859		
25	Recorder's Transcript		
26	Sentencing		
27	Date of Hrg: 06/21/182149-2192		
28			

Recorder's Transcript State's Request: Status Check to Address Bruton Issues with the Defendant's Statements Date of Hrg: 10/31/17			
Status Check: Status of Casedactions Date of Hrg: 11/16/17826.831			
Recorder's Transcript Status Check: Status of Ca <b>Re</b> dactions Date of Hrg: 11/30/1783			
Recorder's Transcript Status Conferenced edactions Date of Hrg: 12/14/7837-			
Reporter's Transcript Grand Jury Date of Hrg: 09/22/1511-180			
Date of Hrg: 09/22/151.1-180			

1	JESS R. MARCHESE, ESQ.		
2	JESS R. MARCHESE, ESQ. Nevada Bar No. 8175  Col. G. V. W.		
	601 S. Las Vegas Boulevard  Las Vegas, NV 89101  CLERK OF THE COURT		
3	(702) 385-5377 Fax (702) 474-4210		
4	Attorney for Defendant		
5	DISTRICT COURT		
6	CLARK COUNTY, NEVADA		
7	THE STATE OF NEVADA,		
8	) Case No.: C-15-309378-2 Plaintiff,) Dept. No.: II		
0	<u> </u>		
9	v. )		
10	CLEMON HUDSON, (		
11	Defendant.)		
12			
13	MOTION FOR BAIL REDUCTION		
14			
15	COMES NOW Defendant, CLEMON HUDSON, by and through his attorney of record,		
16	JESS R. MARCHESE, ESQ., and hereby respectfully moves this Honorable Court for a bail		
17   18	reduction in accordance with the factors set forth in NRS 178.4853.		
19	This Motion is based on the Papers and Pleadings on file herein, the Memorandum of		
20	Points and Authorities contained herein, and oral argument, if necessary, at the hearing of this		
21	Motion.		
22	TH		
	DATED this 11 <sup>TH</sup> day of May, 2016.		
23	MARCHESE LAW OFFICES, PC		
24	Martening Typy of fields, fe		
25	By:		
26	JESSA. MARCHESE, ESQ. Nevada Bar No.: 8175		
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# **NOTICE OF MOTION**

TO: THE STATE OF NEVADA, Plaintiff; and

TO: CLARK COUNTY DISTRICT ATTORNEY, Counsel for Plaintiff:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring

the foregoing Motion on for hearing before this court, on the  $\frac{17}{9:00}$  day of  $\frac{\text{May}}{2}$ , 2016, at

the hour of \_\_\_\_\_ a.m., or as soon thereafter as counsel may be heard.

DATED this 11th day of May, 2016.

MARCHEST LAW OFFICES, PC

By:\_

Meyada Bar No.: 8175

# **POINTS AND AUTHORITIES**

Clemon Hudson is currently incarcerated in the Clark County Detention Center with a total bail of \$500,000. He faces charges(the most serious being attempted murder with use of a deadly weapon) related to a residential burglary gone awry in which shots were fired and a LVMPD Officer was shot by Mr. Hudson's co-defendant. The plan was to enter the home and take marijuana from inside. Both defendants were armed during the attempted break-in. When Metro arrived on the scene, Mr. Hudson's co-defendant fired. Once gunshots were fired Clemon hit the ground, laid in a prone position, and stayed in that position until he was attacked by a K9 on his arm. He voluntarily surrendered and was cooperative with law enforcement.

Mr. Hudson, an almost lifelong resident of Las Vegas, will reside locally at his parent's residence at 5713 Eugene Ave., Las Vegas, Nevada if released. His parents are both upstanding members of the community and will vouch for Clemon's ability to make his court appearances and his overall reliability. The Hudsons will also be present in court should the court wish to make any inquiries of them.

1	Clemon was gainfully employed prior to this offense as a security guard. Obviously given		
2	the extended time frame of his incarceration, it is doubtful that he still has his job. However, this fa		
3	does show that he was a productive member of society before this incident.		
4	Mr. Hudson does not have any prior felony, gross misdemeanor or misdemeanor convictions		
5	charges. He also has never failed to appear at any court appearances. All counsel could find in		
6 7	reference to his criminal history is one prior traffic ticket.		
8			
9	Based upon the aforementioned facts and circumstances, Mr. Hudson respectfully requests a		
10	bail in the amount of \$100,000. Mr. Hudson is also amendable to any other terms and conditions that		
11	the court could place on him as well such as intensive supervision or stay away orders.		
12	Respectfully submitted, May 11, 2016		
13	MARCHESE LAW OFFICES		
14	By:  Jess R Marchese, Esq. (SBN 8175)		
15	Attorney for Defendant		
16			
17	RECEIPT OF COPY		
18	I hereby certify that a true and correct copy of Defendant's Bail Motion was received this		
19	day of, 2016 to the following:		
20	•		
21			
22			
23   24	By:		
25	Employee of CCDA		
26			
27			
28			

Electronically Filed 05/16/2016 12:07:31 PM

1 2 3 4 5 6	OPPS STEVEN B. WOLFSON Clark County District Attorney Nevada Bar #001565 LEAH C. BEVERLY Deputy District Attorney Nevada Bar #0012556 200 Lewis Avenue Las Vegas, Nevada 89155-2212 (702) 671-2500 Attorney for Plaintiff		CLERK OF THE COURT	
7	r	DISTRICT COURT		
8	CLARK COUNTY, NEVADA			
9	THE STATE OF NEVADA,	)		
10	Plaintiff,	CASE NO:	C-15-309578-2	
11	-vs-	DEPT NO:	П	
12 13	CLEMON HUDSON, ID#7025101	}		
14	Defendant.	}		
15	STATE'S OPPOSITION TO DE	/ FENDANT'S MOTION FO	OR BAIL REDUCTION	
16	DATE	OF HEARING: 5/17/16		
17	TIME C	OF HEARING: 9:00 A.M.		
18	COMES NOW, the State of N	Jevada, by STEVEN B. WO	DLFSON, District Attorne	

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney, through LEAH C. BEVERLY, Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion for Bail Reduction.

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

# **STATEMENT OF FACTS**

An Indictment was filed on September 23, 2015 charging Clemon Hudson (hereinafter "Defendant") as follows: Count 1: Conspiracy to Commit Burglary; Count 2: Attempt Burglary While in Possession of Firearm or Deadly Weapon; Count 3-4: Attempt Murder with Use of a Deadly Weapon; Count 5: Battery with Use of a Deadly Weapon Resulting in

w:\2015\2015F\133\07\15F13307-OPPS-(Hudson Clemon)-001.docx

1	Substantial Bodily Harm; and Count 6: Discharging Firearm At or Into Occupied Structure,				
2	Vehicle, Aircraft or Watercraft. Trial is currently set for December 5, 2016. Defendant filed				
3	the instant Motion on May 12, 2016. The State's Opposition follows:				
4					
5	<u>ARGUMENT</u>				
6	NRS 178.498 provides:				
7	NRS 178.498 Amount. If the defendant is admitted to bail, the bail must be set at an				
8	amount which in the judgment of the magistrate will reasonably ensure the appearance of the				
9	defendant and the safety of other persons and of the community, having regard to:				
.0	1.	The nature and circumstances of the offense charged;			
.1	2.	The financial ability of the defendant to give bail;			
.2	3.	The character of the defendant; and			
.3	. 4.	The factors listed in NRS 178.4853.			
.4	NRS 178.4853 provides as follows:				
5	NRS 178.4853 Factors considered before release without bail. In deciding whether				
6	there is good cause to release a person without bail, the court as a minimum shall consider the				
7	following fa	actors concerning the person:			
8	1.	The length of his residence in the community;			
9	2.	The status and history of his employment;			
20	3.	His relationship with his spouse and children, parents or other members of			
21		his family and with his close friends;			
22	4.	His reputation, character and mental condition;			
23	5.	His prior criminal record, including, without limitation, any record of his			
24		appearing or failing to appear after release on bail or without bail;			
25	6.	The identity of responsible members of the community who would vouch			
26		for the reliability of the person;			
27	7.	The nature of the offense with which he is charged, the apparent probability			
28					

- of conviction and the likely sentence insofar as these factors relate to the risk of his not appearing;
- 8. The nature and seriousness of the danger to the alleged victim, any other person or the community that would be posed by the person's release;
- 9. The likelihood of more criminal activity by him after he is released; and
- 10. Any other factors concerning his ties to the community or bearing on the risk that he may willfully fail to appear.

The intent of bail is to ensure both the defendant's appearance at future proceedings and to protect the community by ensuring that the defendant not engage in further criminal activities while released. In the instant case, Defendant was arrested and charged with multiple violent offenses. Defendant is currently set for trial on December 5, 2016.

Defendant is seeking a setting of bail at \$100,000 while he awaits trial. As detailed below, the State opposes this Motion based on several of the above factors.

#### 1. Length of Residence In the Community:

While Defendant claims in his instant Motion that Defendant is a lifelong resident of Las Vegas, his connection to the Las Vegas community did not prevent him from committing vicious crimes against the community he claims to be tied to. Furthermore, despite being a longtime resident, Defendant clearly has no respect for the people authorized to protect this community given that he and his co-defendant opened fire on two police officers investigating a home burglary. Any ties Defendant has to this community are not sufficient in considering whether to lower his bail. As such, this factor points against a reduction in bail or Defendant's release.

#### 2. Status and History of Employment:

Defendant claims in the instant Motion that prior to the instant crimes, he was gainfully employed as a security officer. The State is unsure of the accuracy of these statements considering there is no documentation attached to the instant Motion that provides any detail about his work history. Furthermore, the State finds it incredible that a person working as a

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security guard, in a law enforcement capacity, would open fire on two Las Vegas Metropolitan Police Officers. The State finds it also incredible that a person being "productive member of society" and working as a security guard would risk his employment to break into someone's house to steal marijuana in the middle of the night. Finally, by Defendant's own admission in his Motion, there is no indication that he would be employed or be able to get a job if released from custody. As such, this factor points against a reduction in bail or Defendant's release.

#### 3. Relationship with Family:

Defendant also claims in his Motion that should he be released, he would live with his parents who are both upstanding members of the community who will vouch for Defendant's ability to make his court appearances and his overall reliability. While the State is not saying anything negative about Defendant's parents, the State is doubtful about anyone's ability, including Defendant's own parents, to keep Defendant out of trouble if he were to be released. Defendant's actions while out of custody were so vicious and so violent that it is obvious that no one has the ability to control him. The State is not confident in his parent's ability to supervise Defendant because assuming Defendant was living with his parents prior to this incident, living with his parents did not prevent him from committing these crimes. Furthermore, his parents cannot supervise him 24/7 considering Defendant is a grown man and will clearly do what he wants to do. Finally, Defendant has provided no letters of support from anyone in the community willing to vouch for him. His own parents do not even address where his support system was when Defendant choose to walk the streets of this community, with a loaded firearm, break into a home and then shoot at uniformed police officers. The State is not convinced that this supposed family support is sufficient to prevent Defendant from engaging in further criminal behavior.

#### 4. Prior Criminal History:

While the Defendant lacks a criminal history, Defendant is only 20 years old. At such a young age, Defendant is already carrying high powered weapons, breaking into homes and

shooting at police. Given that his first offense is so violent in nature, this gives the State great concern about his willingness to stay trouble free if the bail status is altered in any manner.

## 5. The identity of responsible members of the community who would vouch for the reliability of the person

As noted above, the only people Defendant has identified who would vouch for him and his reliability are his own parents. As the State argued above, this in insufficient to consider a change in his current bail status.

#### 6. Nature of the Offense and Likelihood of Conviction

During the early morning hours of September 4, 2015, victims Eric Clarkson and Willoughby Grimaldi were sleeping in their home located on Oveja Circle. At approximately 3:30 am, the victims heard noises on their back patio. When they looked out their window, they observed two black male adults (later identified as Defendants Hudson and Turner) running across their backyard. The victims immediately called 911 and a few minutes later, officers Robertson and Greco-Smith arrived to investigate. Once officers came into the home, they took up position behind the back doors leading to the back patio of the home. Officer Robertson looked out the back window and observed Hudson and Turner in the backyard. As officer Robertson began to open the back door, Defendant Turner began firing three shots from an AK47 rifle at officers. Officer Robertson was struck in the leg and fell to the ground. Immediately after Turner fired, Defendant Hudson fired one round at officers from a Mossberg 500A 12 gauge pump action shotgun. Officer Greco-Smith returned fire at Hudson and Turner. Turner dropped his weapon and fled from the scene while Hudson fell to the ground and hid in the backyard. Canine officers soon arrived at the residence at the canine dog had to physically remove Hudson from his hiding spot.

Hudson was later interviewed by Detectives. Hudson admitted to bringing the shotgun and a handgun to the residence and admitted going into the backyard of the home. Hudson also admitted to firing the shotgun into the house.

The facts of this case are extremely violent and extremely concerning to the State. The fact that Defendant has access to handguns and high powered weapons and is clearly willing to use those weapons is concerning. Finally, the likelihood of conviction in this case is very strong which gives Defendant little incentive to return to court and face the charges against him.

#### 7. Risk of Danger to the Community:

As noted above, Defendant is a clear danger to the community which he claims to be a respectable member of. The fact that Defendant brought a loaded weapon to a home in the middle of the night, broke into the backyard of that home, and then opened fire at two investigating, uniformed police officers, demonstrates his danger. This is clearly someone who is a danger to the Las Vegas Community. If Defendant is willing to break into homes and shoot at police solely for the purpose of getting some marijuana, there is no telling what he is capable of doing if released.

The State also notes that co-defendant Turner filed a similar OR Motion in November of 2015. The Court denied Defendant Turner's request to modify bail setting. As such, the State would ask that the instant Motion be denied and that current bail setting of \$500,000 remain in the case.

#### **CONCLUSION**

Wherefore, the State respectfully requests that this Court deny Defendant's Motion.

DATED this \_\_\_\_\_\_day of May, 2016.

Respectfully submitted,

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

LEAH C. BEVERLY
Deputy District Attorney
Nevada Bar #0012556

1	CERTIFICATE OF ELECTRONIC MAIL
2	I hereby certify that service of the above and foregoing, was made this <u>///</u> day or
3	May, 2016, by facsimile transmission and/or e-mail to:
4	KRISTINA WILDEVELD, ESQ. E-Mail: <u>contact@veldlaw.com</u>
5	E-Mail: contact@veldlaw.com
6	
7	BY: J. Driver
8	Secretary of the District Attorney's Office
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1	JESS R. MARCHESE, ESQ.	
2	Nevada Bar No. 8175	Alun to Chim
4	601 S. Las Vegas Boulevard	
3	Las Vegas, NV 89101	CLERK OF THE COURT
4	(702) 385-5377 Fax (702) 474-4210 Attorney for Defendant	
	Tittorney for Defendant	
5	DISTRIC	T COURT
6	11	NTY, NEVADA
7	THE STATE OF NEVADA,	
,	)	Case No.: C-15-309378-2
8	Plaintiff,)	Dept. No.: II
9	v.	
10	CLEMON HUDSON,	DATE OF HEARING: TIME OF HEARING:
10	<u> </u>	TIME OF REAKING:
11	Defendant.)	
12		
13	MOTION FOR R	AIL REDUCTION
	MOTIONFORD	ALL REDUCTION
14		
15	COMES NOW Defendant, CLEMON H	UDSON, by and through his attorney of record,
16		
	JESS R. MARCHESE, ESQ., and hereby resp	ectfully moves this Honorable Court for a bail
17		
18	reduction in accordance with the factos set forth	in NRS 178.4853.
19	This Motion is based on the Papers and	Pleadings on file herein, the Memorandum of
20	Points and Authorities contained herein, and ora	al argument, if necessary, at the hearing of this
21	Motion.	
22		
	DATED this 28 <sup>TH</sup> day of May, 2016.	
23		
24		MARCHESE LAW OFFICES, PC
25		By: ////_
		JESS K. MARCHESE, ESQ.
26		Nevada Bar No.: 8175
27		
28		
20		

#### **NOTICE OF MOTION**

THE STATE OF NEVADA, Plaintiff; and TO:

CLARK COUNTY DISTRICT ATTORNEY, Counsel for Plaintiff: TO:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the hour of 8:30 a.m., or as soon thereafter as counsel may be heard.

DATED this 28th day of May, 2015.

MARCHESE LAW OFFICES, PC

evada Bar No.: 8175

#### **POINTS AND AUTHORITIES**

Clemon Hudson is currently incarcerated in the Clark County Detention Center with a total bail of \$500,000. He faces charges related to a residential burglary gone awry in which shots were fired and a LVMPD Officer was shot in the leg by Mr. Hudson's co-defendant. Clemon did have a firearm on his person which was unintentionally fired. Once the first shot was fired he hit the ground, laid in a prone position, and stayed in that position until he was attacked by a K9 on his arm. Although there is in allegation that he ignored officer's commands, Clemon did this due to numerous shots be fired and being scared of a chaotic situation.

Mr. Hudson, an almost lifelong resident of Las Vegas, will reside locally at his parent's residence at 5713 Eugene Ave., Las Vegas, Nevada if released. His parents are both upstanding members of the community and will vouch for Clemon's ability to make his court appearances and his overall reliability. His parents describe Lamar (Clemon) as someone who struggled with school and listened to the wrong people. However, they fully understand that his alleged involvement was wrong and make no excuses for his behavior. (See Exhibit) The Hudsons will also be present in

court should the court wish to make any further inquiries with them.

Clemon's pastor also vouches for Mr. Hudson's character. He specifically references

Clemon's church work feeding the homeless, cleaning the church, and helping with the Children's

Ministry. (See Exhibit). His aunt, Juanita Watson, describes Clemon as a "gentle, kind person."

(See Exhibit). Edna Samuel, as well as all the character letters attached as exhibits, references

Clemon's upbringing and Chrisitan values. Angela Richard (Clemon's aunt) describes him as "never a trouble maker" and that he is "sweet, thoughtful, kind and respectful." Another aunt references

Clemon as she has never experienced or heard of him having any major conflicts. Lastly, Dixie Scott calls Mr. Hudson non-violent as well as coming from an excellent and god fearing family.

Clemon was gainfully employed prior to this offense as a security guard. Obviously given the extended time frame of his incarceration, it is doubtful that he still has his job.

Mr. Hudson does not have any prior felony, gross misdemeanor or misdemeanor convictions. charges. He also has never failed to appear at any court appearances.

Based upon the aforementioned facts and circumstances, Mr. Hudson respectfully requests a bail in the amount of \$100,000.

Respectfully submitted, May 28, 2016

MARCHESE LAW OFFICES

By:

Jess K. Marchese, Esq. (SBN 8175) Atterney for Defendant

1	RECEIPT OF COPY					
2	I hereby certify that a true and correct copy of Defendant's Bail Motion was received this					
3	day of, 2016 to the following:					
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8	By: Employee of CCDA					
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# EXHIBITS

March 11, 2016

Jess Marchese Attorney at Law 601 S. Las Vegas Blvd. Las Vegas, NV 89104

RE: Clemon Lamar Hudson

Dear Mr. Marchese:

I am writing this letter on behalf of my cousin, Clemon Lamar Hudson. It tears our hearts apart to know that he has run into some trouble with the law. While I do not know the intimate details of this situation, I can assure you that Lamar, as he is affectionately called by his family, may have simply gotten involved with the wrong crowd. This young man grew up in a two-parent Christian home, and has been sheltered, shielded and protected by his loving family members who have surrounded him his entire life. He knows very little about the mean streets, and I cannot emphasize enough that any characterization of a lawless person is not the child we know and love. He is a gentle, kind person and needless to say, our entire family is very surprised and devastated by all this.

As you may know, this is not only Lamar's first conviction, to my knowledge, but it is his first offense. Otherwise, his record is clean and he is doing all that he can to become more self-aware of his actions and reactions, and is very remorseful. With that, I am writing this letter to seriously urge the judge for mercy and leniency in Lamar's case, and I am pleading that in lieu of jail/prison time, the prosecution would allow Lamar to enter any programs available to him in the State of Nevada for first time offenders. He also needs drug intervention, mental counseling, and other family mediation and therapy services. These are the forms of rehabilitation that he so desperately needs, and will likely NOT be provided to him if he is locked away behind bars. What he certainly needs is a second chance.

I hope that you, the prosecutors and the judges will reach deep within while making these decisions about our family member's penalty, and that you will see that whatever it is that he may be guilty of is extremely unusual behavior for my him. I earnestly pray that the court will find him not guilty of the charges that he is facing, but if so that they show compassion and mercy in the spirit of justice, and be lenient, allowing Lamar to move forward with his goals for a bright and promising future. He's very young and this one mistake should not cost him his life. Thank you for your time and consideration. If you have questions please feel free to contact me at 323.397.4025.

Sincerely,



Juanita Watson

### Wareh 22, 2016

To. It hom It May concern Cleman L. Hudson came span a good home. His parents are hard and sound doctrine I have known him and his rily for seventeen years He was raised having to att. unday school and church funday. In the past he has ways been one to avoid getting nsibile citizen I know Contrat no. (702) 657-8030 2209

March 25, 2016

To Whom This May Concern,

This letter is a character reference of Clemon Lamar Hudson. Clemon Lamar has been a shy young man. He was always willing to learn and very attentive in attending Believers in Christ Ministries. Lamar has always been positive in working with others, but has a reserve attitude of being often to himself, not normally being with a crowd or group. He mostly stay close to home, strength, always fair, honest, kind appreciation for family and caring for others. He has respect for the authority and reference for faith in God.

I am Pastor Tapplin, whom which has served him and his family while being a part of Believers in Christ Ministries. He has helped feed the Homeless, Cleaned the church and participated in helping with the Children's Ministry. I think his character, respect, attitude and behavior was always good and well to be around. His family has always taught and showed Lamar the best way to handle himself in crisis and difficult situations. I believe he has the right upbringing and manners to make positive decisions. I would rule in favor of Clemon Lamar being a positive child and adult in his community. I believe his fear and respect for authority have a heart as a believer to conduct himself in a community to be positive and honorable. His behavior and judgement receive favorable results in what he say or do.

Sincerely

Senior Pastor Michael Tapplin

20th May 2016

To The Courts

Your Honor,

We provide this character reference letter on behalf of Clemon "Lamar" Hudson.

We call him Lamar due to his dad and him having the same name. We are aware of the severe charges he are facing and in no way weigh them lightly. We have taught Lamar all that we know about the importance of making wise and careful decision from the beginning of his life.

Lamar are the middle child of our children, he are not a child who seek after trouble or even be involved in any. Lamar went all the way through school finishing the 12<sup>th</sup> grade but struggle with passing the proficiency exams not allowing him to get his diploma, after not getting his diploma and seeing his other two brothers finish high school with a diploma, it appear that Lamar feel as if he wasn't capable of completing tasks. We as parents wanting to see our child be successful in life we motivated him to continue his education, so he enrolled in Adult Ed. As he continue in school it just seem as if he got lost in the shuffle of schooling, so he pursued to become a security guard, after getting his guard card he applied for a job and got it, that is when we saw a glimmer of hope and excitement for him know that he will be able to accomplish something in life on his own. We saw a sparkle of hope and determination in him.

Lamar are not a hardcore criminal or even a problem child, we feel Lamar got caught up listening to the wrong person being deceived to do something wrong under false pretense. We as parents understand Lamar should have not been there under no circumstances and definitely in no way trying to make any excuses for his involvement.

As a nurturing mother and concern father of our child we dearly love and care about weask you, Your Honor for a second chance on behalf of Clemon Lamar Hudson to get it right and become the productive citizen of this society that we know he is capable of becoming.

Sincerely,

Mr. & Mrs. Hudson

#### TO WHOM THIS MAY CONCERN:

I am Clemon Lamar Hudson Aunt. I reside in Houston Texas. I am a teacher in the Houston Independent School District. I am the proud mother of two sons and a wonderful husband of 32 years. They have served in the United States Army. My youngest son is still serving and the other is serving as a productive citizen. Lamar's father is my youngest brother. He and his wife are God-fearing and pillars of their community. They have raised their sons to with good morals and values. I have raised sons and understand the plight of a young black male. I understand that it takes two strong parents to raise a child.

Lamar is a sweet, thoughtful, kind and a most respectful young man. I have visited his home several times and found him to be polite and very hospitable. He goes out of his way to please others.

Lamar has been raised in the fear and admonition of the Lord. He has been taught to fear and reverence God. Therefore showing his neighbors respect and care is intrinsic. His life skills taught by his parents were to prepare him to make right decisions, taking a stand for what is right and making good choices in difficult situations. He is never a trouble maker or would lead anyone in wrong doing. He has great leadership qualities. He is such a great team player and works well with others. As a result of these life skills; he is able to make astute observations that would complete a plan of success for his life.

I am not sure what happened in his situation. It seemed so out of character for Lamar. I know that Lamar is a young man who has dreams that inspires him to do greater things in life. He has his life before him and no doubt would like to fulfill his dreams in the future. I know Lamar has thought about his actions long and hard. Being in the wrong place, at the wrong time is unfortunate, but he does not have a criminal mind. We all make mistakes and need a second chance. He is pretty hard on himself when he falls into a situation that has an undesirable end.

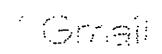
I am asking for the courts to give him another chance to get his life together. He has a bright future. He deserves mercy and a second chance at getting it right. I have never known him to be a rude or disrespectful child...never!

Pleading for mercy on behalf of the Hudson Family.

Sincerely,

Angela Richard

(281) 620-8519



Karen Hudson < kcaregiver 77@gmail.com>

#### **Character Letter for Lamar Hudson**

Gmail - Character Letter for Lamar Hudson

2 messages

Dixie Scott <dixiescott@ymail.com> Reply-To: Dixie Scott <dixiescott@ymail.com> To: "kcaregiver77@gmail.com" <kcaregiver77@gmail.com>

Sat, May 21, 2016 at 8:38 PM

Judge Scotti **Justice Court** Las Vegas, NV

Your Honour,

My name is Dixie Scott, great aunt to Lamar Hudson. I submit this character reference letter in full knowledge of my nephew, Lamar Hudson. I have known him since birth. Thanks to his dad, he has exemplified good work ethics, working alongside with his dad learning the trade of carpentry as well as, working to provide his own needs. He has never previously been involved with criminal acts and certainly does not have any criminal record. However, he has made clear to his family during their conversations that such behavior on his part is not an excuse for his poor judgement.

Our entire family was taken aback at the news of my nephew having being arrested for "Attempted Murder." He has never done anything to cause his family significant disgrace and/or disappointment. His upbringings have been exemplary surrounded with loving parents, christian family background, loving siblings, grandparents, aunts, and cousins; even as a young man with mature responses to challenging situations. one thing I can guarantee is that he is not a violent person. Therefore, I find this accusation hard to believe.

Our entire family loves Lamar and will continue to support him and wish him the best outcome for this case. Sincere Regards,

**Dixie Scott** 

CAUCHARAGOLE FAX

Karen Hudson <kcaregiver77@gmail.com> Draft To: Dixie Scott < dixiescott@ymail.com>

Mon, May 23, 2016 at 12:19 PM

[Secretary for heaver]

#### Lamar

1 message

Edward Merritt Jr <edjomerritt@sbcglobal.net>
Reply-To: Edward Merritt Jr <edjomernitt@ymail.com>
To: Karen and Clemon Hudson <kcaregiver77@gmail.com>

Sun, May 22, 2016 at 7:03 PM

JoAnn Merritt
19174 Mendota
Detroit, MI 48221
edjornerritt@sbcg!obat.net

To: Honorable Judge

To: Honorable Judge

My name is (JoAnn Hudson-Merritt). I am only one of many aunts of Clemon Lamar Hudson, and I currently reside in Detroit, MI. I have been married to my husband Edward Merritt for 42 years. I retired from Gale Research Co., where I worked as an "Associate Editor", for over 15 years. My husband worked for Ford Motor Co. as an "Product Problem Analyzer", and retired in 2007.

We have known Clemon Lamar Hudson since his birth. Although, we may live in a different state, we have not experienced directly or even heard of any major conflicts related to Lamar from his parents. Therefore, it gives us confidence that we can provide the following character statement.

Our family consisting of ten sisters, and four brothers which gives Lamar a pretty good foundation of support, and a very close and tight net relationship with all of our family members. We know that our children are our future and they need saving; I also know that I have never heard or seen Lamaract out of character or become disrespectful in any capacity toward friends, family, his parent, or any authority figures.

I know that Lamar has struggled to finish High School, and he was enrolled in courses to complete his GED, before this unfortunate incident occurred.

The information contained in this statement is true and accurate to the best of my knowledge, belief and recollection. We submit this statement of my own free will, and no one has persuaded or coerced me to submit.

Jo Ann Merritt

Edward L. Merritt, Jr.

1	OPPS	Alun D. Lemm
2	STEVEN B. WOLFSON Clark County District Attorney Nevada Bar #001565	CLERK OF THE COURT
3	LEAH C. BEVERLY	
4	Deputy District Attorney Nevada Bar #0012556	
5	200 Lewis Avenue Las Vegas, Nevada 89155-2212 (702) 671-2500	
6	(702) 671-2500 Attorney for Plaintiff	
7		
8		an cormm
9		OT COURT NTY, NEVADA
10	THE STATE OF NEVADA,	
11	Plaintiff,	
12	-vs-	CASE NO: C-15-309578-2
13	CLEMON HUDSON,	DEPT NO: II
14	#7025101	
15	Defendant.	
16	STATE'S OPPOSITION TO DEFENDA	NT'S MOTION FOR BAIL REDUCTION
17		ARING: 6/14/16
18	I IIVIE OF HEA	RING: 8:30 A.M.
19	COMES NOW, the State of Nevada,	by STEVEN B. WOLFSON, District Attorney,
20	through LEAH C. BEVERLY, Deputy Dist	rict Attorney, and hereby submits the attached
21	Points and Authorities in Opposition to Defer	ndant's Motion for Bail Reduction.
22	This Opposition is made and based upo	on all the papers and pleadings on file herein, the
23	attached points and authorities in support her	eof, and oral argument at the time of hearing, if
24	deemed necessary by this Honorable Court.	
25	111	
26	/// /// ///	
27	///	
28	///	
	11	

# POINTS AND AUTHORITIES STATEMENT OF THE CASE

On Contraction 22 2015 st all state of the St. 1 16/1 St. 1 16/1 St. 1 1/1 1/1 1/1