

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

JOSHUA HONEA,

Appellant,

v.

STATE OF NEVADA,

Respondent.

Docket No. 76621

Electronically Filed  
Dec 07 2018 10:55 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**APPELLANT'S APPENDIX**

**VOLUME 14**

Jonathan MacArthur, Esq.  
Nevada Bar No. 7072  
Monique McNeill, Esq.  
Nevada Bar No. 9862  
P.O. Box 7559  
Las Vegas, NV 89125  
(702) 497-9734  
Attorney for Appellant Honea

## INDEX

<u>Document</u>	<u>Page Nos.</u>
Ex Parte Application for Order Requiring Material Witness to Post Bail	vol. 1, 103-108
Information	vol. 1, 1-17
Instructions to the Jury	vol. 13, 3058-3116
Judgment of Conviction	vol. 14, 3291-3296
Motion for Judgment of Acquittal, or in the Alternative, Motion for a New Trial	vol. 13, 3129-3177
Motion for Setting of Appeal Bail,	vol. 14, 3249-3253
Motion to Admit Evidence of M.S.'s Knowledge Of Sex Acts and Prior Sexual Conduct	vol. 1, 26-31
Notice of Appeal	vol. 14, 3294-3296
Notice of Motion and Motion to Preclude Karen Hughes, And Reference to Chief Deputy District Attorney Elizabeth Mercer and/or Christopher Baughman and/or Convicted Defendant Raymond Sharpe at Trial	vol. 1, 84-95
Notice of Motion and Motion to Use Reported Testimony	vol. 1, 18-25
Order Declaring Defendant Indigent	vol. 14, 3293
Order Denying Motion for Acquittal or, in the Alternative, Motion for a New Trial	vol. 14, 3245-3248
Order Requiring Material Witness to Post Bail	

Or Be Committed to Custody	vol. 1, 109-110
Reply to State's Opposition to Motion to Admit Evidence Of M.S.'s Knowledge of Sex Acts and Prior Sexual Conduct	vol. 2, 274-276
Second Amended Information	vol. 2, 258-273
State's Notice of Motion and Motion in Limine re Raymond Sharpe	vol. 1, 32-33
State's Opposition to Defendant's Motion for Judgment of Acquittal, or in the Alternative, Motion for a New Trial,	vol. 14, 3204-3221
State's Opposition to Defendant's Motion to Admit Evidence of M.S.'s Knowledge of Sex Acts and Prior Sexual Conduct	vol. 1, 80-83
Transcript November 6, 2017	vol. 1, 34-79
Transcript November 15, 2017	vol. 1, 96-102
Transcript December 15, 2017	vol. 1, 120-140
Transcript January 3, 2018	vol. 13-14, 3178-3203
Transcript, January 10, 2018	vol. 14, 3222-3244
Transcript, May 21, 2018	vol. 14, 3254-3290
Trial Transcript, November 27, 2017	vol. 1-2, 111-257
Trial Transcript, November 28, 2017	vol. 2, 277-440
Trial Transcript, November 29, 2017	vol. 2-3, 441-639
Trial Transcript, November 30, 2017	vol. 3-4, 640-895
Trial Transcript, December 1, 2017	vol. 4-5, 896-1080

Trial Transcript, December 4, 2017	vol. 5, 1081-1246
Trial Transcript, December 5, 2017	vol. 5-6, 1247-1396
Trial Transcript, December 6, 2017	vol. 6-7, 1397-1551
Trial Transcript, December 7, 2017	vol. 7, 1552-1725
Trial Transcript, December 8, 2017	vol. 7-8, 1726-1979
Trial Transcript, December 11, 2017	vol. 8-9, 1980-2182
Trial Transcript, December 12, 2017	vol. 9-10, 2183-2389
Trial Transcript, December 13, 2017	vol. 10-11, 2390-2534
Trial Transcript, December 14, 2017	vol. 11-12, 2535-2811
Trial Transcript, December 15, 2017	vol. 12-13, 2812-3057
Verdict	vol. 13, 3117-3128

### **CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 7<sup>th</sup> day of December, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM LAXALT

JONATHAN MACARTHUR

STEVEN WOLFSON

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

JOSHUA HONEA

By:           /S/MONIQUE MCNEILL            
MONIQUE A. MCNEILL  
State Bar # 9862

**DECLARATION**

JONATHAN E. MACARTHUR, makes the following declaration:

1. That I am an attorney duly licensed to practice law in the State of Nevada, and that I am familiar with the facts and circumstances of this case.

2. That on July 23, 2015, JOSHUA HONEA was arrested and charged with forty-four (44) counts of Sexual Assault of a Minor <14; one (1) count of Lewdness w/ a Minor < 14; four (4) counts of First Degree Kidnapping; two counts of Use of a Minor in Production of Pornography; and one (1) count of Luring Children w/ Technology.

3. That on December 18, 2017, a jury found Honea guilty of 1 count, out of 52, of Sexual Assault on a Minor under Sixteen.

4. That this Court did not grant the State's request to remand Honea into custody after the verdict, but did impose an added condition of Intensive Supervision as a condition of his already posted bail.

5. That after the bondsman put Honea back into custody after the verdict, he again posted bail and has been complying with the terms and conditions of that bail.

7. That Honea has made all of his court appearances and has stayed out of trouble.

8. That Honea will be filing an appeal of this Court's ruling on the Motion for Judgment of Acquittal, or Motion for a New Trial.

9. That such appeal is not frivolous, as explained below.

10. That Honea is not a danger to the community, nor is he a flight risk.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045)

EXECUTED on this 18<sup>th</sup> day of May, 2018

By: /s/ Jonathan MacArthur  
JONATHAN E. MACARTHUR  
Nevada Bar #7072

## ARGUMENT

The Nevada Revised Statutes provide for bail pending appeal, and that the District Court can set such a bail. *See* NRS 178.488. In *Bergna v. State*, 120 Nev. 869, 874, 102 P.3d 549, 52 (2004), the Nevada Supreme Court noted that a court which considers a request for appeal bail can consider the strength and quality of the evidence, as well as the nature and circumstances of the offense.

This Court already concluded that Honea was not a flight risk or danger to the community when it denied the State's motion to remand after trial, and there is nothing new for the Court to change that conclusion.

However, in looking to the strength of the appeal, the Court erred in instructing the jury, and as a matter of law, the pending appeal will no doubt be successful. In fact, the defendant argued orally, and pointed out in his motion for a judgment of acquittal, that consent is a defense to Sex Assault on Minor. The State argued that it was not; however, the State misspoke. Prior to changes in the law during the 2015 legislature, consent was a defense to the charge. Further, the charge which Mr. Honea was convicted of predates the 2015 legislative changes, and therefore, the State was bound by the law at the time of the allegations.

This Court should be aware that in a trial in January 2018, in Department Four, Chief Deputy District Attorney Lisa Luzaich informed that court that consent was in fact a defense to Sexual Assault on a Minor Under Sixteen and agreed that the jury should be thus instructed. Similar to this case, the defendant was charged for acts that occurred prior to the 2015 legislative changes. The jury instructions in the instant case were incorrect and the defendant is confident that the Nevada Supreme Court will thus have no option but to remand this case for a new trial. Accordingly, this Court is aware that the alleged victim in this case maintained that the sexual conduct in the instant case was consensual. Mr. Honea should not be prejudiced by the loss of his liberty when the verdict which convicts him is wrong as a matter of law.

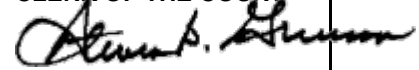
1  
2  
3 **CONCLUSION**

4 The defendant asks that this Court set an appeal bail in the amount of the current bail, and  
5 allow that bond to transfer or in the alternative, in the amount of \$100,000, because the verdict in  
6 the instant case is unsound, and the appeal which will be pending is not frivolous and contains  
7 matters which will lead undoubtedly to reversal of the verdict.

8  
9  
10 By: /s/ Jonathan MacArthur  
11 JONATHAN E. MACARTHUR  
12 Nevada Bar #7072  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



CLERK OF THE COURT



TRAN  
CASE NO. C-15-309548-1  
DEPT. NO. 25

DISTRICT COURT  
CLARK COUNTY, NEVADA

\* \* \* \* \*

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	
	)	REPORTER'S TRANSCRIPT
	)	OF
vs.	)	SENTENCING
	)	
	)	
JOSHUA HONEA,	)	
	)	
Defendant.	)	
<hr/>	)	

BEFORE THE HONORABLE KATHLEEN DELANEY  
DISTRICT COURT JUDGE

DATED: MONDAY, MAY 21, 2018

REPORTED BY: SHARON HOWARD, C.C.R. NO. 745

1 APPEARANCES:

2 For the State: STACEY KOLLINS, ESQ.

3 KRISTINA RHOADES, ESQ.

4  
5 For the Defendant: MONIQUE MCNEILL, ESQ.

6 JONATHAN MACARTHUR, ESQ.

7  
8  
9  
10  
11  
12  
13 \* \* \* \* \*  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 LAS VEGAS, NEVADA; MONDAY, MAY 21, 2018

2 P R O C E E D I N G S

3 \* \* \* \* \*

4  
5 THE COURT: Page 8, State of Nevada vs. Joshua  
6 Honea. Mr. MacArthur is obligated in another courtroom.  
7 You did indicate, Ms. McNeill you did indicate you could  
8 proceed without him at this time; is that correct.

9 MS. MCNEILL: It is. However, Mr. Honea,  
10 indicated he wants him here. He just text me and said  
11 he's done. If we could do the appeal bail request first  
12 then --

13 THE COURT: I really want to do appeal bail at  
14 the end. So we'll address that when we are complete, but  
15 Mr. MacArthur you've indicated is on his way.

16 MS. MCNEILL: He is.

17 THE COURT: We can go ahead and proceed now.  
18 The other option was, of course, to come back this  
19 afternoon. I appreciate we have a lot of folks here. I'm  
20 ready to proceed as soon as we can have everybody  
21 present.

22 MS. MCNEILL: May I approach the clerk to file a  
23 motion I emailed.

24 THE COURT: Yes.

25 MS. KOLLINS: I will let the court know did not

1 file a written response.

2 THE COURT: Are you intending to orally  
3 oppose.

4 MS. KOLLINS: Yes.

5 THE COURT: I would also note, for the record,  
6 there were some letters of support that were provided to  
7 the court through the law clerk. Did you provide copies  
8 to the State.

9 THE CLERK: Those are for them.

10 THE COURT: So let me call the matter of State  
11 of Nevada vs. Joshua Honea. Noting for the record that  
12 Mr. Honea is present out of custody. We are on today for  
13 sentencing. We also had been advised by counsel for Mr.  
14 Honea a motion for setting of appeal bail was to be filed.  
15 You indicated, Ms. McNeill, it was sent by email to my  
16 staff. My staff did not receive such an email. I'm not  
17 doubting you attached it to send it. I don't know why it  
18 wasn't received. Our first review of it will be today.  
19 But in anticipation the request would be made, I certainly  
20 did educate myself, as necessary, with the standards and  
21 the circumstances for that consideration. I will take  
22 that argument, but that's why I move the argument forward  
23 to the beginning of the matter.

24 We have Mr. MacArthur present with us. I understand  
25 he's been tied up in another courtroom. We are at this

1 time ready to proceed This sentencing has been continued  
2 a number of times. I do want to express from the court my  
3 sincerest apologies again for the time frame it has taken  
4 for us to be able to proceed, but, we are here today to do  
5 that.

6 I would note, as I did before we commenced, there  
7 were couple of communications, letters of support on  
8 behalf of Mr. Honea that were submitted to the court.  
9 We've given copies to counsel. The court has also  
10 reviewed them. I would note in them, at least one, if not  
11 both are seeking what they identify as some form of  
12 compassion from the court to not sentence Mr. Honea to a  
13 prison term. Setting aside for a moment the discussion  
14 about appeal bail. That is simply not an option for the  
15 court to consider. I trust that the individuals who are  
16 supporting Mr. Honea made him aware of what the parameters  
17 are in terms of the conviction and the sentence that is  
18 available to the court to consider. But that perhaps  
19 discussion is for another day.

20 What I would like to do is tart with is the State.  
21 Hear from the State with regard to arguments of the  
22 sentence, then go forward to counsel for defense.

23 MS. COLLINS: I'll be extremely brief, your  
24 Honor, this afternoon.

25 The court heard the trial. The sentence is not

1 discretionary. It's mandatory 25 to life. I know the  
2 court is going to follow the law. I would remind you that  
3 he has 692 days credit for time served, as he approached  
4 the court today. I would also request that the court  
5 order that the child pornography be returned to the State  
6 upon adjudication.

7 That's all I have to say, Judge.

8 THE COURT: Thank you, Ms. Kollins.

9 Mr. MacArthur or Ms. McNeill, who is going to speak  
10 today -- or if Mr. Honea wishes to speak first.

11 MR. MACARTHUR: I'll do sentencing. Ms. McNeill  
12 will be doing the appellate argument.

13 THE COURT: Thank you.

14 MS. MCNEILL: I think Mr. Honea wants to go  
15 first.

16 THE DEFENDANT: I have something prepared for  
17 you.

18 THE COURT: Mr. Honea, take a deep breath. I  
19 can see this is an emotional circumstance for you. That's  
20 understandable. The only caution I would give you, it may  
21 seem very mundane, but I do have a court reporter who has  
22 to write down everything that's said. And when people  
23 read, they tend to read more quickly, especially if  
24 they're emotional or nervous, then they would if they were  
25 just speaking. I'll ask you to, please, as difficult as

1       it may be, to take your time so that the court can  
2       understand what it is you want to share with the court and  
3       that you are reading at an appropriate pace for my report  
4       to take it down.

5               THE DEFENDANT:   I'm doing my best.

6               With sincerest respect to you and this court, I  
7       appreciate the ability to let me share my feelings.  I  
8       have always had a passion for law and order, but on  
9       several occasions have heard, even from judges, the system  
10      needs repair.  Falling into a situation now that I was  
11      totally unprepared for, I'm noticing how the system is  
12      failing me so far.

13              After receiving your order on Thursday, I'm just so  
14      confused.  I can't seem to understand how during my trial  
15      a juror's sister could break into Morgan's dad's car and  
16      fight over it.  All with the residents in the alleyway  
17      knowing all of the details in the case.  Apparently when  
18      the police and the DA's office were searching for Morgan  
19      they spoke to several people in the alleyway.  It just so  
20      happens that the family member who claimed he knew what he  
21      knew ends up on my jury panel and never told anyone.

22              Jurors calling, crying, saying that it isn't the  
23      verdict they wanted, but when they went around the room  
24      and asked they looked at each other and waited for someone  
25      to speak up and no one did out of fear.  But they reached

1 out later on.

2 I honestly feel like my due process was violated  
3 because we couldn't have these people come to tell you  
4 what happened in their own words and this is what you  
5 would have heard.

6 In the trial we had coercion of witnesses, witnesses  
7 saying they had to come up with something to get rid of  
8 me, threats of obstruction, pleas to stop this trial  
9 because Morgan said she was a tool for the State and not a  
10 victim. Her cousin calling saying she ran away because  
11 she made it up. A witness that admitted to sexual  
12 activity with Morgan when she was underage and  
13 distributing child pornography which no law enforcement or  
14 official even blinked at.

15 A witness that took notes and rehearsed her  
16 testimony. Officers on the car stop couldn't remember  
17 what I was doing, but had no recollection of their own  
18 actions when guns and drugs were found missing out of the  
19 stolen vehicle. I personally watched them be put into a  
20 blue car. I had every intention to testify up until the  
21 night before, because we felt the verdict was obvious and  
22 we just wanted to finish the trial that Friday after 3  
23 weeks of being in here.

24 As a Defendant, I with truly unaware so much could  
25 happen to prejudice me and just be ignored. I was singled



1 out, targeted, and attacked by the Las Vegas Metropolitan  
2 Police Department because I pissed off the wrong people at  
3 Enterprise. And now I'll be sentenced to more time than  
4 most violent offenders who murder. They won't only  
5 destroy my life, but the lives of all my friends and  
6 family that have been here supporting me and behind me.

7 I doubt that anything I could say right now is going  
8 be much to you, but I'll remain strong and just like  
9 Morgan told everybody on 4 days of testimony that I don't  
10 deserve this. And I don't. So as much as I wish I could  
11 have been provided justice, a bear cannot be swept under  
12 the rug and my fight is not over. You might not help me,  
13 but I have faith still that someone will.

14 Thank you for the court's time.

15 THE COURT: Mr. MacArthur, I trust your  
16 sentencing argument will not be an attempt to revisit the  
17 verdict in this case or asked to reconsider the decision  
18 on the motion for new trial or acquittal and will actually  
19 speak to sentencing. If you wish to have that argument, I  
20 would prefer that that be made when we discuss the motion  
21 for appeal bail, because as you know and would have  
22 reviewed, as the court did with the case law, that whether  
23 or not the appeal is frivolous or for purposes of delay,  
24 it's only one of the things the court has to assess.

25 MR. MACARTHUR: I understand all those things.

1 I need a minute.

2 THE COURT: Take your time.

3 MR. MACARTHUR: I don't have the luxury of being  
4 able to express myself emotionally as Joshua just had.  
5 It's consider inappropriate for counsel, but with that  
6 said, I know where he's coming from. This sentencing  
7 argument is difficult because the statute gives the court  
8 no discretion. Mr. Honea was charged with 52 counts of  
9 felonies. The vast majority of which the sexual assault  
10 of a minor under the age of 16. And the vast majority of  
11 those charges were dismissed, except for one. I will  
12 never forget Count 39, because it is an unexpected cruelty  
13 to hear not guilty for 3 minutes before hearing guilty.  
14 When even the clerk has become so accustomed to saying not  
15 guilty, that she stumbles over the words.

16 It has been one of the most difficult 6 months of my  
17 life waiting to get here. I never expected to have to make  
18 this argument, because I never expected that the jury  
19 would return, what to defense counsel, would appear to be  
20 an illogical verdict. It's apparent that they were not  
21 satisfied beyond a reasonable doubt of Mr. Honea's  
22 culpability with 51 sex related felony counts, but for  
23 reasons that belong to them, they felt as though one  
24 count, there was evidence there for.

25 It's difficult to understand how they might have

1        pieced that together, given that at trial the victim said  
2        that she had testified falsely at preliminary hearing.  
3        Obviously, the jury is not obligated to believe that she  
4        testified falsely. However, when she did testify falsely,  
5        if she, in fact, did, she talked about dozens of  
6        instances, which clearly the jury did not believe. So it  
7        appears as though they picked and chose, not between  
8        witnesses, but with regard to at least one witness  
9        choosing to believe that most everything she said in  
10       preliminary hearing was false. Even if it was made under  
11       oath. Even under the circumstances explained by that  
12       witness as it related to the State.

13                But then the jury also chose to discount her trial  
14       testimony. And it strikes me as an odd result that if the  
15       only person who could testify to whether there was ever  
16       sexual conduct was disbelieved on both sides of the same  
17       coin, how a jury of good conscience arrives at a  
18       compromised verdict of one count.

19                Now, we know that counsel are not allowed, for either  
20       side, to tell the jury what the consequences are. These  
21       jurors found out from the news, and in a highly unusual  
22       turn of events contacted defense counsel. And they had  
23       various reasons. They weren't all the same for how they  
24       arrived at the answer they did.

25                Unfortunately, we had learned they didn't take the

1 court's admonition as seriously as they should have. We  
2 learned they consulted the media. We learned they spoke  
3 with each other. We learned that Juror No. 3 had a real  
4 life sister, was a real-life friend of Morgan, and didn't  
5 divulge that. The case remains that despite all of these  
6 things -- and those will be issues for other hearings in  
7 other courts -- the court has no discretion but to  
8 sentence Mr. Honea on the count for which he was found  
9 guilty.

10 In the legislative wisdom that carries a component  
11 penalty of a minimum of 25 years, before he's eligible for  
12 parole. I had to check my file to find out if Joshua was  
13 25 yet. The required sentence is all of his life, as he  
14 knows it. These circumstances are not why I chose this  
15 career. It's not why I do any job. It's not that I  
16 haven't had disappointment before. It's just that usually  
17 the disappointments don'ts carry these kinds of  
18 penalties.

19 I appreciate the State having previously calculated  
20 the credit for time served at 692 days. And I appreciate  
21 the court, having listened to my argument many months ago,  
22 last year in fact, regarding Mr. Honea and his risk  
23 assessment, that he could be relied upon to come to court.  
24 And he did, over a dozen times.

25 Additionally, I appreciate the court having declined

1 the State's request to have him remanded. That's  
2 uncommon. Most courts, when a defendant is convicted of  
3 any crime, much less one that carries a life sentence,  
4 could be expected to put a defendant in custody. Despite  
5 all the other feelings about these proceedings, I will  
6 remain grateful for that. Due to no fault of Mr. Honea's,  
7 for some reason he was put back in custody, and in order  
8 to get him out, his family had to pay again. You'll  
9 originally remember his bail was \$250,000.00, arranged for  
10 by his grandparents, who are still with him today. And  
11 when he was remanded again, not for having violated any  
12 rules of release, they were relied upon for a bail amount  
13 for another \$100,000.00. So I don't know what the  
14 out-of-pocket expense to them was or continues to be, but  
15 bond's men continue to take payments on a monthly basis.  
16 I know that it's a lot of money. I know they did it  
17 because they believe in Josh.

18 With that said, Judge, I would ask what discretion  
19 the court is aware of in sentencing and these proceedings  
20 be used in Mr. Honea's favor. I understand that any  
21 sentence that will be imposed is 25 to life. Those  
22 conclude my statements as well.

23 THE COURT: I appreciate you acknowledging that  
24 the court has limited, if any, discretion, given the  
25 jurors' determination.

1           I feel compelled to say this now, it would be very  
2       easy for me to just say that's the sentence. Here you go,  
3       Mr. Honea. Then move on to the appealable decision. But  
4       I feel compelled to say this because, in all candor, your  
5       remarks on your own behalf show me a lack of understanding  
6       of the court's job, the law that applies to the court's  
7       decision making. I don't know where that comes from. I  
8       don't know if that comes from this large group of support  
9       you have and folks wanting to have you believe certain  
10      things, or if that comes from what you believe to be your  
11      own research, or discussions with counsel, or all of the  
12      above.

13           But when it comes to sentencing, as has been  
14      discussed here today, we have one option, based on the  
15      jury's verdict. And while the court was requested to set  
16      aside that verdict, or to, as a matter of acquittal, or to  
17      give a new trial based on the information evidence that's  
18      been provided to the court. I did my best to articulate  
19      in the order why the evidence was not sufficient. In all  
20      candor, it wasn't even close, Mr. Honea, that the evidence  
21      provided to the from these jurors would result in  
22      relief.

23           Here's why. The reason why is because we cannot, it  
24      is sacrosanct, in my opinion, and in the legal analysis  
25      and case law and everything else we have to look at when

1       it comes to the deliberations of the jurors, we cannot go  
2       back in and attempt to revisit those things and inquire of  
3       those things when what is being addressed is intrinsic to  
4       their deliberation.

5             The one circumstance that we can qualify as extrinsic  
6       is the admission, if you will, of one of the jurors that  
7       he consulted an article on the same day they were  
8       impaneled. Which by all accounts of the other jurors, he  
9       did not choose to further share, but by all objective of  
10      accounts of that article in no way, shape, or form could  
11      have or would have prejudiced you or your case.

12            And for those reasons, again, although it took time  
13      and took time that the court again regrets because it  
14      knows it adds to the difficulty of uncertainty of this  
15      case and is very conscious of that and very apologetic for  
16      that. It took time to truly weigh through everything and  
17      how best to articulate why the court can make a decision  
18      the way it did, why the evidentiary hearing was  
19      inappropriate and not warranted, and why the outcome is  
20      what it is. To sort of be here today with this righteous  
21      indignation that somehow the court was compelled to listen  
22      to these jurors and not come in here and explain these  
23      things is not what the law is or requires at all. It's  
24      disconcerts to the court, in all candor. But I understand  
25      the emotion of the circumstances. I understand emotions

1 of this case. Like I said, we are going to have further  
2 discussion about what this appeal might look like, because  
3 we are going to have to have that discussion in the  
4 circumstances of the appeal bail.

5 I'm going to ask my marshal to step aside briefly,  
6 because we still have that appeal bail motion to discuss  
7 and that hasn't been discussed yet today. So his  
8 recognition of where we are with the court, because we are  
9 going to complete the sentencing. And the sentencing is  
10 going to be completed the only way it can be completed at  
11 this time, based on the jury's verdict.

12 The court's understanding and reading of the law to  
13 deny being set aside, you'll be adjudicated guilty today  
14 of sexual assault on a minor under 16 years of age. You  
15 will be accordingly sentenced to the term of life in  
16 prison with the opportunity for parole after 25 years is  
17 served. You will have to pay \$25.00 administrative  
18 assessment fee to the court; \$150.00 DNA analysis fee to  
19 the court, \$3.00 DNA collection fee to the court. And pay  
20 that fee during the term of your incarceration.

21 There are requirements that also are attendant to  
22 that conviction of charge such as this, which include you  
23 must register as a sex offender within 48 hours of any  
24 release from custody pursuant to NRS 179(d).4670. You'll  
25 also be subject to a special sentence of lifetime



1 supervision to commence upon release from any term of  
2 incarceration, pursuant to NRS 176.10931.

3 You do have as calculated by the State -- there's no  
4 reason to dispute this number -- 692 days credit for time  
5 served toward that sentence. The court will give you that  
6 credit for time served today.

7 The question becomes when will you begin serving that  
8 sentence and whether or not you will have the opportunity  
9 to be remaining out of custody on a bail while the matter  
10 remains on appeal. Considerations that the court has to  
11 make in those circumstances are very well articulated by  
12 our Supreme Court in its decision making process that  
13 indicates to us that it's somewhat different, although  
14 some factors overlap to a pre-conviction bail situation,  
15 but it is that we have to look at and consider certainly  
16 the danger to the community and potential for failure to  
17 return to address the case, which we've already had some  
18 consideration of obviously to get where we are today.

19 Also requires us to have an analysis of whether or  
20 not this appeal has legitimate basis, not that you're  
21 adjudicating the appeal, but that this appeal is brought  
22 for legitimate reasons and not for purpose of delays.

23 Certainly I've had a chance briefly to review the  
24 motion submitted. I understand Ms. McNeill will be  
25 arguing this matter. We've perhaps touched upon these

1 issues in terms of matters that might be asked to be  
2 considered by an appellate court. One focused on in the  
3 moment was whether the court properly instructed the  
4 jurors on what elements of the ultimate charge that was  
5 subject of the conviction.

6 At this time I do want to hear from counsel with  
7 regard to this matter for final determination on  
8 Mr. Honea's custody status.

9 MS. MCNEILL: Thank you.

10 I'm not going to focus on the danger to the community  
11 and flight risk. I think we've sort of done that at  
12 length. I think the court sees he's here today, knowing  
13 he could be going in for 25 years.

14 As far as the other prong which is, as I said in my  
15 motion, the strength, quality of the evidence, the nature  
16 and circumstance of the offence. As I indicated in my  
17 motion, your Honor, I believe the jury was improperly  
18 instructed on the element of sex with a minor under 14. I  
19 did a trial in January --

20 THE COURT: The conviction was a minor under the  
21 age of 16.

22 MS. MCNEILL: Under 16.

23 I did a trial in January and I made my same  
24 argument, the facts of the case, the date of the charges  
25 pre-date the changes in the 2015 legislature. Prior to

1       that, consent was absolutely an element the jury should  
2       have been instructed for that. We asked for an  
3       instructions on that. And I don't think that it's  
4       harmless, because if the jury chose to believe Morgan's  
5       preliminary testimony, which they would have to have done,  
6       in order to convict on that count. At no point did she  
7       ever say it was not consensual. In fact, she admitted  
8       freely that it was consensual, any acts that were engaged  
9       in.

10           I think when you look at the strength of this appeal  
11       and the instruction to the jury, which is incorrect, this  
12       would have caused a structural error and I don't think  
13       they could ever say it was harmless. I think that we are  
14       confident that just that issue was a enough to get a  
15       reversal.

16           Additionally, as far as the juror misconduct, we  
17       indicated to the court that Jankowitz wouldn't speak to  
18       us. So the only way to find out whoever spoke to his  
19       sister who was friends with Morgan and lived in the alley  
20       where the district attorney was walking around trying to  
21       find her would have been to subpoena him and bring him  
22       into court and ask him that question. If his answer had  
23       been affirmative, there's an issue. But we were denied  
24       being able to flesh that issue out because he wouldn't  
25       speak to us. I think when you look at the strength and

1 quality of our appeal issue that Mr. Honea has a fighting  
2 chance with the Supreme Court.

3 As far as the strength and quality of evidence in  
4 this case, it came down the which version of Morgan's the  
5 jurors believe. It wasn't as if this was a case where  
6 there was forensic evidence or confessions or anything of  
7 those things. I would ask your Honor to leave him out on  
8 bail.

9 His bond's man is present in the courtroom, your  
10 Honor, which I think speaks a lot about Josh. He's  
11 indicated that he will do whatever he can to take the  
12 current bond and transfer that over and keep Josh out of  
13 custody. So the entire family and the bond's man are here  
14 to let the court know that everyone is here to do what  
15 they can do to keep Josh from going to prison while we  
16 fight this appeal.

17 I would ask you consider our argument for the legal  
18 issues and leave Josh out on bail.

19 THE COURT: Ms. Collins.

20 MS. COLLINS: Mr. McNeill is missing the entire  
21 circumstantial case that was offered Mr. Honea. All the  
22 documents of the relationship. It wasn't just on Morgan's  
23 word. So they say the strength of this case is just borne  
24 out of Morgan's testimony is inaccurate. The court  
25 recognized that in your order.

1           As to the instruction issue, they were instructed  
2 without consent or under circumstances whether the  
3 Defendant knew or should have known she was incapable of  
4 giving consent. She was incapable, under the law, because  
5 of her age. I believe those will stand up on appeal. I  
6 don't have the entire trial file in front of me. I don't  
7 have what they offered to the court. But I don't believe  
8 that that will be a successful appellate issue, as it  
9 stands here.

10           MS. MCNEILL: The instruction that we asked for  
11 in this case was that consent is a defense. That's an  
12 instruction I was given in front of Judge Early that Ms.  
13 Luzaich consented to and was told by the court that's the  
14 state of the law, where I like it or not. I highly doubt  
15 Ms. Luzaich would let me have that instruction because by  
16 the way the jury came back on a stat sex instead of a sex  
17 assault, if that weren't the state of the law. We fleshed  
18 this out when we argued the instructions. We put it in  
19 our motion. The jury was absolutely misinstructed. And  
20 it was crucial to him being found guilty.

21           THE COURT: Ultimately, the eye of the -- the  
22 beauty of the argument would be in the eye of the  
23 beholder. It won't be this court. This court did what it  
24 felt was appropriate in the circumstance. The court does  
25 acknowledge what the State indicated, which is, however

1       anybody wants to view this, I will tell you that the court  
2       endeavors, thrives, and does its very best in every trial  
3       to be as objective as possible, do an objective review of  
4       this information, as I noted in the order, substantial  
5       circumstantial evidence in this case and felt it indicated  
6       there was the relationship the jury found existing with  
7       this Defendant and the victim in this case and could  
8       support that verdict.

9               Whether or not the legal analysis results in some  
10       reversal or some change, I have no stake in that outcome,  
11       beyond I did my job, and I will wait to see what the  
12       appellate court will tell us.

13              The reason those factors aren't important for today's  
14       purposes though was because obviously, again, one of the  
15       things we have to determine is whether or not this appeal  
16       is not frivolous, not taken for purposes of delay. Our  
17       case law instructs us that obviously someone who has been  
18       convicted of a serious offence and is facing a substantial  
19       term of imprisonment has a very heavy burden to bring to  
20       this court in order to be entitled to bail on appeal. It  
21       is within that framework that the court looks at all of  
22       the facts and circumstances making a determination on  
23       whether or not there should be an appeal bail. Other  
24       factors do come into play. I'll address them, even though  
25       I understand why the argument didn't focus on them is

1       because we had vetted these discussions and circumstances  
2       previously about whether or not Mr. Honea is a danger to  
3       the community, will Mr. Honea be present for court  
4       requirements and proceedings. And he has been and  
5       continues to be. Whether that's because there is a bail  
6       or whether that's because of his own volition, only he  
7       knows that. Just as he only knows the circumstances that  
8       occurred between him and the victim in this case. I am  
9       using that terms because there is a conviction. Don't let  
10      that override things. I'm using that term rather than  
11      using a name, because there has been a conviction and  
12      these are the circumstances.

13           I get the sense today that Mr. Honea and the people  
14      who are here to support of him perceive him to be the  
15      victim in this case. I can't do anything to address that  
16      I would only hope that everybody would recognize there was  
17      a trial here that was fair. If they don't choose to  
18      recognize that, then so be it. I would hope everybody  
19      would recognize here there was a decision that was made on  
20      the request to provide acquittal or to get a new trial  
21      that was made with thoughtful attention to the case, to  
22      the circumstances and the court's best reading of what the  
23      law will tell us here. I don't want to try to speak to it  
24      just because I don't want there to be a record that  
25      doesn't have this addressed. I focus on the extrinsic

1 because we have some evidence of there being extrinsic of  
2 the Juror No. 1 accessing the article. There is zero  
3 evidence that was brought forward that Juror No. 3 had any  
4 contact, share or impact on his verdict, related to the  
5 fact there was a relationship brought forward of Facebook  
6 connection between a sister and the victim here. It just  
7 did not trigger from this court's opinion in reading of  
8 the case law here to require an evidentiary hearing.  
9 That's why the court declined to do so.

10 At this point in time we have what we have. It is  
11 this court's analysis that based on the factors of whether  
12 or not this Defendant would be a danger to the community,  
13 fail to appear, whether or not this appeal is frivolous or  
14 taken for purposes of delay, taking in consideration those  
15 factors that Mr. Honea can and should be afforded the  
16 opportunity for bail on appeal.

17 I will allow the bail to remain what it is, which is  
18 \$100,000.00, to be transferred from the bond's man to  
19 appeal bail, other than current circumstances of the bail.  
20 All I hope at this point in time, again, is that  
21 Mr. Honea, as I understand, is working in the community  
22 and continues to do what he's doing in the community will  
23 stay out of trouble, will comply with any requirements of  
24 his bail, and that ultimately whatever the outcome is of  
25 our appeal court that that will be respected. We'll



1 address that when the time comes.

2 MS. MCNEILL: Thank you, your Honor.

3 THE COURT: There's no further need for  
4 discussion here today. Court is adjourned.

5

6

7

8

\* \* \* \* \*

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE  
OF  
CERTIFIED COURT REPORTER

\* \* \* \* \*

I, the undersigned certified court reporter in and for the  
State of Nevada, do hereby certify:

That the foregoing proceedings were taken before me at the  
time and place therein set forth; that the testimony and  
all objections made at the time of the proceedings were  
recorded stenographically by me and were thereafter  
transcribed under my direction; that the foregoing is a  
true record of the testimony and of all objections made at  
the time of the proceedings.

A handwritten signature in cursive script, appearing to read "Sharon Howard", is written over a horizontal line. The signature is fluid and includes a large, circular flourish at the end.

Sharon Howard  
C.C.R. #745

< Dates >.	< 6 >.	17:21.
MAY 21, 2018 1:28,	6 10:16.	adjudication
3:1.	692 6:3, 12:20,	6:6.
#745 26:28.	17:4.	administrative
\$100,000.00	.	16:17.
24:18.	.	admission 15:6.
\$100,000.00.	< 7 >.	admitted 8:11,
13:13.	745 1:35.	19:7.
\$150.00 16:18.	.	admonition 12:1.
\$25.00 16:17.	.	advised 4:13.
\$250,000.00	< 8 >.	affirmative
13:9.	8 3:5.	19:23.
\$3.00 16:19.	.	afforded 24:15.
.4670. 16:24.	.	afternoon 3:19,
.	< A >.	5:24.
.	ability 7:7.	age 10:10, 16:14,
< 1 >.	able 5:4, 10:4,	18:21, 21:5.
1 24:2.	19:24.	ago 12:21.
14. 18:18.	above 14:12.	ahead 3:17.
16 16:14, 18:21.	absolutely 19:1,	alley 19:19.
16. 10:10,	21:19.	alleyway 7:16,
18:22.	accessing 24:2.	7:19.
176.10931 17:2.	accordingly	allow 24:17.
179(d 16:24.	16:15.	allowed 11:19.
.	accounts 15:8,	already 17:17.
.	15:10.	although 15:12,
< 2 >.	accustomed	17:13.
2015 18:25.	10:14.	amount 13:12.
25 1:3, 6:1,	acknowledge	analysis 14:24,
12:11, 12:13,	21:25.	16:18, 17:19,
13:21, 16:16,	acknowledging	22:9, 24:11.
18:13.	13:23.	answer 11:24,
.	acquittal 9:18,	19:22.
.	14:16, 23:20.	anticipation
< 3 >.	actions 8:18.	4:19.
3 8:22, 10:13,	activity 8:12.	anybody 22:1.
12:3, 24:3.	acts 19:8.	apologetic
39 10:12.	actually 9:18.	15:15.
.	Additionally	apologies 5:3.
.	12:25, 19:16.	apparent 10:20.
< 4 >.	address 3:14,	Apparently 7:17.
4 9:9.	17:17, 22:24,	appeal 3:11, 3:13,
48 16:23.	23:15, 25:1.	4:14, 5:14,
.	addressed 15:3,	9:21, 9:23,
.	23:25.	16:2, 16:4,
< 5 >.	adds 15:14.	16:6, 17:10,
51 10:22.	adjourned 25:4.	17:20, 17:21,
52 10:8.	adjudicated	19:10, 20:1,
.	16:13.	20:16, 21:5,
.	adjudicating	22:15, 22:20,

22:23, 24:13,	15:2.	blinked 8:14.
24:16, 24:19,	attendant 16:21.	blue 8:20.
24:25.	attention 23:21.	bond 13:15, 20:9,
appealable 14:3.	attorney 19:20.	20:12, 20:13,
appear 10:19,	available 5:18.	24:18.
24:13.	aware 5:16,	borne 20:23.
APPEARANCES 2:1.	13:19.	break 7:15.
appears 11:7.	away 8:10.	breath 6:18.
appellate 6:12,	.	brief 5:23.
18:2, 21:8,	.	briefly 16:5,
22:12.	< B >.	17:23.
applies 14:6.	back 3:18, 13:7,	bring 19:21,
appreciate 3:19,	15:2, 21:16.	22:19.
7:7, 12:19,	bail 3:11, 3:13,	brought 17:21,
12:20, 12:25,	4:14, 5:14,	24:3, 24:5.
13:23.	9:21, 13:9,	burden 22:19.
approach 3:22.	13:12, 16:4,	.
approached 6:3.	16:6, 17:9,	.
appropriate 7:3,	17:14, 20:8,	< C >.
21:24.	20:18, 22:20,	C-15-309548-1
argued 21:18.	22:23, 23:5,	1:2.
arguing 17:25.	24:16, 24:17,	calculated 12:19,
argument 4:22,	24:19, 24:24.	17:3.
6:12, 9:16,	based 14:14,	call 4:10.
9:19, 10:7,	14:17, 16:11,	calling 7:22,
10:18, 12:21,	24:11.	8:10.
18:24, 20:17,	basis 13:15,	candor 14:4,
21:22, 22:25.	17:20.	14:20, 15:24.
arguments 5:21.	bear 9:11.	car 7:15, 8:16,
around 7:23,	beauty 21:22.	8:20.
19:20.	become 10:14.	career 12:15.
arranged 13:9.	becomes 17:7.	carries 12:10,
arrived 11:24.	begin 17:7.	13:3.
arrives 11:17.	beginning 4:23.	carry 12:17.
article 15:7,	behalf 5:8,	CASE 1:2, 7:17,
15:10, 24:2.	14:5.	9:17, 9:22,
articulate 14:18,	behind 9:6.	12:5, 14:25,
15:17.	beholder 21:23.	15:11, 15:15,
articulated	believe 11:3,	16:1, 17:17,
17:11.	11:6, 11:9,	18:24, 20:4,
aside 5:13, 14:16,	13:17, 14:9,	20:5, 20:21,
16:5, 16:13.	14:10, 18:17,	20:23, 21:11,
assault 10:9,	19:4, 20:5,	22:5, 22:7,
16:14, 21:17.	21:5, 21:7.	22:17, 23:8,
assess 9:24.	belong 10:23.	23:15, 23:21,
assessment 12:23,	best 7:5, 14:18,	24:8.
16:18.	15:17, 22:2,	caused 19:12.
attached 4:17.	23:22.	caution 6:20.
attacked 9:1.	beyond 10:21,	certain 14:9.
attempt 9:16,	22:11.	Certainly 4:19,

17:15, 17:23. CERTIFICATE 26:1. CERTIFIED 26:3, 26:8. certify 26:9. chance 17:23, 20:2. change 22:10. changes 18:25. charge 16:22, 18:4. charged 10:8. charges 10:11, 18:24. check 12:12. child 6:5, 8:13. choose 15:9, 23:17. choosing 11:9. chose 11:7, 11:13, 12:14, 19:4. circumstance 6:19, 15:5, 18:16, 21:24. circumstances 4:21, 11:11, 12:14, 15:25, 16:4, 17:11, 21:2, 22:22, 23:1, 23:7, 23:12, 23:22, 24:19. circumstantial 20:21, 22:5. claimed 7:20. CLARK 1:7. clearly 11:6. CLERK 3:22, 4:7, 4:9, 10:14. close 14:20. coercion 8:6. coin 11:17. collection 16:19. COLLINS 5:23, 20:19, 20:20. comes 14:7, 14:8, 14:10, 14:13, 15:1, 25:1.	coming 10:6. commence 17:1. commenced 5:6. communications 5:7. community 17:16, 18:10, 23:3, 24:12, 24:21, 24:22. compassion 5:12. compelled 14:1, 14:4, 15:21. complete 3:14, 16:9. completed 16:10. comply 24:23. component 12:10. compromised 11:18. conclude 13:22. conduct 11:16. confessions 20:6. confident 19:14. confused 7:14. connection 24:6. conscience 11:17. conscious 15:15. consensual 19:7, 19:8. consent 19:1, 21:2, 21:4, 21:11. consented 21:13. consequences 11:20. consider 5:15, 5:18, 10:5, 17:15, 20:17. consideration 4:21, 17:18, 24:14. Considerations 17:10. considered 18:2. consulted 12:2, 15:7. contact 24:4. contacted 11:22.	continue 13:15. continued 5:1. continues 13:14, 23:5, 24:22. convict 19:6. convicted 13:2, 22:18. conviction 5:17, 16:22, 18:5, 18:20, 23:9, 23:11. copies 4:7, 5:9. correct 3:8. counsel 4:13, 5:9, 5:22, 10:5, 10:19, 11:19, 11:22, 14:11, 18:6. Count 10:12, 10:24, 11:18, 12:8, 19:6. counts 10:8, 10:22. COUNTY 1:7. couple 5:7. course 3:18. courtroom 3:6, 4:25, 20:9. courts 12:7, 13:2. cousin 8:10. credit 6:3, 12:20, 17:4, 17:6. crime 13:3. crucial 21:20. cruelty 10:12. crying 7:22. culpability 10:22. current 20:12, 24:19. custody 4:12, 13:4, 13:7, 16:24, 17:9, 18:8, 20:13. . . < D >. DA 7:18. dad 7:15.
--	---	---

<p> danger 17:16,  18:10, 23:2,  24:12.  date 18:24.  DATED 1:28.  day 5:19, 15:7.  days 6:3, 9:9,  12:20, 17:4.  decision 9:17,  14:3, 14:7,  15:17, 17:12,  23:19.  declined 12:25,  24:9.  deep 6:18.  Defendant 1:20,  2:5, 6:16, 7:5,  8:24, 13:2,  13:4, 21:3,  22:7, 24:12.  defense 5:22,  10:19, 11:22,  21:11.  DELANEY 1:25.  delay 9:23, 22:16,  24:14.  delays 17:22.  deliberation  15:4.  deliberations  15:1.  denied 19:23.  deny 16:13.  Department 9:2.  DEPT. 1:3.  deserve 9:10.  Despite 12:5,  13:4.  destroy 9:5.  details 7:17.  determination  13:25, 18:7,  22:22.  determine 22:15.  different 17:13.  difficult 6:25,  10:7, 10:16,  10:25.  difficulty  15:14. </p>	<p> direction 26:15.  disappointment  12:16.  disappointments  12:17.  disbelieved  11:16.  disconcerts  15:24.  discount 11:13.  discretion 10:8,  12:7, 13:18,  13:24.  discretionary  6:1.  discuss 9:20,  16:6.  discussed 14:14,  16:7.  discussion 5:13,  5:19, 16:2,  16:3, 25:4.  discussions 14:11,  23:1.  dismissed 10:11.  dispute 17:4.  distributing  8:13.  DISTRICT 1:6,  1:26, 19:20.  divulge 12:5.  DNA 16:18,  16:19.  documents 20:22.  doing 6:12, 7:5,  8:17, 24:22.  don'ts 12:17.  done 3:11, 18:11,  19:5.  doubt 9:7, 10:21,  21:14.  doubting 4:17.  down 6:22, 7:4,  20:4.  dozen 12:24.  dozens 11:5.  drugs 8:18.  Due 8:2, 13:6.  during 7:14,  16:20. </p>	<p> .  .  &lt; E &gt;.  Early 21:12.  easy 14:2.  educate 4:20.  either 11:19.  element 18:18,  19:1.  elements 18:4.  eligible 12:11.  email 4:15,  4:16.  emailed 3:23.  emotion 15:25.  emotional 6:19,  6:24.  emotionally  10:4.  emotions 15:25.  end 3:14.  endeavors 22:2.  ends 7:21.  enforcement  8:13.  engaged 19:8.  enough 19:14.  Enterprise 9:3.  entire 20:13,  20:20, 21:6.  entitled 22:20.  error 19:12.  especially 6:23.  ESQ 2:2, 2:3, 2:5,  2:6.  events 11:22.  everybody 3:20,  9:9, 23:16,  23:18.  everyone 20:14.  everything 6:22,  11:9, 14:25,  15:16.  evidence 10:24,  14:17, 14:19,  14:20, 18:15,  20:3, 20:6,  22:5, 24:1,  24:3.  evidentiary 15:18, </p>
---	---	--

24:8.	felony 10:22.	< G >.
except 10:11.	felt 8:21, 10:23,	give 6:20, 14:17,
existing 22:6.	21:24, 22:5.	17:5.
expected 10:17,	fight 7:16, 9:12,	given 5:9, 11:1,
10:18, 13:4.	20:16.	13:24, 21:12.
expense 13:14.	fighting 20:1.	gives 10:7.
explain 15:22.	file 3:22, 4:1,	giving 21:4.
explained 11:11.	12:12, 21:6.	grandparents
express 5:2,	filed 4:14.	13:10.
10:4.	final 18:7.	grateful 13:6.
extremely 5:23.	find 12:12, 19:18,	group 14:8.
extrinsic 15:5,	19:21.	guilty 10:13,
23:25, 24:1.	finish 8:22.	10:15, 12:9,
eye 21:21,	first 3:11, 4:18,	16:13, 21:20.
21:22.	6:10, 6:15.	guns 8:18.
.	flesh 19:24.	.
.	fleshed 21:17.	.
< F >.	flight 18:11.	< H >.
Facebook 24:5.	focus 18:10,	happen 8:25.
facing 22:18.	22:25, 23:25.	happened 8:4.
fact 11:5, 12:22,	focused 18:2.	happens 7:20.
19:7, 24:5.	folks 3:19,	harmless 19:4,
factors 17:14,	14:9.	19:13.
22:13, 22:24,	follow 6:2.	Hear 5:21, 10:13,
24:11, 24:15.	foregoing 26:11,	18:6.
facts 18:24,	26:15.	heard 5:25, 7:9,
22:22.	forensic 20:6.	8:5.
fail 24:13.	forget 10:12.	hearing 10:13,
failing 7:12.	form 5:11,	11:2, 11:10,
failure 17:16.	15:10.	15:18, 24:8.
fair 23:17.	forth 26:12.	hearings 12:6.
faith 9:13.	forward 4:22,	heavy 22:19.
Falling 7:10.	5:22, 24:3,	help 9:12.
false 11:10.	24:5.	hereby 26:9.
falsely 11:2,	found 8:18, 11:21,	highly 11:21,
11:4.	12:8, 21:20,	21:14.
family 7:20, 9:6,	22:6.	Honea 1:18, 3:6,
13:8, 20:13.	frame 5:3.	3:9, 4:11, 4:12,
far 7:12, 18:14,	framework 22:21.	4:14, 5:8, 5:12,
19:16, 20:3.	freely 19:8.	5:16, 6:10,
fault 13:6.	Friday 8:22.	6:14, 6:18,
favor 13:20.	friend 12:4.	10:8, 10:21,
fear 7:25.	friends 9:5,	12:8, 12:22,
fee 16:18, 16:19,	19:19.	13:6, 13:20,
16:20.	frivolous 9:23,	14:3, 14:20,
feel 8:2, 14:1,	22:16, 24:13.	18:8, 20:1,
14:4.	front 21:6,	20:21, 23:2,
feelings 7:7,	21:12.	23:3, 23:13,
13:5.	.	24:15, 24:21.
felonies 10:9.	.	honestly 8:2.

Honor 5:24, 18:17, 20:7, 20:10, 25:2.	18:18, 19:2, 21:1.	19:11, 21:16, 21:19, 22:6.
HONORABLE 1:25.	instruction 19:11,	justice 9:11.
hope 23:16, 23:18, 24:20.	21:1, 21:10, 21:12, 21:15.	.
hours 16:23.	instructions 19:3,	.
Howard 1:35, 26:27.	21:18.	< K >.
.	instructs 22:17.	KATHLEEN 1:25.
.	intending 4:2.	keep 20:12, 20:15.
< I >.	intention 8:20.	kinds 12:17.
identify 5:11.	intrinsic 15:3.	knowing 7:17, 18:12.
ignored 8:25.	issue 19:14,	known 21:3.
illogical 10:20.	19:23, 19:24,	knows 12:14, 15:14, 23:7.
impact 24:4.	20:1, 21:1, 21:8.	Kollins 2:2, 3:25, 4:4, 6:8.
impaneled 15:8.	issues 12:6, 18:1, 20:18.	KRISTINA 2:3.
important 22:13.	.	.
imposed 13:21.	.	.
imprisonment 22:19.	< J >.	< L >.
improperly 18:17.	Jankowitz 19:17.	lack 14:5.
inaccurate 20:24.	January 18:19, 18:23.	large 14:8.
inappropriate 10:5, 15:19.	job 12:15, 14:6, 22:11.	Las 3:1, 9:1.
incapable 21:3, 21:4.	JONATHAN 2:6.	last 12:22.
incarceration 16:20, 17:2.	Josh 13:17, 20:10, 20:12, 20:15, 20:18.	later 8:1.
include 16:22.	Joshua 1:18, 3:5, 4:11, 10:4, 12:12.	law 4:7, 6:2, 7:8, 8:13, 9:22, 14:6, 14:25, 15:23, 16:12, 21:4, 21:14, 21:17, 22:17, 23:23, 24:8.
incorrect 19:11.	Judge 1:26, 6:7, 13:18, 21:12.	learned 11:25, 12:2, 12:3.
indicate 3:7.	judges 7:9.	least 5:10, 11:8.
indicated 3:10, 3:15, 4:15, 18:16, 19:17, 20:11, 21:25, 22:5.	Juror 7:15, 12:3, 19:16, 24:2, 24:3.	leave 20:7, 20:18.
indicates 17:13.	Jurors 7:22, 11:21, 13:25, 14:21, 15:1, 15:6, 15:8, 15:22, 18:4, 20:5.	legal 14:24, 20:17, 22:9.
indignation 15:21.	jury 7:21, 10:18, 11:3, 11:6, 11:13, 11:17, 11:20, 14:15, 16:11, 18:17, 19:1, 19:4,	legislative 12:10.
individuals 5:15.		legislature 18:25.
information 14:17, 22:4.		legitimate 17:20, 17:22.
inquire 15:2.		length 18:12.
instances 11:6.		less 13:3.
instead 21:16.		letters 4:6,
instructed 18:3,		



5:7.	minimum 12:11.	necessary 4:20.
life 6:1, 9:5,	minor 10:10,	need 10:1, 25:3.
10:17, 12:4,	16:14, 18:18,	needs 7:10.
12:13, 13:3,	18:20.	nervous 6:24.
13:21, 16:15.	minute 10:1.	Nevada 1:7, 1:10,
lifetime 16:25.	minutes 10:13.	3:1, 3:5, 4:11,
limited 13:24.	misconduct	26:9.
listen 15:21.	19:16.	new 9:18, 14:17,
listened 12:21.	misinstructed	23:20.
lived 19:19.	21:19.	news 11:21.
lives 9:5.	missing 8:18,	night 8:21.
look 14:25, 16:2,	20:20.	No. 1:2, 1:3,
17:15, 19:10,	moment 5:13,	1:35, 12:3,
19:25.	18:3.	24:2, 24:3.
looked 7:24.	MONDAY 1:28,	note 4:5, 5:6,
looks 22:21.	3:1.	5:10.
lot 3:19, 13:16,	money 13:16.	noted 22:4.
20:10.	MONIQUE 2:5.	notes 8:15.
luxury 10:3.	monthly 13:15.	noticing 7:11.
Luzaich 21:13,	months 10:16,	Noting 4:11.
21:15.	12:21.	NRS 16:24, 17:2.
.	Morgan 7:15, 7:18,	number 5:2,
.	8:9, 8:12, 9:9,	17:4.
< M >.	12:4, 19:4,	.
MACARTHUR 2:6,	19:19, 20:4,	.
3:6, 3:15, 4:24,	20:22, 20:24.	< O >.
6:9, 6:11, 9:15,	motion 3:23, 4:14,	oath 11:11.
9:25, 10:3.	9:18, 9:20,	objections 26:13,
majority 10:9,	16:6, 17:24,	26:16.
10:10.	18:15, 18:17,	objective 15:9,
man 20:9, 20:13,	21:19.	22:3.
24:18.	move 4:22, 14:3.	obligated 3:6,
mandatory 6:1.	MS 3:7, 3:9, 3:16,	11:3.
marshal 16:5.	3:22, 3:25, 4:4,	obstruction 8:8.
matter 4:10, 4:23,	4:15, 5:23, 6:8,	obvious 8:21.
14:16, 17:9,	6:9, 6:11, 6:14,	Obviously 11:3,
17:25, 18:7.	17:24, 18:9,	17:18, 22:14,
matters 18:1.	18:22, 20:19,	22:17.
MCNEILL 2:5, 3:7,	20:20, 21:10,	occasions 7:9.
3:9, 3:16, 3:22,	21:12, 21:15,	occurred 23:8.
4:15, 6:9, 6:11,	25:2.	odd 11:14.
6:14, 17:24,	mundane 6:21.	offence 18:16,
18:9, 18:22,	murder 9:4.	22:18.
20:20, 21:10,	myself 4:20,	offender 16:23.
25:2.	10:4.	offenders 9:4.
media 12:2.	.	offered 20:21,
member 7:20.	.	21:7.
men 13:15.	< N >.	office 7:18.
Metropolitan	name 23:11.	Officers 8:16.
9:1.	nature 18:15.	official 8:14.

<p>One 5:10, 7:25, 9:24, 10:16, 10:23, 11:8, 11:18, 13:3, 14:14, 15:5, 15:6, 18:2, 22:14. one. 10:11. opinion 14:24, 24:7. opportunity 16:16, 17:8, 24:16. oppose 4:3. option 3:18, 5:14, 14:14. orally 4:2. order 6:5, 7:8, 7:13, 13:7, 14:19, 19:6, 20:25, 22:4, 22:20. originally 13:9. out-of-pocket 13:14. outcome 15:19, 22:10, 24:24. overlap 17:14. override 23:10. own 8:4, 8:17, 14:5, 14:11, 23:6. . . &lt; P &gt;. pace 7:3. Page 3:5. panel 7:21. parameters 5:16. parole 12:12, 16:16. passion 7:8. pay 13:8, 16:17, 16:19. payments 13:15. penalties 12:18. penalty 12:11. people 6:22, 7:19, 8:3, 9:2, 23:13. perceive 23:14.</p>	<p>perhaps 5:18, 17:25. person 11:15. personally 8:19. picked 11:7. pieced 11:1. pissed 9:2. place 26:12. Plaintiff 1:12. play 22:24. pleas 8:8. please 6:25. point 19:6, 24:10, 24:20. Police 7:18, 9:2. pornography 6:5, 8:13. possible 22:3. potential 17:16. pre-conviction 17:14. pre-date 18:25. prefer 9:20. prejudice 8:25. prejudiced 15:11. preliminary 11:2, 11:10, 19:5. prepared 6:16. present 3:21, 4:12, 4:24, 20:9, 23:3. previously 12:19, 23:2. Prior 18:25. prison 5:13, 16:16, 20:15. proceed 3:8, 3:17, 3:20, 5:1, 5:4. proceedings 13:5, 13:19, 23:4, 26:11, 26:13, 26:17. process 8:2, 17:12. prong 18:14. properly 18:3. provide 4:7,</p>	<p>23:20. provided 4:6, 9:11, 14:18, 14:21. purpose 17:22. purposes 9:23, 22:14, 22:16, 24:14. pursuant 16:24, 17:2. put 8:19, 13:4, 13:7, 21:18. . . &lt; Q &gt;. qualify 15:5. quality 18:15, 20:1, 20:3. question 17:7, 19:22. quickly 6:23. . . &lt; R &gt;. ran 8:10. rather 23:10. reached 7:25. read 6:23. reading 7:3, 16:12, 23:22, 24:7. ready 3:20, 5:1. real 12:3. real-life 12:4. really 3:13. reason 13:7, 14:23, 17:4, 22:13. reasonable 10:21. reasons 10:23, 11:23, 15:12, 17:22. receive 4:16. received 4:18. receiving 7:13. recognition 16:8. recognize 23:16, 23:18, 23:19.</p>
---	---	--

recognized 20:25.	requires 15:23, 17:19.	17:8.
recollection 8:17.	research 14:11.	sentenced 9:3, 16:15.
reconsider 9:17.	residents 7:16.	SENTENCING 1:15, 4:13, 5:1, 6:11, 9:16, 9:19, 10:6, 13:19, 14:13, 16:9.
record 4:5, 4:11, 23:24, 26:16.	respect 7:6.	serious 22:18.
recorded 26:14.	respected 24:25.	seriously 12:1.
regard 5:21, 11:8, 18:7.	response 4:1.	served 6:3, 12:20, 16:17, 17:5, 17:6.
regarding 12:22.	result 11:14, 14:21.	serving 17:7.
register 16:23.	results 22:9.	set 14:15, 16:13, 26:12.
regrets 15:13.	return 10:19, 17:17.	Setting 4:14, 5:13.
rehearsed 8:15.	returned 6:5.	several 7:9, 7:19.
related 10:22, 11:12, 24:4.	reversal 19:15, 22:10.	sex 10:22, 16:23, 18:18, 21:16.
relationship 20:22, 22:6, 24:5.	review 4:18, 17:23, 22:3.	sexual 8:11, 10:9, 11:16, 16:14.
release 13:12, 16:24, 17:1.	reviewed 5:10, 9:22.	shape 15:10.
relied 12:23, 13:12.	revisit 9:16, 15:2.	share 7:2, 7:7, 15:9, 24:4.
relief 14:22.	RHOADES 2:3.	Sharon 1:35, 26:27.
remain 9:8, 13:6, 24:17.	rid 8:7.	show 14:5.
remaining 17:9.	righteous 15:20.	side 11:20.
remains 12:5, 17:10.	risk 12:22, 18:11.	sides 11:16.
remanded 13:1, 13:11.	room 7:23.	simply 5:14.
remarks 14:5.	rug 9:12.	sincerest 5:3, 7:6.
remember 8:16, 13:9.	rules 13:12.	singled 8:25.
remind 6:2.	.	sister 7:15, 12:4, 19:19, 24:6.
repair 7:10.	.	situation 7:10, 17:14.
report 7:3.	< S >.	somehow 15:21.
REPORTED 1:35.	sacrosanct 14:24.	someone 7:24, 9:13, 22:17.
REPORTER 6:21, 26:3, 26:8.	satisfied 10:21.	somewhat 17:13.
REPORTER'S 1:13.	saying 7:22, 8:7, 8:10, 10:14.	soon 3:20.
request 3:11, 4:19, 6:4, 13:1, 23:20.	searching 7:18.	sort 15:20, 18:11.
requested 14:15.	seeking 5:11.	speaking 6:25.
require 24:8.	seem 6:21, 7:14.	speaks 20:10.
required 12:13.	sees 18:12.	special 16:25.
requirements 16:21, 23:4, 24:23.	send 4:17.	
	sense 23:13.	
	sent 4:15.	
	sentence 5:12, 5:17, 5:22, 5:25, 12:8, 12:13, 13:3, 13:21, 14:2, 16:25, 17:5,	

spoke 7:19, 12:2, 19:18.	supporting 5:16, 9:6.	15:13, 15:16.
STACEY 2:2.	Supreme 17:12, 20:2.	tool 8:9.
staff 4:16.	swept 9:11.	totally 7:11.
stake 22:10.	system 7:9, 7:11.	touched 17:25.
stand 21:5.	.	toward 17:5.
standards 4:20.	.	TRAN 1:1.
stands 21:9.	< T >.	transcribed 26:15.
stat 21:16.	talked 11:5.	TRANSCRIPT 1:13.
State 1:10, 2:2, 3:5, 4:8, 4:10, 5:20, 5:21, 6:5, 8:9, 11:12, 12:19, 13:1, 17:3, 21:14, 21:17, 21:25, 26:9.	targeted 9:1.	transfer 20:12.
statements 13:22.	tart 5:20.	transferred 24:18.
status 18:8.	tend 6:23.	trial 5:25, 7:14, 8:6, 8:8, 8:22, 9:18, 11:1, 11:13, 14:17, 18:19, 18:23, 21:6, 22:2, 23:17, 23:20.
statute 10:7.	term 5:13, 16:15, 16:20, 17:1, 22:19, 23:10.	trigger 24:7.
stay 24:23.	terms 5:17, 18:1, 23:9.	trouble 24:23.
stenographically 26:14.	testified 11:2, 11:4.	true 26:16.
step 16:5.	testify 8:20, 11:4, 11:15.	truly 8:24, 15:16.
stolen 8:19.	testimony 8:16, 9:9, 11:14, 19:5, 20:24, 26:12, 26:16.	trust 5:15, 9:15.
stop 8:8, 8:16.	text 3:10.	try 23:23.
strength 18:15, 19:10, 19:25, 20:3, 20:23.	thereafter 26:14.	trying 19:20.
strikes 11:14.	therein 26:12.	turn 11:22.
strong 9:8.	though 10:23, 11:7, 22:14, 22:24.	.
structural 19:12.	thoughtful 23:21.	.
stumbles 10:15.	threats 8:8.	< U >.
subject 16:25, 18:5.	thrives 22:2.	ultimate 18:4.
submitted 5:8, 17:24.	Thursday 7:13.	Ultimately 21:21, 24:24.
subpoena 19:21.	tied 4:25.	unaware 8:24.
substantial 22:4, 22:18.	today 4:12, 4:18, 5:4, 6:4, 6:10, 13:10, 14:14, 15:20, 16:7, 16:13, 17:6, 17:18, 18:12, 22:13, 23:13, 25:4.	uncertainty 15:14.
successful 21:8.	together 11:1.	uncommon 13:2.
sufficient 14:19.	took 8:15, 15:12,	underage 8:12.
supervision 17:1.		undersigned 26:8.
support 4:6, 5:7, 14:8, 22:8, 23:14.		understand 4:24, 7:2, 7:14, 9:25, 10:25, 13:20, 15:24, 15:25, 17:24, 22:25, 24:21.
		understandable 6:20.

understanding 14:5, 16:12. unexpected 10:12. Unfortunately 11:25. unprepared 7:11. until 8:20. unusual 11:21. using 23:9, 23:10, 23:11. . . < V >. various 11:23. vast 10:9, 10:10. Vegas 3:1, 9:1. vehicle 8:19. verdict 7:23, 8:21, 9:17, 10:20, 11:18, 14:15, 14:16, 16:11, 22:8, 24:4. version 20:4. vetted 23:1. victim 8:10, 11:1, 22:7, 23:8, 23:15, 24:6. view 22:1. violated 8:2, 13:11. violent 9:4. volition 23:6. vs 1:15, 3:5, 4:11. . . < W >. wait 22:11. waited 7:24. waiting 10:17. walking 19:20. wanted 7:23, 8:22. wanting 14:9. wants 3:10, 6:14, 22:1. warranted 15:19.	watched 8:19. weeks 8:23. weigh 15:16. whatever 20:11, 24:24. Whether 9:22, 11:15, 17:8, 17:19, 18:3, 21:2, 22:9, 22:15, 22:23, 23:2, 23:5, 23:6, 24:11, 24:13. whoever 19:18. will 3:25, 4:18, 4:21, 6:12, 9:13, 9:16, 9:18, 10:11, 12:6, 13:5, 13:21, 15:6, 16:15, 16:17, 17:5, 17:7, 17:8, 17:24, 20:11, 21:5, 21:8, 22:1, 22:11, 22:12, 23:3, 23:23, 24:17, 24:22, 24:23, 24:25. wisdom 12:10. wish 9:10, 9:19. wishes 6:10. within 16:23, 22:21. without 3:8, 21:2. witness 8:11, 8:15, 11:8, 11:12. witnesses 8:6, 11:8. word 20:23. words 8:4, 10:15. working 24:21. write 6:22. written 4:1. . . < Y >.	year 12:22. years 12:11, 16:14, 16:16, 18:13. . . < Z >. zero 24:2.
--	--	--

ORIGINAL

Electronically Filed  
7/5/2018 11:52 AM  
Steven D. Grierson  
CLERK OF THE COURT

*Steven D. Grierson*

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

JOSHUA RAY HONEA,  
#3060176

Defendant.

CASE NO: C-15-309548-1

DEPT NO: XXV

**JUDGMENT OF CONVICTION  
(JURY TRIAL)**

As Defendant previously entered a plea of not guilty to the crimes of **SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 - NOC 50105), SEXUAL ASSAULT WITH A MINOR UNDER SIXTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 - NOC 50106), FIRST DEGREE KIDNAPPING (Category A Felony - NRS 200.310, 200.320 - NOC 50053), LEWDNESS WITH A MINOR UNDER FOURTEEN YEARS OF AGE (CATEGORY A Felony - NRS 201.230 - NOC 50975), USE OF MINOR IN PRODUCING PORNOGRAPHY (Category A Felony - NRS 200.700, 200.710.1, 200.750 - NOC 50367), LURING CHILDREN OR MENTALLY ILL PERSONS WITH THE INTENT TO ENGAGE IN SEXUAL CONDUCT (Category B Felony - NRS 201.560 - NOC 51081),**

//

//

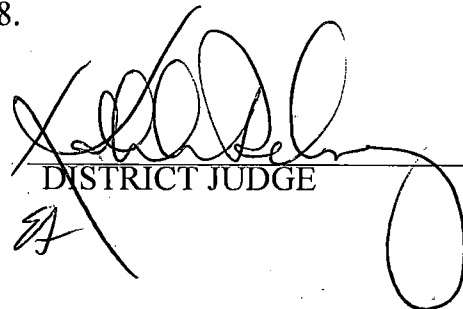
1 and the matter having been tried before a jury, and the Defendant being represented by counsel  
2 and having been found guilty of the crime of **COUNT 39 - SEXUAL ASSAULT WITH A**  
3 **MINOR UNDER SIXTEEN YEARS OF AGE (Category A Felony - NRS 200.364,**  
4 **200.366 - NOC 50106)**; and thereafter on the 21ST day of MAY, 2018, the Defendant was  
5 present in Court for sentencing with counsel, JONATHAN MACARTHUR, ESQ., and good  
6 cause appearing therefor,

7 **DEFENDANT HEREBY ADJUDGED GUILTY** of the crime as set forth in the  
8 Jury's verdict, and in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA  
9 Analysis fee including testing to determine genetic markers, and \$3.00 DNA Collection fee,  
10 Deft. SENTENCED to a TERM of LIFE in the Nevada Department of Corrections (NDC),  
11 with the opportunity of parole AFTER a MINIMUM TERM of TWENTY-FIVE (25) YEARS  
12 SERVED, with SIX HUNDRED NINETY-TWO (692) DAYS credit for time served.

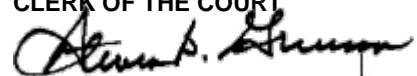
13 **COURT FURTHER ORDERED**, a special SENTENCE OF LIFETIME  
14 SUPERVISION is imposed to commence upon release from any term of probation, parole or  
15 imprisonment pursuant to NRS 176.0931; Deft. to register as a sex offender in accordance  
16 with NRS 179D.460 within 48 hours of release from custody or imprisonment.

17 With regard to Deft's. Motion for Setting of Appeal Bail, COURT STATED ITS  
18 FINDINGS, and **FURTHER ORDERED**, Deft's. Motion GRANTED, and the Appeal Bail  
19 SET at \$100,000.00; Deft. to is to transfer his bail from the Bondsman to an Appeal Bail. Deft.  
20 is to stay out of trouble and comply with any bail requirements.

21 DATED this 29<sup>th</sup> day of June, 2018.

22  
23   
24 DISTRICT JUDGE  
25  
26  
27  
28

hjc/SVU



1 **ORD**  
2 **JONATHAN E. MACARTHUR, ESQ.**  
3 Nevada Bar No. 007072  
4 **JONATHAN E. MACARTHUR, LLC.**  
5 P.O. Box 7559  
6 Las Vegas, Nevada 89125  
7 Phone: (702) 868-2724  
8 Fax: (702) 385-2734  
9 Email: Jempe\_law@embarqmail.com  
10 Counsel for JOSHUA RAY HONEA

7 **DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

10 THE STATE OF NEVADA,

11 Plaintiff,

12 vs.

13 JOSHUA RAY HONEA,  
14 #3060176

15 Defendant.

**CASE NO: C-15-309548-1**

**DEPT. NO: XXV**

**DATE:** \_\_\_\_\_

**TIME:** \_\_\_\_\_

16 **ORDER DECLARING DEFENDANT INDIGENT AND ALLOWING LEAVE TO**  
17 **PROCEED IN FORMA PAUPERIS**

18 Pursuant to the Ex Parte Petition for Approval of Payment of Specific Categories of  
19 Ancillary Costs presented by the defendant herein, and good cause appearing therefore,

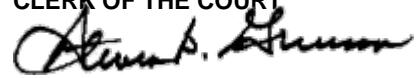
20 IT IS HEREBY ORDERED that the Defendant be allowed to proceed In Forma Pauperis,  
21 with the State of Nevada responsible for the filing fees for the Notice of Appeal and for the costs  
22 of the transcripts necessary for the preparation of the appeal brief and appendix, in the appellate  
23 proceedings of the above-named Defendant.

24 Submitted this 30<sup>th</sup> day of July, 2018.

25   
26 HONORABLE JUDGE KATHLEEN DELANY  
27 DISTRICT COURT DEPT. XXV

28 Jonathan E. MacArthur, Esq.  
Bar #7072





NOASC  
**JONATHAN MACARTHUR, ESQ.**  
Nevada Bar No. 007072  
P.O. Box 7559  
Las Vegas, Nevada 89125  
Phone: (702) 868-2724  
Fax: (702) 385-2734  
Email: JEMPC\_Law@embarqmail.com  
Counsel for JOSHUA HONEA

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

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	<b>CASE NO: C-15-309548-1</b>
	)	
JOSHUA HONEA,	)	<b>DEPT. NO: XXV</b>
#3060176	)	
	)	DATE: _____
Defendant.	)	
_____	)	TIME: _____

**NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN that Defendant, Joshua Honea, appeals to the Supreme Court of Nevada from the judgment entered against said Defendant on July 5, 2018, whereby he was convicted of Sexual Assault of a Child Under the Age of 16.

DATED this 2nd Day of August, 2018.

By: /s/Jonathan E. MacArthur, Esq.  
**JONATHAN MacARTHUR, ESQ.**  
Nevada Bar No. 007072  
P.O. Box 7559  
Las Vegas, Nevada 89125  
Phone: (702) 868-2724  
Fax: (702) 385-2734

## **CERTIFICATE OF SERVICE**

**IT IS HEREBY CERTIFIED** by the undersigned that on 2nd day of August, 2018, I served a true and correct copy of the foregoing **Notice of Appeal** on the parties listed on the attached service list via one or more of the methods of service described below as indicated next to the name of the served individual or entity by a checked box:

**VIA U.S. MAIL:** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada.

**VIA FACSIMILE:** by transmitting to a facsimile machine maintained by the attorney or the party who has filed a written consent for such manner of service.

**BY PERSONAL SERVICE:** by personally hand-delivering or causing to be hand delivered by such designated individual whose particular duties include delivery of such on behalf of the firm, addressed to the individual(s) listed, signed by such individual or his/her representative accepting on his/her behalf. A receipt of copy signed and dated by such an individual confirming delivery of the document will be maintained with the document and is attached.

**BY E-MAIL:** by transmitting a copy of the document in the format to be used for attachments to the electronic-mail address designated by the attorney or the party who has filed a written consent for such manner of service.

DATED this 2<sup>nd</sup> Day of August, 2018.

By: /s/Monique A. McNeill, Esq.

**SERVICE LIST**

ATTORNEYS OF RECORD	PARTIES REPRESENTED	METHOD OF SERVICE
CLARK COUNTY DISTRICT ATTORNEY'S OFFICE 200 E. Lewis Ave Las Vegas, NV 89101  pdmotions@clarkcountyda.com	State of Nevada	<input type="checkbox"/> Personal service <input checked="" type="checkbox"/> Email service <input type="checkbox"/> Fax service <input type="checkbox"/> Mail service