

1 CODE NO. 2515
2 WASHOE COUNTY PUBLIC DEFENDER
3 JOHN REESE PETTY, State Bar Number 10
4 350 South Center Street, 5th Floor
5 P.O. Box 11130
6 Reno, Nevada 89520-0027
7 (775) 337-4827
8 Attorney for Defendant

Electronically Filed
Jun 14 2017 01:48 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

10 IN AND FOR THE COUNTY OF WASHOE

11 THE STATE OF NEVADA,

12 Plaintiff,

13 vs.

Case No. CR16-0718

14 ANDREWS ROBERT ALLEN LASTINE,

Dept. No. 7

15 Defendant.

16 **NOTICE OF APPEAL**

17 ANDREWS ROBERT ALLEN LASTINE, the defendant above named, appeals to the
18 Supreme Court of Nevada from the judgment of conviction entered in this action on May 11,
19 2917. This is not a Fast Track Appeal.

20 The undersigned hereby affirms, pursuant to NRS 239B.030, that this document does not
21 contain the social security number of any person.

22 DATED this 8th day of June 2017.

23 JEREMY T. BOSLER
24 WASHOE COUNTY PUBLIC DEFENDER

25 By: /s/ John Reese Petty
26 JOHN REESE PETTY, Chief Deputy

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3 I hereby certify that I am an employee of the Washoe County Public Defender's Office,
4 Reno, Washoe County, Nevada, and that on this date I forwarded a true copy of the foregoing
5 document addressed to:

6 ANDREWS ROBERT ALLEN LASTINE (#1178211)
7 Stewart Conservation Camp
8 P.O. Box 5005
Carson City, Nevada 89702

9 TERRENCE P. McCARTHY
10 Chief Appellate Deputy
11 Washoe County District Attorney's Office
 (E-mail)

12 ADAM LAXALT
13 Attorney General State of Nevada
100 N. Carson Street
14 Carson City, Nevada 89701

16 DATED this 8th day of June 2017.

18 /s/ John Reese Petty
19 JOHN REESE PETTY

1 CODE NO. 1310
2 WASHOE COUNTY PUBLIC DEFENDER
3 JOHN REESE PETTY, State Bar Number 10
4 350 South Center Street, 5th Floor
5 P.O. Box 11130
6 Reno, Nevada 89520-0027
7 (775) 337-4827
8 Attorney for Defendant

9
10 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
11
12 IN AND FOR THE COUNTY OF WASHOE

13 THE STATE OF NEVADA,

14 Plaintiff,

15 vs.

Case No. CR16-0718

16 ANDREWS ROBERT ALLEN LASTINE,

Dept. No. 7

17 Defendant.
18 _____ /

19 **CASE APPEAL STATEMENT**

20 1. Appellant, ANDREWS ROBERT ALLEN LASTINE.

21 2. This appeal is from a judgment of conviction entered on May 11, 2017, by the
22 Honorable Patrick Flanagan, district judge.

23 3. The parties below were The State of Nevada, Plaintiff and ANDREWS ROBERT
24 ALLEN LASTINE, Defendant.

25 4. The parties herein are ANDREWS ROBERT ALLEN LASTINE, Appellant and The
26 State of Nevada, Respondent.

5. Counsel on appeal: For the Appellant, the Washoe County Public Defender's Office
and John Reese Petty, Chief Appellate Deputy, 350 South Center Street, 5th Floor, P.O. Box

1 11130 Reno, Nevada 89520-0027, (775) 337-4827; and for the Respondent, the Washoe
2 County District Attorney's Office, One South Sierra Street, Reno, Nevada 89501, (775) 337-
3 5751.

4 6. Appointed counsel represented Appellant in the district court

5 7. Appointed counsel represents Appellant on appeal.

6 8. The Washoe County Public Defender was court-appointed.

7 9. An Information was filed on May 13, 2016.

8 10. A jury convicted Mr. Lastine of one count of leaving the scene of an accident
9 involving persona injury, a violation of NRS 484E.110, a category B felony. The district court
10 sentenced him to a term of 36 to 120 months in the Nevada Department of Corrections, plus a
11 fine of \$2,000.00.
12

13 11. Not applicable.

14 12. Not applicable.

15 13. Not applicable.

16
17 The undersigned hereby affirms, pursuant to NRS 239B.030, that this document does not
18 contain the social security number of any person.

19 DATED this 8th day of June 2017.

20 JEREMY T. BOSLER
21 WASHOE COUNTY PUBLIC DEFENDER

22 By: /s/ John Reese Petty
23 JOHN REESE PETTY, Chief Deputy
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I hereby certify that I am an employee of the Washoe County Public Defender's Office,
Reno, Washoe County, Nevada, and that on this date I forwarded a true copy of the foregoing
document addressed to:

6 ANDREWS ROBERT ALLEN LASTINE (#1178211)
7 Stewart Conservation Camp
8 P.O. Box 5005
Carson City, Nevada 89702

9 TERRENCE P. McCARTHY
10 Chief Appellate Deputy
11 Washoe County District Attorney's Office
(E-mail)

12 ADAM LAXALT
13 Attorney General State of Nevada
100 N. Carson Street
14 Carson City, Nevada 89701

16 DATED this 8th day of June 2017.

18 /s/ John Reese Petty
19 JOHN REESE PETTY

1 CODE NO. 3868
2 WASHOE COUNTY PUBLIC DEFENDER
3 JOHN REESE PETTY, State Bar Number 0010
4 350 South Center Street, 5th Floor
5 P.O. Box 11130
6 Reno, Nevada 89520-0027
7 (775) 337-4827
8 Attorney for Defendant

9
10 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
11
12 IN AND FOR THE COUNTY OF WASHOE

13 THE STATE OF NEVADA,

14 Plaintiff,

15 vs.

Case No. CR16-0718

16 ANDREWS ROBERT ALLEN LASTINE,
17 Defendant.

Dept. No. 7

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REQUEST FOR TRANSCRIPT(S)

TO: S. Koetting:

ANDREWS ROBERT ALLEN LASTINE, defendant named above, requests preparation of
a transcript of certain portions of the proceedings before the district court in this matter as follows:

February 28, 2017: Transcript of Proceedings: Evidentiary Hearing;

March 6, 2017, March 7, 2017, and March 8, 2017: Transcript of Proceedings: Jury Trial
(excluding jury selection and the reading of jury instructions, but including all hearings and/or
meetings with counsel held outside the presence of the jury (including bench conferences), all
meetings by the court with the jury with or without counsel present, opening statements and
closing arguments of counsel, all trial testimony, the settling of jury instructions, and the return of
the jury's verdict); and,

1 May 10, 2017 : Transcript of Proceedings: Entry of Judgment and Imposition of Sentence.

2 This notice requests a transcript of only those portions of the district court proceedings
3 which counsel reasonably and in good faith believes are necessary to determine whether appellate
4 issues are present. Voir dire examination of jurors, opening statements and closing arguments of
5 trial counsel, and the reading of jury instructions shall not be transcribed unless specifically
6 requested above, which, with the exception of the reading of jury instructions, they are.
7

8 I recognize that I must personally serve a copy of this form on the above named reporter and
9 opposing counsel, and that the above named court reporter shall have 30 days from the receipt of
10 this notice to prepare and submit to the district court and counsel the draft transcript requested
11 herein. NRAP 9(b)(1)(A).

12 The undersigned hereby affirms, pursuant to NRS 239B.030, that this document does not
13 contain the social security number of any person.
14

15 DATED this 8th day of June 2017.

16 JEREMY T.BOSLER
17 WASHOE COUNTY PUBLIC DEFENDER

18 By: /s/ John Reese Petty
19 JOHN REESE PETTY
20 Chief Deputy
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ANDREWS ROBERT ALLEN LASTINE (#1178211)
Stewart Conservation Camp
P.O. Box 5005
Carson City, Nevada 89702

S. Koetting, Court Reporter
(E-mail)

DATED this 8th day of June 2017.

/s/ John Reese Petty
JOHN REESE PETTY

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR16-0718

DEPT. D7

HON. PATRICK FLANAGAN

Report Date & Time

6/9/2017

8:58:23AM

Case Description: STATE VS. ANDREW ROBERT ALLEN LASTINE (D7)			
Case ID:	CR16-0718	Case Type:	CRIMINAL
		Initial Filing Date:	5/12/2016

Parties

PLTF	STATE OF NEVADA - STATE
DA	Michael Bolenbaker, Esq. - 10520
DA	Terrence P. McCarthy, Esq. - 2745
DEFT	ANDREW ROBERT ALLEN LASTINE - @213796
PD	John Reese Petty, Esq. - 10
PD	Maizie Whalen Pusich, Esq. - 2808
PD	Christine Brady, Esq. - 11065
PNP	Div. of Parole & Probation - DPNP

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
1	53743	5/13/2016	INF LEAVING THE SCENE OF AN ACCIDENT INVOLVING PERSONAL INJURY

Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
1	53743	6/1/2016	PLED NOT GUILTY

Sentences

<i>Date</i>	<i>Charge No.</i>	<i>Charge Desc</i>	<i>Time Served</i>	<i>Sentence Text</i>
5/10/2017	1	Nevada Dept. of Corrections	NDOC 36 - 120 MONTHS; REST.;	FINE AND FEES

Release Information

Custody Status

3/6/2017	BAIL - BOND	PRETRIAL SUPERVISION ORDERED
5/10/2017	CUSTODY - WCJ	DEFT REMANDED INTO CUSTODY FOR IMPOSITION OF SENTENCE

Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
1	D7 ARRAIGNMENT	6/1/2016	09:00:00	6/1/2016
Event Extra Text:		Disposition: D725 6/1/2016 TO THE INFORMATION		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
2	D7 MOTION TO CONFIRM TRIAL	12/21/2016	09:00:00	11/22/2016
Event Extra Text:		Disposition: D844 11/22/2016 Reset 11.21.16 pursuant to Stip and Order MTC - 02.22.17 Trial - 03.06.17 Attys: P: Mike Bolenbaker D: Maizie/Christine		

Case Description: STATE VS. ANDREW ROBERT ALLEN LASTINE (D7)

Case ID: CR16-0718 **Case Type:** CRIMINAL **Initial Filing Date:** 5/12/2016

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
3	D7	TRIAL - JURY	1/3/2017	09:30:00	11/22/2016
Event Extra Text: FOUR DAYS			Disposition: D844 11/22/2016 Reset 11.21.16 pursuant to Stip and Order MTC - 02.22.17 Trial - 03.06.17 Attys: P: Mike Bolenbaker D: Maizie/Christine		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
4	D7	MOTION TO CONFIRM TRIAL	2/22/2017	09:00:00	2/22/2017
Event Extra Text:			Disposition: D455 2/22/2017 DEFENSE COUNSEL MOVED TO CONTINUE - EVIDENTIARY HEARING PENDING		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
5	D7	Request for Submission	2/27/2017	14:23:00	2/28/2017
Event Extra Text: MOTION TO DISMISS FILED 2/06/17			Disposition: S200 2/28/2017 02.28.17 - MTN TO DISMISS DENIED - RULED ON FROM BENCH - ks		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
6	D7	EVIDENTIARY HEARING	2/28/2017	14:30:00	2/28/2017
Event Extra Text:			Disposition: D430 2/28/2017 MOTION TO DISMISS - DENIED MOTION TO SUPPRESS - GRANTED IN PART/DENIED IN PART		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
7	D7	EXHIBITS TO BE MARKED W/CLERK	2/28/2017	15:30:00	2/28/2017
Event Extra Text:			Disposition: D844 2/28/2017		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
8	D7	MOTION TO CONFIRM TRIAL	3/1/2017	09:00:00	2/28/2017
Event Extra Text: CONT. FROM FEB. 22, 2017 - EVIDENTIARY HEARING AND EX. MARK YESTERDAY			Disposition: D425 2/28/2017 MOTION TO CONFIRM TRIAL - GRANTED TRIAL WILL PROCEED AS SCHEDULED		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
9	D7	EXHIBITS TO BE MARKED W/CLERK	3/2/2017	14:00:00	3/2/2017
Event Extra Text:			Disposition: D596 3/2/2017 JURY TRIAL EXHIBITS 1 - 36		

Case Description: STATE VS. ANDREW ROBERT ALLEN LASTINE (D7)

Case ID:	CR16-0718	Case Type:	CRIMINAL	Initial Filing Date:	5/12/2016
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	Department	Event Description	Sched. Date & Time		Disposed Date
10	D7	TRIAL - JURY	3/6/2017	09:30:00	3/6/2017
	Event Extra Text: Reset 11.21.16 pursuant to Stip and Order MTC - 02.22.17 Trial - 03.06.17 Attys: P: Mike Bolenbaker D: Maizie/Christine		Disposition: D832 3/6/2017 DAY ONE		
	Department	Event Description	Sched. Date & Time		Disposed Date
11	D7	TRIAL ONGOING	3/7/2017	09:00:00	3/7/2017
	Event Extra Text: DAY TWO		Disposition: D832 3/7/2017 DAY TWO		
	Department	Event Description	Sched. Date & Time		Disposed Date
12	D7	TRIAL ONGOING	3/8/2017	09:00:00	3/8/2017
	Event Extra Text: DAY THREE		Disposition: D895 3/8/2017 GUILTY - LEAVING THE SCENE OF AN ACCIDENT INVOLVING PERSONAL INJURY		
	Department	Event Description	Sched. Date & Time		Disposed Date
13	D7	SENTENCING	5/3/2017	09:00:00	5/3/2017
	Event Extra Text: DEFT FOUND GUILTY BY A JURY ON MARCH 8, 2017		Disposition: D455 5/3/2017 DEFT AND COUNSEL TO REVIEW PSI AND OBTAIN EVALUATION		
	Department	Event Description	Sched. Date & Time		Disposed Date
14	D7	SENTENCING	5/10/2017	09:00:00	5/10/2017
	Event Extra Text: CONT'D FROM MAY 3, 2017 - COUNSEL BRADY TO REVIEW PSI WITH DEFT AND OBTAIN EVALUATION FOR MITIGATION PURPOSES		Disposition: D766 5/10/2017		

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
DA	District Attorney's Office	DA16285
NH	Nevada Highway Patrol	NHP160100839
PC	PCN number	PCNNHP0008183C
SJ	Sparks Justice's Court	16SCR00058

			Actions
Action Entry Date	Code	Code Description	Text
5/13/2016	1491	Pretl Srvc Assessment Report	Transaction 5515435 - Approved By: MCHOLICO : 05-13-2016:15:51:14
5/13/2016	NEF	Proof of Electronic Service	Transaction 5515481 - Approved By: NOREVIEW : 05-13-2016:15:52:19
5/13/2016	NEF	Proof of Electronic Service	Transaction 5515036 - Approved By: NOREVIEW : 05-13-2016:14:08:40
5/13/2016	1800	Information	Transaction 5514840 - Approved By: LBARRAGA : 05-13-2016:14:07:51
5/16/2016	NEF	Proof of Electronic Service	Transaction 5515987 - Approved By: NOREVIEW : 05-16-2016:09:11:28
5/16/2016	3700	Proceedings	JUSTICE COURT PROCEEDINGS - Transaction 5515982 - Approved By: RKWATKIN : 05-16-2016:09:10:33
5/19/2016	1775	General Receipt	

Case Description: STATE VS. ANDREW ROBERT ALLEN LASTINE (D7)				
Case ID:	CR16-0718	Case Type:	CRIMINAL	Initial Filing Date: 5/12/2016
5/19/2016	BAIL	**Bailbond Posted		
5/25/2016	4105	Supplemental ...	SUPPLEMENTAL PROCEEDINGS - Transaction 5533279 - Approved By: CSULEZIC : 05-26-2016:08:58:34	
5/26/2016	NEF	Proof of Electronic Service	Transaction 5533684 - Approved By: NOREVIEW : 05-26-2016:08:59:20	
6/1/2016	1280	** 60 Day Rule - Waived		
6/10/2016	MIN	***Minutes	ARRAIGNMENT - 06-01-16 - Transaction 5556932 - Approved By: NOREVIEW : 06-10-2016:10:55:33	
6/10/2016	NEF	Proof of Electronic Service	Transaction 5556936 - Approved By: NOREVIEW : 06-10-2016:10:56:20	
7/12/2016	4185	Transcript	ARRAIGNMENT - JUNE 1, 2016 - Transaction 5604177 - Approved By: NOREVIEW : 07-12-2016:13:36:38	
7/12/2016	NEF	Proof of Electronic Service	Transaction 5604185 - Approved By: NOREVIEW : 07-12-2016:13:38:03	
11/21/2016	NEF	Proof of Electronic Service	Transaction 5817280 - Approved By: NOREVIEW : 11-21-2016:16:09:56	
11/21/2016	4045	Stipulation to Continuance	Transaction 5816806 - Approved By: CSULEZIC : 11-21-2016:16:08:54	
11/22/2016	NEF	Proof of Electronic Service	Transaction 5818105 - Approved By: NOREVIEW : 11-22-2016:10:06:57	
11/22/2016	3020	Ord Granting Continuance	[MTC RESET TO 02.22.17; TRIAL RESET TO 03.06.17 - PRIOR DATES VACATED - ks] - Transaction 5818099	
2/6/2017	2290	Mtn to Dismiss Case	Transaction 5934983 - Approved By: CSULEZIC : 02-06-2017:11:17:49	
2/6/2017	NEF	Proof of Electronic Service	Transaction 5935174 - Approved By: NOREVIEW : 02-06-2017:11:20:47	
2/17/2017	1250	Application for Setting	EVIDENTIARY HEARING/MARK EXHIBITS - FEBRUARY 28, 2017 AT 2:30 PM - Transaction 5957462 - Approv	
2/17/2017	NEF	Proof of Electronic Service	Transaction 5957635 - Approved By: NOREVIEW : 02-17-2017:16:45:48	
2/21/2017	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO DISMISS - Transaction 5960143 - Approved By: TBRITTON : 02-21-2017:16:53:	
2/21/2017	NEF	Proof of Electronic Service	Transaction 5960259 - Approved By: NOREVIEW : 02-21-2017:16:55:04	
2/22/2017	2592	Notice of Witnesses	Transaction 5962101 - Approved By: PMSEWELL : 02-22-2017:15:15:35	
2/22/2017	NEF	Proof of Electronic Service	Transaction 5962236 - Approved By: NOREVIEW : 02-22-2017:15:18:25	
2/23/2017	2592	Notice of Witnesses	Transaction 5964417 - Approved By: CSULEZIC : 02-23-2017:16:10:19	
2/23/2017	NEF	Proof of Electronic Service	Transaction 5964863 - Approved By: NOREVIEW : 02-23-2017:16:11:21	
2/24/2017	MIN	***Minutes	MOTION TO CONFIRM TRIAL - 02-22-17 - Transaction 5966920 - Approved By: NOREVIEW : 02-24-2017:14:5	
2/24/2017	NEF	Proof of Electronic Service	Transaction 5966928 - Approved By: NOREVIEW : 02-24-2017:14:53:57	
2/27/2017	3860	Request for Submission	MOTION TO DISMISS FILED 2/06/17 - Transaction 5969111 - Approved By: CSULEZIC : 02-27-2017:14:08:18	
2/27/2017	NEF	Proof of Electronic Service	Transaction 5969180 - Approved By: NOREVIEW : 02-27-2017:14:09:18	
2/27/2017	3795	Reply...	Transaction 5969111 - Approved By: CSULEZIC : 02-27-2017:14:08:18	
2/28/2017	S200	Request for Submission Complet	02.28.17 - MTN TO DISMISS DENIED - RULED ON FROM BENCH - ks	
2/28/2017	1695	** Exhibit(s) ...	EVIDENTIARY HEARING	
3/1/2017	NEF	Proof of Electronic Service	Transaction 5973267 - Approved By: NOREVIEW : 03-01-2017:08:33:49	
3/1/2017	MIN	***Minutes	EVIDENTIARY HEARING - 02-28-17 - Transaction 5973258 - Approved By: NOREVIEW : 03-01-2017:08:31:01	
3/1/2017	COC	Evidence Chain of Custody Form		
3/2/2017	NEF	Proof of Electronic Service	Transaction 5977424 - Approved By: NOREVIEW : 03-02-2017:14:54:08	
3/2/2017	2245	Mtn in Limine	MOTION IN LIMINE RE: PRIOR CONVICTIONS AND ALLEGED PRIOR ACTS - Transaction 5977234 - Approve	
3/3/2017	NEF	Proof of Electronic Service	Transaction 5979706 - Approved By: NOREVIEW : 03-03-2017:16:00:34	
3/3/2017	1475	Consent ...	Consent To Be Represented By A Law Student - Transaction 5979664 - Approved By: YVILORIA : 03-03-2017:1	
3/8/2017	1885	Jury Instructions	DEFENDANT'S WITHDRAWN JURY INSTRUCTIONS 1 AND 2 - Transaction 5986954 - Approved By: NOREVI	
3/8/2017	1885	Jury Instructions	COURT'S WITHDRAWN JURY INSTRUCTIONS 1 AND 2 - Transaction 5986958 - Approved By: NOREVIEW : (
3/8/2017	1885	Jury Instructions	1 - 24 - Transaction 5986964 - Approved By: NOREVIEW : 03-08-2017:14:54:56	

Case Description: STATE VS. ANDREW ROBERT ALLEN LASTINE (D7)				
Case ID:	CR16-0718	Case Type:	CRIMINAL	Initial Filing Date: 5/12/2016
3/8/2017	1695	** Exhibit(s) ...	JURY TRIAL	
3/8/2017	3760	Refused Instructions-Pltf	ONE (1) - Transaction 5986947 - Approved By: NOREVIEW : 03-08-2017:14:52:25	
3/8/2017	4245	Verdict(s)...	GUILTY, LEAVING THE SCENE OF AN ACCIDENT INVOLVING PERSONAL INJURY - Transaction 5986978 - /	
3/8/2017	4235	Unused Verdict Form(s)...	ONE (1) - Transaction 5986973 - Approved By: NOREVIEW : 03-08-2017:14:57:19	
3/8/2017	3755	Refused Instructions-Deft	FOUR (4) - Transaction 5986942 - Approved By: NOREVIEW : 03-08-2017:14:51:46	
3/8/2017	NEF	Proof of Electronic Service	Transaction 5986949 - Approved By: NOREVIEW : 03-08-2017:14:52:46	
3/8/2017	NEF	Proof of Electronic Service	Transaction 5986953 - Approved By: NOREVIEW : 03-08-2017:14:53:26	
3/8/2017	NEF	Proof of Electronic Service	Transaction 5986960 - Approved By: NOREVIEW : 03-08-2017:14:54:24	
3/8/2017	NEF	Proof of Electronic Service	Transaction 5986966 - Approved By: NOREVIEW : 03-08-2017:14:57:18	
3/8/2017	NEF	Proof of Electronic Service	Transaction 5986977 - Approved By: NOREVIEW : 03-08-2017:14:58:00	
3/8/2017	NEF	Proof of Electronic Service	Transaction 5986980 - Approved By: NOREVIEW : 03-08-2017:14:58:31	
3/8/2017	NEF	Proof of Electronic Service	Transaction 5986984 - Approved By: NOREVIEW : 03-08-2017:14:59:09	
3/10/2017	NEF	Proof of Electronic Service	Transaction 5991786 - Approved By: NOREVIEW : 03-10-2017:15:57:18	
3/10/2017	MIN	***Minutes	JURY TRIAL - 03-06-17 - 03-08-17 - Transaction 5991777 - Approved By: NOREVIEW : 03-10-2017:15:56:20	
4/19/2017	NEF	Proof of Electronic Service	Transaction 6060893 - Approved By: NOREVIEW : 04-19-2017:16:47:08	
4/19/2017	4500	PSI - Confidential	Transaction 6060859 - Approved By: CSULEZIC : 04-19-2017:16:44:08	
5/4/2017	MIN	***Minutes	SENTENCING - 05-03-17 - Transaction 6085297 - Approved By: NOREVIEW : 05-04-2017:15:37:11	
5/4/2017	NEF	Proof of Electronic Service	Transaction 6085298 - Approved By: NOREVIEW : 05-04-2017:15:38:11	
5/5/2017	NEF	Proof of Electronic Service	Transaction 6087470 - Approved By: NOREVIEW : 05-05-2017:14:59:49	
5/5/2017	1930	Letters ...	Transaction 6087297 - Approved By: PMSEWELL : 05-05-2017:14:58:51	
5/10/2017	COLL	Sent to Collections	10-MAY-2017	
5/10/2017	EXONF	**Cash Bail Exon/Pay Fees/Fine	SLIP SENT 5/16/17 C25-70210564 DBERUMEN	
5/11/2017	NEF	Proof of Electronic Service	Transaction 6096601 - Approved By: NOREVIEW : 05-11-2017:15:31:23	
5/11/2017	1850	Judgment of Conviction	Transaction 6096594 - Approved By: NOREVIEW : 05-11-2017:15:30:24	
5/17/2017	NEF	Proof of Electronic Service	Transaction 6104192 - Approved By: NOREVIEW : 05-17-2017:10:08:49	
5/17/2017	MIN	***Minutes	SENTENCING - 05-10-17 - Transaction 6104187 - Approved By: NOREVIEW : 05-17-2017:10:07:58	
5/22/2017	NEF	Proof of Electronic Service	Transaction 6111816 - Approved By: NOREVIEW : 05-22-2017:14:21:49	
5/22/2017	1930	Letters ...	DOCUMENTS SUBMITTED BY DEFENSE - Transaction 6111719 - Approved By: CSULEZIC : 05-22-2017:14:2	
6/6/2017	2520	Notice of Appearance	JOHN REESE PD - Transaction 6134315 - Approved By: CSULEZIC : 06-06-2017:13:09:32	
6/6/2017	NEF	Proof of Electronic Service	Transaction 6134476 - Approved By: NOREVIEW : 06-06-2017:13:10:36	
6/8/2017	2515	Notice of Appeal Supreme Court	Transaction 6140535 - Approved By: YVILORIA : 06-09-2017:08:14:30	
6/8/2017	1310	Case Appeal Statement	Transaction 6140537 - Approved By: YVILORIA : 06-09-2017:08:14:44	
6/8/2017	2230	Mtn Trial Trans. Public Exp	Transaction 6140540 - Approved By: YVILORIA : 06-09-2017:08:15:06	
6/8/2017	3868	Req to Crt Rptr - Rough Draft	Transaction 6140538 - Approved By: YVILORIA : 06-09-2017:08:14:55	
6/9/2017	NEF	Proof of Electronic Service	Transaction 6140670 - Approved By: NOREVIEW : 06-09-2017:08:15:44	
6/9/2017	NEF	Proof of Electronic Service	Transaction 6140672 - Approved By: NOREVIEW : 06-09-2017:08:15:51	
6/9/2017	NEF	Proof of Electronic Service	Transaction 6140674 - Approved By: NOREVIEW : 06-09-2017:08:16:04	
6/9/2017	NEF	Proof of Electronic Service	Transaction 6140706 - Approved By: NOREVIEW : 06-09-2017:08:30:55	
6/9/2017	NEF	Proof of Electronic Service	Transaction 6140668 - Approved By: NOREVIEW : 06-09-2017:08:15:32	

Case Description: STATE VS. ANDREW ROBERT ALLEN LASTINE (D7)**Case ID: CR16-0718****Case Type: CRIMINAL****Initial Filing Date: 5/12/2016**

6/9/2017	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 6140703 - Approved By: N
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1 CODE 1850
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 STATE OF NEVADA,

10 Plaintiff,

11 vs.

Case No. CR16-0718

12 ANDREW ROBERT ALLEN LASTINE,

Dept. No. 7

13 Defendant.
14 _____/

15 JUDGMENT OF CONVICTION

16 The Defendant, having been found Guilty by a Jury, and no sufficient cause
17 being shown by Defendant as to why judgment should not be pronounced against him,
18 the Court rendered judgment as follows:

19 Andrew Robert Allen Lastine is guilty of the crime of Leaving the Scene of
20 an Accident Involving Personal Injury, a violation of NRS 484E.110, a Category B felony,
21 as charged in the Information, and that he be punished by imprisonment in the Nevada
22 Department of Corrections for a minimum term of Thirty-Six (36) months to a maximum
23 term of One Hundred and Twenty (120) months, with Fifty-One (51) days credit for time
24 served, by payment of restitution in the amount of Thirty One Thousand Six Hundred
25 Thirty-Nine Dollars and Four Cents (\$31,639.04), and by imposition of a fine in the
26 amount of Two Thousand Dollars (\$2,000.00).

27 It is further ordered that the Defendant shall pay the statutory Twenty-Five
28 Dollar (\$25.00) administrative assessment fee, the Sixty Dollar (\$60.00) chemical

1 analysis fee, the One Hundred Fifty Dollar (\$150.00) DNA testing fee, and submit to a
2 DNA analysis to determine the presence of genetic markers, if not previously ordered, the
3 Three Dollar (\$3.00) administrative assessment fee for obtaining a biological specimen,
4 and conducting a genetic marker analysis, and attorney's fees are hereby waived by the
5 Court.

6 Any fine, fee or administrative assessment imposed upon the Defendant
7 today as reflected in this Judgment of Conviction constitutes a lien, as defined in Nevada
8 Revised Statutes (NRS 176.275). Should the Defendant not pay these fines, fees or
9 assessments, collection efforts may be undertaken against him.

10 Dated this 14th day of May, 2017.

11
12 Robert Flanagan
13 DISTRICT JUDGE
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CASE NO. CR16-0718

STATE OF NEVADA VS. ANDREW ROBERT ALLEN LASTINE

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

06/01/16

HONORABLE

PATRICK

FLANAGAN

DEPT. NO. 7

K. Oates

(Clerk)

S. Koetting

(Reporter)

ARRAIGNMENT

Deputy District Attorney Zelalem Bogale represented the State.

Defendant was present with counsel, Deputy Public Defender

Christine Brady. Probation Officer Karin Hornbarger was also

present.

TRUE NAME: **ANDREW ROBERT ALLEN LASTINE.** Defendant
was handed a copy of the Information; waived formal reading.

Defendant entered a plea of **Not Guilty** to Leaving the Scene of an
Accident Involving Personal Injury, a violation of NRS 484E.010, a
felony. **Waived** the 60-day rule. Matter continued for trial by jury.

Defendant is continued on bail/bond status.

Motion to
Confirm Trial –
December 21,
2016 at 9:00
a.m.

Jury Trial – Four
Days – January
3, 2017 at 9:30
a.m.

CASE NO. CR16-0718

STATE OF NEVADA VS. ANDREW ROBERT ALLEN LASTINE

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

02/22/17

HONORABLE

PATRICK

FLANAGAN

DEPT. NO. 7

K. Oates

(Clerk)

S. Koetting

(Reporter)

MOTION TO CONFIRM TRIAL

Deputy District Attorney Mike Bolenbaker represented the State.

Defendant was present with counsel, Deputy Public Defender

Christine Brady. Probation Officer Deborah Brown was also present.

Counsel for the Defendant addressed the Court and moved to

continue the Motion to Confirm Trial as an Evidentiary Hearing and

Exhibit Marking are scheduled for next Tuesday afternoon, February

28, 2017.

Counsel for the State addressed the Court, concurred, and had no
objection to a continuance.

COURT ORDERED: Motion to Confirm Trial CONTINUED.

Defendant is continued on bail/bond status.

03/01/17

9:00 a.m.

Motion to
Confirm Trial -
CONTINUED

CASE NO. CR16-0718

STATE OF NEVADA VS. ANDREW ROBERT ALLEN LASTINE

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

02/28/17

EVIDENTIARY HEARING

HONORABLE

Deputy District Attorney Mike Bolenbaker represented the State.

PATRICK

Defendant was present with counsel, Deputy Public Defender

FLANAGAN

Christine Brady, and Certified Legal Intern Katherine Maher.

DEPT. NO. 7

2:35 p.m. – Court convened with Court, counsel, Certified Legal

K. Oates

Intern Maher and Defendant present.

(Clerk)

The Court recited a brief procedural history of this case.

S. Koetting

Certified Legal Intern Maher (“Intern Maher”) addressed the Court

(Reporter)

and Invoked the Rule of Exclusion; **SO ORDERED.**

Intern Maher called **Robert Lastine**, who was sworn and direct examined.

3:11 p.m. – Recess.

3:35 p.m. – Court reconvened with Court, counsel, Certified Legal Intern Maher and Defendant present.

Robert Lastine resumed the stand, heretofore sworn and further direct examined.

Exhibit 1 marked for identification.

Cross-examination conducted; re-direct examination conducted; re-cross examination waived; witness excused.

Counsel Brady, on behalf of the Defendant, addressed the Court and advised the defense would not be calling additional witnesses.

Counsel for the State called **Francisco Gamboa**, who was sworn and direct examined; cross-examination conducted.

Exhibits 2, 3, and 4 marked for identification; offered; no objection; **ADMITTED.**

Exhibits 5 and 6 marked for identification; offered; no objection; **ADMITTED.**

Exhibits 7 and 8 marked for identification; offered; no objection; **ADMITTED.**

Re-direct examination waived; witness excused.

Counsel for the State called **Alyssa Howald**, who was sworn and direct examined; cross-examination conducted; re-direct examination waived; witness excused.

Counsel Brady, on behalf of the Defendant, conducted Closing Argument.

CASE NO. CR16-0718

STATE OF NEVADA VS. ANDREW ROBERT ALLEN LASTINE

Page Two

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

02/28/17
HONORABLE
PATRICK
FLANAGAN
DEPT. NO. 7
K. Oates
(Clerk)
S. Koetting
(Reporter)

EVIDENTIARY HEARING

Counsel Bolenbaker, on behalf of the State, conducted Closing Argument.

Counsel Brady, on behalf of the Defendant, conducted final Closing Argument.

COURT ORDERED: The Court outlined the applicable findings in this matter, and DENIED the Motion to Dismiss. The Court further ordered that the Motion(s) to Suppress are DENIED aside from Trooper Howald's entry into the truck as there was no warrant and no probable cause, and therefore, the entry and starting of the truck was without probable cause and in violation of the Defendant's constitutional rights. Further, the evidence confirming that the keys found on the Defendant started the vehicle in question is suppressed and the Court will grant the Motion as to that piece of evidence. The Court and counsel discussed the trial schedule including rescheduling the exhibit marking, and the length of trial, with both counsel advising the trial should conclude on Wednesday. Counsel for the State advised of offers extended by the State to the Defendant but were denied. Further, counsel advised that offers were extended to the State by defense counsel which were denied. Respective counsel confirmed trial as scheduled and the Motion to Confirm Trial scheduled for March 1, 2017 is vacated and the exhibit marking is set for March 2, 2017 at 2:00 p.m. with Court Clerk Kim Oates.

Defendant is continued on bail/bond status.

Evidentiary Hearing Exhibits

PLTF: **STATE OF NEVADA**

PATY: **DDA Mike Bolenbaker**

DEFT: **ANDREW LASTINE**

DATY: **DPD Christine Brady**

Case No: **CR16-0718** Dept. No: **7** Clerk: **Kim Oates** Date: **February 28, 2017**

Exhibit No.	Party	Description	Marked	Offered	Admitted
1	Defendant	Robert Lastine Drawing	02-28-17	---	---
2	Defendant	Photograph – Snow/Truck	02-28-17	No Objection	02-28-17
3	Defendant	Photograph – Snow/Truck	02-28-17	No Objection	02-28-17
4	Defendant	Photograph – Snow/Truck	02-28-17	No Objection	02-28-17
5	Defendant	Photograph – Yard/Tires	02-28-17	No Objection	02-28-17
6	Defendant	Photograph – Home/Red Car	02-28-17	No Objection	02-28-17
7	Defendant	Photograph – Fence/Tires	02-28-17	No Objection	02-28-17
8	Defendant	Photograph – Snow/Shoe Prints	02-28-17	No Objection	02-28-17

CASE NO. CR16-0718

STATE OF NEVADA VS. ANDREW ROBERT ALLEN LASTINE

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

03/06/17
HONORABLE
PATRICK
FLANAGAN
DEPT. NO. 7
K. Oates
(Clerk)
S. Koetting
(Reporter)

JURY TRIAL – Day One

Deputy District Attorney Mike Bolenbaker represented the State. Defendant was present with counsel, Deputy Public Defender Christine Brady, and Certified Legal Intern Katherine Maher.

9:26 a.m. – Court convened with Court, counsel and Defendant present.

Prior to the commencement of Court, State's Exhibits 1 – 36 were marked for identification, with Exhibits 1 – 8 and Exhibits 10 - 30 being stipulated to by counsel as to their admissibility.

Respective counsel reviewed and approved the Information filed in this case, to be read by the Court Clerk during trial.

Proposed Jury Instructions were provided to the Court by both counsel.

Counsel for the State addressed the Court as to the Motion in Limine filed by defense counsel, to include that he will only address the Defendant's blood alcohol context of 2.68 if the Defendant takes the stand as that door would then be opened. Further, counsel advised he will not address the Defendant's blood alcohol in the State's case-in-chief.

Counsel for the Defendant addressed the Court and argued that information should not come into evidence even if the Defendant testifies as it would be more prejudicial than probative.

COURT ORDERED: The Court will address this issue when necessary, and a Petrocelli hearing will be conducted, and therefore, at this time, the Defendant's Motion in Limine is GRANTED.

Counsel for the Defendant responded, invoked the rule of exclusion and addressed bench conferences.

Counsel for the State replied and advised that both he and defense counsel have spoken with witness Robert Lastine not to address anything he shouldn't when testifying.

COURT ORDERED: The Court will address this issue, if necessary, and provide a limiting instruction, if appropriate.

Counsel for the Defendant replied if Mr. Lastine does testify to something inappropriate, a mistrial may be necessary.

COURT ORDERED: By stipulation of counsel, **Exhibits 1 – 8 and 10 – 30** were **ADMITTED**.

Respective counsel addressed the unadmitted exhibits.

COURT ORDERED: The Court will assess the unadmitted exhibits as trial proceeds.

9:34 a.m. – Recess.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

03/06/17

JURY TRIAL – Day One

HONORABLE

9:46 a.m. – Court reconvened with Court, counsel, Defendant and prospective Jury panel present.

PATRICK

The Clerk called the case.

FLANAGAN

DEPT. NO. 7

The Court addressed the prospective jurors.

K. Oates

Introduction of Court staff, respective counsel and Defendant were made to the prospective jurors.

(Clerk)

Roll taken. All prospective Fifty-Two (52) jurors were present.

S. Koetting

All prospective jurors were sworn to answer questions touching upon their qualifications to serve as trial jurors in this case.

(Reporter)

The Court ordered that Twenty-Three (23) names be drawn, consisting of Twelve (12) jurors and One (1) alternate, who were called and seated in the jury box.

The Information was read which was filed in this case and stated the Defendant's plea thereto.

At the direction of the Court, the Twenty-Three (23) prospective jurors introduced themselves.

The Court conducted general and specific examination of the potential jurors in the box.

Bailiff Garrett Bird read the list of witnesses expected to be called in this case.

The Court continued with general and specific examination of the potential jurors in the box.

Counsel Bolenbaker, on behalf of the State, conducted general and specific examination of the potential jurors in the box.

11:18 a.m. – Recess.

Outside the presence of the prospective jury panel, the Court ordered that the Defendant be tested for alcohol by Pretrial Services and the result reported to the Court.

11:21 a.m. – Morning Recess.

11:33 a.m. – Court reconvened with Court, counsel and Defendant present.

Outside the presence of the prospective jury panel, the Court was advised by Pretrial Services that the Defendant tested positive for alcohol, .026.

Counsel for the State responded and expressed concerns as to proceeding with trial today and offered alternatives to include finishing jury selection today, remanding the Defendant into custody, and resuming trial tomorrow.

Counsel for the Defendant replied and argued that the Defendant is not under the supervision of Pretrial Services and is not in violation of any Court order. Further, counsel argued that while she will leave this matter to the discretion of the Court, she

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

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K. Oates
(Clerk)
S. Koetting
(Reporter)

JURY TRIAL – Day One

has not had any issues communicating with the Defendant, however, she, defense counsel, is concerned about the prejudice to the Defendant, and perhaps a mistrial would be warranted.

Counsel for the State responded and objected to a mistrial being declared, however, he again expressed concerns about the Defendant's drinking.

COURT ORDERED: Jury selection will proceed and the Court will take under submission the remainder of the trial.

Counsel for the Defendant responded and argued that her client's participation with jury selection is critical and she, defense counsel, would like to know how the Court intends to proceed. Further, counsel advised she has not had difficulty communicating with the Defendant.

11:47 a.m. – Sidebar conducted, Court and counsel, as to the Defendant's leaving momentarily to use the restroom, and defense counsel's intention to move for a mistrial.

11:48 a.m. – Court reconvened with Court, counsel, Defendant and prospective jury panel present.

Counsel Brady, on behalf of the Defendant, conducted general and specific voir dire examination of the potential jurors in the box.

The Court admonished the Jury, which was presented prior to every recess.

12:35 p.m. – Recess to conduct challenges.

12:45 p.m. – Court reconvened in chambers with Court, counsel and Defendant (late) present.

Counsel for the Defendant addressed the Court and objected to beginning without the Defendant present. Further, counsel moved for a mistrial based upon not being comfortable going forward with trial resulting from the Defendant being under the influence of alcohol.

Counsel for the State responded and argued in opposition to a mistrial. Further, counsel argued that the Defendant should be taken into custody and trial can resume tomorrow.

Counsel for the Defendant responded and argued in opposition to the Defendant being taken into custody, rather, the Defendant should be ordered to wear a scam device.

COURT ORDERED: The Court outlined the applicable findings in this matter and DENIED the Defendant's Motion for Mistrial. The Court ordered that the Defendant will be canvassed.

The Defendant entered chambers after being located.

Preemptory challenges were exercised, Four (4) per side plus One (1) alternate.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

03/06/17

JURY TRIAL – Day OneHONORABLE
PATRICK

The following panel was selected and stipulated to:

FLANAGAN
DEPT. NO. 7

Heidi Foster; Tonya Wade; Joseph Budija; Steven Giardina; John McCarty; Heidi Schreiber; James Reuter; Kathryn Dugan; Thomas Bagan; Thomas Salsig; Rebecca Block; Sharon Hamilton; and Alternate Torben Schroder.

K. Oates

(Clerk)

S. Koetting

(Reporter)

12:59 p.m. – Recess.

1:02 p.m. – Court reconvened with Court, counsel and Defendant present.

Outside the presence of the prospective Jury panel, Defendant Andrew Robert Allen Lastine was sworn by the Court Clerk and canvassed by the Court as to proceeding with trial after testing positive for alcohol consumption.

The Court canvassed defense counsel Christine Brady and Certified Legal Intern Katherine Maher.

Counsel for the State responded that it was the Court who ordered that the Defendant be tested for alcohol.

COURT ORDERED: After canvassing the Defendant and counsel, the Court finds the Defendant is competent to proceed with trial.

Counsel for the Defendant responded that the Defendant wants to proceed with trial.

The Defendant addressed the Court on his own behalf and responded it is his desire to proceed with trial.

1:10 p.m. – Court convened with Court, counsel, prospective jury panel, and Defendant present.

The selected and stipulated jurors were seated in the jury box and sworn. The Court thanked and excused the unreachd and unselected prospective jurors.

The Court admonished the Jury.

1:17 p.m. – Noon recess. Court to reconvene at 2:30 p.m.

2:37 p.m. – Court reconvened with Court, counsel, Jury and Defendant present.

Respective counsel stipulated to the present of the Jury.

Counsel Bolenbaker, on behalf of the State, presented Opening Statement.

Certified Legal Intern Katherine Maher, on behalf of the Defendant, addressed the Court and presented Opening Statement.

Counsel Bolenbaker, on behalf of the State called **Gertrude Green**, who was sworn and direct examined; cross-examination conducted; re-direct examination conducted; re-cross examination waived; witness excused.

CASE NO. CR16-0718

STATE OF NEVADA VS. ANDREW ROBERT ALLEN LASTINE

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DATE, JUDGE
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APPEARANCES-HEARING

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K. Oates
(Clerk)
S. Koetting
(Reporter)

JURY TRIAL – Day One

Jury admonished and released for the evening to return to Court on Tuesday, March 7, 2017 at 9:00 a.m.

Outside the presence of the Jury, the Court addressed the Defendant's present custodial status.

COURT ORDERED: The Defendant will not be remanded into custody at this time, and a scam device will not be ordered at this time. It is hereby ordered that Defendant will continue on bail/bond status with Pretrial Services supervision, and will be escorted to Pretrial Services by his attorney immediately after today's proceeding to complete the appropriate paperwork. It is further ordered that the Defendant will comply fully with Pretrial Services.

3:32 p.m. – Court stood in recess.

Defendant to continue on bail/bond status with Pretrial Services supervision.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

03/07/17

HONORABLE
PATRICK
FLANAGAN

DEPT. NO. 7

K. Oates

(Clerk)

S. Koetting

(Reporter)

JURY TRIAL – Day Two

Deputy District Attorney Mike Bolenbaker represented the State. Defendant was present with counsel, Deputy Public Defender Christine Brady, and Certified Legal Intern Katherine Maher.

9:05 a.m. – Court convened with Court, counsel and Defendant present.

Outside the presence of the Jury, counsel for the State addressed the Court and advised that during the Defendant's Opening Statement, Ms. Maher stated that the "deputies barged into the room without a warrant." Further, counsel argued that this statement was not appropriate as the entry into the room should be deemed lawful to the Jury.

Counsel Brady, on behalf of the Defendant, addressed the Court and responded that there was no insinuation, the Court ruled that there was a legal warrantless entry, and there is no prejudice to the State. Counsel Brady further argued that, in the State's Opening Statement, counsel Bolenbaker referenced that the keys were to the truck.

COURT ORDERED: The Court finds that the statement made by counsel for the State did not cross the line.

Additional discussion occurred between the Court and counsel.

9:12 a.m. – The Jury was escorted in the Courtroom.

Respective counsel stipulated to the presence of the Jury.

Counsel for the State called **Jason Beck**, who was sworn and direct examined; cross-examination conducted; re-direct examination waived; witness excused.

Counsel for the State called **Eddie Bowers**, who was sworn and direct examined.

Exhibit 9 offered; no objection; **ADMITTED**.

Cross-examination conducted; redirect examination conducted; re-cross examination waived; witness excused.

Jury Admonished and escorted into the Jury Room.

Outside the presence of the Jury, Counsel for the Defendant moved to have witness Robert Lastine draw a diagram of his home.

Counsel for the State responded and had no objection.

COURT ORDERED: Witness Robert Lastine will draw a diagram of his home on the recess.

The Court recited for the record, the defense objections that were overruled during the testimony by witness Jason Beck.

10:03 a.m. – Morning Recess.

10:41 a.m. – Court reconvened with Court, counsel, Jury and Defendant present.

Prior to Court reconvening, Exhibit 37 marked for identification.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

03/07/17

JURY TRIAL – Day Two

HONORABLE

Respective counsel stipulated to the presence of the Jury.

PATRICK

Counsel for the State called **Robert Lastine**, who was sworn and direct examined; cross-examination conducted.

FLANAGAN

Exhibit 37 offered; no objection; **ADMITTED**.

DEPT. NO. 7

Re-direct examination conducted; re-cross examination conducted; witness excused.

K. Oates

Counsel for the State called **Alyssa Howald**, who was sworn and direct examined.

(Clerk)

Exhibit 32 offered; no objection; **ADMITTED**.

S. Koetting

Exhibit 31 offered; no objection; **ADMITTED**.

(Reporter)

Cross-examination conducted; re-direct examination waived; witness excused.

Jury Admonished and excused for the noon recess to return at 1:30 p.m.

Outside the presence of the Jury, the trial schedule was discussed.

11:45 a.m. – Noon Recess.

1:41 p.m. – Court reconvened with Court, counsel, Jury and Defendant present.

Respective counsel stipulated to the presence of the Jury.

Counsel for the State called **Martin Obos**, who was sworn and direct examined; cross-examination conducted; re-direct examination waived; witness excused.Counsel for the State called **Francisco Gamboa**, who was sworn and direct examined; cross-examination conducted by Certified Legal Intern Maher; re-direct examination waived; witness excused.

Sidebar conducted, Court and counsel as to the State resting their case, however, the possibility exists as to recalling a witness depending upon the settling of jury instructions.

Jury admonished and escorted into the Jury Room.

Outside the presence of the Jury, counsel for the Defendant renewed the Defendant's Motion to Suppress, to include that Deputy Obos testified contradictory to Deputy Gamboa and Deputy Gamboa contradicted himself. Further, counsel argued that no probable cause existed for the deputies to enter the Defendant's room.

Counsel for the State responded and argued in opposition.

The Court noted for the record after argument presented by counsel for the Defendant that probable cause still exists.

Counsel for the State addressed concerns as to a jury instruction proffered by the Defendant as to physical injury incurred by the victim. Further, counsel advised that the victim did retain an attorney, and received a settlement for her injuries. Additionally, counsel moved to recall victim Gertrude Greene if that jury instruction is allowed to go before the Jury.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

03/07/17

JURY TRIAL – Day Two

HONORABLE

Counsel for the Defendant responded.

PATRICK

COURT ORDERED: Counsel for the Defendant can recall witness Gertrude Greene to testify at 9:00 a.m. tomorrow.

FLANAGAN

DEPT. NO. 7

Counsel for the Defendant responded and objected to counsel for the State being allowed to recall Ms. Greene.

K. Oates

(Clerk)

The remaining trial schedule was discussed between the Court and counsel.

S. Koetting

3:00 p.m. – The Jury was escorted into the Courtroom.

(Reporter)

Respective counsel stipulated to the presence of the Jury.

Sidebar conducted, Court and counsel, to include counsel Brady advising Certified Legal Intern Maher will be unable to attend trial in the morning to which the Court responded that the Jury will be notified tomorrow.

The Court released the Jury for the evening to return at 9:00 a.m. on Wednesday, March 8, 2017.

3:02 p.m. – Afternoon Recess.

3:25 p.m. – Court reconvened with Court, counsel and Defendant present.

Outside the presence of the Jury, Jury Instructions were informally and formally settled, with counsel stipulating to Jury Instructions One through Twenty-Four (1 – 24) and Two (2) Verdict forms on the record. Four (4) Offered and Rejected Jury Instructions (Defendant), and One (1) Offered and Rejected Jury Instruction (State) were lodged with the Court Clerk. In addition, Two (2) Withdrawn Jury Instructions (Defendant) were lodged with the Court Clerk. Respective counsel stated applicable objections and had no additional Jury Instructions to proffer.

Additionally, counsel for the Defendant advised that after conferring with her client, he does not want to seek a lesser included charge in this case, and she, defense counsel will not be linking the civil case to this case.

Counsel for the State responded that based upon defense counsel's response that she will not be linking the civil case, he will not be recalling witness Gertrude Greene.

Court to reconvene on Wednesday, March 8, 2017 at 8:45 a.m. beginning with canvassing the Defendant as to his right not to testify.

5:14 p.m. – Court stood in recess.

Defendant to continue on bail/bond status with Pretrial Services supervision.

CASE NO. CR16-0718

STATE OF NEVADA VS. ANDREW ROBERT ALLEN LASTINE

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

03/08/17
HONORABLE
PATRICK
FLANAGAN
DEPT. NO. 7
K. Oates
(Clerk)
S. Koetting
(Reporter)

JURY TRIAL – Day Three

Deputy District Attorney Mike Bolenbaker represented the State. Defendant was present with counsel, Deputy Public Defender Christine Brady, and Certified Legal Intern Katherine Maher.

8:55 a.m. – Court convened with Court, counsel and Defendant present.

Outside the presence of the Jury, counsel for the State addressed the Court and argued in support of changes to Jury Instructions 19 and 20.

Counsel for the Defendant addressed the Court and argued in opposition to any changes to the Jury Instructions.

COURT ORDERED: Jury Instructions 19 and 20 will be modified and provided to the Jury, over objection. It is further ordered Court's withdrawn Jury Instructions One (1) and Two (2) will be lodged with the Court.

The Court canvassed the Defendant as to his Fifth Amendment right not to testify.

The Defendant addressed the Court, acknowledged he understood his right not to testify after speaking with counsel, and was choosing not to testify on his own behalf.

COURT ORDERED: The Court finds that the Defendant understands his Fifth Amendment right not to testify, and has made a knowing, voluntary, and intelligent decision.

9:13 a.m. – The Jury was escorted into the Courtroom.

Respective counsel stipulated to the presence of the Jury.

Counsel Bolenbaker, on behalf of the State, rested the State's case.

Counsel Brady, on behalf of the Defendant, rested the Defendant's case.

The Court instructed the Jury with Jury Instructions One through Twenty-Four (1 – 24), and Two (2) Verdict forms.

10:05 a.m. – Counsel Bolenbaker, on behalf of the State, conducted Closing Argument.

10:21 a.m. – Counsel Brady, on behalf of the Defendant, conducted Closing Argument.

Jury Admonished and escorted into to the Jury Room.

11:05 a.m. – Recess.

11:42 a.m. – Court reconvened with Court, counsel, Jury and Defendant present. Respective counsel stipulated to the presence of the Jury.

Counsel Brady, on behalf of the Defendant, continued with Closing Argument.

11:56 a.m. - Counsel Bolenbaker, on behalf of the State, conducted final Closing Argument.

Bailiffs Garrett Bird, Chris Joseph, and Law Clerk Lucas Molleck were sworn and charged with the Jury.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

03/08/17	<u>JURY TRIAL – Day Three</u>
HONORABLE	12:20 p.m. - Jury escorted to the Jury Room. Deliberations commenced.
PATRICK	Alternate Juror Torben Schroder was thanked by Court, admonished and asked to
FLANAGAN	provide his contact information to Court Clerk Kim Oates.
DEPT. NO. 7	Respective counsel were asked to provide their contact information to Court Clerk Kim
K. Oates	Oates.
(Clerk)	Outside the presence of the Jury, the Court inquired of counsel for the State as to
S. Koetting	improper closing argument presented by counsel for the Defendant as to the keys.
(Reporter)	Counsel for the State responded he would like to ponder the issue.
	12:24 p.m. – Court stood in recess.
	12:20 p.m. – The Bailiff notified the Court that the Jury had reached a Verdict; counsel
	notified.
	2:09 p.m. – The Jury was escorted into the Courtroom.
	2:10 p.m. – Court reconvened with Court, counsel, Jury and Defendant present.
	Upon direction of the Court, the Court Clerk called roll of the Jury. All present.
	Upon direction of the Court, the Court Clerk read the Verdict aloud.

VERDICT

ANDREW ROBERT ALLEN LASTINE is GUILTY of Leaving the Scene of an Accident Involving Personal Injury, as charged in the Information.

DATED this 8th day of March, 2017.

/s/ Steven Giardina
Foreperson

The Jury was polled at the request of counsel for the Defendant.
The Jury was thanked by the Court for their service and released.
Counsel for the State argued in support of remanding the Defendant into custody pending Sentencing.
Sentencing set for May 3, 2017 at 9:00 a.m.
Counsel for the Defendant argued in support of the Court allowing the Defendant to remain on bail/bond status with Court Services supervision pending Sentencing.

CASE NO. CR16-0718

STATE OF NEVADA VS. ANDREW ROBERT ALLEN LASTINE

Page Three

DATE, JUDGE
OFFICERS OF
COURT PRESENT

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03/08/17
HONORABLE
PATRICK
FLANAGAN
DEPT. NO. 7
K. Oates
(Clerk)
S. Koetting
(Reporter)

JURY TRIAL – Day Three

COURT ORDERED: Motion for Remand into Custody DENIED. The Defendant will remain on bail/bond status with Court Services supervision.

2:25 p.m. – Court stood in recess.

Defendant is continued on bail/bond status with Pretrial Services supervision.

*** A Presentence Investigation Report Questionnaire was given to counsel for the Defendant by Court Clerk Kim Oates, a Presentence Investigation Report was requested of the Division of Parole and Probation, and Alternate Torben Schroder notified as to the Jury Verdict.

Jury Trial Exhibits

PLTF: **STATE OF NEVADA**
DEFT: **ANDREW LASTINE**

PATY: **DDA Mike Bolenbaker**
DATY: **DPD Christine Brady**

Case No: **CR16-0718**

Dept. No: **7** Clerk: **Kim Oates**

Date: **03/06/17**

Exhibit No.	Party	Description	Marked	Offered	Admitted
1	State	Photo – Accident Scene	03-02-17	Stipulated	03-06-17
2	State	Photo – Accident Scene	03-02-17	Stipulated	03-06-17
3	State	Photo – Accident Scene	03-02-17	Stipulated	03-06-17
4	State	Photo – Accident Scene	03-02-17	Stipulated	03-06-17
5	State	Photo – Accident Scene	03-02-17	Stipulated	03-06-17
6	State	Photo – Accident Scene	03-02-17	Stipulated	03-06-17
7	State	Photo – D’s License Plate	03-02-17	Stipulated	03-06-17
8	State	Photo – D’s License Plate	03-02-17	Stipulated	03-06-17
9	State	Photo – Aerial	03-02-17	No Objection	03-07-17
10	State	Photo – D’s Truck	03-02-17	Stipulated	03-06-17
11	State	Photo – D’s Truck	03-02-17	Stipulated	03-06-17
12	State	Photo – D’s Truck	03-02-17	Stipulated	03-06-17
13	State	Photo – D’s Truck	03-02-17	Stipulated	03-06-17
14	State	Photo – D’s Truck	03-02-17	Stipulated	03-06-17
15	State	Photo – D’s Truck	03-02-17	Stipulated	03-06-17
16	State	Photo – D’s Truck	03-02-17	Stipulated	03-06-17
17	State	Photo – D’s Truck	03-02-17	Stipulated	03-06-17
18	State	Photo – D’s Truck	03-02-17	Stipulated	03-06-17
19	State	Photo – D’s Truck	03-02-17	Stipulated	03-06-17
20	State	Photo – D’s Footprints	03-02-17	Stipulated	03-06-17
21	State	Photo – D’s Footprints	03-02-17	Stipulated	03-06-17
22	State	Photo – D’s Footprints	03-02-17	Stipulated	03-06-17
23	State	Photo – D’s Footprints	03-02-17	Stipulated	03-06-17
24	State	Photo – D’s Side Yard	03-02-17	Stipulated	03-06-17
25	State	Photo – D’s Side Yard	03-02-17	Stipulated	03-06-17
26	State	Photo – D’s Side Yard	03-02-17	Stipulated	03-06-17
27	State	Photo – D’s Side Yard	03-02-17	Stipulated	03-06-17

Jury Trial Exhibits

PLTF: **STATE OF NEVADA**
 DEFT: **ANDREW LASTINE**

PATY: **DDA Mike Bolenbaker**
 DATY: **DPD Christine Brady**

Case No: **CR16-0718**

Dept. No: **7** Clerk: **Kim Oates**

Date: **03/06/17**

Exhibit No.	Party	Description	Marked	Offered	Admitted
28	State	Photo – D’s Side Yard	03-02-17	Stipulated	03-06-17
29	State	Photo – D’s Shoes	03-02-17	Stipulated	03-06-17
30	State	Photo – D’s Shoes	03-02-17	Stipulated	03-06-17
31	State	Photo – D’s Pocket	03-02-17	Objection; Overruled	03-07-17
32	State	Photo – D’s Mail	03-02-17	No Objection	03-07-17
33	State	Photo – 5 th and Sun Valley	03-02-17	---	---
34	State	Photo – 5 th and Sun Valley	03-02-17	---	---
35	State	Photo – 5 th and Sun Valley	03-02-17	---	---
36	State	Photo – 5 th and Sun Valley	03-02-17	---	---
37	Defendant	Diagram drawn by Robert Lastine	03-07-17	Stipulated	03-07-17

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STATE OF NEVADA VS. ANDREW ROBERT ALLEN LASTINE

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

05/03/17

HONORABLE

PATRICK

FLANAGAN

DEPT. NO. 7

K. Oates

(Clerk)

S. Koetting

(Reporter)

ENTRY OF JUDGMENT; IMPOSITION OF SENTENCE

Deputy District Attorney Mike Bolenbaker represented the State.

Defendant was present with counsel, Deputy Public Defender

Christine Brady. Probation Officer Len Frisch was also present.

Counsel for the Defendant addressed the Court and argued in

support of a continuance of sentencing as she would like to discuss

the Presentence Investigation Report more fully with the Defendant

and obtain an evaluation for purposes of mitigation.

Counsel for the State addressed the Court and argued in opposition

to a continuance of Sentencing, to include that the victim is present

in Court today, but can return if the Court so orders.

COURT ORDERED: Sentencing CONTINUED, and it is further

ordered that no additional continuances will be granted.

Defendant is continued on supervised bail/bond status.

05/10/17

9:00 a.m.

Sentencing -

Continued

CASE NO. CR16-0718

STATE OF NEVADA VS. ANDREW ROBERT ALLEN LASTINE

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

05/10/17
HONORABLE
PATRICK
FLANAGAN
DEPT. NO. 7
K. Oates
(Clerk)
S. Koetting
(Reporter)

ENTRY OF JUDGMENT; IMPOSITION OF SENTENCE

Deputy District Attorney Mike Bolenbaker represented the State. Defendant was present with counsel, Deputy Public Defender Christine Brady. Probation Officer Adriana Perez was also present. Counsel for the Defendant addressed the Court and argued in support of a prison sentence lower than what is recommended by the Division of Parole and Probation. Counsel for the State addressed the Court and argued that the recommendation of the Division of Parole and Probation is appropriate.

Counsel for the Defendant called Annalise Hill, who presented a statement in mitigation.

Counsel for the Defendant moved for the Defendant to self-surrender on June 6, 2017.

Counsel for the State responded and objected to a self-surrender. Counsel for the State called Gertrude Green, who was sworn and presented a victim impact statement; cross-examination conducted; witness excused.

The Defendant addressed the Court on his own behalf.

COURT ORDERED: The Defendant, having been found Guilty by a Jury, and no sufficient cause being shown by Defendant as to why judgment should not be pronounced against him, the Court rendered judgment. Andrew Robert Allen Lastine is guilty of the crime of Leaving the Scene of an Accident Involving Personal Injury, a violation of NRS 484E.110, a Category B felony, as charged in the Information, and that he be punished by imprisonment in the Nevada Department of Corrections for a minimum term of Thirty-Six (36) months to a maximum term of One Hundred and Twenty (120) months, with Fifty-One (51) days credit for time served, by payment of restitution in the amount of Thirty One Thousand Six Hundred Thirty-Nine Dollars and Four Cents (\$31,639.04), and by imposition of a fine in the amount of Two Thousand Dollars (\$2,000.00). It is further ordered that the Defendant shall pay the statutory Twenty-Five Dollar (\$25.00) administrative assessment fee, the Sixty Dollar (\$60.00) chemical analysis fee, the One Hundred Fifty Dollar

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DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

05/10/17

ENTRY OF JUDGMENT; IMPOSITION OF SENTENCE

HONORABLE

PATRICK

FLANAGAN

DEPT. NO. 7

K. Oates

(Clerk)

S. Koetting

(Reporter)

(\$150.00) DNA testing fee, and submit to a DNA analysis to determine the presence of genetic markers, if not previously ordered, the Three Dollar (\$3.00) administrative assessment fee for obtaining a biological specimen, and conducting a genetic marker analysis, and attorney's fees are hereby waived by the Court. It is further ordered that the bail/bond is hereby exonerated. Any fine, fee or administrative assessment imposed upon the Defendant today as reflected in this Judgment of Conviction constitutes a lien, as defined in Nevada Revised Statutes (NRS 176.275). Should the Defendant not pay these fines, fees or assessments, collection efforts may be undertaken against him.

Motion to Self-Surrender is DENIED.

Defendant is remanded to the custody of the Sheriff.

1 **Code 1350**

2
3
4 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
5 **IN AND FOR THE COUNTY OF WASHOE**

6 **STATE OF NEVADA,**

Case No. CR16-0718

7
8 **Plaintiff,**

Dept. No. 7

9 **vs.**

10 **ANDREW ROBERT ALLEN LASTINE,**

11 **Defendant.**

12 _____ /
13 **CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

14 I certify that I am an employee of the Second Judicial District Court of the State of Nevada,
15 County of Washoe; that on the 9th day of June, 2017, I electronically filed the Notice of Appeal in
16 the above entitled matter to the Nevada Supreme Court.

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

19 Dated this 9th day of June, 2017

20 Jacqueline Bryant
21 Clerk of the Court

22 By /s/ Yvonne Vilorio
23 Yvonne Vilorio
24 Deputy Clerk
25
26
27
28