



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

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Jan 23 2020 07:06 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

January 23, 2020

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: STATE OF NEVADA vs. JOSHUA RAY HONEA
S.C. CASE: 76621
D.C. CASE: C-15-309548-1

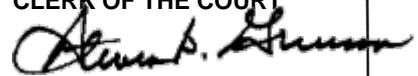
Dear Ms. Brown:

Pursuant to your Order of Limited Remand, dated September 27, 2019 and Order, dated January 8, 2020, enclosed is a certified copy of the Amended Order Denying Motion for Acquittal or, in the Alternative, Motion for New Trial filed January 22, 2020 in the above referenced case. If you have any questions regarding this matter, please do not hesitate to contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, appearing to read "Heather Ungermann", with a long horizontal flourish extending to the right.

Heather Ungermann, Deputy Clerk



1 AMOR

2 DISTRICT COURT

3 CLARK COUNTY, NEVADA

4 THE STATE OF NEVADA,)

5 Plaintiff,)

Case No.: C-15-309548-1

Dept. No.: XXV

6 vs.)

7 JOSHUA RAY HONEA,)
8 #3060176,)

9 Defendant.)
10

11 **AMENDED ORDER DENYING MOTION FOR ACQUITTAL OR,**
12 **IN THE ALTERNATIVE, MOTION FOR NEW TRIAL**

13 Defendant, Joshua Ray Honea ("Mr. Honea"), by and through his counsel of
14 record, Jonathan E. MacArthur, Esq. and Monique A. McNeill, Esq. having filed a Motion
15 for Acquittal or, in the Alternative, Motion for New Trial ("Motion") on December 28,
16 2017; the State of Nevada having filed an Opposition thereto on January 9, 2018 by and to
17 Strike the Notice of Appeal filed by Appellant, State of Nevada, by and through its counsel
18 of record, Stacey L. Kollins, Chief Deputy District Attorney; the Court having reviewed the
19 pleadings and heard argument of counsel at the January 10, 2018 hearing of this matter; the
20 Court having further conducted an evidentiary hearing on November 21, 2019 upon an
21 Order of Limited Remand by the Nevada Supreme Court entered on September 27, 2019;
22 the Court having heard and fully considered oral argument and witness testimony at the
23 time of the evidentiary; and having reviewed the pleadings and papers on file herein; and
24 good cause appearing:
25

26 The Court determination to deny Mr. Honea the requested relief of acquittal or, in
27 the alternative a new trial, remains unchanged following the evidentiary hearing conducted
28

KATHLEEN E. DELANEY
DISTRICT JUDGE
DEPARTMENT XXV

1 on November 21, 2020.¹ Defendant's complaints of juror misconduct remain substantially
2 unchanged. The complaints still consist of one purported extrinsic influence of a juror's
3 review of a media report on the trial, and otherwise intrinsic influences that do not rise to
4 the level necessary to impeach a verdict. Taking first the purported extrinsic influence
5 occasioned by Juror 1 accessing a media report on the trial published on November 30,
6 2017, the media report in question was merely a factual accounting of what had occurred at
7 trial on a specific day. *See Exhibit 1* to the Evidentiary Hearing. This report, consisting
8 primarily of objective factual statements and commentary by Mr. MacArthur, counsel for
9 the Mr. Honea, could in no way be viewed as prejudicial to the Defendant. *See Meyer v.*
10 *State*, 119 Nev. 554, 563, 80 P.3d 447, 455 (2003) (citations omitted) (burden of proof
11 requires showing juror misconduct was prejudicial).

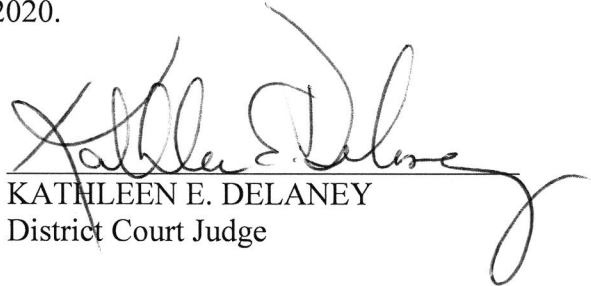
14 Turning next to the purported intrinsic influences, this Court admittedly
15 proceeded with the evidentiary hearing with some trepidation, in light of the necessity of
16 eliciting statements concerning matters occurring during deliberations or calling into
17 question the reasons upon which the verdict was based. *See, generally, Meyer v. State*, 119
18 Nev. at 562, 80 P.3d at 454 (2003) (holding intrinsic influences generally inadmissible to
19 impeach a verdict). In the end, however, each juror who testified at the evidentiary
20 hearing, in their own words, clearly stated that their verdict was not ultimately the product
21
22

24 ¹ As the Order of Limited Remand concerned only the issue of juror misconduct, this
25 Court incorporates by reference the findings in its prior Order entered May 17, 2018,
26 including but not limited to findings that: (1) Mr. Honea's request for acquittal based on
27 alternative arguments of consent of the victim or the purported insufficiency of evidence of
28 sexual penetration fail as a matter of law and fact; and (2) Defendant's request for a new
trial based upon a conflict in the evidence also fails, where the Court found the evidence
presented at trial sufficient to sustain the conviction, and although M.S.'s trial recant
contests this evidence to a material degree, the Court's independent evaluation of the
totality of the evidence was in accord with the jury's verdict.

1 of either extrinsic or intrinsic influences, but was instead, as instructed, a product of each
2 juror's sincere judgment and sound discretion based on the evidence as they understood it.

3
4 Accordingly, IT IS HEREBY ORDERED that Defendant's Motion for Acquittal
5 or, in the Alternative, Motion for New Trial is DENIED.

6 Dated this 22nd day of January, 2020.

7
8 
9 KATHLEEN E. DELANEY
10 District Court Judge

11
12 **CERTIFICATE OF SERVICE**

13 I hereby certify that on or about the date filed, the foregoing **AMENDED ORDER**
14 **DENYING MOTION FOR ACQUITTAL OR, IN THE ALTERNATIVE, MOTION**
15 **FOR NEW TRIAL** was E-Served, mailed or a copy was placed in the attorney's folder in
16 the Clerk's Office or mailed to the proper person as follows:

17 Jonathan E. MacArthur, Esq.
18 (jempc_law@embarqmail.com)

19 Monique A. McNeill, Esq.
20 (monique.mcneill@yahoo.com)

21 Stacey L. Kollins, Chief Deputy District Attorney
22 (stacey.kollins@clarkcountydacounty.com)

23
24 
25 Marwanda Knight
26 Judicial Executive Assistant

27
28
KATHLEEN E. DELANEY
DISTRICT JUDGE
DEPARTMENT XXV



Clerk of the Courts
Steven D. Grierson

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(702) 671-4554

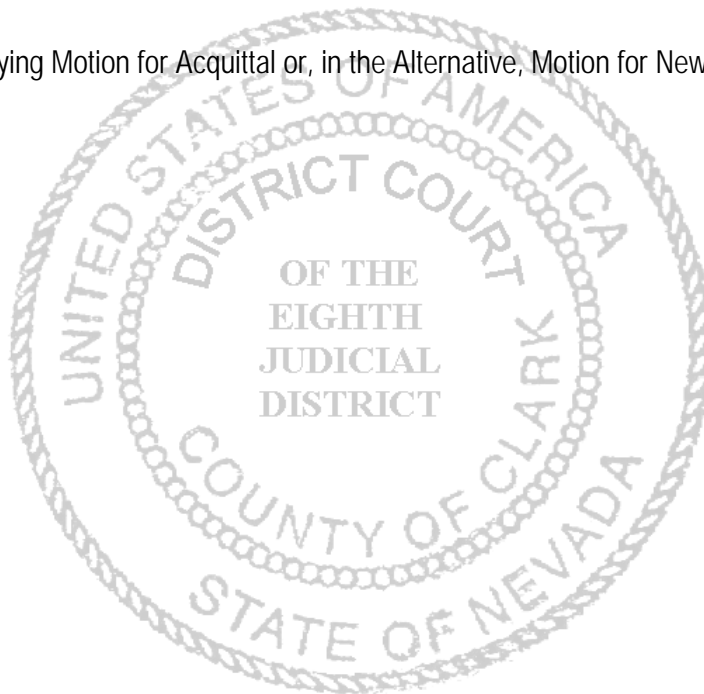
January 23, 2020

Case No.: C-15-309548-1

CERTIFICATION OF COPY

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

Amended Order Denying Motion for Acquittal or, in the Alternative, Motion for New Trial filed 01/22/2020



now on file and of

In witness whereof, I have hereunto set my hand and affixed the seal of the Eighth Judicial District Court at my office, Las Vegas, Nevada, at 7:00 AM on January 23, 2020.


STEVEN D. GRIERSON, CLERK OF THE COURT