

1 CODE No. 2515
2 CHRISTOPHER J. HICKS
3 #7747
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7 Attorney for Plaintiff

Electronically Filed
Feb 26 2018 02:35 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

8 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

9 IN AND FOR THE COUNTY OF WASHOE

10 * * *

11 THE STATE OF NEVADA,

12 Plaintiff,

13 v.

Case No. CR17-1851

14 TAREN DEHSHAWN BROWN, also
15 known as TAREN DE SHAWNE BROWN,
16 also known as "GOLDY LOX,"

Dept. No. 6

17 Defendant.

18 _____ /
19 NOTICE OF APPEAL

20 Notice is hereby given that Plaintiff above-named, hereby appeals to the Supreme
21 Court of Nevada from this Court's Order granting Defendant's Motion to Suppress,
22 signed and filed on February 23, 2018.

23 ///

24 ///

25 ///

26 ///

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that this document was filed electronically with the Second Judicial
3 District Court on February 23, 2018. Electronic Service of the foregoing document shall
4 be made in accordance with the Master Service List as follows:

5 Jim Leslie, Chief Deputy Public Defender

6 Emilie Meyer, Deputy Public Defender

7
8
9 /s/ JENNIFER P. NOBLE
10 JENNIFER P. NOBLE

1 1310
2 Christopher J. Hicks
3 #7747
4 P.O. Box 30083
5 Reno, NV 89520-3083
6 Attorney for Plaintiff

7 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF WASHOE

9 * * *

10 THE STATE OF NEVADA,

11 Plaintiff,

Case No.: CR17-1851

12 v.

DEPT: 6

13 TAREN DE_SHAWNE BROWN,

14 Defendant.

15 _____/

16 CASE APPEAL STATEMENT

17 1. Appellant, the State of Nevada, hereby files this Case Appeal
18 Statement.

19 2. Honorable, Lynne K. Simons, District Judge.

20 3. Counsel for Appellant The State of Nevada is:

21 CHRISTOPHER J. HICKS
22 District Attorney

23 Jennifer P. Noble
24 Appellate Deputy
25 P. O. Box 11130
26 Reno, Nevada 89520

/ / /

1 4. Appellate counsel for Defendant Taren DeShawn Brown is:

2 Jim Leslie and/or Emilie Meyer
3 Washoe County Public Defender's Office
4 P. O. Box 11130
5 Reno, Nevada 89520

6 5. Counsel for Appellant and Defendant are licensed to practice law
7 in the State of Nevada.

8 6. Not applicable.

9 7. Not applicable.

10 8. Not applicable.

11 9. The Information was filed in the district court on November 28,
12 2017. Defendant's Motion to Suppress was filed on February 6, 2018.

13 10. This appeal is from an order granting Defendant's Motion to
14 Suppress, signed and filed on February 23, 2018.

15 11. This case has not previously been the subject of an appeal or
16 original writ proceeding in the Supreme Court.

17 12. This appeal does not involve child custody or visitation.

18 13. Not applicable.

19 This is a fast track appeal.
20
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1 AFFIRMATION PURSUANT TO NRS 239B.030

2 The undersigned does hereby affirm that the preceding
3 document does not contain the social security number of any person.

4
5 DATED this 23rd day of February, 2018.

6 CHRISTOPHER J. HICKS
7 District Attorney
8 Washoe County, Nevada

9 By /s/ Jennifer Noble
10 JENNIFER P. NOBLE
11 9446
12 Deputy District Attorney

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR17-1851

DEPT. D6

HON. LYNNE K. SIMONS

Report Date & Time

2/26/2018

8:50:52AM

Case Description: STATE VS. TAREN DESHAWN BROWN (TN)(D6)

Case ID: CR17-1851 Case Type: CRIMINAL Initial Filing Date: 11/15/2017

Parties

PLTF	STATE OF NEVADA - STATE
DA	Terrence P. McCarthy, Esq. - 2745
DA	Adam D. Cate, Esq. - 12942
DEFT	TAREN DESHAWN BROWN - @171240
PD	James B. Leslie, Esq. - 4464
PD	Emilie Meyer, Esq. - 11419
PNP	Div. of Parole & Probation - DPNP

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
1	50031	11/28/2017	INF ATTEMPTED MURDER - WITH THE USE OF A DEADLY WEAPON
2	50201	11/28/2017	INF ASSAULT WITH A DEADLY WEAPON
3	51459	11/28/2017	INF CARRYING A CONCEALED FIREARM
4	51437	11/28/2017	INF POSSESSION OF A FIREARM WITH A REMOVED OR ALTERED SERIAL NUMBER

Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
1	50031	1/4/2018	PLED NOT GUILTY
2	50201	1/4/2018	PLED NOT GUILTY
4	51437	1/4/2018	PLED NOT GUILTY
3	51459	1/4/2018	PLED NOT GUILTY

Release Information

Custody Status

Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
1 D6	ARRAIGNMENT	12/6/2017	09:00:00	12/6/2017

Event Extra Text:

Disposition:

D445 12/6/2017

DEPARTMENT 6 SHALL RETAIN THIS MATTER; MATTER SET FOR HEARING ON THE PETITION FOR WRIT; COURT HELD THE STRIKING OF THE PETITION AS FUGITIVE DOC IN ABEYANCE

Case Description: STATE VS. TAREN DESHAWN BROWN (TN)(D6)

Case ID: CR17-1851 Case Type: CRIMINAL Initial Filing Date: 11/15/2017

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
2	D6 HEARING...	1/4/2018	11:00:00	1/4/2018

Event Extra Text: (PETITION FOR WRIT)

Disposition:
 D725 1/4/2018
 TO ALL COUNTS IN INFORMATION;
 MEMORANDUM OF LAW FILED 12/28/17 - WITHDRAWN
 PETITION FILED 12/1/17 - STRICKEN AS FUGITIVE
 DOCUMENT
 LETTER FILED 12/1/17 - STRICKEN AS FUGITIVE
 DOCUMENT
 DEFT INVOKES RIGHT TO SPEEDY TRIAL; PRE-TRIAL
 MTNS HRG SET

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
3	D6 MOTION TO CONFIRM TRIAL	2/14/2018	09:00:00	2/14/2018

Event Extra Text: (PRE-TRIAL MTNS - 2/21/18; 5 DAY JURY TRIAL - 2/26/18)

Disposition:
 D425 2/14/2018
 COUNSEL CONFIRMED JURY TRIAL SET FOR 2/26/18

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
4	D6 PRE-TRIAL MOTIONS	2/21/2018	11:00:00	2/21/2018

Event Extra Text:

Disposition:
 D430 2/21/2018
 MOTION TO INVOKE RULE OF EXCLUSION AND MOTIONS REGARDING CUSTODY DURING TRIAL FILED JANUARY 24, 2018, GRANTED, HOWEVER, IS JAIL PHONE CALLS THE STATE MAY SEEK TO ADMIT ARE NOT SUBJECT TO THE COURT'S ORDER; MOTION IN LIMINE RE: PRIOR CONVICTIONS FILED JANUARY 24, 2018, GRANTED BASED ON NON-OPP; MOTION IN LIMINE RE: ALLEGED OTHER BAD ACTS, FILED JANUARY 24, 2018, GRANTED, MOTION FOR MATERIAL WITNESS BENCH WARRANT FILED FEBRUARY 20, 2018, - DEFENSE SHALL FILE OPPOSITION BY FEBRUARY 23, 2018, MATERIAL WITNESS BENCH WARRANT SHALL ISSUE PENDING ARGUMENTS; MOTION TO SUPPRESS FILED FEBRUARY 6, 2018.....

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
5	D6 Request for Submission	2/21/2018	12:15:00	2/23/2018

Event Extra Text: MOTION FOR EQUAL ACCESS TO JUROR INFORMATION (NO ORDER PROVIDED)

Disposition:
 S200 2/23/2018
 ORDER

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
6	D6 Request for Submission	2/21/2018	12:18:00	2/23/2018

Event Extra Text: MOTION IN LIMINE RE: PRIOR CONVICTIONS (N RS 50.095) ON 1-24-18

Disposition:
 S200 2/23/2018

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
7	D6 Request for Submission	2/21/2018	12:12:00	2/23/2018

Event Extra Text: MOTION TO SUPPRESS OR REQUEST FOR AN EVIDENTIARY HEARING (NO ORDER PROVIDED)

Disposition:
 S200 2/23/2018

Case Description: STATE VS. TAREN DESHAWN BROWN (TN)(D6)

Case ID: CR17-1851 Case Type: CRIMINAL Initial Filing Date: 11/15/2017

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
8 D6	Request for Submission	2/21/2018 12:16:00	2/23/2018
Event Extra Text: MOTION IN LIMINE RE: ALLEGED OTHER BAD ACTS (NO ORDER PROVIDED)		Disposition: S200 2/23/2018	
9 D6	Request for Submission	2/21/2018 12:27:00	2/23/2018
Event Extra Text: MOTION TO INVOKE RULE OF EXCLUSION OF MOTIONS REGARDING CUSTODY DURING TRIAL ON 1-24-18		Disposition: S200 2/23/2018	
10 D6	HEARING...	2/23/2018 16:00:00	2/23/2018
Event Extra Text: (RE: REQUEST TO STAY)		Disposition: D355 2/23/2018 COURT DENIED STATE'S REQUEST TO STAY MATTER PENDING APPEAL; COURT VACATED TRIAL SET FOR FEBRUARY 26, 2018; TRIAL RESET FOR MARCH 5, 2018; STATE MAY SEEK STAY FROM SUPREME COURT	
11 D6	EXHIBITS TO BE MARKED W/CLERK	2/23/2018 11:00:00	2/23/2018
Event Extra Text:		Disposition: D596 2/23/2018 EXHIBIT 1 - 14b	
12 D6	TRIAL - JURY	2/26/2018 09:00:00	2/23/2018
Event Extra Text: (5 DAYS)		Disposition: D844 2/23/2018 TO MARCH 5, 2018, AT 9:00 A.M.	

Agency Cross Reference

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
DA	District Attorney's Office	DA1712678
PC	PCN number	PCNRPD0030689C
RJ	Reno Justice's Court	RCR2017094044
RP	Reno Police Department	RPDRP17023199

<i>Action Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Text</i>
11/15/2017	1250E	Application for Setting eFile	12/06/17 AT 9:00 A.M. ARRAIGNMENT - Transaction 6397048 - Approved By: NOREVIEW : 11-15-2017:16:56:
11/15/2017	2522	Notice of Bindover	Transaction 6396716 - Approved By: MPURDY : 11-15-2017:16:45:23
11/15/2017	NEF	Proof of Electronic Service	Transaction 6397051 - Approved By: NOREVIEW : 11-15-2017:16:57:13
11/15/2017	3700	Proceedings	Transaction 6396716 - Approved By: MPURDY : 11-15-2017:16:45:23
11/16/2017	NEF	Proof of Electronic Service	Transaction 6398385 - Approved By: NOREVIEW : 11-16-2017:13:08:27
11/16/2017	4075	Substitution of Counsel	JENNIFER MAYHEW PD - Transaction 6397208 - Approved By: CSULEZIC : 11-16-2017:09:45:53
11/16/2017	4105	Supplemental ...	RJC STATE'S EXHIBIT A

Case Description: STATE VS. TAREN DESHAWN BROWN (TN)(D6)

Case ID:	CR17-1851	Case Type:	CRIMINAL	Initial Filing Date:	11/15/2017
11/16/2017	NEF	Proof of Electronic Service	Transaction 6397592 - Approved By: NOREVIEW : 11-16-2017:09:46:47		
11/16/2017	1491	Pretrl Srvc Assessment Report	Transaction 6398352 - Approved By: CSULEZIC : 11-16-2017:13:07:27		
11/16/2017	1695	** Exhibit(s) ...	RJC STATE'S EXHIBIT A IN EVIDENCE ROOM		
11/17/2017	COC	Evidence Chain of Custody Form			
11/27/2017	4105	Supplemental ...	SUPPLEMENTAL PROCEEDINGS - Transaction 6409901 - Approved By: CSULEZIC : 11-27-2017:14:35:57		
11/27/2017	NEF	Proof of Electronic Service	Transaction 6410119 - Approved By: NOREVIEW : 11-27-2017:14:36:56		
11/28/2017	NEF	Proof of Electronic Service	Transaction 6410980 - Approved By: NOREVIEW : 11-28-2017:08:38:30		
11/28/2017	1800	Information	Transaction 6410950 - Approved By: MCHOLICO : 11-28-2017:08:37:29		
12/1/2017	3585	Pet Writ Habeas Corpus	APPLICATION OF TAREN D. BROWN FOR WRIT OF HABEAS CORPUS BROWS DELARATION ATTACHED		
12/1/2017	1930	Letters ...			
12/28/2017	1960	Memorandum ...	MEMORANDUM OF LAW RE: CLIENT COMPLAINTS AND CONFLICTS OF INTEREST - Transaction 6456935		
12/28/2017	NEF	Proof of Electronic Service	Transaction 6456959 - Approved By: NOREVIEW : 12-28-2017:12:02:44		
1/4/2018	1275	** 60 Day Rule - Invoked			
1/5/2018	3870	Request	DEFENDANT'S REQUEST FOR FULL DISCOVERY - Transaction 6468151 - Approved By: PMSEWELL : 01-05		
1/5/2018	NEF	Proof of Electronic Service	Transaction 6468365 - Approved By: NOREVIEW : 01-05-2018:13:49:38		
1/12/2018	2520	Notice of Appearance	EMILIE MEYER PD / DEFT TAREN DE SHAWNE BROWN - Transaction 6480235 - Approved By: YVILORIA : 0		
1/12/2018	NEF	Proof of Electronic Service	Transaction 6480390 - Approved By: NOREVIEW : 01-12-2018:15:23:36		
1/12/2018	4075	Substitution of Counsel	JIM LESLIE PD IN PLACE OF JENNIER A. MAYHEW PD / DEFT TAREN DE SHAWNE BROWN - Transaction t		
1/12/2018	NEF	Proof of Electronic Service	Transaction 6480437 - Approved By: NOREVIEW : 01-12-2018:15:30:09		
1/23/2018	4185	Transcript	Arraignment January 4, 2018 - Transaction 6495432 - Approved By: NOREVIEW : 01-23-2018:17:39:15		
1/23/2018	NEF	Proof of Electronic Service	Transaction 6495433 - Approved By: NOREVIEW : 01-23-2018:17:40:14		
1/24/2018	2245	Mtn in Limine	MOTION IN LIMINE RE: ALLEGED OTHER BAD ACTS NRS 48.045 - Transaction 6496569 - Approved By: YVI		
1/24/2018	2245	Mtn in Limine	MOTION IN LIMINE RE: PRIOR CONVICTIONS (NRS 50.095) - Transaction 6496569 - Approved By: YVILORI/		
1/24/2018	NEF	Proof of Electronic Service	Transaction 6496985 - Approved By: NOREVIEW : 01-24-2018:14:43:48		
1/24/2018	2490	Motion ...	MOTION FOR EQUAL ACCESS TO JUROR INFORMATION - Transaction 6496569 - Approved By: YVILORIA :		
1/24/2018	2490	Motion ...	MOTION TO INVOKE RULE OF EXCLUSION AND MOTIONS REGARDING CUSTODY DURING TRIAL - Trans		
2/5/2018	NEF	Proof of Electronic Service	Transaction 6515742 - Approved By: NOREVIEW : 02-05-2018:15:02:18		
2/5/2018	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR EQUAL ACCESS TO JUROR INFORMATION - Transaction 6514855 - Approv		
2/6/2018	2480	Mtn to Suppress...	MOTION TO SUPPRESS OR REQUEST FOR AN EVIDENTIARY HEARING PURSUANT TO LCR 7(C) - Trans		
2/6/2018	NEF	Proof of Electronic Service	Transaction 6518839 - Approved By: NOREVIEW : 02-06-2018:16:55:17		
2/13/2018	NEF	Proof of Electronic Service	Transaction 6530049 - Approved By: NOREVIEW : 02-13-2018:13:40:20		
2/13/2018	MIN	***Minutes	1/4/18 ARRAIGNMENT - Transaction 6530043 - Approved By: NOREVIEW : 02-13-2018:13:39:20		
2/20/2018	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO SUPPRESS - Transaction 6538644 - Approved By: SWILLIAM : 02-20-2018:09:!		
2/20/2018	NEF	Proof of Electronic Service	Transaction 6540696 - Approved By: NOREVIEW : 02-20-2018:16:09:52		
2/20/2018	NEF	Proof of Electronic Service	Transaction 6538921 - Approved By: NOREVIEW : 02-20-2018:09:52:25		
2/20/2018	2592	Notice of Witnesses	Transaction 6540385 - Approved By: PMSEWELL : 02-20-2018:16:08:39		
2/20/2018	2490	Motion ...	STATE'S MOTION TO ADMIT PRELIMINARY HEARING TESTIMONY OR, IN THE ALTERNATIVE, MOTION FC		
2/21/2018	3370	Order ...	MATERIAL WITNESS ORDER - Transaction 6542153 - Approved By: NOREVIEW : 02-21-2018:12:31:34		
2/21/2018	3860	Request for Submission	Transaction 6542017 - Approved By: YVILORIA : 02-21-2018:12:25:21		

Case Description: STATE VS. TAREN DESHAWN BROWN (TN)(D6)

Case ID:	CR17-1851	Case Type:	CRIMINAL	Initial Filing Date:	11/15/2017
2/21/2018	3860	Request for Submission	Transaction 6541981 - Approved By: YVILORIA : 02-21-2018:12:15:06		
2/21/2018	3860	Request for Submission	- Transaction 6541955 - Approved By: PMSEWELL : 02-21-2018:12:07:15		
2/21/2018	3860	Request for Submission	- Transaction 6541920 - Approved By: PMSEWELL : 02-21-2018:12:01:42		
2/21/2018	3860	Request for Submission	- Transaction 6541896 - Approved By: PMSEWELL : 02-21-2018:11:59:56		
2/21/2018	1302	Material Witness-Bench Warrant	Transaction 6542154 - Approved By: JMARTIN : 02-21-2018:12:37:27		
2/21/2018	NEF	Proof of Electronic Service	Transaction 6542174 - Approved By: NOREVIEW : 02-21-2018:12:38:35		
2/21/2018	NEF	Proof of Electronic Service	Transaction 6542160 - Approved By: NOREVIEW : 02-21-2018:12:33:55		
2/21/2018	NEF	Proof of Electronic Service	Transaction 6542155 - Approved By: NOREVIEW : 02-21-2018:12:32:34		
2/21/2018	NEF	Proof of Electronic Service	Transaction 6542139 - Approved By: NOREVIEW : 02-21-2018:12:26:25		
2/21/2018	NEF	Proof of Electronic Service	Transaction 6542114 - Approved By: NOREVIEW : 02-21-2018:12:16:06		
2/21/2018	NEF	Proof of Electronic Service	Transaction 6542091 - Approved By: NOREVIEW : 02-21-2018:12:08:14		
2/21/2018	NEF	Proof of Electronic Service	Transaction 6542064 - Approved By: NOREVIEW : 02-21-2018:12:02:53		
2/21/2018	NEF	Proof of Electronic Service	Transaction 6542055 - Approved By: NOREVIEW : 02-21-2018:12:02:22		
2/21/2018	NEF	Proof of Electronic Service	Transaction 6541333 - Approved By: NOREVIEW : 02-21-2018:09:05:47		
2/21/2018	3836	Extradition and Authorization	Transaction 6542157 - Approved By: NOREVIEW : 02-21-2018:12:32:54		
2/22/2018	MIN	***Minutes	2/14/18 MOTION TO CONFIRM - Transaction 6545382 - Approved By: NOREVIEW : 02-22-2018:15:48:14		
2/22/2018	NEF	Proof of Electronic Service	Transaction 6545390 - Approved By: NOREVIEW : 02-22-2018:15:49:05		
2/23/2018	1310	Case Appeal Statement	Transaction 6548055 - Approved By: YVILORIA : 02-26-2018:08:38:11		
2/23/2018	S200	Request for Submission Complet			
2/23/2018	S200	Request for Submission Complet			
2/23/2018	S200	Request for Submission Complet			
2/23/2018	S200	Request for Submission Complet			
2/23/2018	S200	Request for Submission Complet	ORDER		
2/23/2018	MIN	***Minutes	2/21/18 PRE-TRIAL MOTIONS - Transaction 6546233 - Approved By: NOREVIEW : 02-23-2018:09:32:12		
2/23/2018	3060	Ord Granting Mtn ...	FOR EQUAL ACCESS TO JUROR INFORMATION - Transaction 6546549 - Approved By: NOREVIEW : 02-23-2018:09:32:12		
2/23/2018	2515	Notice of Appeal Supreme Court	Transaction 6548054 - Approved By: YVILORIA : 02-26-2018:08:37:47		
2/23/2018	3060	Ord Granting Mtn ...	TO SUPPRESS OR REQUEST FOR AN EVIDENTIARY HEARING PURSUANT TO LCR 7(C) - Transaction 654		
2/23/2018	NEF	Proof of Electronic Service	Transaction 6546234 - Approved By: NOREVIEW : 02-23-2018:09:33:02		
2/23/2018	NEF	Proof of Electronic Service	Transaction 6546555 - Approved By: NOREVIEW : 02-23-2018:10:28:30		
2/23/2018	NEF	Proof of Electronic Service	Transaction 6547431 - Approved By: NOREVIEW : 02-23-2018:14:22:41		
2/26/2018	NEF	Proof of Electronic Service	Transaction 6548228 - Approved By: NOREVIEW : 02-26-2018:08:38:55		
2/26/2018	NEF	Proof of Electronic Service	Transaction 6548232 - Approved By: NOREVIEW : 02-26-2018:08:39:22		
2/26/2018	NEF	Proof of Electronic Service	Transaction 6548259 - Approved By: NOREVIEW : 02-26-2018:08:49:41		
2/26/2018	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 6548256 - Approved By: N		

1 CODE NO. 3370
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5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF WASHOE
7

8 THE STATE OF NEVADA,

Case No. CR17-1851

9 Plaintiff,

Dept. No. 6

10 vs.
11

12 TAREN DESHAWN BROWN, also known as
13 TAREN DE SHAWNE BROWN, also known as
"GOLDY-LOX,"

14 Defendant.
15 _____/

16 **ORDER GRANTING MOTION TO SUPPRESS**
17 **OR REQUEST FOR AN EVIDENTIARY HEARING PURSUANT TO LCR 7(C)**

18 Before this Court is a *Motion to Suppress or Request for an Evidentiary Hearing*
19 *Pursuant to LCR 7(c)* ("Motion") filed by Defendant TAREN BROWN ("Mr. Brown") through
20 his counsel Emilie Meyer, Deputy Public Defender. The State of Nevada filed its *Opposition*
21 *to Motion to Suppress* ("Opposition") through its counsel Deputy District Attorney Adam D.
22 Cate. No reply was filed.
23

24 On February 21, 2018, the Court held a hearing on all pretrial motions, and the
25 parties presented oral argument on the instant *Motion*. Mr. Brown then submitted the
26 *Motion* for decision. After hearing the evidence and argument, and analyzing the same
27 under the applicable law, the Court finds the *Motion* should be granted/denied.
28

//

1 **I. FACTS AND PROCEDURAL HISTORY**

2 On October 28, 2017, Mr. Brown was apprehended by officers with the Reno Police
3 Department (“RPD”) after Mr. Brown allegedly pointed a gun at VINTELL LAMONTTA
4 JOHNSON (“Mr. Johnson”) and pulled the trigger. See Information, filed November 28,
5 2017. Officers handcuffed Mr. Brown and conducted a search of his person. *Motion*, p. 2.
6 Shortly after the search, Mr. Brown was placed in an RPD squad car and Sergeant Larmon
7 Smith (“Sergeant Smith”) conducted an interrogation. Id. Officer Tasheeka Claiborne
8 (“Officer Claiborne”) recorded the interrogation. Id. Said recording was disclosed by the
9 State and provided as Audio Interview 171028_0004 (“Audio Interview”). Id.
10
11

12 Prior to questioning, Sergeant Smith provided the following admonishment,¹ as
13 reflected in Audio Interview at 1:26-1:57:

14 Sergeant Smith: You are in custody man. You have rights, okay, so I just want
15 you to know that you don’t have to talk to me. You have the right
16 to remain silent, you know, and if we do talk about stuff, you
17 know, we can use that stuff against you. Obviously if you can’t
18 afford an attorney, or something like that, regardless of what
19 charges we have for you, we can always provide one of them for
 you as well. Now, do you understand your rights everything
 (indistinct) just said, Mr. Brown?

20 Mr. Brown: Yes, I heard you.

21 Sergeant Smith: Okay now do you understand that your rights and stuff. Do you
22 want to tell me your side of it and tell me what happened, what
23 led up to this bro?

24 In response to Sergeant Smith’s admonishment, Mr. Brown appeared to waive his
25 rights and made a number of incriminating statements regarding the incident to Sergeant
26 Smith and Officer Claiborne. See Audio Interview, generally. Mr. Brown now seeks to

27 _____
28 ¹ As the recording has not been professional transcribed, Sergeant Smith’s admonishment, alone,
was transcribed by defense counsel. The Court listened to the recording in question at the hearing
on February 21, 2018 and notes the aforementioned transcription accurately reflects the
admonishment given to Mr. Brown by Sergeant Smith.

1 suppress the recording of his interrogation based on Sergeant Brown's failure to properly
2 Mirandize Mr. Brown and, therefore, lack of voluntariness of Mr. Brown's statements.
3 *Motion*, p. 2.

4
5 In his *Motion*, Mr. Brown argues Sergeant Smith's Miranda warning was deficient
6 based on three primary grounds. First, Mr. Brown contends Sergeant Smith failed to
7 communicate Mr. Brown's right to have counsel present during questioning. *Motion*, p. 5.
8 Mr. Brown maintains the information regarding a right to counsel during questioning is "an
9 absolute prerequisite to interrogation [and] [n]o amount of circumstantial evidence that the
10 person may have been aware of this right will suffice to stand in its stead." *Motion*, p. 5,
11 quoting Miranda v. Arizona, 384 U.S. 436, 471-72 (1966). Mr. Brown argues Sergeant
12 Smith's statement, "[i]f you can't afford an attorney, or something like that, regardless of
13 what charges we have for you, we can always provide one of them for you as well,"
14 suggests the right to an attorney attaches only after charges are filed and not during or
15 before questioning. *Id.*, p. 7.

16
17
18 Second, Mr. Brown contends Sergeant Smith failed to communicate Mr. Brown's
19 ability to exercise his rights at any time. *Motion*, p. 5. While Mr. Brown concedes the
20 language in Miranda is less absolute as to this right, Mr. Brown argues "[w]ithout the right to
21 cut off questioning, the setting of in-custody interrogation operates on the individual to
22 overcome free choice." *Id.*, quoting Miranda, 384 U.S. at 474.

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1 Third, Mr. Brown maintains Sergeant Smith improperly warned him regarding the
2 adverse use of his statements in the courtroom. *Motion*, p. 6. Mr. Brown contends
3 Sergeant Smith's statement, "we can use that stuff against you" fails to convey the full
4 exposure faced when making a statement because it omits the phrase "in court," refers to
5 statements as "stuff," and includes the word "we." *Id.*

7 Because Sergeant Smith's Miranda warning was constitutionally ineffective, Mr.
8 Brown argues he did not have "full awareness" of his Miranda rights and, therefore, did not
9 voluntarily waive them. *Id.*, p. 9.

11 The State opposes the *Motion*, maintaining "the precise language of the warning is
12 not to be challenged so long as the proper information is conveyed." *Opposition*, p. 2. The
13 State contends Sergeant Smith conveyed the proper information, as federal courts have
14 consistently found Miranda warnings adequate where the suspect was not specifically
15 warned his statements would be used in a court of law. *Id.*, p. 3, citing United States v.
16 Frankson, 83 F.3d 79, 81 (4th Cir. 1996); United States v. Castro-Higuero, 473 F.3d 880,
17 886 (8th Cir. 2007); United States v. Crumpton, 824 F.3d 593, 606 (6th Cir. 2016). The
18 State emphasizes Mr. Brown provides no contrary authority.

20 In addition, the State contends the warning adequately conveyed Mr. Brown's right to
21 an attorney during questioning. *Id.*, p. 4. The State argues the Nevada Supreme Court has
22 explicitly held a Miranda warning that conveys the right to an attorney necessarily conveys
23 that the attorney may be present for questioning. *Id.*; see also Criswell v. State, 84 Nev.
24 459, 443 P.2d 552 (1968), disapproved on other grounds by Finger v. State, 117 Nev. 548
25 (2001). The State also notes various federal court cases reaching similar conclusions. *Id.*,
26 p. 5.
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1 The State also maintains there is no legal requirement to inform a suspect he may
2 terminate questioning at any time, and emphasizes Mr. Brown again provides no contrary
3 authority for his contention. Id., p. 7.

4 Therefore, the State maintains Mr. Brown's acknowledgment of Sergeant Smith's
5 Miranda warning and subsequent discussion of his participation in the incident in question
6 constituted a valid waiver of his Fifth Amendment privilege. Id., p. 10, citing Allen v. State,
7 91 Nev. 568 (1975).
8

9 On February 21, 2018, the Court heard oral argument on the *Motion*, during which
10 the parties reiterated their respective arguments and responded to the Court's inquiries.
11 Thereafter, the Court took the *Motion* under advisement.
12

13 Accordingly, after review of the papers and pleadings filed, the oral argument of the
14 parties, and the applicable law, the Court sets forth its Order as follows.
15

16 **II. STANDARD OF REVIEW; LAW AND ANALYSIS**

17 The admissibility of any statement given during a custodial interrogation depends on
18 whether the police provided a suspect with four warnings: "(1) the right to remain silent, (2)
19 that anything he says can be used against him in a court of law, (3) that he has the right to
20 the presence of an attorney, and (4) that if he cannot afford an attorney one will be
21 appointed for him prior to any questioning if he so desires." United States v. Perez-Lopez,
22 348 F.3d 839, 848 (9th Cir. 2003) (emphasis removed) (numbering added). The Supreme
23 Court of the United States has "never insisted that *Miranda* warnings be given in the exact
24 form described in [the *Miranda*] decision," and moreover, "no talismanic incantation [is]
25 required to satisfy its strictures." Duckworth v. Eagan, 492 U.S. 195, 202-03, 109 S. Ct.
26 2875, 2880 (1989). The inquiry is "whether the warnings reasonably 'conve[y] to [a suspect]
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1 his rights as required by *Miranda*." Florida v. Powell, 559 U.S. 50, 60, 130 S. Ct. 1195, 1204
2 (2010) *citing* Duckworth, *supra*. However, "thoroughness and clarity are especially
3 important when communicating with uneducated defendants." Perez-Lopez, 348 F.3d at
4 848. To be constitutionally adequate, Miranda warnings must be "sufficiently
5 comprehensive and comprehensible when given a commonsense reading." Powell, 559
6 U.S. at 63.

8 As a general rule, "suppression issues present mixed questions of law and fact."
9 State v. Beckman, 129 Nev. Adv. Op. 51, 305 P.3d 912, 916 (2013). When ruling on a
10 motion to suppress, a district court should set forth factual findings in support of its
11 determination in order to aid appellate review. Rosky v. State, 121 Nev. 184, 191, 111 P.3d
12 690, 695 (2005). Pursuant to Nevada Supreme Court authority, the Court makes its findings
13 of fact and conclusions of law on each of Mr. Brown's grounds for suppression of the *Audio*
14 *Interview*.

16 Mr. Brown does not challenge his "right to remain silent," and therefore, the Court
17 does not discuss it here. Instead, the Court analyzes whether Mr. Brown's right to counsel
18 was effectively conveyed and whether Sergeant Smith effectively informed Mr. Brown that
19 anything he said could be used against him "in a court of law."
20

21
22 **A. Right of Subject to be Informed Statements May be Used Against Him in
23 a Court of Law.**

24 The second *Miranda* warning requires police to inform a defendant "that anything he
25 says can be used against him in a court of law." Miranda v. Arizona, 384 U.S. 436, 479, 86
26 S. Ct. 1602, 1630 (1966). As Miranda explains, in full,

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1 The warning of the right to remain silent must be accompanied by the
2 explanation that anything said can and will be used against the individual in
3 court. This warning is needed in order to make him aware not only of the
4 privilege, but also of the consequences of foregoing it. It is only through an
5 awareness of these consequences that there can be any assurance of real
6 understanding and intelligent exercise of the privilege. Moreover, this warning
may serve to make the individual more acutely aware that he is faced with a
phase of the adversary system—that he is not in the presence of persons
acting solely in his interest.

7 Miranda v. Arizona, 384 U.S. 436, 469, 86 S. Ct. 1602, 1625 (1966).

8 The Court has not located any United States Supreme Court or Nevada Supreme
9 Court authority directly addressing the sufficiency of a Miranda warning that omits the
10 phrase “in court,” but is persuaded by federal circuit court authority. In United States v.
11 Franklin, 83 F.3d 79, 81 (4th Cir. 1996), the Fourth Circuit found it was not critical “that [the
12 officer] failed to state that Frankson’s statements could be used against him at a particular
13 location, in court. [The officer]’s instruction unequivocally conveyed that all of Frankson’s
14 statements could be used against him anytime, anywhere, including a court of law, a
15 broader warning that Miranda actually requires.” In addition, in United States v. Crumpton,
16 824 F.3d 593, 606 (6th Cir. 2016), the Sixth Circuit found “[a] suspect who is informed of his
17 right to remain silent and the fact that failing to do so will result in his statements being used
18 ‘against him’ is sufficiently informed of the key information the warning seeks to provide”
19 despite not being warned specifically that the statements could be used in court.
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23 Thus, based upon the aforementioned persuasive authority, the Court finds Sergeant
24 Smith’s admonishment that “[y]ou have the right to remain silent, you know, and if we do talk
25 about stuff, you know, we can use that stuff against you,” satisfies the requirements of
26 Miranda and does not, itself, warrant suppression of Mr. Brown’s interview with Sergeant
27 Smith.
28

1 **B. Right to Counsel During Questioning.**

2 Miranda requires all individuals “be informed, prior to custodial interrogation, “that
3 [they have] the right to the presence of an attorney, and that if [they] cannot afford an
4 attorney one will be appointed for [them] prior to any questioning if [they] so desire.” U.S. v.
5 Connell, 869 F.2d 1349, 1351 (9th Cir. 1989), quoting Miranda, 348 U.S. at 479. “What
6 Miranda requires ‘is meaningful advice to the unlettered and unlearned in language which
7 [they] can comprehend and on which [they] can knowingly act.’” Connell, 869F.2d at 1351,
8 quoting Coyote v. U.S., 380 F.2d 305, 308 (10th Cir. 1967). In order for the warning to be
9 valid, the combination of the wording of its warnings cannot be affirmatively misleading. Id.
10 at 1352. “The warning must be clear and not susceptible to equivocation.” U.S. v. San
11 Juan-Cruz, 314 F.3d 384, 387 (9th Cir. 2002). In addition, “a Miranda warning must convey
12 *clearly* to the arrested party that he or she possesses the right to have an attorney present
13 prior to and during questioning.” Id. at 388 (emphasis in original).

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17 Here, Sergeant Smith informed Mr. Brown as follows: “Obviously if you can’t afford
18 an attorney, or something like that, regardless of what charges we have for you, we can
19 always provide one of them for you as well.” Sergeant Smith did not explicitly inform Mr.
20 Brown that he had the right to the presence of counsel prior to and during questioning.

21
22 The State relies on the Nevada Supreme Court’s decision in Criswell for the
23 proposition that a Miranda warning that conveys the right to an attorney necessarily conveys
24 that the attorney may be present for questioning. *Opposition*, p. 4; Criswell, 84 Nev. at 462,
25 443 P.2d at 554 (“While the warnings given in the district attorney’s office did not specifically
26 advise the appellant that he was entitled to have an attorney present at that moment and
27 during all stages of interrogation, no other reasonable inference could be drawn from the
28

1 warnings as given.”). The State also cites to numerous courts that have reached similar
2 conclusions. However, those cases are easily distinguishable from the facts of this case.

3
4 In Criswell, prior to questioning, the defendant “was advised of his constitutional right
5 to remain silent, that anything he might say could be used against him in court, that he had
6 the right to counsel, and if he was indigent and could not afford counsel that the counsel
7 would be provided.” Id. at 461, 443 P.2d at 553. In addition, in United States v. Lamia, 429
8 F.2d 373, 375-76 (2nd Cir. 1970), the defendant was advised that “he need not make any
9 statement to us at that time, that any statement he would make could be used against him
10 in court; he had a right to an attorney, if he wasn’t able to afford an attorney, an attorney
11 would be appointed by the court.” With regard to the defendant’s contention that he was not
12 apprised he had the right to the presence of an attorney during questioning, the Second
13 Circuit found, “having just been informed that he did not have to make any statement to the
14 agents outside of the bar, Lamia was effectively warned that he need not make any
15 statement until he had the advice of an attorney.” Id. at 377.

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18 However, the State is incorrect that a warning that conveys the right to an attorney
19 **necessarily** conveys that the attorney may be present for questioning. The Ninth Circuit’s
20 decision in Connell makes it clear otherwise unobjectionable Miranda warnings have not
21 been found inadequate by courts “simply because they fail explicitly to state that an
22 individual’s right to appointed counsel encompasses the right to have that counsel present
23 prior to and during questioning.” Connell, 869 P.2d at 1351. Rather, “where individuals
24 have been separately advised both of their right to counsel before and during questioning
25 and of their right to appointed counsel, reviewing courts will assume that a logical inference
26 has been made – that is, that appointed counsel is available throughout the interrogation
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1 process.” Id. at 1351-52. However, the Ninth Circuit rejected as “fatally flawed...a version
2 of the Miranda litany if the combination or wording of its warnings is in some way
3 affirmatively misleading, making such an inference less readily available.” Id.
4

5 Unlike the cases relied upon by the State, Mr. Brown was not separately apprised of
6 his right to an attorney and his right to have an attorney appointed to him such that “no other
7 reasonable inference could be drawn from the warnings as given.” See Criswell, at 461,
8 442 P.2d at 553. Rather, the Court finds the combination of words used by Sergeant Smith
9 was both “affirmatively misleading” and “subject to equivocation.” See San Juan-Cruz, 314
10 F.3d at 387. Sergeant Smith’s warning, viewed as a whole, is subject to the reasonable
11 interpretation that Mr. Brown did not have the right to counsel during questioning. The
12 Court notes a defendant is entitled to be informed of **both** his right to the presence of
13 counsel during questioning **and** his right to be appointed counsel to represent him if he is
14 indigent. These are separate admonishments that were apparently merged into one by
15 Sergeant Smith such that Mr. Brown was never explicitly informed he had the right to an
16 attorney **during questioning**. In addition, Sergeant Smith’s use of the phrase, “regardless
17 of what charges we have for you, we can always provide one of them for you as well,”
18 implies Mr. Brown may have an attorney appointed to defend him against whatever charges
19 result from his arrest. Because Mr. Brown had not yet been charged with a crime, Sergeant
20 Smith’s warning was subject to the reasonable misinterpretation that Mr. Brown had the
21 right to have counsel appointed at some future point in time after he had been charged with
22 a crime, not prior to and during questioning. As such, Sergeant Smith’s warning was
23 ambiguous, unclear, subject to equivocation, and was not the “fully effective equivalent” of
24 the language used in the Miranda decision.
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1 Thus, the Court finds the warning was constitutionally ineffective. Suppression of Mr.
2 Brown's interview with Sergeant Smith is required and may not be used in the State's case
3 in chief.²

4
5 **C. Voluntariness of Statement.**

6 In order to admit statements made during custodial interrogation, the defendant must
7 knowingly and voluntarily waive the Miranda rights. Kroger v. State, 117 Nev. 138, 142, 17
8 P.3d 428, 430 (2001). The Court reviews "the facts and circumstances of each particular
9 case weighing the totality of the circumstances to determine whether the Miranda warnings
10 were properly given and whether the defendant waived his Miranda rights." Id.

11
12 The Court finds Sergeant Smith's admonishment did not adequately and reasonably
13 convey the third warning to Mr. Brown such that it would make him aware that he had the
14 right to the presence of counsel prior to and during questioning. As such, the Court similarly
15 finds Mr. Brown did not "voluntarily, knowingly and intelligently" waive his Miranda rights,
16 requiring suppression of Mr. Brown's interview with Sergeant Smith. See Miranda, 384 U.S.
17 at 444.

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25 ² The suppression of Mr. Brown's audio interview does not preclude the State from admitting Mr.
26 Brown's otherwise inadmissible statements for the limited purpose of impeaching Mr. Brown's
27 testimony. In Harris v. New York, 401 U.S. 222, 225-26 (1971) the United States Supreme Court
28 reasoned, "[e]very criminal defendant is privileged to testify in his own defense, or to refuse to do so.
But that privilege cannot be construed to include the right to commit perjury... The shield provided by
Miranda cannot be perverted into a license to use perjury by way of a defense, free from the risk of
confrontation with prior inconsistent utterances." (internal citations omitted); see also Allan v. State,
103 Nev. 512, 513, 746 P.2d 138, 140 (1987).

1 **III. CONCLUSION**

2 The Court concludes the audio interview of Mr. Brown should be suppressed for
3 failure to properly Mirandize Mr. Brown. As such, Audio Interview 171028_0004 may not be
4 used by the State in its case in chief.
5

6 Accordingly, and good cause appearing therefor,

7 **IT IS HEREBY ORDERED** the *Motion to Suppress or Request for an Evidentiary*
8 *Hearing Pursuant to LCR 7(c)* is GRANTED.

9 Dated this 2nd day of February, 2018.

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12 DISTRICT JUDGE
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1 CERTIFICATE OF SERVICE

2 I certify that I am an employee of THE SECOND JUDICIAL DISTRICT COURT;
3 that on the 23rd day of February, 2018, I electronically filed the foregoing with the Clerk
4 of the Court system which will send a notice of electronic filing to the following:

5 ADAM CATE, ESQ.

6 ERICA FLAVIN, ESQ.

7 EMILIE MEYER, ESQ.

8
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11
12 And, I deposited in the County mailing system for postage and mailing with the
13 United States Postal Service in Reno, Nevada, a true and correct copy of the attached
14 document addressed as follows:

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21 Heidi Bore
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**DATE, JUDGE
 OFFICERS OF
 COURT PRESENT**

APPEARANCES-HEARING

CONT'D TO

ARRAIGNMENT

1/4/18
 HONORABLE
 LYNNE K. SIMONS
 DEPT. NO. 6
 J. Martin
 (Clerk)
 D. Greco
 (Reporter)

Deputy District Attorney Adam Cate, Esq. was present on behalf of the State. Defendant was present with counsel, Deputy Public Defender Jennifer Mayhew, Esq. Specialist Jill Berryman was present on behalf of the Division of Parole and Probation.
 Defense counsel stated after speaking with the Defendant it is the Defendant's wish to proceed in the matter and continue to be represented by the Public Defender's Officer. Defense counsel requested the Letter and Petition for Writ of Habeas Corpus filed on December 1, 2017, be stricken as fugitive documents. Defense counsel further indicated the Memorandum filed December 28, 2017, will be withdrawn.

**2/21/18
 11:00 a.m.
 Pre-Trial
 Motions**

**2/14/18
 9:00 a.m.
 Motion to
 Confirm
 Trial**

TRUE NAME: TAREN DESHAWN BROWN

Defendant acknowledged receipt of the Information; indicated to the Court that his name is accurately reflected on line 12; waived reading and entered pleas of not guilty to all charges contained within the Information. Defense counsel stated the Defendant wishes to invoke his right to a speedy Trial.

**2/26/18
 9:00 a.m.
 Jury Trial
 (5 days)**

COURT canvassed the Defendant regarding his not guilty pleas and his right to a speedy Trial.
 Respective counsel estimated Trial would take approximately 5 days and requested a hearing be scheduled for Pre-Trial Motions.
 Defense counsel indicated Counsel Meyer or Counsel Leslie will be trying the matter.
COURT FURTHER ORDERED matter continued for Pre-Trial Motions, Motion to Confirm Trial and Jury Trial.
 Defendant remanded to the custody of the Sheriff.

**DATE, JUDGE
 OFFICERS OF
 COURT PRESENT**

APPEARANCES-HEARING

CONT'D TO

2/14/18
 HONORABLE
 LYNNE K. SIMONS
 DEPT. NO. 6
 J. Martin
 (Clerk)
 C. Wolden
 (Reporter)

MOTION TO CONFIRM

Deputy District Attorney Nathan MacLellan, Esq. was present on behalf of the State. Defendant was present with counsel, Deputy Public Defender Emilie Meyer, Esq. Specialist Dwayne Hamill was present on behalf of the Division of Parole and Probation.
 State's counsel confirmed Trial for February 26, 2018.
 Defense counsel confirmed Trial for February 26, 2018, and request the Court keep the matter scheduled for 5 days although it is possible it could conclude after 4. Defense counsel discussed arguments on the Motion to Suppress.
 State's counsel stated Counsel Cate will file the opposition upon returning to the office.
COURT discussed Trial schedule and directed counsel to file non-opps if appropriate and replies if needed; Court further indicated it intends on granting the Motion for Equal Access to juror Information in accordance with its prior rulings in other matters.
 Defendant remanded to the custody of the Sheriff.

**2/21/18
 11:00 a.m.
 Pre-Trial
 Motions**

**2/26/18
 9:00 a.m.
 Jury Trial
 (5 days)**

**DATE, JUDGE
 OFFICERS OF
 COURT PRESENT**

APPEARANCES-HEARING

CONT'D TO

2/21/18
 HONORABLE
 LYNNE K. SIMONS
 DEPT. NO. 6
 J. Martin
 (Clerk)
 C. Wolden
 (Reporter)

PRE-TRIAL MOTIONS

Deputy District Attorney Adam Cate, Esq. was present on behalf of the State. Defendant was present with counsel, Deputy Public Defender Emilie Meyer, Esq. and Chief Deputy Public Defender James Leslie, Esq. ***Exhibit A was marked prior to the hearing.***

COURT reviewed the procedural history of the matter and all Pre-Trial Motions filed in this matter.

COURT ORDERED the Defendant's Request for Full Discovery filed January 5, 2018, is granted; Motion for Equal Access to Juror Information filed January 24, 2018, is granted and the State must disclose the criminal histories it gather, if any for potential venire members; the Stated shall provide copies of the criminal histories to the Court and Defense counsel may retrieve them; Motion in Limine Re: Alleged Other Bad Acts filed January 24, 2018, is granted with no opposition; Motion in Limine Re: Prior Convictions filed January 24, 2018, is granted with no opposition; Motion to Invoke Rule of Exclusion and Motion Regarding Custody During Trial filed January 24, 2018, is granted and respective counsel shall inform all witnesses they are not permitted to speak with each other regarding this matter while waiting to testify.

States counsel stated if the Motion to Suppress is granted the State will seek to admit jail phone calls of the Defendant.

COURT ORDERED the Defendant's jail phone calls are not subject to the Order regarding custody status and the jail phone calls shall be addressed separately when appropriate.

Counsel Meyer indicated she intends to oppose the State's Motion to Admit Preliminary Hearing Testimony or, In the Alternative, Motion for Issuance of a Material Witness Warrant filed February 20, 2018. Counsel Meyer requested the Court allow for arguments on the Motion prior to the commencement of Trial on Monday morning.

State's counsel requested the Material Witness Bench Warrant issue pending arguments on the Motion.

Counsel Meyer expressed concerns regarding the Material Witness Order.

COURT ORDERED the request for Material Witness Order is granted and a Material Witness Bench Warrant shall issue pending full arguments on the Motion.

Counsel Meyer stated her opposition would be filed no later than 5:00 p.m. on Friday. Counsel Meyer argued in support of the Motion to Suppress or Request for an Evidentiary Hearing Pursuant to LCR 7(C) filed February 6, 2018.

State's counsel discussed Exhibit A.

**2/26/18
 9:00 a.m.
 Jury Trial
 (5 days)**

**DATE, JUDGE
OFFICERS OF
COURT PRESENT****APPEARANCES-HEARING****CONT'D TO**

2/21/18
HONORABLE
LYNNE K. SIMONS
DEPT. NO. 6
J. Martin
(Clerk)
C. Wolden
(Reporter)

Counsel Meyer indicated she does not object to the portion regarding the Miranda warning, for purposes of this hearing only, but objects to the entirety of the recording being played and admitted.

Defense objection overruled, Exhibit A was admitted.

Counsel Meyer stated for the record that the State's witness had been present throughout arguments.

Larman Smith was sworn to testify and directly examined by Counsel Cate.

Exhibit A was played for the Court.

Mr. Smith was cross examined by Counsel Meyer.

State's counsel argued in opposition to the Motion to Suppress or Request for an Evidentiary Hearing Pursuant to LCR 7(C) filed February 6, 2018.

Counsel Meyer further argued in support of the Motion to Suppress or Request for an Evidentiary Hearing Pursuant to LCR 7(C) filed February 6, 2018.

Discussion ensued regarding proposed Jury Instructions and Trial Schedule; Court informed Respective counsel it would pull to alternate Jurors.

COURT took the Motion to Suppress or Request for an Evidentiary Hearing Pursuant to LCR 7(C) filed February 6, 2018, under advisement. State's counsel requested the bail for the Material Witness be set at \$50,000.00 cash only.

Defendant remanded to the custody of the Sheriff.

Exhibits

TITLE: STATE OF NEVADA VS. TAREN DESHAWN BROWN

PLAINTIFF: STATE OF NEVADA

DA: ADAM CATE, ESQ.

DEFENDANT: TAREN DESHAWN BROWN

**DATY: EMILIE MEYER, ESQ.
JAMES LESLIE, ESQ.**

Case No: CR17-1851

Dept. No: 6

Clerk: J. MARTIN

Date: 2/21/18

Exhibit No.	Party	Description	Marked	Offered	Admitted
A	State	Interview of Taren Brown by Sgt. Smith	2/21/18	Obj. Overruled	2/21/18

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Code 1350

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE**

THE STATE OF NEVADA,

Case No. CR17-1851

Plaintiff,

Dept. No. 6

vs.

**TAREN DESHAWN BROWN, also known as
TAREN DE SHAWNE BROWN, also known as
"GOLDY-LOX",**

Defendant.

CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 26th day of February, 2018, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court.

Dated this 26th day of February, 2018

Jacqueline Bryant
Clerk of the Court

By /s/ Yvonne Vilorio
Yvonne Vilorio
Deputy Clerk