

CLERK OF THE COURT

Electronically Filed
Jun 28 2016 03:45 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

1 NOASC
2 MATTHEW D. CARLING, ESQ.
3 Nevada Bar No.: 007302
4 1100 S. Tenth Street
5 Las Vegas, NV 89101
6 (702) 419-7330 (Office)
7 (702) 446-8065 (Fax)
8 CedarLegal@gmail.com
9 *Attorneys for Petitioner,*
10 LAMAR A. HARRIS

11
12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 * * * * *

15 STATE OF NEVADA,

Plaintiff,

vs.

LAMAR A. HARRIS,

Defendant.

Case No.: C274370

Dept. No.: V

16
17 **NOTICE OF APPEAL**

18
19 TO: THE STATE OF NEVADA

20 STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY, NEVADA and
21 DEPARTMENT 5 OF THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE
22 OF NEVADA, IN AND FOR THE COUNTY OF CLARK.

23
24 NOTICE is hereby given that LAMAR A. HARRIS, presently incarcerated at the
25 Southern Desert Correctional Center, appeals to the Supreme Court of the State of Nevada from
26 the

27 ///

28 ///

29 ///

1 an Order dismissing his Petition for a Writ of Habeas Corpus (Post-Conviction) entered on or
2 about June 6, 2016.

3 DATED this 6th day of June, 2016.

4
5 CARLING LAW OFFICE, PC

6
7 /s/ Matthew D. Carling

8 MATTHEW D. CARLING, ESQ.

9 Nevada Bar No.: 007302

10 1100 S. Tenth Street

11 Las Vegas, NV 89101

12 (702) 419-7330 (Office)

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14 CedarLegal@gmail.com

15 *Attorneys for Petitioner,*

16 LAMAR A. HARRIS
17


CLERK OF THE COURT

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MATTHEW D. CARLING, ESQ.
Nevada Bar No.: 007302
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Las Vegas, NV 89101
(702) 419-7330 (Office)
(702) 446-8065 (Fax)
CedarLegal@gmail.com
Attorneys for Petitioner,

**CASE APPEAL STATEMENT
(NRAP 3(d)(4))**

1. Name of appellant filing this case appeal statement:

Lamar A. Harris

2. Identify the judge issuing the decision, judgment, or order appealed from:

Judge Carolyn Ellsworth

3. Identify all parties to the proceedings in the district court:

Lamar A. Harris

The State of Nevada

4. Identify all parties involved in this appeal:

Lamar A. Harris

The State of Nevada

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

MATTHEW D. CARLING
1100 S. Tenth Street
Las Vegas, NV 89101
(702) 419-7330

PETER I. THUNELL
Deputy District Attorney
P.O. Box 552212
Las Vegas, NV 89101-2212

Counsel for Appellant,
Lamar A. Harris

Counsel for Appellee,
State of Nevada

6. Indicate whether appellant was represented by appointed or retained counsel in the district court: Appointed
7. Indicate whether appellant is represented by appointed or retained counsel on appeal: Appointed
8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: N/A
9. Indicate the date the proceedings commenced in the district court:
Information filed June 24, 2011.

Dated this 21st day of June, 2016.

CARLING LAW OFFICE, PC

/s/ Matthew D. Carling
MATTHEW D. CARLING, ESQ.
Nevada Bar No.: 007302
Court-Appointed Attorney for Defendant,
LAMAR A. HARRIS


CLERK OF THE COURT

REQT
MATTHEW D. CARLING, ESQ.
Nevada Bar No.: 007302
1100 S. Tenth Street
Las Vegas, NV 89101
(702) 419-7330 (Office)
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CedarLegal@gmail.com
Attorneys for Petitioner.
LAMAR HARRIS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

* * * * *

STATE OF NEVADA,

Plaintiff,

Case No. C-11-274370-1

Dept. No. V

-vs-

LAMAR HARRIS,

Defendant.

TO: COURT REPORTER – DEPARTMENT NO. 5

LAMAR HARRIS, Defendant named above, requests preparation of a rough draft transcript of certain portions of the proceedings before the district court, as follows:

DATE	JUDGE	PORTION	ORIGINAL PLUS ¹
12/8/15	Ellsworth, Carolyn	All	2

This notice requests a transcript of only those portions of the District Court proceedings which counsel reasonably and in good faith believes are necessary to determine whether appellate issues are present. Voir dire examination of jurors, opening statements and closing

¹ Original Rough Draft to be filed with the District Court, two certified copies to be served on Mr. Carling, and original certificate of service to be filed with the Nevada Supreme Court. NRAP 3C(3)(E).

1 arguments of trial counsel, and the reading of jury instructions shall not be transcribed unless
2 specifically requested above.

3 I recognize that I must personally serve a copy of this form on the above named court
4 reporter and opposing counsel, and that the above named court reporter shall have twenty (20)
5 days from the receipt of this notice to prepare and submit to the district court the transcript
6 requested herein. I further certify that the defendant is indigent and therefore exempt from
7 paying a deposit.

8 DATED this 22nd day of June, 2016.

9
10 CARLING LAW OFFICE, PC

11 /s/ Matthew D. Carling

12 MATTHEW D. CARLING, ESQ.

13 Nevada Bar No.: 007302

14 *Court-Appointed Attorney for Defendant,*

15 LAMAR HARRIS
16
17

18 **CERTIFICATE OF SERVICE**
19

20 I hereby certify that, on this 22nd day of June, 2016, I sent a true and correct copy of the
21 above REQUEST FOR ROUGH DRAFT TRANSCRIPTS OF DISTRICT COURT
22 PROCEEDINGS to the following parties:

23 Steven B. Wolfson, Esq.
24 Clark County District Attorney
25 Post Conviction Unit
26 Jennifer.Garcia@clarkcountynyda.com
27

28 CARLING LAW OFFICE, PC

29
30 /s/ Matthew D. Carling

31 MATTHEW D. CARLING, ESQ.

32 *Court-Appointed Attorney for Defendant,*

33 LAMAR HARRIS

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0

Court Reporter	Lamar Harris (#71088)
Dept. 5	Southern Desert Corrections Center
200 Lewis Avenue	P.O. Box 208
Las Vegas, Nevada 89155	Indian Springs, Nevada 89070

s/ Matthew D. Carling
MATTHEW D. CARLING, ESQ.
Court-Appointed Attorney for Defendant.
LAMAR HARRIS

DEPARTMENT 5
CASE SUMMARY
CASE NO. C-11-274370-1

State of Nevada
vs
Lamar Harris

§ Location: Department 5
§ Judicial Officer: Ellsworth, Carolyn
§ Filed on: 06/24/2011
§ Case Number History:
§ Cross-Reference Case Number: C274370
§ Defendant's Scope ID #: 1589576
§ 844955
§ 1181875
§ ITAG Booking Number: 1100029992
§ ITAG Case ID: 1256982
§ Lower Court Case # Root: 11F07785
§ Lower Court Case Number: 11F07785X
§ Supreme Court No.: 59817

CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. ATT. MURDER WITH A DEADLY WEAPON	F	04/25/2011		
2. BATTERY WDW W/SUBSTANTIAL BODILY HARM	F	04/25/2011	Case Flags:	Appealed to Supreme Court Custody Status - Nevada Department of Corrections

Statistical Closures

07/05/2012 Jury Trial - Conviction - Criminal

Warrants

Material Witness Warrant - Kasper, Tamara (Judicial Officer: Glass, Jackie)

08/31/2011 4:44 PM Returned - Served

08/31/2011 11:31 AM Active

Fine: \$0

Bond: \$0

Arrest Warrant - Thomas, Michael (Judicial Officer: Glass, Jackie)

08/29/2011 4:46 PM Returned - Served

08/26/2011 8:15 AM Active

Fine: \$0

Bond: \$0

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	C-11-274370-1
Court	Department 5
Date Assigned	10/15/2011
Judicial Officer	Ellsworth, Carolyn

PARTY INFORMATION

		<i>Lead Attorneys</i>
Defendant	Harris, Lamar Antwan	Carling, Matthew D. <i>Retained</i> 702-419-7330(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)















DATE

EVENTS & ORDERS OF THE COURT

INDEX




06/23/2011	Bail Set \$90,000.
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DEPARTMENT 5
CASE SUMMARY
CASE NO. C-11-274370-1

06/24/2011	 Information <i>Information</i>
06/24/2011	 Criminal Bindover
06/24/2011	Case Reassigned to Department 5 <i>Case reassigned from Judge Kenneth Cory</i>
06/30/2011	 Initial Arraignment (9:00 AM) (Judicial Officer: De La Garza, Melisa)
07/11/2011	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses and/or Expert Witnesses</i>
07/14/2011	 Order to Release Medical Records Filed By: Plaintiff State of Nevada <i>Order Releasing Medical Records</i>
07/14/2011	 Ex Parte Motion Filed By: Plaintiff State of Nevada <i>Ex Parte Motion for Release of Medical Records</i>
07/18/2011	 Request (9:00 AM) (Judicial Officer: Bonaventure, Joseph T.) <i>DA Setting Slip - Status Check Trial Setting</i>
07/20/2011	CANCELED Calendar Call (9:00 AM) (Judicial Officer: Glass, Jackie) <i>Vacated - per Judge</i> <i>Reset</i>
07/25/2011	CANCELED Jury Trial (1:30 PM) (Judicial Officer: Glass, Jackie) <i>Vacated</i> <i>Reset</i>
07/27/2011	 Reporters Transcript Filed By: Plaintiff State of Nevada <i>Transcript of Preliminary Hearing Taken on Wednesday June 22, 2011</i>
08/15/2011	 Notice of Witnesses and/or Expert Witnesses <i>Supplemental Notice of Expert Witnesses [NRS 174.234]</i>
08/15/2011	 Notice of Expert Witnesses Filed By: Defendant Harris, Lamar Antwan <i>Notice Of Expert Witnesses</i>
08/19/2011	 Motion <i>Notice of Motion and Motion to Admit Prior Testimony</i>
08/22/2011	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses and/or Notice of Rebuttal Expert Witness</i>
08/22/2011	 Notice of Witnesses Party: Defendant Harris, Lamar Antwan
08/24/2011	 Calendar Call (9:00 AM) (Judicial Officer: Gates, Lee A.)

DEPARTMENT 5
CASE SUMMARY
CASE NO. C-11-274370-1

Calendar Call - Set By Court - Must Go To Trial By 8/29/11-Overflow Eligible

08/25/2011	 Opposition to Motion Filed By: Defendant Harris, Lamar Antwan <i>Defendant's Opposition to State's Motion to Admit Prior Testimony</i>
08/26/2011	 Ex Parte Filed By: Plaintiff State of Nevada <i>Ex Parte Application For Order Requiring Material Witness to Post Bail</i>
08/26/2011	 Order Filed By: Plaintiff State of Nevada <i>Order Requiring material Witness To Post Bail Or Be Committed To Custody</i>
08/26/2011	 Warrant Filed by: Plaintiff State of Nevada <i>Warrant Of Arrest</i>
08/29/2011	 Motion (9:00 AM) (Judicial Officer: Bonaventure, Joseph) 08/29/2011-08/30/2011 <i>Notice of Motion and Motion to Admit Prior Testimony</i>
08/29/2011	 Bench Warrant Return
08/29/2011	 Warrant <i>Warrant of Arrest</i>
08/29/2011	 Ex Parte <i>Ex Parte Application for Order Requiring Material Witness to Post Bail</i>
08/29/2011	 Order <i>Order Requiring Material Witness to Post Bail or be Committed to Custody</i>
08/30/2011	 Jury Trial (1:00 PM) (Judicial Officer: Brennan, James) 08/30/2011-09/02/2011
08/30/2011	 Bench Warrant Return
08/30/2011	 Jury List
08/31/2011	 Hearing (9:00 AM) (Judicial Officer: Bonaventure, Joseph) <i>Hearing at the State's Request: Michael Thomas - material witness bench warrant return.</i>
09/01/2011	CANCELED Jury Trial (9:15 AM) (Judicial Officer: Glass, Jackie) <i>Vacated - On in Error</i>
09/01/2011	 Instructions to the Jury <i>Instructions to the Jury (Instruction No. 1) Members of the Jury</i>
09/01/2011	 Proposed Jury Instructions Not Used At Trial
09/02/2011	CANCELED Jury Trial (8:15 AM) (Judicial Officer: Glass, Jackie) <i>Vacated - On In Error</i>

DEPARTMENT 5
CASE SUMMARY
CASE NO. C-11-274370-1


09/02/2011  Amended Jury List

09/02/2011  Verdict

09/02/2011 **Plea** (Judicial Officer: Ellsworth, Carolyn)
1. ATT. MURDER WITH A DEADLY WEAPON
Not Guilty
PCN: Sequence:

2. BATTERY WDW W/SUBSTANTIAL BODILY HARM
Not Guilty
PCN: Sequence:

09/07/2011 **Bench Warrant Return** (9:00 AM) (Judicial Officer: Bonaventure, Joseph T.)
Events: 08/29/2011 Bench Warrant Return


11/07/2011  **Sentencing** (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)
11/07/2011, 11/21/2011


11/21/2011 **Disposition** (Judicial Officer: Ellsworth, Carolyn)
1. ATT. MURDER WITH A DEADLY WEAPON
Not Guilty
PCN: Sequence:


2. BATTERY WDW W/SUBSTANTIAL BODILY HARM
Guilty
PCN: Sequence:

11/21/2011 **Sentence** (Judicial Officer: Ellsworth, Carolyn)
2. BATTERY WDW W/SUBSTANTIAL BODILY HARM
Adult Adjudication
Sentenced to Nevada Dept. of Corrections
Term: Minimum: 70 Months, Maximum: 175 Months
Credit for Time Served: 182 Days
Fee Totals:
Administrative Assessment Fee 25.00
\$25
DNA Analysis Fee 150.00
\$150
Fee Totals \$ 175.00

12/02/2011  Judgment of Conviction
















12/08/2011  Notice of Appeal (criminal)
Party: Defendant Harris, Lamar Antwan

12/08/2011  Substitution of Attorney
Filed by: Defendant Harris, Lamar Antwan















12/28/2011  Affidavit
Affidavit Of Financial Condition

12/28/2011  Ex Parte Motion

DEPARTMENT 5
CASE SUMMARY
CASE NO. C-11-274370-1

	Filed By: Defendant Harris, Lamar Antwan <i>Ex Parte Motion for Authorization of Payment of Fees for Trial Transcript</i>
01/19/2012	 Request Filed by: Defendant Harris, Lamar Antwan <i>Request for Rough Draft Transcript</i>
03/20/2012	 Ex Parte Order <i>Ex Parte Order Granting Payment of Fees for Trial Transcripts</i>
04/16/2012	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript of Proceedings Trial - Day 1 - August 30, 2011</i>
04/16/2012	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript of Proceedings Jury Trial - Day 2 - August 31, 2011</i>
04/16/2012	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript of Proceedings Jury Trial - Day 3 - September 1, 2011</i>
04/16/2012	 Transcript of Proceedings Party: Plaintiff State of Nevada <i>Transcript of Proceedings Jury Trial - Day 4 - September 2, 2011</i>
07/05/2012	 Criminal Order to Statistically Close Case Filed By: Plaintiff State of Nevada
01/15/2013	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>
01/30/2015	 Motion <i>Motion to Withdraw Counsel</i>
02/23/2015	 Motion (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) <i>Deft's Pro Per Motion to Withdraw Counsel</i>
03/11/2015	 Petition for Writ of Habeas Corpus Filed by: Defendant Harris, Lamar Antwan
03/11/2015	 Ex Parte Motion Filed By: Defendant Harris, Lamar Antwan <i>Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing</i>
03/11/2015	 Memorandum of Points and Authorities Filed By: Defendant Harris, Lamar Antwan <i>Memorandum of Points and Authorities In Support of Writ of Habeas Corpus/ Post Conviction</i>
03/19/2015	 Notice of Hearing <i>Notice of Hearing</i>
03/19/2015	 Order for Petition for Writ of Habeas Corpus

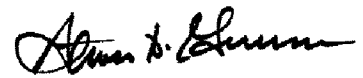
DEPARTMENT 5
CASE SUMMARY
CASE NO. C-11-274370-1

04/14/2015	 Order <i>Order Granting Defendant's Pro Per Motion To Withdraw Counsel and Order Denying Defendant's Pro Per Motion To Produce File</i>
05/08/2015	 Response <i>State's Response to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction) and Motion for Appointment of Counsel and Request for Evidentiary Hearing</i>
05/13/2015	Petition for Writ of Habeas Corpus (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)
05/13/2015	Motion (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) <i>Ex Parte Motion for Appointment of Counsel and Request of Evidentiary Hearing</i>
05/13/2015	 All Pending Motions (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) <i>All Pending Motions: 5/13/15</i>
05/20/2015	 Confirmation of Counsel (9:00 AM) (Judicial Officer: Ellsworth, Carolyn)
06/26/2015	 Order <i>Order Of Appointment</i>
07/27/2015	 Supplemental <i>Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)</i>
08/12/2015	 Response <i>State's Response to Defendant's Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)</i>
09/09/2015	 Reply <i>Petitioner's Reply on Supplemental Petition for Writ of Habeas Corpus (Post-Conviction)</i>
09/16/2015	 Hearing (9:00 AM) (Judicial Officer: Thompson, Charles) <i>Hearing: Time Bar on Writ</i>
09/17/2015	 Request <i>Request for Rough Draft Transcripts</i>
09/19/2015	 Motion <i>Notice of Motion and Motion for Reconsideration of Denial of Petition for Writ of Habeas Corpus (Post-Conviction)</i>
09/30/2015	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceedings: Hearing: Time Bar on Writ, heard September 16, 2016</i>
10/02/2015	 Response <i>State's Response to Defendant's Motion for Reconsideration of Denial of His Post-Conviction Petition for Writ of Habeas Corpus</i>
10/12/2015	 Reply <i>Reply to State's Response Motion for Reconsideration of Denial of Petition for Writ of Habeas Corpus (Post-Conviction)</i>

DEPARTMENT 5
CASE SUMMARY
CASE NO. C-11-274370-1

10/14/2015	 Motion to Reconsider (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) <i>Defendant's Motion for Reconsideration of Denial of Petition for Writ of Habeas Corpus (Post-Conviction)</i>
10/26/2015	 Status Check (9:00 AM) (Judicial Officer: Ellsworth, Carolyn) <i>Status Check: Hearing on Petition for Writ</i>
11/05/2015	 Order for Production of Inmate <i>Order for Production of Inmate - Lamar Antwan Harris, BAC #71088</i>
12/08/2015	 Hearing (8:30 AM) (Judicial Officer: Ellsworth, Carolyn) <i>Hearing: Time Bar on Writ</i>
06/06/2016	 Findings of Fact, Conclusions of Law and Judgment <i>Findings of Fact, Conclusions of Law on Defendant's Petition for Writ of Habeas Corpus</i>
06/14/2016	 Notice of Entry of Order
06/22/2016	 Notice of Appeal (criminal) <i>Notice of Appeal</i>
06/22/2016	 Case Appeal Statement <i>Case Appeal Statement</i>
06/22/2016	 Request <i>Request for Rough Draft Transcripts</i>

DATE	FINANCIAL INFORMATION	
	Defendant Harris, Lamar Antwan	
	Total Charges	185.00
	Total Payments and Credits	185.00
	Balance Due as of 6/23/2016	0.00



CLERK OF THE COURT

1 FFCL

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4 **THE STATE OF NEVADA,**

5 *Plaintiff,*

6 -vs-

7 **LAMAR HARRIS**

8 *Defendant.*

CASE NO: C-11-274370-1

DEPT NO: V

9 **FINDINGS OF FACT AND CONCLUSIONS OF LAW ON**
10 **DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS**

11 On December 8, 2015, this matter came on for an evidentiary hearing before the Court on
12 Defendant's Supplement to his Post-Conviction Petition for Writ of Habeas Corpus. The Defendant
13 was present with counsel Matthew D. Carling, Esq. The State was present by and through Deputy
14 District Attorney Peter Thunell, Esq. The Court, having heard the arguments of counsel, and
15 considered the pleadings and papers on file herein, finds as follows:

16 **I. FINDINGS OF FACT**

17 1. On June 24, 2011, Defendant was charged by way of Information with Attempted
18 Murder with use of a Deadly Weapon, in violation of NRS 200.010, 200.030, 193.330, and
19 193.165, and Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm, in
20 violation of NRS 200.481(2)(e).

21 2. Defendant was tried on those charges during a four day jury trial commencing
22 August 30, 2011. Defense counsel at trial was Adam Gill, Esq.

23 3. On September 2, 2011, the jury returned a verdict of guilty as to the battery charge
24 but acquitted Defendant of attempted murder.

25 4. Defendant was sentenced on November 21, 2011 to a minimum term of seventy (70)
26 months and a maximum term of one hundred seventy five (175) months in the Nevada Department
27 of Corrections and given one hundred and eighty two (182) days of credit for time served.

28 5. The Judgment of Conviction was filed on December 2, 2011.

1 6. After the conclusion of the trial, Defendant engaged attorney Leslie Park, Esq.
2 ("Park"), to represent him in post-trial proceedings.

3 7. Defendant pursued a direct appeal with the Nevada Supreme Court, represented by
4 Park. A Notice of Appeal was filed in this case on December 8, 2011, and the Supreme Court
5 affirmed Defendant's convictions on December 13, 2012. The remittitur issued on January 15,
6 2013.

7 8. Defendant did not file a post-conviction petition for a writ of habeas corpus until he
8 filed a pro per petition on March 11, 2015. An initial hearing was held on that petition on May 13,
9 2015, at which time the Court made the preliminary finding that Defendant may be able to show
10 good cause to excuse the untimeliness of his petition and appointed Matthew D. Carling, Esq. to file
11 supplemental briefing on that sole issue. A briefing schedule was set and an evidentiary hearing
12 date of September 16, 2015.

13 9. At the September 16, 2015 hearing, Senior Judge J. Charles Thompson denied
14 Defendant's petition and declined to hold an evidentiary hearing. Mr. Carling then filed a Motion
15 for Reconsideration of that decision, on behalf of Defendant, which was granted by this Court on
16 October 14, 2015. An evidentiary hearing date was then set at that time for December 8, 2015.

17 10. At the evidentiary hearing, Defendant called Park as a witness and he also testified
18 himself.

19 11. Defendant testified that Park was to handle both his direct appeal and a post-
20 conviction petition for a writ of habeas corpus.

21 12. The fee agreement for Park's retainer purportedly signed by Defendant's wife on
22 behalf of Defendant was a stock form and would be used for the defense of initial criminal charges
23 in the lower court. In the blank where the nature of the criminal charges at issue would be filled in
24 was written the word "appeal." The form itself states that the agreement does *not* cover trial, appeal,
25 or District Court proceedings. The fee amount and the date it was to be due were left blank. The
26 agreement was marked and admitted as Court's Exhibit 1 at the hearing.

1 13. Park initially testified that she was retained only for the direct appeal, but she later
2 agreed with Defendant's contention that she was to do both the direct appeal and the post-
3 conviction petition.

4 14. Park also agreed with Defendant that the total fee to be paid for these services was
5 \$8,000.00, but that Defendant paid only about half of that amount.

6 15. The fee agreement contained no date upon which full payment would be due.

7 16. Park did in fact file and pursue Defendant's direct appeal (Supreme Court Docket
8 No. 59817). The Court notes that according to the docket in that appeal, Park filed the initial Notice
9 of Appeal documents and the Fast Track Statement, but did not file a Fast Track Reply pursuant to
10 NRAP 3(C)(e)(3). The Court further notes that Park attempted to file the Statement on July 3, 2012,
11 but it was rejected for failure to comply with the Supreme Court's brief formatting requirements.

12 17. Sometime just after June 6, 2013, Defendant received a copy of a document drafted
13 by Park entitled "Petition for Writ of Habeas Corpus" (the "Park Petition"). The Park Petition was
14 marked and admitted as evidence at the hearing.

15 18. As confirmed by Park's testimony, this document was signed by Park and dated June
16 6, 2013. It attached a certificate of service that was dated June 6, 2013 by Park, listing the Clerk of
17 the Supreme Court, the Clark County District Attorney, and the Nevada Attorney General as service
18 recipients.

19 19. The caption on the Park Petition stated that the Petition was to be filed in the Nevada
20 Supreme Court.

21 20. Defendant did not notice the filing error initially, presumably due to his lack of legal
22 education and knowledge.

23 21. A short time later, someone with whom Defendant is incarcerated looked at the Park
24 Petition and told him it appeared to have been filed in the wrong court, as post-conviction petitions
25 are to be filed in the first instance in the district courts.¹

26 22. Defendant contacted Park in December 2013 to point out this deficiency and was
27 told that she would immediately correct it and file it in the district court.²

28

¹ A specific date on this point could not be gleaned from the testimony at the evidentiary hearing, but it seemed to be within a few months after June 6, 2013 that Defendant came to this realization.

23. Defendant had no contact with Park after he alerted her to the deficient filing of the Park Petition, but he did unsuccessfully attempt to contact her office several times to obtain a status update. This period of no contact includes all of the year 2014.

24. Defendant did not attempt to check the status of his petition in the district court for the majority of 2014, as he was told that it takes some time and he thought he was waiting on the State's response to the Park Petition.

25. Towards the end of 2014, Defendant contacted the Supreme Court Clerk and asked for a status update on his petition. In response, he received a docket sheet from his Fast Track appeal printed on December 31, 2014.

26. Defendant also contacted the district court clerk around that time and in response received a docket sheet from the instant case, printed on January 6, 2015.

27. When he received these docket sheets, he realized that the Park Petition had never been filed.

28. Park confirmed that she had never filed the Park Petition.

29. The Park Petition itself is clearly deficient in many ways, in that it captions the incorrect court and it does not comply with the procedural and formatting requirements set forth in NRS 34.730 and NRS 34.735.³

30. The Court specifically notes that Park testified she had never before prepared a post-conviction petition for a writ of habeas corpus for any client.

31. When Park was asked why she would sign a petition that she did not in fact intend to file, she at first had no answer and then stated that she did not want to have to scramble to get a petition together if Defendant ended up paying his balance a few days before the filing deadline.⁴

² Defendant's testimony as to when he contacted Park regarding where the Park Petition had been filed was that he contacted her in August of 2013, but his Pro Per Petition states December 2013. The Court attributes this discrepancy to lack of memory and passage of time and finds that December 2013 is the more likely date, as he wrote the Pro Per Petition well before the evidentiary hearing was held and that date was fresher in his mind at that time. It is also more consistent with other dates given in his testimony, such as the fact that he did not check the status of his petition throughout 2014 because he thought he was waiting for the State's response.

³ Although not addressed herein, Defendant's Supplemental Briefing in Support of his Pro Per Petition points out that the substance of the Park Petition is also likely legally inaccurate as well.

⁴ This is troubling, as it indicates that Park would have been willing to file the Park Petition if Defendant paid his balance, even though that petition is clearly deficient.

1 32. Upon realizing no petition had ever been filed, Defendant drafted a Pro Per Petition
2 and filed it with this Court on March 11, 2015, alleging most of the same facts recited above
3 regarding the lateness of his petition.

4 33. This Court entered an Order on March 19, 2015, requiring the State to file a
5 Response within forty five days of the date of the Order and set it for hearing on May 13, 2015.

6 34. At the initial hearing, the Court noted there was an preliminary issue of whether
7 Defendant could show good cause for failing to timely file a petition and thereby escape the time
8 bar. Matthew D. Carling, Esq., was appointed to represent the Defendant and file supplemental
9 briefing on that issue.

10 35. The supplemental briefing was initially heard on September 16, 2015, at which time
11 the Honorable J. Charles Thompson, sitting as a Senior Judge, denied the request for an evidentiary
12 hearing and the Defendant's Pro Per Petition.

13 36. On September 19, 2015, Defendant's appointed counsel filed a Motion for
14 Reconsideration of the September 16, 2015 decision, which was granted at a hearing on October 14,
15 2015 and the matter was set down for an evidentiary hearing.

16 37. The evidentiary hearing was held on December 8, 2015, revealing the facts recited
17 above.

18 38. Overall, the Court finds that the Defendant's testimony was more credible than
19 Park's, as Park's responses were equivocal in nature, she stated that she lacked knowledge in
20 response to many questions, and she conceded to many factual positions put forth by Defendant.

21 39. Any findings of fact that are more appropriately considered conclusions of law shall
22 be so construed.

23 **II. CONCLUSIONS OF LAW**

24 40. The Defendant had until January 22, 2014 to file a post-conviction petition for a writ
25 of habeas corpus. *See* NRS 34.726(1).

26 41. No such petition was ever filed in this case until Defendant's Pro Per Petition was
27 filed on March 11, 2015 and so Defendant is required to show good cause for failing to timely file.
28 *See id.*

1 42. To demonstrate good cause, a petitioner “must show that an impediment external to
2 the defense prevented him or her from complying with the state procedural default rules.”
3 *Hathaway v. State*, 119 Nev. 248, 252, 71 P.3d 503, 504 (2003).

4 43. Such an impediment may be demonstrated “by a showing that the factual or legal
5 basis for a claim was not reasonably available to counsel, or that some interference by officials
6 made compliance impracticable.” *Id.*

7 44. The Defendant argues that he can show good cause for failing to timely file because
8 he was relying on Park’s representations that she had filed the Park Petition on his behalf. In
9 support, Defendant cites to *Hathaway, supra*.

10 45. In *Hathaway*, the petitioner was convicted on December 11, 1998 and immediately
11 after sentencing, told his trial counsel he wanted to pursue a direct appeal. 119 Nev. at 251, 71 P.3d
12 at 505. His counsel told him that he would take care of it. *Id.*

13 46. Hathaway finally learned no petition had ever been filed when he wrote to the
14 district court; he then filed a pro per petition on November 6, 2001, which was beyond the statutory
15 deadline. *Id.*

16 47. The Supreme Court noted that a “claim of ineffective assistance of counsel may also
17 excuse a procedural default if counsel was so ineffective as to violate the Sixth Amendment...[and
18 the claim is not] itself procedurally defaulted.” *Id.* at 252, 71 P.3d at 506.

19 48. It further noted that trial counsel is ineffective “if he or she fails to file a direct
20 appeal after a defendant has requested or expressed a desire” to appeal and “prejudice is presumed”
21 under such circumstances. *Id.* at 254, 71 P.3d at 507.

22 49. On that basis, the *Hathaway* court concluded that the petitioner had demonstrated
23 sufficient facts to show that due to constitutionally ineffective assistance of counsel, he was entitled
24 at minimum to an evidentiary hearing as to whether there was good cause to excuse his late filing.
25 *Id.* at 255, 71 P.3d at 508.

26 50. Defendant argues that *Hathaway* is directly applicable to the instant case, as he
27 relied upon Park’s agreement to file the Park Petition on his behalf and her representation that it had
28 been filed.

1 51. However, *Hathway*'s holding was clearly couched in the fact that the petitioner there
2 had a Sixth Amendment right to the effective assistance of counsel on a direct appeal, a claim that
3 could excuse his late petition filing.

4 52. Here, the Defendant is not relying upon Park's ineffective representation *on appeal*
5 to show good cause for his late filing.

6 53. Moreover, Defendant has no constitutional or statutory right to counsel in his post-
7 conviction proceeding. *Brown v. McDaniel*, 130 Nev. Adv. Op. 60, 331 P.3d 867, 870 (Nev. 2014).⁵

8 54. "Where there is no right to counsel there can be no deprivation of effective
9 assistance of counsel." *McKague v. Whitley*, 112 Nev. 159, 164–65, 912 P.2d 255, 258 (1996).

10 55. Hence, Defendant here is precluded from relying upon a claim of ineffective
11 assistance of counsel to show good cause to excuse the procedural default of his Pro Per Petition.
12 *See Brown, supra*.

13 56. Defendant has not presented any other impediment external to the defense for a
14 finding of good cause.

15 57. Defendant's Pro Per Petition asserts two main claims: ineffective assistance of trial
16 counsel and ineffective assistance of counsel on direct appeal.⁶

17 58. However, each of these claims was available to the Defendant at the time the
18 remittitur issued and are thus procedurally defaulted themselves.

19 BASED UPON THE FOREGOING, the State's request to dismiss the Defendant's Pro Per
20 Petition is **GRANTED** and the writ is discharged.

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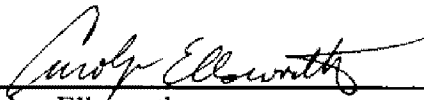
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28 ⁵ The Court also notes that the Supreme Court has rejected the federal doctrine of equitable tolling related to petitions
for a writ of habeas corpus. *See Brown*, 331 P.3d at 874.

⁶ Defendant does not assert ineffectiveness of appellate counsel as an excuse to his late filing, however.

1 The Court is nevertheless troubled by the performance of attorney Leslie Parks in this
2 matter, as that performance appears to demonstrate significant issues concerning her professional
3 conduct. A copy of this Order and relevant documents will be forwarded to Bar Counsel for review
4 and appropriate proceedings.

5 DATED this 6th day of June, 2016.

6
7 
8 Carolyn Ellsworth
District Court Judge

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CAROLYN ELLSWORTH
DISTRICT COURT JUDGE
DEPARTMENT V

CERTIFICATE OF SERVICE

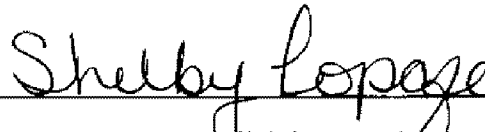
The undersigned hereby certifies that on the 6TH of June, 2016 she served the foregoing Order Dismissing Appeal by faxing, mailing, or electronically serving a copy to counsel as listed below:

Matthew D. Carling, Esq.
Attorney for Defendant

Peter I. Thunell, Esq.
Attorney for Plaintiff

Leslie Park, Esq.
Former Appellate Counsel for Defendant

Stan Hunterton, Esq.
State Bar of Nevada – Bar Counsel



Shelby Lopaze, Judicial Executive Assistant

Steven D. Grierson
CLERK OF THE COURT

1 NEOJ

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4 LAMAR HARRIS,

5
6 Petitioner,

Case No: C-11-274370-1

Dept. No: V

7 vs.

8 THE STATE OF NEVADA,

9 Respondent,

NOTICE OF ENTRY OF ORDER

10
11 **PLEASE TAKE NOTICE** that on June 6, 2016, the court entered a decision or order in this matter, a
12 true and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you
14 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is
15 mailed to you. This notice was mailed on June 14, 2016.

16 STEVEN D. GRIERSON, CLERK OF THE COURT

17 /s/ Chaunte Pleasant

18 Chaunte Pleasant, Deputy Clerk

19 **CERTIFICATE OF MAILING**

20 I hereby certify that on this 14 day of June 2016, I placed a copy of this Notice of Entry in:

- 21 ☒ The bin(s) located in the Regional Justice Center of:
22 Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

- 23 ☒ The United States mail addressed as follows:

24 Lamar Harris # 71088

P.O. Box 208

Indian Springs, NV 89070-0208

Matthew Carling

1100 S. Tenth St.

Las Vegas, NV 89101

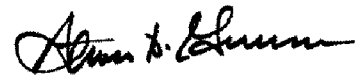
Mark Peplowski

515 S. Third St.

Las Vegas, NV 89101

26 /s/ Chaunte Pleasant

27 Chaunte Pleasant, Deputy Clerk



CLERK OF THE COURT

1 FFCL

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4 **THE STATE OF NEVADA,**

5 *Plaintiff,*

6 -vs-

7 **LAMAR HARRIS**

8 *Defendant.*

CASE NO: C-11-274370-1

DEPT NO: V

9 **FINDINGS OF FACT AND CONCLUSIONS OF LAW ON**
10 **DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS**

11 On December 8, 2015, this matter came on for an evidentiary hearing before the Court on
12 Defendant's Supplement to his Post-Conviction Petition for Writ of Habeas Corpus. The Defendant
13 was present with counsel Matthew D. Carling, Esq. The State was present by and through Deputy
14 District Attorney Peter Thunell, Esq. The Court, having heard the arguments of counsel, and
15 considered the pleadings and papers on file herein, finds as follows:

16 **I. FINDINGS OF FACT**

17 1. On June 24, 2011, Defendant was charged by way of Information with Attempted
18 Murder with use of a Deadly Weapon, in violation of NRS 200.010, 200.030, 193.330, and
19 193.165, and Battery with Use of a Deadly Weapon Resulting in Substantial Bodily Harm, in
20 violation of NRS 200.481(2)(e).

21 2. Defendant was tried on those charges during a four day jury trial commencing
22 August 30, 2011. Defense counsel at trial was Adam Gill, Esq.

23 3. On September 2, 2011, the jury returned a verdict of guilty as to the battery charge
24 but acquitted Defendant of attempted murder.

25 4. Defendant was sentenced on November 21, 2011 to a minimum term of seventy (70)
26 months and a maximum term of one hundred seventy five (175) months in the Nevada Department
27 of Corrections and given one hundred and eighty two (182) days of credit for time served.

28 5. The Judgment of Conviction was filed on December 2, 2011.

1 6. After the conclusion of the trial, Defendant engaged attorney Leslie Park, Esq.
2 ("Park"), to represent him in post-trial proceedings.

3 7. Defendant pursued a direct appeal with the Nevada Supreme Court, represented by
4 Park. A Notice of Appeal was filed in this case on December 8, 2011, and the Supreme Court
5 affirmed Defendant's convictions on December 13, 2012. The remittitur issued on January 15,
6 2013.

7 8. Defendant did not file a post-conviction petition for a writ of habeas corpus until he
8 filed a pro per petition on March 11, 2015. An initial hearing was held on that petition on May 13,
9 2015, at which time the Court made the preliminary finding that Defendant may be able to show
10 good cause to excuse the untimeliness of his petition and appointed Matthew D. Carling, Esq. to file
11 supplemental briefing on that sole issue. A briefing schedule was set and an evidentiary hearing
12 date of September 16, 2015.

13 9. At the September 16, 2015 hearing, Senior Judge J. Charles Thompson denied
14 Defendant's petition and declined to hold an evidentiary hearing. Mr. Carling then filed a Motion
15 for Reconsideration of that decision, on behalf of Defendant, which was granted by this Court on
16 October 14, 2015. An evidentiary hearing date was then set at that time for December 8, 2015.

17 10. At the evidentiary hearing, Defendant called Park as a witness and he also testified
18 himself.

19 11. Defendant testified that Park was to handle both his direct appeal and a post-
20 conviction petition for a writ of habeas corpus.

21 12. The fee agreement for Park's retainer purportedly signed by Defendant's wife on
22 behalf of Defendant was a stock form and would be used for the defense of initial criminal charges
23 in the lower court. In the blank where the nature of the criminal charges at issue would be filled in
24 was written the word "appeal." The form itself states that the agreement does *not* cover trial, appeal,
25 or District Court proceedings. The fee amount and the date it was to be due were left blank. The
26 agreement was marked and admitted as Court's Exhibit 1 at the hearing.

1 13. Park initially testified that she was retained only for the direct appeal, but she later
2 agreed with Defendant's contention that she was to do both the direct appeal and the post-
3 conviction petition.

4 14. Park also agreed with Defendant that the total fee to be paid for these services was
5 \$8,000.00, but that Defendant paid only about half of that amount.

6 15. The fee agreement contained no date upon which full payment would be due.

7 16. Park did in fact file and pursue Defendant's direct appeal (Supreme Court Docket
8 No. 59817). The Court notes that according to the docket in that appeal, Park filed the initial Notice
9 of Appeal documents and the Fast Track Statement, but did not file a Fast Track Reply pursuant to
10 NRAP 3(C)(e)(3). The Court further notes that Park attempted to file the Statement on July 3, 2012,
11 but it was rejected for failure to comply with the Supreme Court's brief formatting requirements.

12 17. Sometime just after June 6, 2013, Defendant received a copy of a document drafted
13 by Park entitled "Petition for Writ of Habeas Corpus" (the "Park Petition"). The Park Petition was
14 marked and admitted as evidence at the hearing.

15 18. As confirmed by Park's testimony, this document was signed by Park and dated June
16 6, 2013. It attached a certificate of service that was dated June 6, 2013 by Park, listing the Clerk of
17 the Supreme Court, the Clark County District Attorney, and the Nevada Attorney General as service
18 recipients.

19 19. The caption on the Park Petition stated that the Petition was to be filed in the Nevada
20 Supreme Court.

21 20. Defendant did not notice the filing error initially, presumably due to his lack of legal
22 education and knowledge.

23 21. A short time later, someone with whom Defendant is incarcerated looked at the Park
24 Petition and told him it appeared to have been filed in the wrong court, as post-conviction petitions
25 are to be filed in the first instance in the district courts.¹

26 22. Defendant contacted Park in December 2013 to point out this deficiency and was
27 told that she would immediately correct it and file it in the district court.²

28

¹ A specific date on this point could not be gleaned from the testimony at the evidentiary hearing, but it seemed to be within a few months after June 6, 2013 that Defendant came to this realization.

1 23. Defendant had no contact with Park after he alerted her to the deficient filing of the
2 Park Petition, but he did unsuccessfully attempt to contact her office several times to obtain a status
3 update. This period of no contact includes all of the year 2014.

4 24. Defendant did not attempt to check the status of his petition in the district court for
5 the majority of 2014, as he was told that it takes some time and he thought he was waiting on the
6 State's response to the Park Petition.

7 25. Towards the end of 2014, Defendant contacted the Supreme Court Clerk and asked
8 for a status update on his petition. In response, he received a docket sheet from his Fast Track
9 appeal printed on December 31, 2014.

10 26. Defendant also contacted the district court clerk around that time and in response
11 received a docket sheet from the instant case, printed on January 6, 2015.

12 27. When he received these docket sheets, he realized that the Park Petition had never
13 been filed.

14 28. Park confirmed that she had never filed the Park Petition.

15 29. The Park Petition itself is clearly deficient in many ways, in that it captions the
16 incorrect court and it does not comply with the procedural and formatting requirements set forth in
17 NRS 34.730 and NRS 34.735.³

18 30. The Court specifically notes that Park testified she had never before prepared a post-
19 conviction petition for a writ of habeas corpus for any client.

20 31. When Park was asked why she would sign a petition that she did not in fact intend to
21 file, she at first had no answer and then stated that she did not want to have to scramble to get a
22 petition together if Defendant ended up paying his balance a few days before the filing deadline.⁴
23

24 ² Defendant's testimony as to when he contacted Park regarding where the Park Petition had been filed was that he
25 contacted her in August of 2013, but his Pro Per Petition states December 2013. The Court attributes this discrepancy to
26 lack of memory and passage of time and finds that December 2013 is the more likely date, as he wrote the Pro Per
27 Petition well before the evidentiary hearing was held and that date was fresher in his mind at that time. It is also more
28 consistent with other dates given in his testimony, such as the fact that he did not check the status of his petition
throughout 2014 because he thought he was waiting for the State's response.

³ Although not addressed herein, Defendant's Supplemental Briefing in Support of his Pro Per Petition points out that
the substance of the Park Petition is also likely legally inaccurate as well.

⁴ This is troubling, as it indicates that Park would have been willing to file the Park Petition if Defendant paid his
balance, even though that petition is clearly deficient.

1 32. Upon realizing no petition had ever been filed, Defendant drafted a Pro Per Petition
2 and filed it with this Court on March 11, 2015, alleging most of the same facts recited above
3 regarding the lateness of his petition.

4 33. This Court entered an Order on March 19, 2015, requiring the State to file a
5 Response within forty five days of the date of the Order and set it for hearing on May 13, 2015.

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20 response to many questions, and she conceded to many factual positions put forth by Defendant.

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22 be so construed.

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24 40. The Defendant had until January 22, 2014 to file a post-conviction petition for a writ
25 of habeas corpus. *See* NRS 34.726(1).

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27 filed on March 11, 2015 and so Defendant is required to show good cause for failing to timely file.
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4 52. Here, the Defendant is not relying upon Park's ineffective representation *on appeal*
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6 53. Moreover, Defendant has no constitutional or statutory right to counsel in his post-
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8 54. "Where there is no right to counsel there can be no deprivation of effective
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10 55. Hence, Defendant here is precluded from relying upon a claim of ineffective
11 assistance of counsel to show good cause to excuse the procedural default of his Pro Per Petition.
12 *See Brown, supra.*

13 56. Defendant has not presented any other impediment external to the defense for a
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15 57. Defendant's Pro Per Petition asserts two main claims: ineffective assistance of trial
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17 58. However, each of these claims was available to the Defendant at the time the
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19 BASED UPON THE FOREGOING, the State's request to dismiss the Defendant's Pro Per
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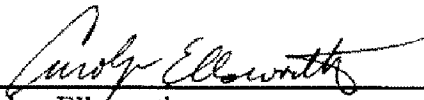
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28 ⁶ Defendant does not assert ineffectiveness of appellate counsel as an excuse to his late filing, however.

1 The Court is nevertheless troubled by the performance of attorney Leslie Parks in this
2 matter, as that performance appears to demonstrate significant issues concerning her professional
3 conduct. A copy of this Order and relevant documents will be forwarded to Bar Counsel for review
4 and appropriate proceedings.

5 DATED this 6th day of June, 2016.

6
7 
8 Carolyn Ellsworth
District Court Judge

CERTIFICATE OF SERVICE

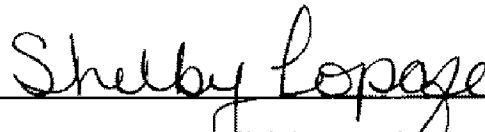
The undersigned hereby certifies that on the 6TH of June, 2016 she served the foregoing Order Dismissing Appeal by faxing, mailing, or electronically serving a copy to counsel as listed below:

Matthew D. Carling, Esq.
Attorney for Defendant

Peter I. Thunell, Esq.
Attorney for Plaintiff

Leslie Park, Esq.
Former Appellate Counsel for Defendant

Stan Hunterton, Esq.
State Bar of Nevada – Bar Counsel



Shelby Lopaze, Judicial Executive Assistant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 30, 2011

C-11-274370-1 State of Nevada
vs
Lamar Harris

June 30, 2011 9:00 AM Initial Arraignment

HEARD BY: De La Garza, Melisa

COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Louisa Garcia
Noelle Peguese
Sharon Coffman
Christine Erickson
Ruth Gilfert

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:	Harris, Lamar Antwan	Defendant
	Mitchell, Scott Steven	Attorney
	NUTTON, DOUG	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT. HARRIS ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial.

CUSTODY

7/20/11 9:00 AM - CALENDAR CALL (D5)

7/25/11 1:30 PM - JURY TRIAL (D5)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 18, 2011

C-11-274370-1 State of Nevada
vs
Lamar Harris

July 18, 2011

9:00 AM

Request

**State's Request Re
Trial Setting**

HEARD BY: Bonaventure, Joseph T.

COURTROOM: RJC Courtroom 16A

COURT CLERK: Sharon Chun

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES

PRESENT:	Harris, Lamar Antwan	Defendant
	Jimenez, Sonia V.	Attorney
	State of Nevada	Plaintiff
	Whipple, Bret O	Attorney

JOURNAL ENTRIES

- Deft was present at start of calendar, but, when he became disruptive he was removed from the court room and not present during this hearing.

Ms. Jimenez stated that the trial date was set three weeks from the initial arraignment date of 6/30/11. Because she has not received the necessary records from UMC and cannot subpoena witnesses/victims/doctors that may be required for trial, she requested a trial continuance to allow the State to prepare.

Mr. Whipple opposed a continuance, noting he is ready for trial and Deft wants to invoke his speedy trial rights. He stated he will waive the witness requirements and if the State provides information re expert witnesses that will suffice to let this trial go forward as scheduled for 7/25/11.

COURT NOTED that Deft is not present at this time. After further discussion as to time restraints and availability of both counsel, Ms. Jimenez and Mr. Whipple confirmed this trial is Overflow

eligible.

COURT ORDERED, Calendar Call and Trial VACATED and RESET in August, noting it could be heard by a Senior or Visiting Judge if not assigned from Overflow.

CUSTODY

8/24/11 9:00 AM CALENDAR CALL (SET BY COURT)

8/29/11 1:30 PM JURY TRIAL -OVERFLOW ELIGIBLE - (SET BY COURT)

August 24, 2011

Minutes Date: June 30, 2011

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 29, 2011

C-11-274370-1 State of Nevada
 vs
 Lamar Harris

August 29, 2011 9:00 AM Motion

HEARD BY: Brennan, James **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Alice Jacobson

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES

PRESENT:	Gill, Adam L, ESQ	Attorney
	Harris, Lamar Antwan	Defendant
	Jimenez, Sonia V.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- At the request of counsel, COURT ORDERED, matter CONTINUED to be heard at the date of trial.

CUSTODY

8/30/11 1:00 PM STATES' MOTION TO ADMIT PRIOR TESTIMONY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 30, 2011

C-11-274370-1 State of Nevada
 vs
 Lamar Harris

August 30, 2011 1:00 PM Jury Trial

HEARD BY: Bonaventure, Joseph **COURTROOM:**

COURT CLERK: Alice Jacobson

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES

PRESENT:	Gill, Adam L, ESQ	Attorney
	Harris, Lamar Antwan	Defendant
	Jimenez, Sonia V.	Attorney
	State of Nevada	Plaintiff
	Thunell, Peter I.	Attorney

JOURNAL ENTRIES

- PROSPECTIVE JURY PANEL PRESENT. Voir Dire of Panel. Jury selected and Sworn. Clerk read the Information to the Jury and stated the Defendant's plea of not guilty. Court ADMONISHED and EXCUSED the Jury for the evening.

OUTSIDE THE PRESENCE OF THE JURY. Ms. Jimenez indicated an offer was made to the Defendant but it was rejected. Therefore, the offer is off the table. Colloquy regarding witness statements, uncooperating witnesses, and gang affiliation. COURT ORDERED, the word "gang", or "pimp" may not be used as it is prejudicial.

COURT ORDERED, matter CONTINUED 8/31/11.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 30, 2011

C-11-274370-1 State of Nevada
 vs
 Lamar Harris

August 30, 2011 1:00 PM Motion

HEARD BY: Bonaventure, Joseph **COURTROOM:**

COURT CLERK: Alice Jacobson

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES

PRESENT:	Gill, Adam L, ESQ	Attorney
	Harris, Lamar Antwan	Defendant
	Jimenez, Sonia V.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- At the request of counsel, COURT ORDERED, matter OFF CALENDAR.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 31, 2011

C-11-274370-1 State of Nevada
 vs
 Lamar Harris

August 31, 2011 9:00 AM Hearing

HEARD BY: Bonaventure, Joseph **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Melissa Benson

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES

PRESENT:	Harris, Lamar Antwan	Defendant
	Jimenez, Sonia V.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Taleen Pandukht D.A. present on behalf of the State.

Trial victim Michael Thoma in custody for a warrant. COURT ORDERED, said victim shall remain in custody until he testifies in trial for Deft.

CUSTODY

CONTINUED TO: 8/31/11 1:30 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 31, 2011

C-11-274370-1 State of Nevada
 vs
 Lamar Harris

August 31, 2011 10:00 AM Jury Trial

HEARD BY: Bonaventure, Joseph T. **COURTROOM:**

COURT CLERK: Nicole McDevitt

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES

PRESENT:	Gill, Adam L, ESQ	Attorney
	Harris, Lamar Antwan	Defendant
	Jimenez, Sonia V.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Peter Thunell, Esq. present on present on behalf of Plaintiff.

JURY PRESENT: Opening Statements by counsel. Exclusionary rule invoked by Ms. Jimenez. Testimony and exhibits presented (see worksheets.) **COURT ORDERD**, matter **CONTINUED**.

OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding Juror #1 recognizing one of the witnesses. Ms. Jimenez and Mr. Gill agreed they did not see any prejudice. Mr. Gill moved for mistrial. **COURT ORDERED**, oral motion **DENIED**. Court advised Defendant of his right to testify.

CONTINUED TO.....9/1/2011 9:15 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 01, 2011

C-11-274370-1 State of Nevada
 vs
 Lamar Harris

September 01, 2011 9:15 AM Jury Trial

HEARD BY: Bonaventure, Joseph **COURTROOM:**

COURT CLERK: Alice Jacobson

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES

PRESENT:	Gill, Adam L, ESQ	Attorney
	Harris, Lamar Antwan	Defendant
	Jimenez, Sonia V.	Attorney
	State of Nevada	Plaintiff
	Thunell, Peter I.	Attorney

JOURNAL ENTRIES

- JURY PRESENT. Testimony and exhibits presented (See Worksheets).

OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding admonishment of the witnesses as to the word "gang". COURT ADVISED counsel that State did not elicit the word "gang", therefore, any request for a mistrial will be denied. Jury Instructions settled on the record.

JURY PRESENT. Court INSTRUCTED the Jury. Closing arguments by counsel. Alternate Juror thanked and excused. At the hour of 2:31pm the Jury retired to deliberate.

COURT ADMONISHED and EXCUSED the Jury for the evening.

COURT ORDERED, matter CONTINUED to 9/2/11 8:30 AM.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 02, 2011

C-11-274370-1 State of Nevada
 vs
 Lamar Harris

September 02, 2011 8:15 AM Jury Trial

HEARD BY: Brennan, James

COURTROOM:

COURT CLERK: Alice Jacobson

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES

PRESENT:	Gill, Adam L, ESQ	Attorney
	Harris, Lamar Antwan	Defendant
	Jimenez, Sonia V.	Attorney
	State of Nevada	Plaintiff
	Thunell, Peter I.	Attorney

JOURNAL ENTRIES

- At the hour of 12:15pm the Jury returned with a verdict of COUNT 1- NOT GUILTY, COUNT 2- GUILTY of BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F). Jury Polled and excused.

OUTSIDE THE PRESENCE OF THE JURY. Ms. Jimenez requested the Defendant be remanded without bail as he has another pending case. COURT ORDERED, Defendant REMANDED without bail; matter SET for Sentencing.

CUSTODY

11/7/11 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 07, 2011

C-11-274370-1 State of Nevada
 vs
 Lamar Harris

November 07, 2011 9:00 AM Sentencing

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Denise Trujillo
 Louisa Garcia

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT:	Harris, Lamar Antwan	Defendant
	Jimenez, Sonia V.	Attorney
	State of Nevada	Plaintiff
	Whipple, Bret O	Attorney

JOURNAL ENTRIES

- SENTENCING

Due to loud behavior Deft. had to be removed from the Court room. LATER: Mr. Whipple present and advised he client would not be available today. Mr. Whipple advised he just received PSI and has a sentencing memorandum being prepared and requested matter be CONTINUED. State advised she has no opposition as long as completed before his next trial is scheduled to go to trial. COURT ORDERED, matter CONTINUED,

CUSTODY

CONTINUED TO: 11/21/11 8:00 AN

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 21, 2011

C-11-274370-1 State of Nevada
 vs
 Lamar Harris

November 21, 2011 9:00 AM Sentencing

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Denise Trujillo

RECORDER: Debbie Winn

REPORTER:

PARTIES

PRESENT:	Gill, Adam L, ESQ	Attorney
	Harris, Lamar Antwan	Defendant
	Jimenez, Sonia V.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- SENTENCING

Deft. present in custody. CONFERENCE AT THE BENCH. DEFT HARRIS ADJUDGED GUILTY of CT II - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F). Statements by Deft. and counsel. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and a \$150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED to a MAXIMUM of ONE HUNDRED SEVENTY FIVE (175) MONTHS and MINIMUM of SEVENTY (70) MONTHS in the Nevada Department of Corrections (NDC) with 182 DAYS CREDIT for time served.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 23, 2015

C-11-274370-1 State of Nevada
 vs
 Lamar Harris

**February 23, 2015 9:00 AM Motion Deft's Pro Per Motion
to Withdraw Counsel**

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16D

COURT CLERK: April Watkins

RECORDER: Debbie Winn
Lara Corcoran

REPORTER:

PARTIES

PRESENT: State of Nevada Plaintiff
Weckerly, Pamela C Attorney

JOURNAL ENTRIES

- COURT ORDERED, motion to withdraw counsel GRANTED. As to motion to produce file, Court FINDS no showing Deft. has requested or demanded, motion premature and ORDERED, DENIED WITHOUT PREJUDICE.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Lamar Harris #71088, P.O. Box 208, Indian Springs, NV 89070. aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 13, 2015

C-11-274370-1 State of Nevada
vs
Lamar Harris

May 13, 2015

9:00 AM

All Pending Motions

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16D

COURT CLERK: Denise Trujillo
Tena Jolley

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT: Heap, Hilary
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- PETITIONER'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS...PETITIONER'S PRO PER
EX PARTE MOTION FOR APPOINTMENT OF COUNSEL & REQUEST FOR EVIDENTIARY
HEARING

Deft. not present. Without benefit of argument, Court noted there is an unusual circumstance
regarding whether or not this is time barred. COURT is going to have counsel appointed for the
limited issue to see if Deft. can get around the time bar. COURT ORDERED, matter CONTINUED.

NDC

5/20/15 9 AM CONFIRMATION OF COUNSEL

CLERK'S NOTE: Clerk notified Mr. Christiansen's office regarding appointment of counsel, via email
this date. /dt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 20, 2015

C-11-274370-1 State of Nevada
vs
Lamar Harris

May 20, 2015

9:00 AM

Confirmation of Counsel

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16D

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Harris, Lamar Antwan	Defendant
	Pandukht, Taleen R.	Attorney
	Peplowski, Mark E.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- CONFIRMATION OF COUNSEL

Deft. not present. Mr. Peplowski confirmed as counsel for Mr. Carling and requested 30 days to review the file. COURT advised the only issue Court wants counsel to determine at this point, is if there is sufficient basis for Deft. to get around the time bar and if he does, then counsel can work on the writ. Further, counsel can prepare supplemental, and there may be a need for evidentiary hearing. Briefing schedule as follows: Deft. to submit the supplemental by 7/20/15; State to respond by 8/20/15; Deft. to reply by 9/2/15 with matter set for hearing thereafter.

NDC

9/16/15 9 AM HEARING: TIME BAR

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 16, 2015

C-11-274370-1 State of Nevada
 vs
 Lamar Harris

September 16, 2015 9:00 AM Hearing

HEARD BY: Thompson, Charles

COURTROOM: RJC Courtroom 16D

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Carling, Matthew D.	Attorney
	Pandukht, Taleen R.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- HEARING: TIME BAR ON WRIT

Deft. not present. Court noted he read supplemental and response. Mr. Carling stated he filed a reply. Counsel submitted matter on their briefs. COURT ORDERED, Writ is Time BARRED, and therefore DENIED. State to prepare findings of fact and conclusions of law.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 14, 2015

C-11-274370-1 State of Nevada
vs
Lamar Harris

October 14, 2015 9:00 AM Motion to Reconsider

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Carling, Matthew D.	Attorney
	Giordani, John	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT'S MOTION FO RECONSIDERATION OF DENIAL OF PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)

Deft. not present. COURT advised she previously asked for additional briefing, and a senior Judge ruled on it without an evidentiary hearing. Court believes she can hear this motion and ORDERED, Motion for Reconsideration is GRANTED. FURTHER, matter CONTINUED for Court to read the supplemental brief's.

NDC

10/26/15 9 AM STATUS CHECK: HEARING ON PETITION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 26, 2015

C-11-274370-1 State of Nevada
 vs
 Lamar Harris

October 26, 2015 9:00 AM Status Check

HEARD BY: Ellsworth, Carolyn **COURTROOM:** RJC Courtroom 16D

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT: Carling, Matthew D. Attorney
 Flinn, William W. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- STATUS CHECK: HEARING ON PETITION FOR WRIT

Def. not present. COURT advised after reading pleadings on the sole issue of whether or not this petition is time barred, COURT finds that she needs to set this down for an evidentiary hearing on that issue. If Def. reaches that prong and can escape the procedural bar then counsel can supplement briefs on underlying issues. COURT ORDERED, matter SET for hearing, and directed State to have Def. and Ms. Parks present. State to prepare order to transport.

NDC

12/8/14 8:30 AM HEARING

December 08, 2015

Minutes Date: June 30, 2011

VAULT EXHIBIT FORM

CASE NO:	C074370	HEARING DATE:	8-30-11
DEPT. NO.	5	JUDGE:	Joseph Bonaventure
		CLERK:	Alice Polci
	State of Nevada	REPORTER:	
PLAINTIFF:		JURY FEES:	
			Sonia Jimenez
	Lamar Harris	COUNSEL FOR PLAINTIFF:	
DEFENDANT:			Adam Gill
		COUNSEL FOR DEFENDANT:	

Date Offered Objection Date Admitted

(see attached)			

C274370

States Exhibits

#	Description	Date Offered	Obj.	Date Admitted
1	Map-808 W. Lake Mead (Seven Seas)	8/31/11	Stip	8/31/11
2	Photograph-Exterior Seven Seas	↓	Stip	↓
3	Photograph-Exterior Seven Seas		Stip	
4	Photograph-Exterior Seven Seas		Stip	
5	Photograph-Exterior Seven Seas	8/31/11	Stip	8/31/11
6	Photograph-Exterior Seven Seas	↓	Stip	↓
7	Photograph-Exterior Seven Seas		Stip	
8	Photograph-Exterior Seven Seas		Stip	
9	Photograph-Exterior Seven Seas		Stip	
10	Photograph-Exterior Seven Seas		Stip	
11	Photograph-Exterior Seven Seas		Stip	
12	Photograph-Exterior Seven Seas		Stip	
13	Photograph-Exterior Seven Seas		Stip	
14	Photograph-Exterior Seven Seas		Stip	
15	Photograph-Exterior Seven Seas		Stip	
16	Photograph-Interior Seven Seas		Stip	
17	Photograph-Interior Seven Seas		Stip	

18	Photograph-Interior Seven Seas	8/31/11	Stip	8/31/11
19	Photograph-Interior Seven Seas	8/31/11	Stip	8/31/11
20	Photograph-Interior Seven Seas	8/31/11	Stip	8/31/11
21	Photograph-Interior Seven Seas	↓	Stip	↓
22	Photograph-Interior Seven Seas		Stip	
23	Photograph-Interior Seven Seas		Stip	
24	Photograph-Exterior Seven Seas (Evidence)		Stip	
25	Photograph-Exterior Seven Seas (Evidence)		Stip	
26	Photograph-Exterior Seven Seas (Evidence)		Stip	
27	Photograph-Exterior Seven Seas (Evidence)	↓	Stip	↓
28	Photograph-Exterior Seven Seas (Evidence)		no	
29	Photograph-Exterior Seven Seas (Evidence)		no	
30	Photograph-Exterior Seven Seas (Evidence)		no	
31	Photograph-Exterior Seven Seas (Evidence)	↓	no	↓

32	Photograph-Exterior Seven Seas (Evidence)	8/31/11	Stip	8/31/11
33	Photograph-Exterior Seven Seas (Evidence)	↓	Stip	↓
34	Photograph-Exterior Seven Seas (Evidence)		Stip	
35	Photograph-Exterior Seven Seas (Evidence)		Stip	
36	Photograph-Exterior Seven Seas (Evidence)		Stip	
37	Photograph-Exterior Seven Seas (Evidence)		Stip	
38	Photograph-Exterior Seven Seas (Evidence)		Stip	
39	Photograph-Exterior Seven Seas (Evidence)	↓	Stip	↓
40	Photograph-Exterior Seven Seas (Evidence)		Stip	
41	Photograph-Exterior Seven Seas (Evidence)		Stip	
42	Photograph-UMC (Michael Thomas)	8/31/11	no	8/31/11
43	Photograph-UMC (Michael Thomas)	8/31/11	no	8/31/11
44	Photograph-UMC (Michael Thomas)	8/31/11	Stip	8/31/11

45	Photograph-UMC (Michael Thomas)	8/31/11	Stip	8/31/11
46	Photograph-UMC (Michael Thomas)	↓	Stip	↓
47	Photograph-UMC (Thomas' shirt)		Stip	
48	Photograph-UMC (Thomas' shirt)		Stip	
49	Photograph-UMC (Thomas' shirt)		Stip	
50	Surveillance Still- Inside	8/31/11	Stip	8/31/11
51	Surveillance Still- Inside	↓	Stip	↓
52	Surveillance Still- Inside		Stip	
53	Surveillance Still- Inside		Stip	
54	Surveillance Still- Inside		Stip	
55	Surveillance Still- Inside		Stip	
56	Surveillance Still- Inside		Stip	
57	Surveillance Still- Inside		Stip	
58	Surveillance Still- Inside		Stip	
59	Surveillance Still- Inside		Stip	
60	Surveillance Still- Inside		Stip	
61	Surveillance Still- Inside		Stip	
62	Surveillance Still- Inside	↓	Stip	↓

63	Surveillance Still- Inside	8/31/11	Stip	8/31/11
64	Surveillance Still- Outside-Revere	↓	Stip	↓
65	Surveillance Still- Outside-Revere		Stip	
66	Surveillance Still- Outside-Revere		Stip	
67	Surveillance Still- Outside-Revere		Stip	
68	Surveillance Still- Outside-Revere		Stip	
69	Surveillance Still- Outside-Revere		Stip	
70	Surveillance Still- Outside-Revere		Stip	
71	Surveillance Still- Outside-Revere		Stip	
72	Surveillance Still- Outside-Revere		Stip	
73	Surveillance Still- Outside-Revere		Stip	
74	Surveillance Still- Outside-Revere		Stip	
75	Surveillance Still-Lake Mead Entrance		Stip	
76	Surveillance Still-Lake Mead Entrance		Stip	
77	Surveillance Still-Lake Mead Entrance		Stip	
78	Surveillance Still-Lake Mead Entrance		Stip	
79	Surveillance Still-Lake Mead Entrance		Stip	
80	Surveillance Still-Lake Mead Entrance		Stip	

81	Surveillance Still-Lake Mead Entrance	8/31/11	stip	8/31/11
82	Surveillance Still-Lake Mead Entrance	↓	stip	↓
83	Photo Lineup-Darnella Lay	8/31/11	no	8/31/11
84	Photo Lineup-Michael Thomas	8/31/11	no	8/31/11
85	Photo Lineup-Tamara Kasper	8/31/11	no	8/31/11
86	Photo Lineup-Kimbie Clark			
87	Photo Lineup-Stacy Monroe	9-1-11	no	9-1-11
88	Photo Lineup-Joycelyn Boston			
89	Facebook (Young Shyce) pgs 1 & 2	8/31/11	obj	8/31/11
90	FI Card Photograph			
91	FI Card Photograph			
92	FI Card Photograph			
93	Photograph-Defendant Booking	9-1-11	no	9-1-11
94	Photograph-Tiffany Thompson aka Tia aka Sharteia Harris	8/31/11	no	8/31/11
95	CD-Seven Seas Surveillance Video	8/31/11	no	8/31/11
96	Handwritten Statement	8/31/11	no	8/31/11
97	CD-Tamara Casper Statement	8/31/11	no	8/31/11
98	CD-Michael Thomas Statement	8/31/11	no	8/31/11
99	Voluntary Statement	8/31/11	no	8/31/11
100	disc Darnella Lay Impairment clip 9-1-11		no	9-1-11
101	disc Stacy Monroe clip 9-1-11		no	9-1-11
102				
103				
104				
89 A	Facebook (Young Shyce) pgs 3 & 4			

CASE NO. C274370

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	AH	AI	AJ	AK	AL	AM	AN	AO	AP	AQ	AR	AS	AT	AU	AV	AW	AX	AY	AZ	BA	BB	BC	BD	BE	BF	BG	BH	BI	BJ	BK	BL	BM	BN	BO	BP	BQ	BR	BS	BT	BU	BV	BW	BX	BY	BZ	CA	CB	CC	CD	CE	CF	CG	CH	CI	CJ	CK	CL	CM	CN	CO	CP	CQ	CR	CS	CT	CU	CV	CW	CX	CY	CZ	DA	DB	DC	DD	DE	DF	DG	DH	DI	DJ	DK	DL	DM	DN	DO	DP	DQ	DR	DS	DT	DU	DV	DW	DX	DY	DZ	EA	EB	EC	ED	EE	EF	EG	EH	EI	EJ	EK	EL	EM	EN	EO	EP	EQ	ER	ES	ET	EU	EV	EW	EX	EY	EZ	FA	FB	FC	FD	FE	FF	FG	FH	FI	FJ	FK	FL	FM	FN	FO	FP	FQ	FR	FS	FT	FU	FV	FW	FX	FY	FZ	GA	GB	GC	GD	GE	GF	GG	GH	GI	GJ	GK	GL	GM	GN	GO	GP	GQ	GR	GS	GT	GU	GV	GW	GX	GY	GZ	HA	HB	HC	HD	HE	HF	HG	HH	HI	HJ	HK	HL	HM	HN	HO	HP	HQ	HR	HS	HT	HU	HV	HW	HX	HY	HZ	IA	IB	IC	ID	IE	IF	IG	IH	II	IJ	IK	IL	IM	IN	IO	IP	IQ	IR	IS	IT	IU	IV	IW	IX	IY	IZ	JA	JB	JC	JD	JE	JF	JG	JH	JI	JJ	JK	JL	JM	JN	JO	JP	JQ	JR	JS	JT	JU	JV	JW	JX	JY	JZ	KA	KB	KC	KD	KE	KF	KG	KH	KI	KJ	KK	KL	KM	KN	KO	KP	KQ	KR	KS	KT	KU	KV	KW	KX	KY	KZ	LA	LB	LC	LD	LE	LF	LG	LH	LI	LJ	LK	LL	LM	LN	LO	LP	LQ	LR	LS	LT	LU	LV	LW	LX	LY	LZ	MA	MB	MC	MD	ME	MF	MG	MH	MI	MJ	MK	ML	MM	MN	MO	MP	MQ	MR	MS	MT	MU	MV	MW	MX	MY	MZ	NA	NB	NC	ND	NE	NF	NG	NH	NI	NJ	NK	NL	NM	NN	NO	NP	NQ	NR	NS	NT	NU	NV	NW	NX	NY	NZ	OA	OB	OC	OD	OE	OF	OG	OH	OI	OJ	OK	OL	OM	ON	OO	OP	OQ	OR	OS	OT	OU	OV	OW	OX	OY	OZ	PA	PB	PC	PD	PE	PF	PG	PH	PI	PJ	PK	PL	PM	PN	PO	PP	PQ	PR	PS	PT	PU	PV	PW	PX	PY	PZ	QA	QB	QC	QD	QE	QF	QG	QH	QI	QJ	QK	QL	QM	QN	QO	QP	QQ	QR	QS	QT	QU	QV	QW	QX	QY	QZ	RA	RB	RC	RD	RE	RF	RG	RH	RI	RJ	RK	RL	RM	RN	RO	RP	RQ	RR	RS	RT	RU	RV	RW	RX	RY	RZ	SA	SB	SC	SD	SE	SF	SG	SH	SI	SJ	SK	SL	SM	SN	SO	SP	SQ	SR	SS	ST	SU	SV	SW	SX	SY	SZ	TA	TB	TC	TD	TE	TF	TG	TH	TI	TJ	TK	TL	TM	TN	TO	TP	TQ	TR	TS	TT	TU	TV	TW	TX	TY	TZ	UA	UB	UC	UD	UE	UF	UG	UH	UI	UJ	UK	UL	UM	UN	UO	UP	UQ	UR	US	UT	UU	UV	UW	UX	UY	UZ	VA	VB	VC	VD	VE	VF	VG	VH	VI	VJ	VK	VL	VM	VN	VO	VP	VQ	VR	VS	VT	VU	VV	VW	VX	VY	VZ	WA	WB	WC	WD	WE	WF	WG	WH	WI	WJ	WK	WL	WM	WN	WO	WP	WQ	WR	WS	WT	WU	WV	WW	WX	WY	WZ	XA	XB	XC	XD	XE	XF	XG	XH	XI	XJ	XK	XL	XM	XN	XO	XP	XQ	XR	XS	XT	XU	XV	XW	XX	XY	XZ	YA	YB	YC	YD	YE	YF	YG	YH	YI	YJ	YK	YL	YM	YN	YO	YP	YQ	YR	YS	YT	YU	YV	YW	YX	YY	YZ	ZA	ZB	Z
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Court's EXHIBITS

CASE NO. C274370

[illegible]

Deaths

'S EXHIBITS

CASE NO.

C274370

[illegible]

VAULT EXHIBIT FORM

PLAINTIFF
LAMAR ANTWAN HARRIS
DEFENDANT

JURY FEES: \$

COUNSEL FOR DEFENDANT
Matthew Carling, Esq.

[illegible]

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT (NRAP 3(D)(4));
REQUEST FOR ROUGH DRAFT TRANSCRIPT; DISTRICT COURT DOCKET ENTRIES;
FINDINGS OF FACT AND CONCLUSIONS OF LAW ON DEFENDANT'S PETITION FOR WRIT
OF HABEAS CORPUS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES;
EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

LAMAR ANTWAN HARRIS,

Defendant(s).

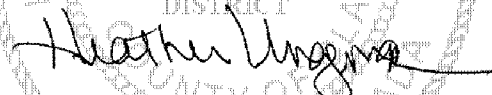
Case No: C-11-274370-1

Dept No: V

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 23 day of June 2016.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

