

1 of or an attempt to commit any Burglary, and the
2 person charged:

3 (a) Killed the person murdered; or

4 (b) Knew or had reason to know that life would be
5 taken or lethal force used; or

6 (c) Acted with reckless indifference to human life
7 and was a major participant in the Burglary
8 committed.

9 X The murder was committed while a person was
10 engaged, alone or with another, in the commission
11 of or an attempt to commit any First Degree
12 Kidnapping, and the person charged:

13 (a) Killed the person murdered; or

14 (b) Knew or had reason to know that life would be
15 taken or lethal force used; or

16 (c) Acted with reckless indifference to human life
17 and was a major participant in the First Degree
18 Kidnapping committed.

19 X The murder was committed while a person was
20 engaged, alone or with another, in the commission
21 of or an attempt to commit any Robbery, and the
22 person charged:

23 (a) Killed the person murdered; or

24 (b) Knew or had reason to know that life would be
25 taken or lethal force used; or

26 (c) Acted with reckless indifference to human life
27 and was a major participant in the Robbery
28 committed.

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X

The murder was committed while a person was engaged, alone or with another, in the commission of or an attempt to commit any Sexual Assault, and the person charged:

- (a) Killed the person murdered; or
- (b) Knew or had reason to know that life would be taken or lethal force used; or
- (c) Acted with reckless indifference to human life and was a major participant in the Sexual Assault committed.

X

The murder involved torture, depravity of mind or the mutilation of the victim.

DATED at Las Vegas, Nevada, this 28th day of October, 1993.


FOREPERSON

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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CARL LEE MARTIN,

Defendant.

CASE NO. C108501

DEPT. NO. XV

DOCKET NO. L

FILED IN OPEN COURT
OCT 28 1993

LORETTA BOWMAN, CLERK

BY Candy Horton
Deputy

SPECIAL

VERDICT

We, the Jury in the above entitled case, having found the Defendant, CARL LEE MARTIN, Guilty of COUNT I - MURDER OF THE FIRST DEGREE (Joseph Smith III), designate that any aggravating circumstance which has been checked below has been established beyond a reasonable doubt and further find that there are no mitigating circumstances sufficient to outweigh the aggravating circumstance or circumstances found.

X

The murder was committed by a person who was previously convicted of a felony involving the use or threat of violence to the person of another.

X

The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a course of action which would normally be hazardous to the lives of more than one person.

X

The murder was committed while a person was engaged, alone or with another, in the commission

1 of or an attempt to commit any Burglary, and the
2 person charged:

3 (a) Killed the person murdered; or

4 (b) Knew or had reason to know that life would be
5 taken or lethal force used; or

6 (c) Acted with reckless indifference to human life
7 and was a major participant in the Burglary
8 committed.

9 X

The murder was committed while a person was
engaged, alone or with another, in the commission
of or an attempt to commit any First Degree
Kidnapping, and the person charged:

13 (a) Killed the person murdered; or

14 (b) Knew or had reason to know that life would be
15 taken or lethal force used; or

16 (c) Acted with reckless indifference to human life
17 and was a major participant in the First Degree
18 Kidnapping committed.

19 X

The murder was committed while a person was
engaged, alone or with another, in the commission
of or an attempt to commit any Robbery, and the
person charged:

23 (a) Killed the person murdered; or

24 (b) Knew or had reason to know that life would be
25 taken or lethal force used; or

26 (c) Acted with reckless indifference to human life
27 and was a major participant in the Robbery
28 committed.

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_____ The murder was committed while a person was engaged, alone or with another, in the commission of or an attempt to commit any Sexual Assault, and the person charged:

- (a) Killed the person murdered; or
- (b) Knew or had reason to know that life would be taken or lethal force used; or
- (c) Acted with reckless indifference to human life and was a major participant in the Sexual Assault committed.

_____ The murder involved torture, depravity of mind or the mutilation of the victim.

DATED at Las Vegas, Nevada, this 28th day of October, 1993.



FOREPERSON

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
-vs-
CARL LEE MARTIN,
Defendant.

CASE NO. C108501

DEPT. NO. XV

DOCKET NO. I
FILED IN OPEN COURT

OCT 28 1993 19

LORETTA BOWMAN, CLERK

BY Candy Horton
Deputy

VERDICT

We, the Jury in the above entitled case, having found the
Defendant, CARL LEE MARTIN, Guilty, impose a sentence of:

COUNT I - Murder of the First Degree (Joseph Smith III)

 Life with the Possibility of Parole;

 X Life without the Possibility of Parole;

 Death.

COUNT II - Murder of the First Degree (Vikki Smith)

 Life with the Possibility of Parole;

 X Life without the Possibility of Parole;

 Death.

DATED at Las Vegas, Nevada, this 28th day of October, 1993.

Charles W. Ott
FOREPERSON

CE



AA4988

EXHIBIT 121

EXHIBIT 121

MTThomas SPD02529

Office of the Special Public Defender



COMMISSIONERS

Chip Maxfield, Chairman
Myrna Williams, Vice-Chair
Yvonne Atkinson Gates
Mary Kincaid-Chauncey
Lynette Boggs McDonald
Rory Reid
Bruce L. Woodbury
Thom Reilly, County Manager

SPECIAL PUBLIC DEFENDER

David M. Schieck

333 S. Third Street
2nd Floor
PO Box 552316
Las Vegas NV 89155-2316
(702) 455-6265
Fax: (702) 455-6273

June 2, 2005

Daniel Albregts, Esq.
601 S. Tenth St., No. 202
Las Vegas NV 89101

Fax: 474-0739

Re: State v. Thomas

Dear Dan:

Enclosed please find the latest correspondence and information from Mr. Thomas.

If you have any questions or comments please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "David M. Schieck".

DAVID M. SCHIECK, ESQ.

DMS:kf

SPD02529

AA4990

MTThomas SPD02530

DAVID

124/05

Here's The PAPERWORK BOOK. GIVE it TOO
MARABEL" PLUS, here's A friend of mine. I WANT
him Placed on my witness list OKAY! I've
Been knowing him FOR, Bout 5 yrs. he's A GOOD
DUDE. i ASKED Him To Day AND He WAS LIKE
yes, if i CAN Help u AN ANYWAY im There.
ANTione Sean #77182 Hes A OLD CAT.

w/r

M

Mitigating Factors Preliminary Checklist

Name: Mr. Mark Thomas Date: 5/24/05

The following are questions that may assist us in finding mitigating factors that may benefit you during your trial. Please answer every question as accurately and honestly as possible. If you have any question, comments or concerns talk to your Investigator. Your Investigator will personally speak to you to elaborate or clarify each question.

1. Do/did you ever suffer from the following Neurological Impairments:

(check all that apply)

- A. ☐ Organic Personality Syndrome
- B. ☐ Fetal Alcohol Syndrome; do you know if your mom drank alcoholic beverages while she was pregnant with you?
- C. ☐ Mental retardation
- D. ☐ Borderline Intelligence
- E. ☒ Learning Disabilities *SOME TIMES*
- F. ☐ Hypoglycemia and other Disorders
- G. ☐ Dementia
- H. ☐ Amnesia

2. Do/did you ever experience the following Psychological Syndromes:

- A. ☐ Schizophrenia
- B. ☐ Delusional Disorders
- C. ☐ Psychotic Disorders
- D. ☒ Mood Disorders
- E. ☐ Anxiety Disorders
- F. ☐ Somatoform Disorders
- G. ☐ Dissociative Disorders
- H. ☐ Sexual Disorders
- I. ☐ Sleep Disorders
- J. ☐ Impulse Control Disorders
- K. ☒ Adjustment Disorders
- L. ☐ Personality Disorders

3. Do any of the following Family situations apply to you: (answer yes or no to each)

- A. ☒ Were your parents divorced
- B. ☒ Did you ever witness spousal abuse among your parents
- C. ☒ Were you ever abandoned
- D. ☒ Were you adopted
- E. ☒ Were you ever physically abused
- F. ☒ Were you ever sexually abused
- G. ☒ Were you ever psychologically abused
- H. ☒ Were you ever neglected or deprived

- I. Y/N Did your parents commit crimes Father
- J. Y/N Were your parents alcoholics (either one) Father
- K. Y Was your family constantly moving
- L. Y Was your father ever absent from your life
- M. Y Did someone you love ever die
- N. Y Did you ever run away
- O. N Were you ever a victim of a natural disaster
- P. N Were you ever victimized

4. Have you ever used any of the following substance (check all that apply):

- A. Y Alcohol
- B. N Amphetamines
- C. Y Marijuana/THC
- D. N Cocaine/Crack Addictions
- E. Y Hallucinogens
- F. N Inhalants
- G. N Opioids
- H. Y PCP
- I. N Sedatives

5. Do any of the following Social and Cultural Factors apply to you (answer yes or no)

- A. N Are you a female
- B. Y Have you ever lived in poverty
- C. Y Have you ever been institutionalized
- D. Y Have you ever been housed in a Juvenile Institution
- E. Y Have you ever been involved in the prison culture
- F. What is your race BLACK
- G. What is your age 33
- H. What is your culture Hip Hop
- I. N Have you ever been in the military
- J. Y Have you ever been involved with gangs
- K. Y Have you lived mostly in the city (urban)
- L. Y Have you lived in the country (rural)
- M. N Have you ever engaged in homosexuality

6. If you have ever been in prison, did you: (answer yes or no to each)

- A. Y Adapt well to Prison Life
- B. Y Assist other Inmates
- C. Y Ever participate in a heroic or helpful event
- D. N Respect Correctional Officers
- E. Y Ever get a Disciplinary write-up

7. In reference to the offense:

- A. Y Did you have lingering doubts about doing it
- B. Y Was it your intention to do it
- C. N Do you feel its morally justified

8. In reference to your crime do you: (answer yes or no to each)
- A. Y Have remorse about it
 - B. Y Cooperate with authorities
 - C. N Are you participating in rehabilitation
 - D. Y Do you consider what you did to be out of your character
 - E. N Do you not have a lengthy criminal history
 - F. _____ What is your religion _____
9. In reference to your victim:
- A. Y Did your victim/s provoke the incident
 - B. Y Was your victim/s a participant in the act

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MTThomas SPD02534

EXHIBIT 122

EXHIBIT 122

GETTING IT RIGHT: LIFE HISTORY INVESTIGATION AS THE FOUNDATION FOR A RELIABLE MENTAL HEALTH ASSESSMENT

*Richard G. Dudley, Jr.**

*Pamela Blume Leonard***

The difference between the almost-right word & the right word
is . . . the difference between the lightning-bug & the lightning.

– Mark Twain¹

I. INTRODUCTION

Over the last thirty years, the scope and admissibility of mitigating evidence in death penalty cases has been litigated at all levels of our courts and at all stages of capital proceedings. Over time, the direction of the courts has been to affirm the right of capital defendants to present,² and the requirement for jurors to consider,³ evidence of their character,⁴ upbringing,⁵ and various human frailties⁶ and capacities⁷ that may lead to a sentence other than death.

* Richard G. Dudley, Jr., M.D. has a clinical and forensic psychiatry practice in New York City, and until recently, also taught at New York University School of Law. The author is regularly engaged as a psychiatric expert in capital matters, at the trial level and in post-conviction.

** Pamela Blume Leonard (M.A. in Conflict Transformation, Eastern Mennonite University, Harrisburg, VA) is executive director of Georgia Council for Restorative Justice at Georgia State University in Atlanta. She has practiced in legal settings for many years as a specialist in death penalty mitigation and in defense-initiated victim outreach on cases at the trial level and post-conviction level, and in federal court as well as state court.

The authors recognize that not all counsel, capital defendants, mental health experts, or mitigation specialists, are male. They choose the male pronoun to avoid the awkward s/he and the need to alternate pronouns.

1. R. KENT RASMUSSEN, MARK TWAIN: HIS WORDS, WIT AND WISDOM 300 (2001).
2. *Lockett v. Ohio*, 438 U.S. 586, 604-05 (1978) (plurality opinion).
3. *Eddings v. Oklahoma*, 455 U.S. 104, 113-15 (1982).
4. *Roper v. Simmons*, 543 U.S. 551, 568 (2005).
5. *Eddings*, 455 U.S. at 116.

More recently, the United States Supreme Court decided that defense counsel in capital cases rendered ineffective representation to capital defendants because they failed to conduct an investigation that would have revealed a nightmarish childhood,⁸ failed to conduct an adequate social history,⁹ and failed to investigate and rebut the prosecutor's case for death.¹⁰ Thus, evolving constitutional law and the 2003 revision of the *ABA Guidelines for the Appointment and Performance of Defense Counsel in Death Penalty Cases*¹¹ have formally recognized the established standard practice that the defense team must include a qualified mitigation specialist at the onset of representation.¹² This is particularly significant to capital defendants because, as John Blume pointed out, "The jurisprudential shift is now evident and established. Lower courts must consider the ABA Guidelines and other national standards to determine the reasonableness of counsel's behavior in light of prevailing professional norms as part of the ineffective assistance of counsel analysis."¹³ After years of mitigation specialists demonstrating their importance to capital defense teams,¹⁴ prevailing national norms now recognize the role and contributions of mitigation specialists in an effective capital defense.¹⁵

For decades, a capital defendant in the United States has had a due process right to an independent psychiatrist or psychologist whenever his sanity or future dangerousness is legitimately at issue and the state has conducted its own evaluation.¹⁶ This right, defined by the Court as

6. *Caldwell v. Mississippi*, 472 U.S. 320, 330-31 (1985).

7. *Eddings*, 455 U.S. at 115 n.11.

8. *Williams v. Taylor*, 529 U.S. 362, 395 (2000).

9. *Wiggins v. Smith*, 539 U.S. 510, 534 (2003).

10. *Rompilla v. Beard*, 545 U.S. 374, 383-84 (2005).

11. ABA GUIDELINES FOR THE APPOINTMENT AND PERFORMANCE OF DEFENSE COUNSEL IN DEATH PENALTY CASES (rev. ed. 2003), in 31 HOFSTRA L. REV. 913 (2003) [hereinafter ABA GUIDELINES]. The ABA GUIDELINES are also available online at <http://www.abanet.org/deathpenalty/resources/docs/2003Guidelines.pdf>.

12. *Id.* at Guideline 10.4(C)(a); see Russell Stetler, *Capital Cases: Mitigation Investigation: A Duty That Demands Expert Help But Can't Be Delegated*, CHAMPION, Mar. 2007, at 62, 63.

13. John H. Blume & Stacey D. Neumann, "It's Like Déjà Vu All Over Again:" *Williams v. Taylor*, *Wiggins v. Smith*, *Rompilla v. Beard* and a (Partial) Return to the Guidelines Approach to the Effective Assistance of Counsel, 35 AM. J. CRIM. L. (forthcoming Mar. 2008).

14. Pamela Blume Leonard, *A New Profession for an Old Need: Why a Mitigation Specialist Must Be Included on the Capital Defense Team*, 31 HOFSTRA L. REV. 1143, 1144-45 (2003); Russell Stetler, *Why Capital Cases Require Mitigation Specialists* at 2, available at <http://www.nlada.org/DMS/Documents/998934720.005> (last modified Dec. 9, 2002).

15. SUPPLEMENTARY GUIDELINES FOR THE MITIGATION FUNCTION OF DEFENSE TEAMS IN DEATH PENALTY CASES, Introduction, in 36 HOFSTRA L. REV. 677 (2008) [hereinafter SUPPLEMENTARY GUIDELINES]; ABA GUIDELINES, *supra* note 11, at Guideline 4.1, commentary.

16. *Ake v. Oklahoma*, 470 U.S. 68, 83 (1985).

the right to “the ‘basic tools of an adequate defense,’”¹⁷ has been extended to guarantee a capital defendant reasonably necessary expert assistance.¹⁸ Consequently, one or more mental health experts are commonly called by defense counsel in capital cases to explain their client’s mental state as it applies to various phases of the criminal justice process.

Similarly, when the state chooses to seek the death penalty, it puts the defendant’s background and character in issue,¹⁹ and the mitigation specialist is a “basic tool of an adequate defense” required as a matter of due process. With the addition of mitigation specialists to capital defense teams, counsel and mental health experts have an additional resource to investigate the life history of capital defendants; gather mental health evaluation and treatment records confirming symptoms of mental illness, significant emotional distress and dysfunction; explicate the influences and patterns in the client’s life and conduct; help them understand how these factors affected a client’s life and the crime; and translate theories of defense and diagnoses of mental illness into everyday language that fact finders can understand.

In this Article, we discuss some of the ways that mitigation specialists work with mental health experts and other members of the legal team to enhance defense counsel’s capacity to present a credible, consistent, comprehensive, and comprehensible defense through reliable mental health assessments.²⁰ It remains the role of the core defense team, in the person of counsel, to integrate all of the facts and circumstances of the defendant’s life and the crime and present a persuasive narrative of the events that encourages values of accountability over retribution, grace over vengeance, and life over death.²¹

17. *Id.* at 77 (quoting *Britt v. North Carolina*, 404 U.S. 226, 227 (1971)).

18. See 18 U.S.C.A. § 3599(a)(1) (2007) (stating the defendant “shall be entitled to the appointment of one or more attorneys and the furnishings of such other services in accordance with subsections (b) through (f)”; see also *Cowley v. Stricklin*, 929 F.2d 640, 643 (11th Cir. 1991); *Kordenbrock v. Scroggy*, 919 F.2d 1091 (6th Cir. 1990) (en banc); *Smith v. McCormick*, 914 F.2d 1153, 1159 (9th Cir. 1990); *Blake v. Kemp*, 758 F.2d 523, 530-31 (11th Cir. 1985). Because jurors do listen to, are influenced by, and will rely upon the testimony of such experts, a trial may be fundamentally unfair when a party is left without expert assistance. *Ake*, 470 U.S. at 82.

19. *Lockett v. Ohio*, 438 U.S. 586, 594 (1978); see *Ake*, 470 U.S. at 81.

20. John H. Blume & Pamela Blume Leonard, *Capital Cases: Principles of Developing and Presenting Mental Health Evidence in Criminal Cases*, CHAMPION, Nov. 2000, at 63.

21. The theory and skills of effective storytelling can be helpful to defense teams as they build their case narrative. For information and resources regarding storytelling, see the website for the International Storytelling Center at <http://www.storytellingfoundation.net>.

II. ROLE OF MITIGATION SPECIALISTS

The fundamental duty of a mitigation specialist is to conduct a comprehensive life history investigation of the client and identify all relevant mitigation issues,²² including facts and circumstances to rebut the prosecution's case in aggravation.²³ The process of gathering, organizing, and analyzing life history data often leads to the identification of mental health issues requiring assessments by mental health experts who potentially will testify regarding their findings.²⁴ When this occurs, and often it does, the mitigation specialist gathers extensive information about the mental health issue at hand, works with the defense team to identify and select a qualified expert, assists counsel in preparing the client and his family for the assessment process, and provides any additional information the mental health expert needs to conduct a reliable mental health assessment. The first step in this process is to conduct a life history investigation.

A. Comprehensive Life History Investigation

A comprehensive life history investigation²⁵ requires the collection, organization, and analysis of data concerning the life history of the defendant.²⁶ This includes gathering all existing life history records about the defendant and conducting interviews with the defendant as well as all persons who had a significant role in his life and development.²⁷ When there are signs of mental health issues, the investigation must reach back at least three generations to document

22. Leonard, *supra* note 14, at 1144 & n.12 (citing ABA GUIDELINES, *supra* note 11, at Guideline 4.1, commentary).

23. SUPPLEMENTARY GUIDELINES, *supra* note 15, at Guideline 10.11(F).

24. Leonard, *supra* note 14, at 1149.

25. Conducting an accurate and reliable life history investigation requires that the mitigation specialist have access to a range of resources and publications. Some, but not all of those resources are: Access to comprehensive databases of social science, medical, and legal publications; access to essential publications (including all editions of AM. PSYCHIATRIC ASS'N, DIAGNOSTIC AND STATISTICAL MANUAL OF MENTAL DISORDERS and AM. ASS'N ON MENTAL RETARDATION, MENTAL RETARDATION: DEFINITION, CLASSIFICATION, AND SYSTEMS OF SUPPORTS); major texts regarding psychological testing; major texts regarding child maltreatment; major texts regarding trauma; major texts regarding clinical psychiatry.

26. A helpful reference for grasping the process, tools, and outcome of a social history inquiry is ARLENE BOWERS ANDREWS, SOCIAL HISTORY ASSESSMENT (2007).

27. ABA GUIDELINES, *supra* note 11, at Guideline 10.7, commentary (noting defense counsel's duties under the "Guilt/Innocence" and "Penalty" subsections of the commentary); Blume & Leonard, *supra* note 20, at 65; Blume & Neumann, *supra* note 13; Stetler, *supra* note 12, at 62.

1 different people. It fails to state the same cousin informed the School Police Alisha was at the time
2 of the investigation dating a 32 year old man. It fails to inform the Court that the School security,
3 not Alisha Morgan, initiated the complaint, and that Alisha disclosed only that Matt touched her butt
4 when she wrote her first statement. The report also fails to inform the Court that one of Matt's co-
5 worker custodians reported that Alisha Morgan had threatened him with a "sex harassment charge
6 against him like she was doing to one of his co-workers."
7

8
9 3. Count III: As with the description of Count I, the Presentence Report fails to
10 inform the Court during is discussion of the allegations that Matt entered an Alford Plea to that
11 charge. The report mistakenly states that Traci was 15 years old. In fact, she was 17 at the time
12 of the alleged conduct. Though the Presentence Report acknowledges Traci asked Matt for money
13 and gifts throughout the school year, it does not inform the Court Tracie had him get her a beeper.
14 It also did not inform the Court that, on the day of the alleged incident, Traci asked for \$100.00.
15 During her testimony at the preliminary hearing, Traci acknowledged she went to see Matt with the
16 intent to ask him for \$100. She said wanted buy a comforter.
17

18 4. Victim Information Count II: The Presentence Report indicates Sylvia Robertson
19 believes her daughter became pregnant a second time and had an abortion. However, though it may
20 be within the realm of physiological possibility, such a pregnancy does not fall within the probable.
21 Sylvia had a child on or about April 2, 1996. If her mother communicated the allegation on the last
22 possible date of the report, June 13, 1996, that would mean Sylvia had sexual intercourse, became
23 pregnant, and was able to determine that she was pregnant all within approximately eight weeks of
24 giving birth to her first child.
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2 5. **Evaluation:** Without any factual foundation, the Presentence Report states that
3 Matt has violated his position as an adult member of the community and created an atmosphere of
4 distrust and disbelief for the victims and labels Matt a "predator." Yet it fails to inform the Court
5 of the significant facts described above that demonstrate such a conclusion is unfounded. For
6 instance, it is unlikely that Matt is a sexual predator. The behavior described in the School Police
7 and District Attorney's Office does not support such a conclusion.
8

9 Alisha Morgan is described as a very sexually active young woman who was, even during
10 the investigation, dating at least one man over the age of 30. In the files and during her preliminary
11 hearing testimony, she admits to having a crush on Matt. She has threatened to bring similar
12 charges against other people, and her cousin believes Alisha may do so again.
13

14 Traci Carlin had asked Matt for money and gifts during the school year. Among other
15 things, she had a beeper he purchased for her. And she asked him for \$100 the day she alleges he
16 had sex with her.
17

18 The behavior of Alisha and Traci is not that of a victim. Matt's behavior is not that of a
19 predator. Attached to this Response, as Exhibit "A," is a copy of the Psychological Evaluation
20 performed by Marv Glavinsky, Ph.D. As the Court will note, the evaluation included a review of
21 all the discovery provided to the Defense, including the Clark County School Police and District
22 Attorney's Office files. It also included standardized tests conducted on Matt and an thorough
23 interview.
24

25 Dr. Glavinsky concluded Matt was more of a "sexual opportunist than the prime example
26 of a predator." He also concluded Matt is a viable candidate for probation with some supervision
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2 and monitoring. In fact, Parole & Probation also states that areas in Matts background "suggest
3 community supervision would be appropriate."

4 Indeed, Matt possesses many qualities that make him a viable candidate for probation. Matt
5 has no prior convictions. He has a good education, is currently employed in a managerial capacity,
6 and has a position demanding responsibility and trustworthiness. Furthermore, Intensive
7 Supervision reports that Matt has complied with all his requirements since beginning the program.
8 Matt's behavior demonstrates he should be eligible for parole.
9

10 6. Recommendation: Finally, the Presentence Report recommends that Matt receive
11 a six year sentence on Count I, based on old statutes since repealed. However, under the
12 circumstances of this case such a recommendation is inappropriate. As demonstrated by Count II,
13 the current legislatively authorized term of imprisonment is a minimum of one year to a maximum
14 of five years. The alleged offense described in Count I took place shortly before new sentencing
15 statutes went into effect. Accordingly, sentencing Matt to a term of imprisonment in excess of that
16 permitted by the new statute, representing the most current legislative position, would be
17 inequitable.
18

19 Moreover, the Presentence Report fails to consider the fact that this is Matt's first
20 conviction, and that serious questions exist concerning the intentions and conduct of Alisha Morgan
21 and Traci Carlin. These factors weigh in favor of a lesser sentence.
22

23 Finally, the Presentence Report recommends the sentences run consecutively. Based on the
24 Plea Agreement, the Court should impose sentences on Counts I, II, and III to run concurrently.
25
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DICKERSON, DICKERSON, LIEBERMAN & CONSUL
ATTORNEYS AT LAW
SUITE 1130, THE PHOENIX BUILDING
330 SOUTH THIRD STREET
LAS VEGAS, NEVADA 89101
TELEPHONE (702) 388-8600

CONCLUSION

Based on the foregoing, and the arguments to be made by counsel at sentencing, the Court should not adopt the Recommendations made in the Presentence Report. Matthew Young is eligible for, and should receive, probation. In the event the Court deems some period of incarceration necessary, the Court should impose a sentence of one to three years on Counts I, II, and III, all of which are to run concurrently.

DATED this 1st day of July, 1996.

DICKERSON, DICKERSON, LIEBERMAN
& CONSUL

By: 
DOUGLASS A. MITCHELL, ESQ.
Nevada Bar No.: 003775
330 S. Third Street, Suite 1130
Las Vegas, Nevada 89101
Attorneys for Defendant
MATTHEW GORDAN YOUNG

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RECEIPT OF COPY

RECEIPT OF COPY of the foregoing *DEFENDANT'S RESPONSE TO PRESENTENCE*

REPORT is hereby acknowledged this 1 day of July, 1996.

STEWART L. BELL
DISTRICT ATTORNEY
Nevada Bar #000477

By: *John P. Lukens*
JOHN P. LUKENS, ESQ.
Chief Deputy District Attorney
Nevada Bar #000843

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Exhibit A

AA4875

Marv A. Glovinsky, Ph.D., Cht'o.
BEHAVIORAL MEDICINE ASSOCIATES

6000 West Rochelle Avenue Suite 200
Las Vegas, Nevada 89103
(702) 362-7785

FELLOW

American College of Forensic Psychology
American Orthopsychiatric Association
American Association of Clinical Hypnotherapists
American Board of Medical Psychotherapists

DIPLOMATE

International Academy of Behavioral Medicine,
Counseling and Psychotherapy
American Board of Medical Psychotherapists
American Academy of Pain Management



May 23, 1996

Linda Marie Bell, Esq.
Dickerson, Dickerson, Liebermann & Consul
330 South Third Street, Suite 1130
Las Vegas, NV 89101

RE: Matthew YOUNG

Dear Ms. Bell:

On 14 May 1996 I examined your above referenced client at my office per conditions of the Nevada Revised Statutes governing sexual contact with a minor female in order to determine YOUNG's suitability for probation.

"...Mr. YOUNG pled guilty to one count of statutory sexual seduction and pled guilty by way of the Alford decision (no contest) to one count of statutory sexual seduction and one count of coercion."

My examination, approximately two-two and one half hours, included a Mental Status Examination and the administration (interpretation) of the Millon Clinical Multiaxial Inventory-III. Prior to this I reviewed the discovery in these instant offenses including:

- (1) Criminal Complaint, Case No.: 95FN1049x, State of Nevada v. Defendant # 0850210,
- (2) Clark County School District Police Department, Affidavit referencing DR # 95-3200, submitted by Investigator Philip Gelber,
- (3) Clark County School District Police Department Officer's Report, referencing this same DR No. submitted by Officer C. Walker, P# 146,

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Matthew YOUNG
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- (4) Witness statement(s) of Alisha Antionette Morgan,
- (5) Cheyenne High School Incident summary, dated August 28, 1995, submitted by Mary f. Appel, Ass't. Principal,
- (6) Witness Statement of Yolanda Banks,
- (7) Witness Statement of Jessica Henry,
- (8) Witness Statement of Catherine A. Needham,
- (9) Witness statement of Bruce Gaitor,
- (10) Clark County School District Police Department Officer's Report(s) submitted by Officer P. Gervasi, P# 163,
- (11) Witness Statement(s) of Glenna Nielsen-Loar,
- (12) Witness Statement of Trina Lide,
- (13) Witness Statement of Patrick Hayden,
- (14) Clark County School District Police Department Investigative Report/Investigative Follow-up Report, referencing DR# 95-3110, submitted by these aforementioned investigators,
- (15) Witness Statement(s) of Clara H. Robertson,
- (16) Witness Statement of Solomon D. Robertson,
- (17) Witness Statement of Sylvia Robertson,
- (18) Witness Statement by Ebony N. Crater,

May 23, 1996
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- (19) Witness Statement(s) of Shadonna K. Scurry,
- (20) Witness statement of Richard L. Stall,
- (21) Planned Parenthood Medical Record,
- (22) Clark County School District Police Department Investigative Report/Investigative Follow-up Report, referencing DR# 95-3110, submitted by Officer P. Gervasi,
- (23) Las Vegas Metropolitan Police Department Forensic Laboratory Report of Examination of Traci Carlin, submitted by Terry L. Cook, # 2545, Criminalist II, referencing DR# 95-3607,
- (24) Clark County School District Police Department Investigative Report referencing this DR No., submitted by Officer P. Gelber,
- (25) Witness Statement(s) of Traci L. Carlin,
- (26) Medical Records, University Medical Center of Southern Nevada,
- (27) Witness Statement of Maria T. Myles,
- (28) Witness Statement of Josephine Alves,
- (29) Witness Statement of Latasha R. Turner,
- (30) Witness Statement of Tamaree A. Lee,
- (31) Witness Statement of Sylvia Latrell Robertson,
- (32) Interview of Matthew Gordon Young.

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Matthew YOUNG
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IN BRIEF, Matt YOUNG admitted to having had sexual intercourse on only one occasion with Sylvia Robertson, his former custodial aide at Cheyenne High School. As a result a son was born to them on 02 April 1996. Although YOUNG is not having any contact with Sylvia his mother, Emma Nash, was said to be acting as an intermediary. And thus YOUNG is reportedly contributing to the infant's upkeep and/or welfare.

YOUNG stated that he did not have a father during his growing-up years, therefore, he wishes to "...be responsible for my children." In this instance YOUNG reportedly now has a 12 year old daughter by a high school girlfriend; they never married. He has four children, three boys and a girl, by his first wife of seven years from whom he separated in November, 1995 "...because of what's going on...." Again, there is this newborn son with Sylvia Robertson.

YOUNG stated that Alisha Morgan had had a crush on him but that he had rebuffed her advances. She was then said to have, in essence, threatened him, "...get back at me...(but) I never touched her period!"

Concerning his alleged involvement with Traci Carlin, YOUNG denied any physical involvement with her. However, he admittedly befriended her and thus referred to her as "a talking friend." YOUNG alleged that the only reason Traci Carlin, indeed, contacted his wife was because he had refused to give her \$100.00 for a comforter she wanted to buy.

In May, 1990 YOUNG was reportedly charged with homicide consequent to having had an altercation with the estranged husband of a neighbor lady. Young shot the husband in the chest while purportedly defending himself. This woman was said to have been spreading the rumor that she and YOUNG had been sexually involved. She did that, according to YOUNG, to get her husband to pay attention to her. Upon investigating this incident charges against YOUNG were subsequently reportedly dropped.

IN GENERAL, YOUNG presents an unremarkable developmental-longitudinal history. He is the fifth child in a sibship of six including two older brothers, a younger brother and two older sisters. He was raised by his single parent mother. He is a 1985/86 high

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Matthew YOUNG
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school graduate. He was said to have maintained a 3.5 GPA. He lettered in varsity football for three years. He then attended Antelope Valley Junior College where he also played football for the one year he attended that institution. His employment history reflects essential stability; since 30 October 1995 he has been employed as an area supervisor in Las Vegas for Varsity Contractors. Prior to this employment YOUNG had been a custodian with the Clark County School District for some six years. He had a whole series of short-term employments prior to (t)his Clark County School District job inasmuch as he was quite obviously attempting to better his employment prospects.

YOUNG denied any substance use and/or abuse save for having supposedly smoked marijuana one time at a party during his senior year in high school. He alluded to infrequently drinking wine coolers at this present point in time.

Developmental milestones were reportedly accomplished in a similar unremarkable manner. YOUNG denied having experienced any neuropathic traits of childhood. He denied having had any gang affiliation. His first actual heterosexual contact was at age 15-16 years old. He has never had any sexually transmitted disease(s). He has not had any previous mental health contact(s).

YOUNG commented that he was all too well aware of the ramifications of being involved with an underage female, however, he had not paid heed to this potential for trouble. He alleged that he expects to have a vasectomy performed in the near future and that he further certainly intends not to have any more contact with younger girls.

THE MENTAL STATUS EXAMINATION proved entirely unremarkable for YOUNG, an alert, cooperative and fully responsive, candid gentleman of estimated Within Normal Limits intellectual competence. There were actually no outstanding, overt features of character pathology noted in YOUNG's relatedness. Judgment and reasoning faculties were satisfactory; perhaps, somewhat puerile and/or short-sighted but entirely intact.

FORMAL PSYCHOLOGICAL TESTING while considered unremarkable for actual personality disordered traits is, however, suggestive of a greater degree of irresponsibility than was revealed by YOUNG's clinical history or these observations and impressions.

May 23, 1996
Matthew YOUNG
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Of note, the Millon test is notorious for over-pathologizing otherwise insignificant findings.

"Profile Severity: On the basis of the test data (assuming denial is not present) it may be reasonable to assume that the patient is experiencing no disorder or a minimally severe disorder. The text of the following interpretive report may need to be modulated downward based on this probable level of severity. Possible Diagnoses:The major complaint expressed by the client's MCMI-III responses do not take the form of distinct Axis I symptoms."

Computer generated statements regarding YOUNG's personality and/or motivations should be understood as possible hypotheses regarding his psychodynamics rather than as absolute pronouncements. Nonetheless, certain comments here, as quoted, do seem to have a pointed relevance given YOUNG's reported history.

"The MCMI-III profile of this man suggests a veneer of friendliness and sociability, yet shows contempt for conventional morals. Although he is able to make a good impression on casual acquaintances, he displays a characteristic impulsiveness, restlessness, and moodiness....His relationships tend to be shallow and fleeting...he may act rashly, using insufficient deliberation and poor judgment....He may have an easily circumvented conscience....More typically, he may simply be impetuous and imprudent, throwing caution to the wind, driven by a need for excitement and an inability to delay gratification, with minimal regard to consequences. Adventure-seeking, he may restlessly chase one capricious whim after another and is likely to travel an erratic course of irresponsibility, delighting in defying and challenging social conventions. *There is reason to think that he may have a poor prognosis for staying out of trouble.*" (Italics per this examiner.)

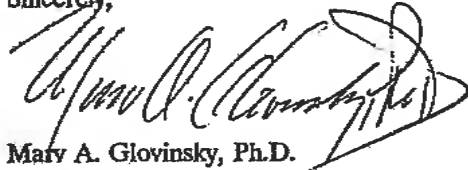
If this latter statement can be interpreted as reflecting something about YOUNG's sexual predilection(s) the history would certainly seem to bear out that this man's lustiness has at least been a source of troublesomeness in the past.

May 23, 1996
Matthew YOUNG
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Notwithstanding (t)his habitual activity the greater probability is that YOUNG does represent a viable candidate for probation in this instant matter, with a well-defined structure and monitoring imposed in order for him to be able to comply with his obligations and to maintain his personal responsibility. All that can, therefore, be concluded is that YOUNG will hopefully profit from (t)his current legal-judicial processing of these instant offenses. YOUNG is more the caricature of a sexual opportunist than the prime example of a predator in his pattern(s) as thusfar reported.

Thank you for having asked me to examine your client for the purpose of offering these opinions. If you have any other questions or concerns please feel free to call upon me.

Sincerely,



Marv A. Glovinsky, Ph.D.
Clinical Psychologist
Board Certified Forensic Examiner
Board Certified Forensic Medicine
Diplomate, American Board of Forensic Medicine
Diplomate, American Board of Forensic Examiners
Listed in the National Registry of Forensic Examiners

MAG/mbg
Enc

Billed to: Michael Dyer, Esq.
Dyer, Lawrence & Cooney
2805 N. Mountain Street
Carson City, Nevada 89703

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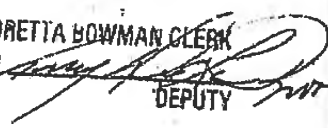
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NDR

DISTRICT COURT
CLARK COUNTY, NEVADA

FILED

JUL 3 1996

LORETTA BOWMAN CLERK
BY  DEPUTY

STATE OF NEVADA

PLAINTIFF

VS

Matthew G Young

DEFENDANT

Case #: 96-C-133315-C

Dept #: 8

NOTICE OF DEPARTMENT REASSIGNMENT

This matter has been randomly reassigned from department 13.

All pending court dates are listed below:

STATUS CHECK: SENTENCING

07/10/96

at 9:00 A.M.

at

at

at

at

I hereby certify that on July 03, 1996

I placed a copy of NOTICE OF DEPARTMENT REASSIGNMENT

IN: () FILE COPY attorney's folder
located in the Office of the County Clerk

() The United States mail addressed as follows:


Deputy County Clerk



AA4883

ORIGINAL

FILED

1 JOCP
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

DEC 2 11 22 AM '96

Forrest L. Brown
CLERK

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 MATTHEW GORDAN YOUNG,
12 #0850210

13 Defendant.
14

Case No. C133315
Dept. No. VIII
Docket M

16 JUDGMENT OF CONVICTION (PLEA)

17 WHEREAS, on the 23rd day of April, 1996, the Defendant MATTHEW GORDAN YOUNG,
18 appeared before the Court herein with his counsel and entered an Alford plea of guilty to the crimes of
19 COUNTS I & II - STATUTORY SEXUAL SEDUCTION (Felony); and COUNT III - COERCION
20 (Felony), committed on or between March, 1995, and August, 1995, in violation of NRS 200.364,
21 200.368, 207.190 and

22 WHEREAS, thereafter on the 31st day of July, 1996, the Defendant being present in court with
23 his counsel DOUGLAS MITCHELL, ESQ., and JOHN P. LUKENS, Chief Deputy District Attorney,
24 also being present; the above entitled Court did adjudge the Defendant guilty thereof by reason of his plea
25 of guilty and, in addition to the \$25.00 Administrative Assessment Fee, sentenced Defendant to the
26 Nevada Department of Prisons as to COUNT I for FIVE (5) YEARS and pay \$870.00 RESTITUTION;
27 as to COUNT II for a MAXIMUM of THIRTY-SIX (36) MONTHS with a MINIMUM PAROLE
28 ELIGIBILITY of TWELVE (12) MONTHS; and as to COUNT III for a MAXIMUM of

CE-02

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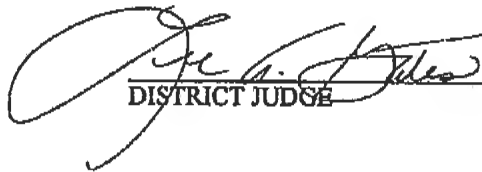

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1 FORTY-EIGHT (48) MONTHS with a MINIMUM PAROLE ELIGIBILITY of TWELVE (12)
2 MONTHS, COUNTS I, II AND III to run concurrently, with ONE (1) DAY credit for time served.

3 THEREFORE, the Clerk of the above entitled Court is hereby directed to enter this Judgment
4 of Conviction as part of the record in the above entitled matter.

5 DATED this 21 day of November, 1996, in the City of Las Vegas, County of Clark, State
6 of Nevada.

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9 DISTRICT JUDGE 
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27 DA#96-133315X/kjh/CAWC
28 CCSDPD DR#95-3200
SSS; COERC - F
(TK7)

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JAN 24 12 58 PM '96

DIST. COURT: C133315, DEPT. THIRTEEN

Loetta Dorman
CLERK

IN THE JUSTICE COURT OF NORTH LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

STATE OF NEVADA,

PLAINTIFF,

VS.

CASE NO. 1049-95FN

MATTHEW GORDAN YOUNG,

DEFENDANT.

REPORTER'S TRANSCRIPT

OF

PRELIMINARY HEARING

BEFORE THE HONORABLE STEPHEN J. DAHL, JUSTICE OF THE PEACE
JANUARY 16, 1996

APPEARANCES:

FOR THE STATE:

JOHN LUKENS, ESQ.,
DEPUTY DISTRICT ATTORNEY

FOR THE DEFENDANT:

DOUGLAS MITCHELL, ESQ.,
ATTORNEY AT LAW

REPORTED BY: WARREN G. HANS, CSR #19

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EXAMINATION INDEX

WITNESS: ALISHA MORGAN

EXAM. BY: DIRECT CROSS

MR. LUKENS: 5
MR. MITCHELL: 9

WITNESS: SYLVIA ROBERTSON

EXAM. BY:

MR. LUKENS: 22
MR. MITCHELL: 25

WITNESS: TRACI CARLIN

EXAM. BY:

MR. LUKENS: 36
MR. MITCHELL: 39

1 NORTH LAS VEGAS, CLARK COUNTY, NEVADA, JANUARY 16, 1996

2 * * * * *

3
4 BY THE COURT: CALL STATE VERSUS MATTHEW YOUNG, CASE
5 NUMBER 95FN-1049X. BOTH SIDES ARE READY TO PROCEED, I TAKE IT?

6 BY MR. LUKENS: YES, YOUR HONOR.

7 BY MR. MITCHELL: YES, YOUR HONOR.

8 BY THE COURT: CALL YOUR FIRST WITNESS.

9 BY MR. LUKENS: ALISHA MORGAN.

10 YOUR HONOR, I DON'T KNOW IF IT WILL INCONVENIENCE THE
11 COURT AND COURT STAFF BUT I'M MAKING A REQUEST PURSUANT TO THE
12 STATUTE THAT THE COURT BE CLOSED.

13 BY MR. MITCHELL: YES, YOUR HONOR, AND I'D ALSO LIKE TO
14 REQUEST ALL OTHER WITNESSES BE EXCLUDED FROM THE COURTROOM AT
15 THIS TIME AS WELL, TO THE EXTENT THEY ARE IN HERE.

16 BY THE COURT: IF THE COURTROOM IS CLOSED THAT WOULD
17 TAKE CARE OF THAT.

18 BY MR. MITCHELL: YES.

19 BY MR. LUKENS: WITH THE EXCEPTION OF HER DESIGNATED
20 SUPPORT PERSON.

21 BY THE COURT: I WILL GRANT THE MOTIONS.

22 EXCEPT FOR THE PERSON WHO IS ACCOMPANYING MISS MORGAN
23 HERE IN COURT TODAY, EVERYONE ELSE NEEDS TO LEAVE THE COURTROOM
24 AND WAIT OUT IN THE HALLWAY. THAT INCLUDES MOVING THE PRISONERS

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INTO THE HOLDING AREA.

BY MR. MITCHELL: MY ONLY CONCERN IF MISS MORGAN'S
DESIGNATED INDIVIDUAL IS ALSO A WITNESS THEN I'D ASK SHE BE
EXCLUDED.

BY MR. LUKENS: DOESN'T MAKE ANY DIFFERENCE IT'S HER
MOTHER AND WHETHER SHE IS WITNESS OR NOT DOESN'T MAKE ANY
DIFFERENCE, SHE A DESIGNATED PERSON PER THE STATUTE.

BY THE COURT: I DOUBT SHE'D BE A WITNESS FOR THESE
PROCEEDINGS ANYWAY.

BY MR. LUKENS: NOT IN THIS PROCEEDING SHE'D NOT BE.

BY THE COURT: OKAY.

BY MR. MITCHELL: FINE THEN.

BY MR. LUKENS: THANK YOU, YOUR HONOR.

* * * * *

1 ALISHA MORGAN,
2 HAVING BEEN FIRST DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH
3 AND NOTHING BUT THE TRUTH, TESTIFIED AS FOLLOWS:
4

5 BY THE BAILIFF: YOU MAY BE SEATED.

6 STATE YOUR NAME AND SPELL YOUR NAME FOR THE COURT
7 REPORTER?

8 BY THE WITNESS: ALISHA MORGAN, A-L-I-S-H-A,
9 M-O-R-G-A-N.
10

11 DIRECT EXAMINATION

12 BY MR. LUKENS:

13 Q ALISHA, STATE YOUR NAME PLEASE?

14 A ALISHA MORGAN.

15 Q AND, HOW DO YOU SPELL YOUR FIRST NAME?

16 A A-L-I-S-H-A.

17 Q HOW OLD ARE YOU?

18 A 16.

19 Q AND, WHEN IS YOUR BIRTH DATE?

20 A NOVEMBER 5TH.

21 Q WHAT YEAR WERE YOU BORN?

22 A 1979.

23 Q ALISHA, I AM GOING TO DIRECT YOUR ATTENTION TO SOMETIME
24 BETWEEN MARCH OF 1995 AND AUGUST OF 1995, DURING THAT TIME PERIOD

1 DID YOU SEE OR COME INTO CONTACT WITH ANYBODY YOU SEE IN THE
2 COURTROOM TODAY?

3 A YES.

4 Q AND, WHO WAS THAT?

5 A MATTHEW YOUNG (INDICATING).

6 Q WHAT IS HIS NAME?

7 A MATTHEW.

8 Q YOU POINTED TO SOMEBODY, COULD YOU DESCRIBE AN ARTICLE
9 OF CLOTHING, THE COLOR OF THE CLOTHING THE PERSON YOU POINTED TO
10 IS WEARING?

11 A BURGUNDY SUIT.

12 BY MR. LUKENS: YOUR HONOR, MAY THE RECORD REFLECT THE
13 IDENTIFICATION OF THE DEFENDANT?

14 BY THE COURT: YES.

15 BY MR. LUKENS:

16 Q DID THERE COME A TIME DURING THAT TIME PERIOD YOU HAD A
17 SEXUAL RELATIONSHIP WITH MR. YOUNG?

18 A YES.

19 Q AND, WHERE WAS IT THAT THIS HAPPENED?

20 A IN THE STUDENT COUNCIL ROOM IN CHEYENNE HIGH SCHOOL
21 LUNCH ROOM.

22 Q IS THAT LOCATED IN NORTH LAS VEGAS, LAS VEGAS?

23 A YES.

24 Q AND, AT THE TIME OF THAT SEXUAL CONTACT DID A PART OF

1 MR. YOUNG'S BODY TOUCH A PART OF YOUR BODY?
2 A YES.
3 Q WHAT PART OF HIS BODY?
4 A HIS PENIS.
5 Q WHAT PART OF YOUR BODY?
6 A MY VAGINA.
7 Q AND, WITH REFERENCE TO YOUR VAGINA, WHERE DID HIS PENIS
8 GO?
9 A INTO MY VAGINA.
10 Q AND, WAS THERE ALSO ANOTHER SEXUAL ACT THAT TOOK PLACE?
11 A YES.
12 Q WHAT WAS THAT? DID ANOTHER PART OF HIS BODY TOUCH A
13 PART OF YOUR BODY?
14 A YES.
15 Q WHAT PART OF HIS BODY?
16 A MOUTH.
17 Q WHAT PART OF YOUR BODY DID HIS MOUTH TOUCH?
18 A MY VAGINA.
19 Q WHAT DID HE DO WHEN HE PUT HIS MOUTH ON YOUR VAGINA?
20 A HE -- HIS TONGUE TOUCHED MY VAGINA.
21 BY MR. LUKENS: PASS THE WITNESS.
22 THANK YOU, ALISHA.
23 BY THE WITNESS: OKAY.
24 BY THE COURT: CROSS?

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BY MR. MITCHELL: YES, YOUR HONOR.

BY THE COURT: OKAY.

* * * * *

1 CROSS EXAMINATION

2 * * * * *

3
4 BY MR. MITCHELL:

5 Q WHERE ARE YOU A STUDENT?

6 A CHEYENNE HIGH SCHOOL.

7 Q AND, HOW LONG HAVE YOU BEEN A STUDENT THERE?

8 A TWO YEARS.

9 Q AND, DOES CHEYENNE HIGH SCHOOL START IN -- YOU'RE IN
10 WHAT GRADE NOW?

11 A TENTH GRADE.

12 Q YOU STARTED CHEYENNE HIGH SCHOOL IN THE NINTH GRADE?

13 A YES.

14 Q NOW, MR. LUKENS SPOKE TO YOU A LITTLE BIT ABOUT THE TIME
15 PERIOD BETWEEN MARCH 1995 AND AUGUST 1995?

16 A UH HUH.

17 Q HAD YOU KNOWN MATT YOUNG BEFORE MARCH 1995?

18 A NO.

19 Q NO?

20 A (SHAKES HEAD.)

21 Q SO, MARCH 1995 WAS THE FIRST TIME YOU MET HIM?

22 A NO, THAT'S WHEN IT TOOK PLACE. I KNOWN HIM JUST THE
23 WHOLE NINTH GRADE.

24 Q WOULD YOUR NINTH GRADE BE IN 1994?

1 A '94, '95.
2 Q OKAY.
3 DURING THE TIME THAT YOU KNEW MR. YOUNG IN YOUR NINTH
4 GRADE YEAR, DID YOU HAVE A CRUSH ON HIM?
5 A NOT WHEN I FIRST -- NO.
6 Q BUT, DID THERE COME A TIME YOU HAD A CRUSH ON HIM?
7 A YES.
8 Q AND, FROM TIME TO TIME DID YOU TALK TO SOME OF YOUR
9 FRIENDS ABOUT THIS CRUSH?
10 A NO.
11 Q SO, YOU NEVER TOLD ANY OF YOUR FRIENDS YOU HAD A CRUSH
12 ON HIM?
13 A NO.
14 Q HOW FREQUENTLY WOULD YOU SEE MR. YOUNG DURING 1994?
15 A IT WAS OFTEN.
16 Q AND, OFTEN WOULD THAT BE ONCE A DAY?
17 A MAYBE ONCE EVERY OTHER DAY.
18 Q AND, WHEN YOU SAW HIM WOULD YOU GO UP TO HIM?
19 A NO, HE WOULD APPROACH ME.
20 Q AND, WHEN THE TWO OF YOU MET, DID YOU ENJOY BEING WITH
21 MR. YOUNG?
22 A YES.
23 Q HE WAS A GOOD FRIEND?
24 A YES.

1 Q AND, OVER A PERIOD OF TIME DID HE BECOME BETTER FRIENDS
2 WITH YOU?
3 A YES.
4 Q AND, AS TIME WENT BY DID YOU WANT TO BE WITH HIM MORE
5 AND MORE?
6 A YES.
7 Q AND, WOULD THERE COME TIMES WHEN YOU WOULD THINK ABOUT
8 WANTING TO BE WITH MR. YOUNG?
9 A NO.
10 Q NOW, WERE THERE OTHER PEOPLE IN THE SCHOOL WHO ALSO
11 LIKED MR. YOUNG?
12 A NOT THAT I KNOW OF.
13 Q OKAY.
14 YOU DON'T KNOW WHETHER ANY OF YOUR FRIENDS LIKED MR.
15 YOUNG?
16 A NO.
17 Q AND, YOU NEVER TALKED TO YOUR FRIENDS ABOUT THIS CRUSH
18 YOU HAD?
19 A NO.
20 Q AFTER THIS INCIDENT YOU DESCRIBED -- FIRST OF ALL, DO
21 YOU KNOW WHEN THIS INCIDENT TOOK PLACE?
22 A I DON'T REMEMBER, BUT IT WAS IN BETWEEN THE LAST DAYS OF
23 SCHOOL -- IN BETWEEN THERE; I DON'T REMEMBER.
24 Q LET ME SEE IF I UNDERSTAND YOU, IN BETWEEN THE LAST DAYS

1 OF SCHOOL?

2 A IT WAS -- YOU CAN PUSH IT BACK, BUT IT WASN'T -- I CAN'T
3 REMEMBER THE EXACT MONTH AND EXACT DATE IT WAS, BUT IT WAS CLOSE
4 TO THE TIME.

5 Q OKAY.

6 CAN YOU GIVE ME A MONTH? WHAT DID YOU MEAN BY THE LAST
7 DAYS OF SCHOOL?

8 A THE TIME WAS HEADING TOWARDS THE LAST DAYS OF SCHOOL
9 LIKE. IT WASN'T JUNE NOR WAS IT -- IT WASN'T AUGUST, IT WAS
10 PUSHED BACK TOWARDS THE MONTHS, BUT SCHOOL WAS ALMOST OUT.

11 Q SO SOMETIME WHEN SCHOOL WAS ALMOST OUT, BUT IT WASN'T
12 JUNE OR AUGUST?

13 A NO.

14 Q OKAY.

15 WHEN THIS FIRST HAPPENED, WHO DID YOU TELL? WHO WAS THE
16 FIRST PERSON THAT YOU TOLD?

17 A MY COUSIN TANYA.

18 Q YOUR COUSIN TANYA?

19 A YES.

20 Q WHEN DID YOU TELL HER?

21 A I THINK ABOUT TWO WEEKS AFTER IT TOOK PLACE.

22 Q SO, ABOUT TWO WEEKS AFTER IT HAPPENED YOU TOLD HER?

23 A YES.

24 Q WHAT DID YOU TELL HER?

1 A WHAT HAPPENED, WHAT MATTHEW HAD DONE.
2 Q AND, I KNOW IT'S PERHAPS HARD, BUT COULD YOU TELL ME AS
3 PRECISELY AS YOU CAN WHAT YOU TOLD HER?
4 A I TOLD HER THAT I HAD STAYED AFTER SCHOOL AND ME AND
5 MATT DID SOMETHING.
6 Q IS THAT WHAT YOU TOLD HER?
7 A YES.
8 Q THAT YOU AND MATT DID SOMETHING?
9 A YES.
10 Q DID YOU TELL HER ANYTHING MORE THAN THAT?
11 A NO, BECAUSE SHE ALREADY CAUGHT ON TO WHAT I WAS TALKING
12 ABOUT.
13 Q WHAT DO YOU MEAN? HOW DO YOU KNOW SHE CAUGHT ON TO WHAT
14 YOU WERE TALKING ABOUT?
15 A BECAUSE SHE A MADE A LITTLE COMMENT, LIKE "HUM, OKAY,"
16 LIKE THAT.
17 Q AND, WHAT WAS HER REACTION WHEN YOU TOLD HER ABOUT WHAT
18 HAD HAPPENED?
19 A IT WAS --
20 BY MR. LUKENS: (INTERPOSING) OBJECTION, YOUR HONOR,
21 IT'S IRRELEVANT, AND BEYOND THE SCOPE OF DIRECT EXAMINATION.
22 BY THE COURT: HEARSAY TOO PROBABLY. I WILL SUSTAIN THE
23 OBJECTION.
24 BY MR. MITCHELL: I THINK HER REACTION, NOT WHAT SHE

1 SAID, BUT HER REACTION WOULD NOT BE HEARSAY.
2 BY MR. LUKENS: BUT, IT'S CERTAINLY NOT RELEVANT.
3 BY MR. MITCHELL: I THINK IT MIGHT BE RELEVANT.
4 BY THE COURT: FOR HER REACTION I'LL ALLOW IT, BUT NOT
5 FOR HEARSAY.
6 BY MR. MITCHELL: WON'T BE FOR ANY HEARSAY.
7 BY MR. LUKENS: YOUR HONOR, THERE IS OBVIOUSLY NO
8 RELEVANCE FOR PURPOSES OF A PROBABLE CAUSE HEARING AND PROBABLY
9 NONE AT ALL FOR TRIAL AS TO WHAT THE REACTION OF SOME OTHER CHILD
10 MAY HAVE BEEN.
11 BY MR. MITCHELL: I THINK IT MAY BE RELEVANT.
12 BY THE COURT: OKAY.
13 I WILL ALLOW IT FOR PRELIMINARY HEARING.
14 BY MR. MITCHELL:
15 Q GO AHEAD.
16 A HER REACTION WAS LIKE SOMETHING I DID, OKAY; IT
17 HAPPENED; THAT WAS IT.
18 Q OKAY.
19 HAD SHE KNOWN ABOUT --- HAD YOU TALKED WITH HER BEFORE
20 ABOUT MATT? I MEAN BEFORE THIS INCIDENT YOU DESCRIBED WHICH
21 OCCURRED NEAR THE END OF THE SCHOOL, HAD YOU EVER TALKED TO HER
22 ABOUT MATT?
23 A YES.
24 Q WHAT WOULD YOU TALK TO HER ABOUT MATT?

1 A NOTHING, JUST ASKED HER DID SHE KNOW HIM; JUST TOLD HER
2 THAT HE WAS A JANITOR THAT WORKED AT CHEYENNE THAT I LIKED.
3 Q SO, YOU DID TELL HER YOU LIKED MATT YOUNG?
4 A YES.
5 Q NOW, YOU SAID YOU TOLD HER, ABOUT TWO WEEKS AFTER THIS
6 INCIDENT YOU TOLD YOUR FRIEND TANYA?
7 A MY COUSIN.
8 Q YOUR COUSIN TANYA. YOU HADN'T TOLD ANYONE ELSE BEFORE
9 THAT?
10 A NO.
11 Q WHO WAS THE NEXT PERSON THAT YOU TOLD?
12 A MY COUSIN TRINA, T-R-I-N-A.
13 Q WHEN DID YOU TELL HER?
14 A I CAN'T REMEMBER WHEN IT WAS.
15 Q WAS IT AFTER -- OBVIOUSLY IT WAS AFTER YOU TOLD TANYA?
16 A YEAH, IT WAS AFTER.
17 Q HOW LONG AFTER; DO YOU REMEMBER?
18 A NO.
19 Q WHAT DID YOU TELL TRINA?
20 A I ASKED HER WAS MATT WORKING AT CHEYENNE WHEN SHE WAS
21 THERE AND SHE SAID YES, AND SHE WAS TALKING TO ME ABOUT A SEXUAL
22 RELATION SHE HAD WITH MATT ALSO.
23 Q OKAY.
24 NOW, WHAT DID YOU TELL HER ABOUT WHAT HAPPENED BETWEEN

1 YOU AND MATT?

2 A I TOLD HER THAT -- WELL, I DIDN'T TELL HER NOTHING
3 BECAUSE TANYA AND TRINA ARE COUSINS. SO, TANYA TOLD TRINA. SO
4 SHE HAD ALREADY KNOWN.

5 Q SHE ALREADY KNEW?

6 A YES.

7 Q YOU DIDN'T DESCRIBE ANYTHING?

8 A NO, HUH UH.

9 Q YOU DIDN'T DESCRIBE ANY OF THINGS THAT HAPPENED?

10 A NO.

11 Q AFTER TRINA WHO DID YOU TELL?

12 A NO ONE. IT STARTED GETTING PASSED THROUGH THE FAMILY
13 AND TRINA HAD TOLD A BOYFRIEND OF MINE, AND THE BOYFRIEND TOLD MY
14 MOM.

15 Q WHO IS THE BOYFRIEND?

16 A HIS NAME IS DWAYNE (SP-?).

17 Q WHAT IS HIS LAST NAME?

18 A MCDANIEL.

19 Q NOW, THERE CAME A TIME WHEN YOU PREPARED A WRITTEN
20 STATEMENT FOR THE SCHOOL?

21 A YES.

22 Q IS THAT CORRECT?

23 A YES.

24 Q NOW, YOU DIDN'T GO TO THE SCHOOL TO PREPARE THAT

1 STATEMENT, DID YOU?

2 A YES, AFTER THE INCIDENT HAPPENED. I THINK A COUPLE OF
3 WEEKS AFTER I WENT TO THE OFFICE AND I FILLED OUT AN INCIDENT
4 REPORT AND THEY NEVER FOLLOWED THROUGH ON IT, BUT THIS TIME THEY
5 APPROACHED ME.

6 Q NOW, LET'S GO BACK TO THE FIRST TIME YOU FILLED OUT AN
7 INCIDENT REPORT, WHAT DID YOU PUT IN THE INCIDENT REPORT?

8 A I PUT ON THE INCIDENT REPORT THAT I WAS AT LUNCH AND
9 MATTHEW -- WAS WITH MY FRIENDS AND MATTHEW APPROACHED ME OUTSIDE
10 AND HE TOUCHED LIKE MY WAIST OR MY BUTT, BUTTOCKS.

11 Q SO, THAT WAS IN THE FIRST ONE?

12 A YES.

13 Q NOW, THIS SECOND REPORT THAT YOU TALKED ABOUT THE SCHOOL
14 DISTRICT APPROACHED YOU?

15 A RIGHT.

16 Q YOU DIDN'T GO TO THE SCHOOL DISTRICT?

17 A NO.

18 Q NOW, WHEN THEY APPROACHED YOU -- FIRST OF ALL, WHO WAS
19 IT THAT APPROACHED YOU?

20 A CALVIN -- I CAN'T REMEMBER THE LAST NAME; IT WAS CALVIN
21 OF THE SCHOOL POLICE.

22 Q HE IS A SCHOOL POLICE OFFICER?

23 A UH HUH.

24 Q AND, AS A RESULT OF HIM APPROACHING YOU, WHAT DID YOU

1 DO? HE ASKED YOU TO FOLLOW HIM?

2 A NO, HE TOLD ME TO MEET HIM IN HIS OFFICE IN FIVE MINUTES
3 AND I MET HIM IN HIS OFFICE AND WE TALKED.

4 Q AND, YOU FILLED OUT A REPORT?

5 A YES.

6 Q WHEN YOU FIRST FILLED OUT THE REPORT WHAT DID YOU PUT IN
7 THE REPORT?

8 A I PUT IN THERE HOW IT ALL -- HOW WHEN I FIRST MET MATT
9 AND HOW DID EVERYTHING HAPPEN, HOW EVERYTHING HAPPENED, WHERE IT
10 HAPPENED, AND WHO KNEW ABOUT MATT, NOT ABOUT THE SEXUAL CONTACT
11 BUT HIM APPROACHING ME AT THE TABLES, AND THAT'S ABOUT IT.

12 Q OKAY.

13 SO, THE FIRST TIME YOU FILLED OUT THIS REPORT THEN YOU
14 INCLUDED ALL THE INFORMATION ABOUT THIS INCIDENT YOU DESCRIBED
15 HAPPENING IN MARCH THROUGH AUGUST 1995?

16 A YES.

17 Q NOW, I BELIEVE YOU ALSO STATED THAT -- WELL, IS IT TRUE
18 THAT AFTER THIS INCIDENT YOU DESCRIBED THAT MATT WOULD FROM TIME
19 TO TIME COME TO YOUR THIRD PERIOD CLASS?

20 A YES.

21 Q AND, HE'D TRY TO GET YOU OUT OF CLASS?

22 A NO, HE WOULD JUST COME IN THERE AND MOST OF THE TIME IT
23 WAS LIKE HE'D BE BRINGING STUFF IN AND OUT OF THE CLASSROOM AND
24 MAYBE HE'LL LOOK AT ME AND WINK HIS EYE OR SOMETHING, SMILE AT

1 ME.
2 Q HE'D COME IN AND OUT OF THE CLASSROOM LOOKING FOR YOU?
3 A IT WAS JUST THIRD PERIOD AND HE WASN'T REALLY LOOKING
4 FOR ME.
5 Q OKAY.
6 NOW, DURING THIS PERIOD OF TIME THAT YOU KNEW MATT FROM
7 YOUR NINTH GRADE YEAR UP UNTIL THIS INCIDENT YOU DESCRIBED --
8 FIRST OF ALL, LET ME ASK YOU THIS: HOW LONG AFTER THIS INCIDENT
9 WAS IT BEFORE YOU FINALLY INFORMED THE SCHOOL POLICE DEPARTMENT
10 THAT YOU AND MATT HAD SEXUAL RELATIONS?
11 A HOW LONG?
12 Q YES.
13 A IT WAS THIS YEAR.
14 Q IT WAS THIS YEAR?
15 A YES.
16 Q DO YOU REMEMBER WHEN THIS YEAR?
17 A NO.
18 Q IF I TOLD YOU SEPTEMBER OF THIS YEAR, WOULD YOU HAVE ANY
19 REASON TO DOUBT THAT?
20 A I WOULDN'T DOUBT THAT, NO.
21 Q OKAY.
22 DURING THIS PERIOD OF TIME THAT --
23 BY MR. LUKENS: (INTERPOSING) EXCUSE ME, YOUR HONOR, I
24 AM GOING TO OBJECT AS TO THE AMBIGUITY OF "THIS YEAR." I BELIEVE

1 THAT WE'RE NOW STARTING A CALENDAR YEAR AND I BELIEVE SHE IS
2 SPEAKING SCHOOL YEAR WHEN SHE SAYS "THIS YEAR."
3 BY THE COURT: SUSTAINED.
4 BY MR. MITCHELL:
5 Q DURING THIS PERIOD OF TIME THAT YOU KNEW MATT WERE THERE
6 TIMES YOU'D GO UP TO MATT AND HUG HIM?
7 A YES.
8 Q WERE THERE TIMES YOU'D GO UP TO MATT TO KISS HIM?
9 A NO.
10 Q HOW FREQUENTLY WOULD YOU GO UP TO MATT TO HUG HIM?
11 A I'D SAY ABOUT MAYBE PROBABLY ONCE A WEEK.
12 Q OKAY.
13 AND, WERE THESE TIMES WHEN YOU WERE GOING UP TO MATT TO
14 HUG HIM, DID THEY HAPPEN BEFORE THIS INCIDENT OR AFTERWARDS?
15 A BEFORE.
16 Q BEFORE?
17 A YES.
18 Q FOR HOW LONG BEFORE THE INCIDENT THAT YOU DESCRIBED WERE
19 YOU GOING UP TO HIM AND HUGGING HIM?
20 A I DON'T KNOW.
21 Q WERE THERE OTHERS PRESENT WHEN YOU DID THIS?
22 A NO.
23 Q SO, NO ONE ELSE WAS THERE?
24 A MAYBE ONCE OR TWICE MAYBE IT WOULD BE IN THE LUNCH ROOM,

1 BUT IT ALWAYS WAS AFTER SCHOOL.
2 Q SO, TANYA WOULDN'T HAVE SEEN IT?
3 A NO.
4 Q AND, TRINA WOULDN'T HAVE SEEN IT?
5 A NO.
6 Q OKAY.
7 AFTER THIS INCIDENT YOU DESCRIBED DID YOU CONTINUE GOING
8 UP TO MATT AND HUGGING HIM?
9 A NO.
10 BY MR. MITCHELL: NOTHING FURTHER.
11 BY MR. LUKENS: NO REDIRECT.
12 BY THE COURT: THANK YOU. YOU ARE EXCUSED
13 (THE WITNESS WAS EXCUSED.)
14 BY MR. LUKENS: THE STATE'S NEXT WITNESS IS SYLVIA
15 ROBERTSON.
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1 SYLVIA ROBERTSON,
2 HAVING BEEN FIRST DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH
3 AND NOTHING BUT THE TRUTH, TESTIFIED AS FOLLOWS:
4

5 BY THE BAILIFF: BE SEATED.

6 STATE YOUR FIRST AND LAST NAMES AND SPELL YOUR NAME FOR
7 THE COURT REPORTER?

8 BY THE WITNESS: SYLVIA ROBERTSON, S-Y-L-V-I-A,
9 R-O-B-E-R-T-S-O-N.

10
11 DIRECT EXAMINATION

12 BY MR. LUKENS:

13 Q SYLVIA, WHAT IS YOUR BIRTH DATE?

14 A MARCH 21ST, 1980.

15 Q AND, HOW OLD ARE YOU?

16 A 15.

17 Q AND, AS YOU LOOK AROUND THE COURTROOM TODAY DO YOU SEE
18 ANYBODY IN THE COURTROOM -- ASIDE FROM YOUR MOM -- THAT YOU KNOW?

19 A YES.

20 Q AND, WHAT IS THE PERSON'S NAME THAT YOU KNOW?

21 A MATT YOUNG.

22 Q AND, CAN YOU TELL ME WHAT COLOR CLOTHING HE IS WEARING
23 TODAY?

24 A PURPLE.

1 Q WOULD YOU POINT TO WHERE HE IS SITTING?
2 A YES (INDICATING).
3 BY MR. LUKENS: YOUR HONOR, MAY THE RECORD REFLECT THE
4 IDENTIFICATION OF THE DEFENDANT?
5 BY THE COURT: YES.
6 BY MR. LUKENS:
7 Q SYLVIA, SOMETIME BETWEEN MARCH OF 1995 AND AUGUST 1995,
8 DID THERE COME A TIME WHEN YOU HAD A SEXUAL RELATIONSHIP WITH
9 MATTHEW YOUNG?
10 A YES.
11 Q AND, WHAT HAPPENED AT THAT RELATIONSHIP? WHAT KIND OF
12 SEXUAL RELATIONSHIP WAS IT? WHAT DID HE DO? WHAT DID YOU DO?
13 A WE HAD SEX.
14 Q WHEN YOU SAY YOU HAD SEX, DID A PART OF HIS BODY TOUCH A
15 PART OF YOUR BODY?
16 A YES.
17 Q AND, WHAT PART OF HIS BODY?
18 A PENIS.
19 Q AND, WHAT PART OF YOUR BODY?
20 A MY VAGINA.
21 Q AND, WHERE DID HIS PENIS GO WITH REFERENCE TO YOUR
22 VAGINA?
23 BY MR. MITCHELL: (INTERPOSING) IF I MIGHT; I'M HAVING
24 A HARD TIME HEARING HER.

1 BY THE COURT: TRY TALKING A LITTLE LOUDER?
2 BY THE WITNESS: INSIDE.
3 BY MR. LUKENS:
4 Q WHERE WERE YOU WHEN THIS TOOK PLACE?
5 A AT HIS HOUSE.
6 Q AND, IS HIS HOUSE LOCATED IN LAS VEGAS, NEVADA?
7 A YES.
8 Q AND, SYLVIA, ARE YOU PREGNANT TODAY?
9 A YES.
10 BY MR. MITCHELL: OBJECTION, YOUR HONOR; I DON'T THINK
11 THAT'S RELEVANT.
12 BY THE COURT: SUSTAINED.
13 BY MR. LUKENS: YOUR HONOR, IT IS RELEVANT; IT'S A
14 PRODUCT OF THE ACT OF THE DEFENDANT; IT CERTAINLY TENDS TO
15 ESTABLISH SUCH ACT TOOK PLACE.
16 BY THE COURT: FOR PURPOSES OF PRELIMINARY HEARING ALL I
17 NEED IS FOR HER TO SAY THAT'S WHAT HAPPENED. IT WOULD BECOME
18 RELEVANT IF THERE IS ANY CHALLENGE TO IT OBVIOUSLY.
19 FOR NOW HER WORDS ARE SUFFICIENT TO ESTABLISH THE ACT.
20 BY MR. LUKENS: OKAY.
21 PASS THE WITNESS.
22 * * * * *
23
24

CROSS EXAMINATION

* * * * *

BY MR. MITCHELL:

Q SYLVIA, HOW LONG HAVE YOU KNOWN MATT YOUNG?

A ABOUT THREE YEARS.

Q I CAN'T HEAR YOU?

A ABOUT THREE YEARS.

Q AND, HOW DID YOU FIRST MEET MR. YOUNG?

A IN DRILL TEAM.

Q OKAY.

AND, BY THE DRILL TEAM WHAT DO YOU MEAN BY THAT?

A I WAS IN HIS DRILL TEAM.

Q WAS THIS AT SCHOOL?

A NO.

Q WHERE WAS THE DRILL TEAM?

A IT WAS JUST -- I DON'T KNOW; IT WAS JUST SOME GROUP.

Q SO, IT WAS JUST SOME GROUP, JUST A GROUP OF GIRLS?

A YES.

Q THIS WAS A GROUP OF GIRLS?

A YES.

Q OKAY.

AND, YOU WERE A MEMBER OF THIS DRILL TEAM FOR
APPROXIMATELY THREE YEARS?

1 A NO.

2 Q FOR HOW LONG WERE YOU A MEMBER OF THE DRILL TEAM?

3 A IT WAS ON AND OFF.

4 Q OKAY.

5 OVER WHAT PERIOD OF TIME?

6 A I REALLY DON'T KNOW.

7 Q OKAY.

8 NOW, DURING THE TIME YOU WERE ON THIS DRILL TEAM IS THAT

9 THE TIME YOU FIRST CAME TO KNOW MR. YOUNG?

10 A YES.

11 Q AND, WAS THERE ANY OTHER CIRCUMSTANCE UNDER WHICH YOU

12 WERE BROUGHT INTO CONTACT AND GOT TO KNOW MR. YOUNG?

13 A NO.

14 Q SO, THE ONLY TIME YOU WERE EVER WITH MR. YOUNG WAS ON

15 THE DRILL TEAM?

16 A OH, AT WORK.

17 Q AT WORK? BY WORK DO YOU MEAN YOU WORKED AS A CUSTODIAN

18 AT CHEYENNE HIGH SCHOOL?

19 A YES.

20 Q ARE YOU A STUDENT AT CHEYENNE HIGH SCHOOL?

21 A NO.

22 Q WHERE DO YOU GO TO SCHOOL?

23 A VO-TECH.

24 Q VO-TECH?

1 A YES.
2 Q DO YOU KNOW ALISHA MORGAN?
3 A I KNOW OF HER; I DON'T KNOW HER.
4 Q HOW DO YOU KNOW OF HER?
5 A JUST PEOPLE TALKING ABOUT HER.
6 Q BUT, YOU HAVE NEVER MET HER?
7 A NO.
8 Q AND, HAVE YOU EVER TALKED TO HER?
9 A NO.
10 Q ON THE TELEPHONE?
11 A NO.
12 Q WHILE YOU WERE ON THIS DRILL TEAM OR WHILE YOU WERE
13 WORKING WITH MR. YOUNG, DID YOU BEGIN TO LIKE HIM?
14 A YES.
15 Q AND, HE BECAME A FRIEND?
16 A YES.
17 Q AND, YOU HAD A CRUSH ON HIM?
18 A NO.
19 Q NO?
20 A NO.
21 Q DID YOU EVER TALK TO YOUR FRIENDS ABOUT MR. YOUNG?
22 A YES.
23 Q WHAT WOULD YOU TELL THEM?
24 A NOTHING REALLY.

1 Q WHAT DO YOU MEAN BY "NOTHING REALLY"? WOULD YOU TALK TO
2 THEM ABOUT MR. YOUNG?
3 A WHAT?
4 Q WOULD YOU TALK TO THEM ABOUT MR. YOUNG?
5 A NO, WE TALKED ABOUT --- WE TALKED ABOUT WHAT WE'D DO AT
6 WORK OR SOMETHING LIKE THAT.
7 Q WHAT DO YOU MEAN WHAT YOU WOULD DO AT WORK?
8 A I DON'T KNOW.
9 Q DO YOU MEAN YOU'D TALK ABOUT WORK?
10 A WE TALKED ABOUT WORK.
11 Q DID YOU TALK ABOUT MR. YOUNG AT ALL?
12 A NO.
13 Q WHO WERE THESE FRIENDS THAT YOU TALKED TO ABOUT WORK
14 WITH?
15 BY MR. LUKENS: (INTERPOSING) JUDGE, OBJECTION AS TO
16 RELEVANCE.
17 BY MR. MITCHELL: I THINK IT WILL BE RELEVANT IF THESE
18 INDIVIDUALS HAVE A DIFFERENT RECOLLECTION OF WHAT MISS ROBERTSON
19 TOLD THEM.
20 BY MR. LUKENS: WORK HAS NOTHING TO DO WITH THIS CASE.
21 BY MR. MITCHELL: SHE SAID WORK THAT'S WHY IF THEY HAVE
22 A DIFFERENT RECOLLECTION, AND THAT IS WHY IT'S RELEVANT TO KNOW
23 WHO THOSE INDIVIDUALS ARE SO THAT STATEMENT COULD BE TESTED.
24 IT CERTAINLY GOES TO CREDIBILITY AND IMPEACHMENT.

1 BY MR. LUKENS: YOU CAN SAY THAT ABOUT ANY QUESTION.
2 THIS QUESTION IS NOT RELEVANT TO THESE PROCEEDINGS. WHO SHE
3 TALKED ABOUT WORK HAS NOTHING TO AT ALL WHATSOEVER TO DO WITH HER
4 RELATIONSHIP WITH MR. YOUNG.
5 BY THE COURT: I WILL SUSTAIN THE OBJECTION.
6 BY MR. MITCHELL:
7 Q NOW, YOU INDICATED -- FIRST OF ALL, YOU DESCRIBED AN
8 INCIDENT, A SEXUAL ENCOUNTER WITH MR. YOUNG OCCURRING SOMETIME
9 BETWEEN MARCH 1995 AND AUGUST 1995, COULD YOU BE MORE SPECIFIC
10 ABOUT THE DATE ABOUT WHEN IT OCCURRED?
11 A IN JULY.
12 Q IT HAPPENED IN JULY?
13 A YES.
14 Q AND, WAS ANYBODY ELSE PRESENT WHEN IT HAPPENED?
15 A YEAH.
16 BY MR. LUKENS: SORRY, I DIDN'T HEAR THE ANSWER.
17 BY THE WITNESS: YES.
18 BY MR. MITCHELL:
19 Q WHO WAS PRESENT?
20 A MY FRIEND.
21 Q WHO IS YOUR FRIEND?
22 A EBONY CRATER (SP-?).
23 Q EBONY CRATER (SP-)?
24 A YES.

1 Q LET ME ASK YOU -- PERHAPS I HAVE FORGOTTEN -- WHERE DID
2 THIS RELATIONSHIP OCCUR?
3 A WHAT DO YOU MEAN WHERE DID IT OCCUR?
4 Q WHERE DID IT HAPPEN? WHERE DID YOU HAVE SEX WITH HIM?
5 A AT HIS HOUSE.
6 Q HIS HOUSE?
7 A YES.
8 Q AND, HOW DID YOU GET THERE?
9 A BY ONE OF HIS FRIENDS.
10 Q SO, SOMEONE DROVE YOU TO HIS HOUSE?
11 A YES.
12 Q AND, YOU WANTED TO GO TO HIS HOUSE THAT EVENING;
13 CORRECT?
14 A YES.
15 Q AND, WAS EBONY THERE?
16 A YES.
17 Q WAS EBONY THERE WITH ANYONE ELSE?
18 A YES.
19 Q AND, WHO WAS THAT OTHER PERSON?
20 A RICHARD.
21 Q DO YOU KNOW RICHARD'S LAST NAME?
22 A NO.
23 Q SO, YOU CAME TO THE HOUSE AND EBONY AND RICHARD WERE
24 THERE, AND WERE EBONY AND RICHARD THERE THE ENTIRE TIME?

1 A EBONY WAS, BUT I DON'T KNOW IF RICHARD WAS.
2 Q NOW, WHAT PART OF THE HOUSE DID YOU AND MATT GO INTO?
3 A BACK.
4 Q THE BACK?
5 A UH HUH.
6 Q AND, EBONY DIDN'T GO WITH YOU THEN?
7 A NO.
8 Q WHERE DID SHE STAY?
9 A IN THE FRONT.
10 Q DID SHE SEE YOU GO INTO THE BACK?
11 A YEAH.
12 Q DID EBONY GO WITH YOU WHEN THIS PERSON DROVE YOU TO
13 MATT'S HOUSE?
14 A YEAH.
15 Q AND, WHAT DID YOU TELL EBONY YOU WERE GOING TO DO ON THE
16 WAY OVER THERE?
17 A I DIDN'T.
18 Q YOU DIDN'T?
19 A HUH UH.
20 Q NOW, EBONY SAW YOU GO INTO THE BACK?
21 A YES.
22 Q AND, SHE SAW YOU COME OUT FROM THE BACK?
23 A YEAH.
24 Q DID YOU SAY ANYTHING TO HER WHEN YOU CAME BACK OUT?

1 A NO.
2 Q NO?
3 A NO.
4 Q DID MATT SAY ANYTHING TO HER WHEN HE CAME BACK OUT?
5 A NO.
6 Q AFTER THIS INCIDENT TOOK PLACE WHO IS THE FIRST PERSON
7 YOU TOLD?
8 A EBONY.
9 Q PARDON ME?
10 A EBONY.
11 Q WHEN DID YOU TELL HER?
12 A AFTER WE GOT BACK HOME.
13 Q AFTER YOU GOT BACK HOME -- YOU ARE TALKING ABOUT YOUR
14 HOUSE?
15 A HER HOUSE.
16 Q OKAY.
17 WHAT DID YOU TELL HER?
18 A THAT WE HAD SEX.
19 Q AND, DID YOU TELL HER ANYTHING MORE THAN YOU HAD SEX?
20 A NO.
21 Q AND, THE TWO OF YOU GIGGLED ABOUT THAT?
22 A NO.
23 Q WAS SHE IMPRESSED?
24 A NO.

1 BY MR. LUKENS: OBJECTION, THOSE QUESTIONS CALL FOR
2 SPECULATION ON THE PART OF THIS WITNESS AND WOULD BE HEARSAY.
3 BY THE COURT: SUSTAINED AS TO THAT QUESTION.
4 BY MR. MITCHELL:
5 Q AFTER YOU TOLD EBONY WHO DID YOU TELL THEN?
6 A NOBODY.
7 Q SO, SINCE TELLING EBONY YOU HAVEN'T TOLD ANYBODY?
8 A SINCE TELLING HER?
9 Q YES.
10 A I HAVE.
11 Q WHO ELSE HAVE YOU TOLD?
12 A MY SISTER.
13 Q OKAY.
14 WHEN DID YOU TELL YOUR SISTER?
15 A A LONG TIME AGO, IN SEPTEMBER.
16 Q IN SEPTEMBER?
17 A YEAH.
18 Q SO, YOU TOLD HER A LONG TIME AFTER IT HAPPENED?
19 A YES.
20 Q AND, DO YOU REMEMBER WHAT YOU TOLD YOUR SISTER?
21 A NO. NO, I DON'T REMEMBER EXACTLY WHAT I TOLD HER.
22 Q NOW, THERE CAME A TIME WHEN YOUR MOTHER FOUND OUT;
23 CORRECT?
24 A YES.

1 Q AND, THERE ALSO CAME A TIME WHEN YOU PROVIDED A
2 STATEMENT TO THE POLICE; IS THAT CORRECT?
3 A YES.
4 Q AND, THE POLICE APPROACHED YOU ABOUT THIS STATEMENT,
5 DIDN'T THEY?
6 A YES.
7 Q PARDON ME?
8 A YES.
9 Q WOULD IT BE CORRECT TO SAY THAT BEFORE YOU WENT OVER TO
10 MR. YOUNG'S HOUSE ON THIS NIGHT YOU SAY YOU HAD SEX WITH HIM THAT
11 YOU WANTED TO HAVE SEX WITH HIM?
12 A COULD YOU REPEAT YOUR QUESTION?
13 Q SURE.
14 BEFORE YOU WENT OVER TO MR. YOUNG'S HOUSE THAT EVENING,
15 WOULD IT BE FAIR TO SAY YOU HAD WANTED TO HAVE SEX WITH HIM?
16 BY MR. LUKENS: (INTERPOSING) OBJECTION, AS TO
17 RELEVANCE.
18 BY THE COURT: SUSTAINED.
19 BY MR. LUKENS: I DON'T THINK HE WANTS AN ANSWER TO
20 THAT.
21 BY MR. MITCHELL: IF I CAN HAVE A MINUTE HERE, YOUR
22 HONOR?
23 BY THE COURT: OKAY.
24 BY MR. MITCHELL: THANK YOU, YOUR HONOR.

1 BY THE COURT: OKAY.
2 BY MR. MITCHELL:
3 Q SYLVIA, DID THERE COME A TIME WHEN YOU WENT TO PLANNED
4 PARENTHOOD?
5 A YES.
6 BY THE COURT: YOU ARE CREAKING OPEN THAT DOOR.
7 BY MR. MITCHELL: I KNOW. I`M TRYING TO DECIDE HOW MUCH
8 I WANT TO.
9 NOTHING FURTHER.
10 BY THE COURT: OKAY.
11 BY MR. LUKENS: NOTHING ON REDIRECT.
12 BY THE COURT: THANK YOU. YOU ARE EXCUSED.
13 (THE WITNESS WAS EXCUSED.)
14 BY MR. LUKENS: CALL TRACI CARLIN.
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1 TRACI CARLIN,
2 HAVING BEEN FIRST DULY SWORN TO TELL THE TRUTH, THE WHOLE TRUTH
3 AND NOTHING BUT THE TRUTH, TESTIFIED AS FOLLOWS:
4
5 BY THE BAILIFF: BE SEATED PLEASE.
6 STATE YOUR FIRST AND LAST NAME AND SPELL YOUR NAME FOR
7 THE COURT REPORTER?
8 BY THE WITNESS: TRACI CARLIN, T-R-A-C-I, C-A-R-L-I-N.
9
10 DIRECT EXAMINATION
11 BY MR. LUKENS:
12 Q TRACI, I AM GOING TO DIRECT YOUR ATTENTION TO JULY 31ST,
13 1995, DO YOU SEE ANYBODY IN THE COURTROOM THAT YOU SAW ON THAT
14 DATE?
15 A YES.
16 Q AND, WHO IS THAT PERSON?
17 A MATTHEW.
18 Q AND, COULD YOU POINT TO WEAR HE IS SITTING?
19 A OVER THERE (INDICATING).
20 Q AND, CAN YOU TELL ME WHAT COLOR CLOTHING HE HAS ON
21 TODAY?
22 A LIKE PURPLISH, WHATEVER.
23 BY MR. LUKENS: YOUR HONOR, MAY THE RECORD REFLECT THE
24 IDENTIFICATION OF THE DEFENDANT?

1 BY THE COURT: YES.
2 BY MR. LUKENS:
3 Q TRACI, ON THAT DAY DID AND ACT OF SEX TAKE PLACE BETWEEN
4 THE TWO OF YOU?
5 A YES.
6 Q AND NOW, WHERE DID THIS TAKE PLACE?
7 A IN THE TEACHERS' LOUNGE; IT WAS LIKE A TEACHERS'
8 CONFERENCE ROOM.
9 Q WHERE?
10 A AT CHEYENNE HIGH SCHOOL.
11 Q IS THAT LOCATED IN LAS VEGAS, NEVADA?
12 A YES, SIR.
13 Q AND, AT THAT TIME THE SEXUAL ACT THAT TOOK PLACE DID A
14 PART OF HIS BODY TOUCH A PART OF YOUR BODY?
15 A YES.
16 Q WHAT PART OF HIS BODY?
17 A HIS PENIS.
18 Q AND, WHERE DID HIS PENIS GO?
19 A IN MY VAGINA.
20 Q AND, WAS THAT AGAINST YOUR WILL?
21 A YES, SIR.
22 Q ONE LAST QUESTION TRACI, HOW OLD ARE YOU?
23 A 17.
24 Q WHAT IS YOUR BIRTH DATE?

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A 4/4/78.

BY MR. LUKENS: THANK YOU. PASS THE WITNESS.

BY THE COURT: CROSS?

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CROSS EXAMINATION

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BY MR. MITCHELL:

Q TRACI, HOW LONG HAVE YOU KNOWN MATT YOUNG?

A I HAVE KNOWN HIM FOR ABOUT MAYBE A YEAR, BUT I HAVE SEEN HIM AROUND FOR ABOUT TWO OR THREE.

Q SO, YOU HAVE KNOWN HIM FOR A YEAR, AND BY KNOWING HIM FOR A YEAR WHAT DO YOU MEAN?

A LIKE, "OH, HI; HOW YOU DOING?" BUT BEFORE I'D JUST SEEN HIM IN THE HALLS.

Q FOR ABOUT A YEAR YOU HAVE BEEN TALKING TO HIM?

A YEAH.

Q AND, HAD YOU BEEN TALKING TO HIM WITH SOME OF YOUR FRIENDS?

A WHAT DO YOU MEAN?

Q WERE SOME OF YOUR FRIENDS AROUND WHEN YOU TALKED TO MR. YOUNG?

A SOMETIMES, BUT NOT REALLY.

Q SO, YOU TRIED TO TALK TO HIM BEFORE BY YOURSELF?

A YEAH, IT WAS JUST LIKE, YOU KNOW, "HI, HOW IS IT GOING?" STUFF LIKE THAT, AND SOMETIMES WE'D TALK IN THE HALLS.

Q AND, HOW LONG WOULD THESE CONVERSATIONS LAST?

A NOT LONG, JUST PROBABLY LIKE TWO, THREE MINUTES, JUST BE

1 IN PASSING.

2 Q THERE CAME A TIME YOU GOT TO BE FRIENDS WITH MR. YOUNG?

3 A YES.

4 Q AND, YOU BEGAN TO ASK HIM FOR THINGS?

5 A NO, HE SUPPOSED TO BE LIKE KIND OF LIKE A FATHER FIGURE.

6 HE KNEW I WAS NOT LIVING WITH MY PARENTS AT THE TIME, AND HE WAS

7 -- HE JUST CAME UP TO ME AND WE JUST STARTED TALKING. HE WAS

8 LIKE, "I HAVE SEEN YOU AROUND SCHOOL AND EVERYTHING," AND I SAY,

9 "YEAH." SO, EVERY TIME I'D GO TO CLASS HE SAY, "HI, HOW YOU

10 DOING?" AND EVERYTHING, AND THEN HE JUST SAID THAT -- OKAY.

11 ONE DAY I WAS LOOKING AT MY HANDS AND I WAS LIKE I

12 NEEDED MY NAILS DONE AND HE SAID YOU KNOW, "I CAN GIVE YOU THE

13 MONEY TO DO IT," AND SO HE GAVE ME THE MONEY TO DO IT.

14 Q HOW MANY TIMES DID HE GIVE YOU MONEY?

15 A PROBABLY LIKE THREE OR FOUR.

16 Q AND, YOU'D GO TO ASK HIM FOR THINGS WHEN YOU NEEDED IT?

17 A JUST MOSTLY IT WAS LIKE LUNCH MONEY AND STUFF.

18 Q YOU ASKED HIM FOR A BEEPER TO BUY YOU A BEEPER ONE TIME?

19 A YEAH, HE SAID SO HE COULD KEEP, LIKE KEEP TRACK OF ME.

20 Q SO, IT GOT TO A POINT IN TIME YOU LIKED MR. YOUNG?

21 A NO, NOT LIKE THAT.

22 Q BUT, YOU WERE FRIENDS WITH HIM?

23 A YEAH, WHEN I WAS IN CHILD HAVEN WE WERE JUST FRIENDS AND

24 EVERYTHING AND WHEN I WAS IN CHILD HAVEN HE HAD CALLED UP THERE

1 ONE DAY AND HE SAID HE WAS LIKE, "OH, HOW IS IT GOING" AND HE
2 SAID HE WAS GOING TO COME AND VISIT ME AND HE WAS GOING TO COME
3 UP THERE LIKE GIVE ME SUPPORT BECAUSE NO ONE CAME TO VISIT ME; HE
4 NEVER DID.

5 AND, WHEN I WENT TO A GROUP HOME AND HE CAME UP THERE
6 AFTER AND EVERYTHING AND THEY HAD LIKE GOT HIS DRIVER'S LICENSE
7 AND EVERYTHING, AND WAS LIKE NEVER ANYTHING LIKE THAT, AND SO HE
8 SAID BECAUSE I WAS NEVER HOME HE SAID, "I WANT TO GET YOU A PAGER
9 BECAUSE I NEVER KNOW WHERE YOU ARE AT." WE'D LIKE ALWAYS TALK
10 ABOUT MY FAMILY SITUATION AND STUFF; IT WAS NEVER ANYTHING LIKE
11 THAT.

12 Q NOW, WHEN YOU WENT TO ASK HIM FOR THE BEEPER WERE YOUR
13 FRIENDS WITH YOU?

14 A YEAH.

15 Q AND, YOU DID THIS ON SCHOOL PROPERTY?

16 A UH HUH.

17 Q DURING THE SCHOOL YEAR?

18 A NO.

19 Q IT WAS AFTER SCHOOL YEAR?

20 A YEAH.

21 Q YOU WENT THERE TO JUST SEE MR. YOUNG?

22 A NO, HE CALLED AND HE SAID THAT, HE WAS LIKE, "DO YOU
23 WANT THAT PAGER?" I SAID, "YEAH." HE SAID TO COME UP TO THE
24 SCHOOL AND SO I CAME UP THERE WITH MY FRIENDS CECIL AND TAMMY.

1 Q OKAY.
2 AND, YOU DIDN'T GET THE BEEPER?
3 A YEAH, I DID. HE GAVE ME THE MONEY FOR THE PAGER.
4 Q HE GAVE YOU THE MONEY FOR THE PAGER?
5 A YES.
6 Q YOU WENT AND GOT A PAGER?
7 A YES.
8 Q THERE CAME A TIME YOU ASKED FOR A COMFORTER?
9 A YES, THAT WAS A COUPLE OF DAYS BEFORE LIKE I ASKED FOR
10 THAT PAGER.
11 Q AND, YOU WENT BACK TO SCHOOL AGAIN TO SEE MR. YOUNG?
12 A YES.
13 Q TO ASK HIM FOR THE COMFORTER?
14 A YES.
15 Q AND, YOU TOOK YOUR FRIENDS AGAIN?
16 A YEAH.
17 Q THE SAME TWO FRIENDS?
18 A UH HUH.
19 Q AND, DID YOUR FRIENDS GO WITH YOU TO SEE MR. YOUNG?
20 A THE FIRST TIME WHEN I ASKED FOR THE COMFORTER THEY WERE
21 THERE, AND TAMMY AND CECIL CAME UP AND HE WAS LIKE, "COME TO ME
22 IF YOU WANT TO GO GET THAT COMFORTER," YOU KNOW I SAID, "I DON'T
23 WANT TO GO WITH YOU." HE SAID, "WELL, THEN YOU'RE NOT GOING TO
24 GET IT." I WAS LIKE "WHY?" HE SAID, "BECAUSE I WANT YOU TO COME

1 WITH ME." I SAID, "I DON'T WANT TO COME WITH YOU. WHY CAN'T YOU
2 JUST GIVE ME THE MONEY TO GO GET IT?" HE WAS LIKE, "IF YOU DON'T
3 COME WITH ME YOU'RE NOT GOING TO GET IT." I WAS LIKE, "FINE,"
4 AND I JUST LEFT.

5 I DIDN'T TALK TO HIM FOR A COUPLE OF DAYS. THEN I SAID
6 -- HE WAS LIKE, "I CAN NEVER GET AHOLD OF YOU." I TOLD HIM I
7 SAID, "I WANT A PAGER." HE WAS LIKE, "OKAY. HOW MUCH DOES IT
8 COST?" AND, I WENT UP WITH TAMMY AND CECIL AGAIN -- NO, THE
9 FIRST TIME WAS FOR THE PAGER, AND THEN THE SECOND TIME WAS FOR
10 THE COMFORTER, AND TAMMY AND CECIL WERE THERE, BUT THEY DIDN'T
11 COME UP WITH ME THAT TIME.

12 Q OKAY.

13 SO, THE FIRST TIME WAS THE PAGER?

14 A YES.

15 Q AND, THE SECOND TIME WAS THE COMFORTER?

16 A YES.

17 Q YOU WENT BACK THE SECOND TIME TO SEE MR. YOUNG; CORRECT?

18 A YES.

19 Q TO ASK FOR THE COMFORTER?

20 A YES.

21 Q AND, THIS IS WHEN YOU SAID YOU WENT INTO THE TEACHERS'
22 LOUNGE?

23 A YEAH.

24 Q AND, WHEN YOU WENT INTO THE TEACHERS' LOUNGE, WHAT DID

1 YOU SAY TO MR. YOUNG?

2 A WE WERE JUST TALKING AND HE SAID HE HAD TO GO IN THERE
3 TO FINISH CLEANING SOMETHING OR SOMETHING LIKE THAT. I DON'T
4 REMEMBER THE WHOLE CONVERSATION, IT WAS A LONG TIME AGO.

5 Q THEN THERE CAME A TIME HE TOUCHED YOU?

6 A YEAH, WE WALKED IN AND EVERYTHING AND HE DIDN'T REALLY
7 TOUCH ME WHEN WE WENT IN, BUT THEN WE LIKE WALKED ACROSS THE ROOM
8 AND THEN I SAT DOWN AND HE LIKE WENT OVER THERE LOCKED THE DOOR
9 OR SOMETHING. I WASN'T REALLY LIKE PAYING ATTENTION, YOU KNOW
10 WHAT I'M SAYING, WHEN I WALKED OVER AND SAT ON THE THING HE
11 WALKED OVER TO THE OTHER SIDE OF THE ROOM. SO, I FIGURED HE WAS
12 MAKING SURE THE DOOR WAS LOCKED.

13 Q THAT IS SOMETHING YOU ASSUMED WHAT HE WAS DOING?

14 A RIGHT.

15 Q BEFORE GOING TO ASK MR. YOUNG FOR THIS BEEPER AND THIS
16 COMFORTER, HAD YOU EVER GONE UP TO MR. YOUNG AND HUGGED HIM?

17 A NO.

18 Q YOU'D NEVER GONE UP TO HIM AND KISSED HIM?

19 A NO.

20 Q NOW, WHEN YOU MET HIM TO ASK HIM FOR THE COMFORTER DID
21 YOU WALK UP TO HIM AND TOUCH HIM IN ANY WAY?

22 A NO -- ARE YOU SAYING LIKE THAT DAY?

23 Q YEAH, THAT DAY?

24 A NO.

1 Q YOU JUST WALKED IN THE ROOM AND SAT DOWN?
2 A YEAH, HE SAID, HE'S LIKE -- OKAY. I WALKED IN THE FRONT
3 AND HE WAS LIKE, "I HAVE TO GO CLEAN THIS ROOM." WE WALKED OVER
4 TO THE TEACHERS' LOUNGE AND THEN WE JUST WALKED IN AND NOBODY
5 TOUCHED NOBODY; WE BOTH DIDN'T TOUCH EACH OTHER.
6 Q THEN ALL OF A SUDDEN OUT OF THE BLUE HE TOUCHED YOU?
7 A YEAH, WHEN WE WERE IN THE ROOM.
8 Q OKAY.
9 AND, YOU SAID THAT DURING THIS SEXUAL ENCOUNTER IT WAS
10 AGAINST YOUR WILL?
11 A YES.
12 Q AND, DOES THAT MEAN YOU TOLD HIM, "DON'T"?
13 A YES, MORE THAN ONCE.
14 Q MORE THAN ONCE?
15 A YES.
16 Q AND, HOW IS IT THAT YOU TOLD HIM NO? WHAT DID YOU SAY
17 TO HIM?
18 A I SAID, "STOP, THIS IS GROSS. I DON'T WANT TO DO THIS,"
19 AND THEN HE WAS LIKE, "OH, YOU CAN AT LEAST MOVE; LIKE YOU MAKE
20 THIS SEEM LIKE IT'S A BUSINESS."
21 Q LIKE IT'S A BUSINESS?
22 A (NODS HEAD.)
23 Q AND, WAS IT A BUSINESS?
24 A NO.

1 HE WAS LIKE, "ALL THE THINGS I HAVE DONE FOR YOU AND YOU
2 CAN'T EVEN DO THIS FOR ME," AND I JUST LAY THERE. I DIDN'T EVEN
3 MOVE, THEN LIKE BEFORE LIKE IT WAS OVER AND I WAS JUST LIKE I
4 SAID STOP AGAIN AND I WAS LIKE, "YOU ARE JUST DISGUSTING," AND
5 HE DIDN'T SAY ANYTHING, AND HE JUST GOT UP AND LEFT.

6 Q AFTER HE LEFT WHAT DID YOU DO?

7 A I WENT TO THE BATHROOM.

8 Q AND, WAS ANYBODY IN THE BATHROOM WHEN YOU GOT THERE?

9 A NO, IT WAS IN THE SAME ROOM.

10 Q IT WAS IN THE SAME ROOM?

11 A YES.

12 Q AFTER YOU WENT TO THE BATHROOM WHAT DID YOU DO?

13 A I LIKE TO TRIED TO CLEAN MYSELF OFF.

14 Q OKAY.

15 THEN WHAT DID YOU DO?

16 A THEN I LEFT.

17 Q AND, YOU LEFT AND WHERE DID YOU GO FIRST?

18 A WELL, I WENT RIGHT, BECAUSE IT'S LIKE A HALLWAY THEN I
19 WALKED OUT AND I JUST WENT TO THE CAR WITH CECIL AND TAMMY
20 BECAUSE HE SAID, "WAS ANYBODY WITH YOU?" AND, I WAS LIKE, "NO,"
21 BECAUSE I REMEMBERED WHEN I WAS ASKING HIM FOR THE PAGER HE LIKE
22 TRIPPED OUT, AND TAMMY WAS LIKE, YOU KNOW, SHE WAS LIKE,
23 "WHAT WAS WRONG WITH HIM?" I GO, "I DON'T KNOW."
24 YOU KNOW WHAT I'M SAYING, I DIDN'T WANT TO LIKE GET INTO

1 IT AGAIN, SO I JUST TOLD HIM I HADN'T COME WITH ANYBODY.
2 Q YOU HAD CECIL AND TAMMY OUT IN THE CAR?
3 A YES.
4 Q WHEN YOU GOT BACK TO THE CAR WITH CECIL AND TAMMY, DID
5 YOU TELL THEM ANYTHING?
6 A NO, I DIDN'T TALK THE WHOLE WAY HOME.
7 Q YOU JUST SAT QUIET?
8 A YES.
9 Q WHEN YOU GOT HOME WHO WAS HOME WHEN YOU GOT HOME?
10 A FAWN (SP-?) AND FARRAH (SP-?) AND EVERYBODY AT THE GROUP
11 HOME.
12 Q DO YOU KNOW FAWN (SP-?) AND FARRAH'S (SP-?) LAST NAME?
13 A BANKS.
14 Q AND, DID YOU SAY ANYTHING TO THEM?
15 A NO.
16 Q WHAT DID YOU DO WHEN YOU GOT HOME?
17 A I TOOK A SHOWER.
18 Q NOW, WHEN WAS THE FIRST TIME YOU TOLD SOMEONE ABOUT WHAT
19 HAPPENED?
20 A THE NEXT DAY AT LIKE 10:00 O'CLOCK.
21 Q WHO DID YOU TELL?
22 A TAMMY.
23 Q YOU TOLD TAMMY?
24 A YES.

1 Q WHAT DID YOU TELL TAMMY?
2 A BECAUSE I WAS GETTING READY TO GO FOR WORK I WAS LAYING
3 ON THE BED AND I WAS CRYING, AND SHE WAS LIKE, "WHAT IS WRONG?"
4 I WAS LIKE, "NOTHING," AND SHE WAS LIKE, "WHAT'S WRONG?" THEN IT
5 TOOK HER LIKE FIVE MINUTES. THEN I WENT IN THE BATHROOM SHE WAS
6 LIKE "WILL YOU TELL ME WHAT IS WRONG?" AND I WAS LIKE "IF I TELL
7 YOU DO YOU PROMISE NOT TO TELL?" AND THEN SHE WAS LIKE, "YEAH."
8 THEN I TOLD HER, AND THEN SHE'S LIKE "UM."
9 THEN SHE WENT TO HER FRIEND'S HOUSE NAMED TASHA AND SHE
10 CALLED MY CASE WORKER BECAUSE MY CASE WORKER WASN'T THERE, TASHA
11 IS MARIA MYLES' NIECE.
12 Q WHO IS THE CASE WORKER?
13 A MARIA MYLES.
14 Q SO, SHE WAS CALLED AND WHAT DID YOU TELL HER?
15 A I TOLD HER WHAT HAD HAPPENED.
16 Q AND THEN, WHAT DID SHE DO?
17 A SHE SAID, "I AM GOING TO COME BY AND GET YOU AND WE'RE
18 GOING TO GO TO THE POLICE STATION."
19 Q AND, DID THAT HAPPEN?
20 A YES.
21 Q DO YOU KNOW AN INDIVIDUAL NAMED ADAM BROOKS, I THINK?
22 A ADAM BARRY?
23 Q WHO IS THAT?
24 A HE WAS MY TRAINER KIND OF LIKE; HE WASN'T REALLY MY

1 BOYFRIEND HE WAS LIKE MY TRAINER AND WE WERE KIND OF SEEING EACH
2 OTHER.

3 Q OKAY.

4 DID ANYONE ELSE KNOW THAT THE TWO OF YOU WERE SEEING
5 OTHER?

6 A YES.

7 Q DID FAWN (SP-?) AND FARRAH (SP-?) KNOW THAT?

8 A YES, THEY DID.

9 BY MR. LUKENS: OBJECTION, AS TO RELEVANCE, AND IT CALLS
10 FOR SPECULATION.

11 BY THE COURT: SUSTAINED.

12 BY MR. MITCHELL:

13 Q NOW, YOU HAVE TESTIFIED ABOUT ONE INCIDENT WHEN YOU WERE
14 ALONE WITH MR. YOUNG ON JULY 31ST; CORRECT?

15 A YES.

16 Q WERE THERE ANY OTHER TIMES YOU WERE ALONE WITH HIM?

17 A NO, NOT -- ALONE, BUT NOT LIKE NOT SEXUALLY.

18 Q BUT YOU WERE ALONE WITH HIM?

19 A UH HUH.

20 Q WHAT HAPPENED THOSE TIMES?

21 A NOTHING, THERE WAS LIKE A LOT OF INSTANCES I GUESS WHERE
22 THERE WERE TEACHERS AND STUDENTS WERE SLEEPING TOGETHER AND WE
23 WOULD JUST LIKE TALK ABOUT DIFFERENT STUFF LIKE HOW KIDS WERE
24 WEIRDING, AND HOW KIDS WERE LIKE SLEEPING AROUND AND THERE WAS A

1 COUNSELOR AND STUDENT SLEEPING TOGETHER AND HE LIKE SHOWED ME
2 WHERE THEY DID IT BECAUSE THERE WAS LIKE A CUM STAIN ON THE
3 FLOOR.

4 Q WHEN DID THIS MEETING TAKE PLACE?

5 A THE DAY?

6 Q WELL, THE MONTH OR AS CLOSE AS YOU CAN BE?

7 A I DON'T KNOW, PROBABLY IN LIKE FEBRUARY, SOMETHING LIKE
8 THAT.

9 Q OKAY.

10 AND, YOU TESTIFIED THAT YOU AND MATT HAD SEX JUST ONE
11 TIME; IS THAT CORRECT?

12 A UH HUH.

13 Q OKAY.

14 NOW, DID THERE EVER COME A TIME WHEN YOU ASKED MR. YOUNG
15 FOR MONEY?

16 A YEAH.

17 Q AND, DID THERE EVER COME A TIME MR. YOUNG WOULDN'T GIVE
18 YOU ANY MONEY?

19 A HE JUST SAID -- YEAH, THERE WAS.

20 Q AND, WOULD YOU GET ANGRY WITH HIM WHEN HE WOULDN'T GIVE
21 YOU ANY MONEY?

22 A I WOULD JUST SAY, "WHY?" HE WAS LIKE BECAUSE THIS AND
23 THAT. HE ALWAYS SAID WHENEVER I NEEDED SOMETHING TO COME AND ASK
24 HIM FOR IT.

1 Q BUT, WOULD YOU GET ANGRY WITH HIM IF HE DIDN'T GIVE YOU
2 ANY MONEY?
3 A NO, NOT ANGRY.
4 Q WOULD YOU TELL HIM THAT YOU MIGHT SPREAD RUMORS ABOUT
5 HIM?
6 A THERE WAS NEVER ANY RUMORS TO SPREAD.
7 Q BUT, WOULD YOU TELL HIM THAT?
8 A NO.
9 Q SO, YOU WOULDN'T THREATEN MR. YOUNG THAT YOU WOULD TELL
10 OTHER PEOPLE THAT YOU AND HE WERE HAVING AN AFFAIR?
11 A WE WERE NEVER HAVING AN AFFAIR. SO THERE WAS NEVER
12 ANYTHING TO SAY.
13 Q BUT, YOU NEVER MADE THAT THREAT?
14 A NO.
15 Q HOW FREQUENTLY WOULD YOU CALL MR. YOUNG AT HIS OFFICE?
16 A IN HIS OFFICE?
17 Q YES.
18 A WHEN I WAS IN CHILD HAVEN I CALLED HIM QUITE A BIT.
19 Q WHAT DO YOU MEAN QUITE A BIT?
20 A PROBABLY LIKE MAYBE TWO, THREE TIMES A WEEK.
21 Q TWO, THREE TIMES A WEEK?
22 A YEAH.
23 Q AND, YOU WOULD CALL HIM THERE TWO, THREE TIMES A WEEK
24 FOR HOW LONG A PERIOD OF TIME?

1 A WELL, I WAS IN THERE FOR TWO MONTHS, BUT I DIDN'T KNOW,
2 I DIDN'T KNOW ANYBODY KNEW I WAS IN THERE UNTIL ABOUT A MONTH
3 LATER. SO, WHEN HE HAD CALLED UP THERE HE SAID HE WAS CALVIN
4 WALKER, AND THAT'S ONE OF THE POLICE OFFICERS. SO, WHEN I GOT ON
5 THE PHONE AND I WAS TALKING AND I WAS LIKE "WHO IS THIS?" AND,
6 HE SAID IT WAS MATT, THAT'S WHY I DIDN'T UNDERSTAND WHY HE SAID
7 IT WAS CALVIN WALKER.

8 Q WHAT MONTHS WERE YOU IN CHILD HAVEN?

9 A LET ME SEE. I GOT LOCKED UP THE DAY AFTER MY BIRTHDAY
10 AND SO IT WAS LIKE APRIL AND MAY.

11 Q YOU GOT LOCKED UP, WHY WERE YOU LOCKED UP?

12 BY MR. LUKENS: (INTERPOSING) OBJECTION AS TO
13 RELEVANCE. NO RELEVANCE, AND FURTHERMORE IT'S PROBABLY NOT
14 ADMISSIBLE AND MAY NOT EVEN BE DISCOVERABLE.

15 BY MR. MITCHELL: I DON'T KNOW. IF IT'S A FELONY MATTER
16 IT CERTAINLY IS ADMISSIBLE.

17 BY THE COURT: HER JUVENILE RECORD.
18 SUSTAIN THE OBJECTION.

19 BY THE WITNESS: WHAT DOES THAT MEAN?

20 BY THE COURT: YOU DON'T HAVE TO ANSWER THE QUESTION.

21 BY THE WITNESS: OKAY.

22 BY MR. MITCHELL:

23 Q NOW, FOR WHICH MONTHS WERE YOU IN CHILD HAVEN?

24 A APRIL AND MAY.

1 Q AND, OVER THIS TWO-MONTH PERIOD OF TIME YOU CALLED HIM
2 TWO OR THREE TIMES A WEEK?

3 A YEAH, AFTER HE HAD CALLED ME BECAUSE I TOLD HIM WHAT
4 HAPPENED AND HE WAS LIKE "I WISH THERE WAS SOMETHING I COULD DO
5 FOR YOU." I WAS LIKE, "OKAY." HE SAID, "DO YOU WANT ME TO COME
6 VISIT YOU?" I WAS LIKE, "YEAH, IF YOU WANT TO," BUT HE NEVER
7 DID.

8 Q NOW, DID YOU EVER TAKE LUNCH TO MR. YOUNG?

9 A TAKE LUNCH TO HIM?

10 Q AT THE CUSTODIAN OFFICE?

11 A I THINK I DID ONCE.

12 Q ONLY ONE TIME?

13 A UH HUH, BECAUSE ALL THE OTHER TIMES -- I MEAN, NOT ALL
14 THE OTHER TIMES BUT THERE WAS MAYBE LIKE TWO TIMES THAT HE ASKED
15 ME THAT I ASKED HIM COULD I HAVE SOME MONEY FOR LUNCH AND HE GAVE
16 IT TO ME, BUT I ONLY DID IT ONE TIME.

17 Q SO, YOU BROUGHT HIM LUNCH ONE TIME?

18 A YES.

19 Q WAS IT AFTER THE JULY 31ST INCIDENT?

20 A NO.

21 Q IT WAS BEFORE THAT?

22 A YEAH.

23 Q DID YOU EVER BRING HIM LUNCH AFTERWARD?

24 A NO, AFTER THAT HAPPENED I NEVER CALLED HIM AGAIN, BUT HE

1 KEPT PAGING ME.
2 Q WHEN YOU BROUGHT HIM LUNCH WAS ANYBODY WITH YOU?
3 A I DON'T THINK SO -- YOU MEAN IN THE CAR OR WENT UP WITH
4 ME?
5 Q WENT UP WITH YOU?
6 A NO.
7 Q HOW ABOUT IN THE CAR?
8 A NO.
9 Q SO, YOU WENT ALONE?
10 A YEAH.
11 Q DO YOU KNOW ALISHA MORGAN?
12 A NO.
13 Q DO YOU KNOW OF HER?
14 A NO.
15 Q YOU HAVE NEVER SPOKEN TO HER?
16 A I DON'T EVEN KNOW WHO SHE IS.
17 Q HOW ABOUT SYLVIA ROBERTSON?
18 A NO.
19 Q YOU DON'T KNOW HER?
20 A NO.
21 BY MR. MITCHELL: NOTHING FURTHER.
22 BY MR. LUKENS: NOTHING FURTHER.
23 BY THE COURT: ALL RIGHT.
24 YOU ARE EXCUSED.

1 (THE WITNESS WAS EXCUSED.)
2 BY MR. LUKENS: THE STATE RESTS, YOUR HONOR.
3 BY THE COURT: IS THE DEFENSE GOING TO CALL WITNESSES OR
4 PRESENT TESTIMONY TODAY?
5 BY MR. MITCHELL: NO, YOUR HONOR, WE'RE NOT.
6 BY THE COURT: HAS THE DEFENDANT BEEN ADVISED OF HIS
7 RIGHT TO TESTIFY AND HAS ELECTED NOT TO DO SO TODAY FOR
8 PRELIMINARY HEARING?
9 BY MR. MITCHELL: YES, HE HAS, YOUR HONOR.
10 BY THE COURT: ANY ARGUMENT?
11 BY MR. LUKENS: YOUR HONOR, I WOULD SUBMIT IT.
12 BY MR. MITCHELL: YOUR HONOR, UNDERSTANDING THE BURDEN
13 OF PROOF THE STATE HAS AT THIS TIME I HAVE ONLY ONE MATTER TO
14 RAISE AND THAT IS WITH REGARD TO THE COMPLAINT.
15 I BELIEVE THE SECOND COUNT OF ALISHA MORGAN'S COMPLAINT
16 INDICATES THAT MR. YOUNG PUT HIS TONGUE OR PENETRATED ALISHA
17 MORGAN'S VAGINA. I BELIEVE THAT HER TESTIMONY TODAY WAS ONLY HE
18 PUT HIS MOUTH ON IT, AND I'D ASK THE COMPLAINT BE AMENDED TO
19 REFLECT THE TESTIMONY ALISHA MORGAN GAVE.
20 BY MR. LUKENS: I HAVE NO PROBLEM WITH THAT. THE STATE
21 MOVES THEN TO HAVE IT CUNNILINGUS BY PLACING HIS MOUTH ONTO.
22 BY MR. MITCHELL: I DON'T BELIEVE SHE EVER SAID HIS
23 TONGUE PENETRATED THE VAGINA.
24 BY MR. LUKENS: IT DOESN'T MATTER.

1 BY MR. MITCHELL: I THINK IT MORE ACCURATELY REFLECTS
2 IT.

3 BY THE COURT: ALL RIGHT.

4 BASED ON THE EVIDENCE AND TESTIMONY TODAY ON THE SECOND
5 AMENDED CRIMINAL COMPLAINT ON FILE HEREIN, I FIND PROBABLE CAUSE
6 TO BELIEVE MATTHEW GORDAN YOUNG HAS COMMITTED THE OFFENSE OF
7 STATUTORY SEXUAL SEDUCTION THREE COUNTS, SEXUAL ASSAULT ONE
8 COUNT.

9 I BIND HIM UP TO THE EIGHTH JUDICIAL DISTRICT COURT OF
10 THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, LOCATED AT
11 THE CLARK COUNTY COURTHOUSE IN LAS VEGAS, NEVADA, TO ANSWER TO
12 THE CHARGES.

13 BY MR. LUKENS: YOUR HONOR, I'D LIKE TO BE HEARD AS TO
14 MATTER OF BAIL IN THIS CASE.

15 BY THE COURT: OKAY.

16 BY MR. LUKENS: YOUR HONOR, WITH REFERENCE TO BAIL IN
17 THIS CASE, THE COURTS RECORD WILL REFLECT THIS DEFENDANT WAS
18 RELEASED ON HIS OWN RECOGNIZANCE ON THE BASIS OF TELEPHONE CALL
19 FROM JUDGE GATES, AND SUBSEQUENT TO THAT I'VE HAD OCCASION TO
20 SPEAK WITH JUDGE GATES.

21 JUDGE GATES INFORMED ME HAD HE KNOWN THIS DEFENDANT'S
22 RECORD HE NEVER WOULD HAVE O.R.'D THIS DEFENDANT, THAT EVIDENTLY
23 REPRESENTATIONS WERE MADE TO HIM CONCERNING -- AND BEFORE I GO
24 INTO THIS I NEED TO STATE THIS PARTICULAR DEFENSE COUNSEL DID NOT

1 SECURE HIS OWN RECOGNIZANCE; DID NOT APPROACH JUDGE GATES WITH
2 REFERENCE TO A RELEASE ON HIS OWN RECOGNIZANCE, AND IN NO WAY
3 PARTICIPATED IN OBTAINING THIS DEFENDANT'S RELEASE ON AN OWN
4 RECOGNIZANCE. THIS DEFENDANT WAS RELEASED BEFORE THIS PARTICULAR
5 FIRM WAS EVEN RETAINED IN THE CASE.

6 JUDGE GATES QUESTIONS REPRESENTATIONS THAT WERE PERHAPS
7 WERE MADE TO HIM AT THE TIME OF THIS DEFENDANT'S RELEASE.

8 THIS DEFENDANT'S RECORD IS HORRENDOUS. HE'S BEEN
9 ARRESTED FOR SEXUAL ASSAULT; HE'S BEEN ARRESTED --

10 BY MR. MITCHELL: (INTERPOSING) YOUR HONOR, BEFORE HE
11 GOES TOO MUCH FARTHER I'D OBJECT. MUCH OF THIS RECORD MR. LUKENS
12 WANTS TO INTRODUCE AT THIS TIME IS IRRELEVANT. ALL OF THE
13 CHARGES MR. LUKENS WANTS TO DISCUSS HAVE BEEN DISMISSED. THEY
14 WERE FOUND TO BE FOR WHATEVER REASON AFTER INVESTIGATIONS BY THE
15 POLICE DEPARTMENT NOT WORTHY OF PURSUING.

16 I DON'T THINK IT'S A PROPER BASIS UPON WHICH TO PROCEED
17 ON THIS BAIL HEARING TO REMAND HIM INTO CUSTODY IF THE POLICE
18 ALREADY DETERMINED THOSE PRIOR CHARGES WERE WITHOUT MERIT.

19 BY THE COURT: LET HIM MAKE HIS ARGUMENT AND YOU CAN
20 ANSWER.

21 BY MR. LUKENS: YOUR HONOR, PERHAPS I KNOW MORE ABOUT
22 THIS THAN DOES COUNSEL. THE CHARGES IN A MURDER CASE WERE
23 ACTUALLY FILED AND THE POLICE DEPARTMENT DID THINK THERE WAS
24 SUFFICIENT EVIDENCE TO CHARGE THIS DEFENDANT WITH THE CRIME OF

1 MURDER; IT WAS IN FACT DISMISSED AT PRELIMINARY HEARING STAGE DUE
2 TO TECHNICAL REASONS. AS A MATTER OF FACT THE ATTORNEY THAT
3 HAPPENED TO BE PRESENT AT THAT TIME WAS VICKIE MONROE A MEMBER OF
4 OUR VERY UNIT.

5 THE VICTIM OF THAT HOMICIDE CASE, HIS RELATIVES ARE HERE
6 IN COURT TODAY; THEY ARE WAITING OUTSIDE, BUT THEY'RE FOLLOWING
7 THIS CASE BECAUSE THEY BELIEVE THAT THIS DEFENDANT IS A DANGER TO
8 THE COMMUNITY. IN ADDITION TO THAT THE COURT JUST HEARD
9 TESTIMONY THAT WITHIN A VERY SHORT PERIOD OF TIME THIS MAN HAD
10 SEXUAL RELATIONS WITH HIGH SCHOOL KIDS THAT HE WAS CHARGED TO
11 WORK WITH, THAT WERE WORKING WHERE HE WAS. TWO OF THEM WERE
12 UNDER AGE AND THE OTHER ONE WAS A FORCEABLE SEXUAL ASSAULT.

13 FOR THIS MAN TO BE AT LARGE IN THE COMMUNITY ON AN OWN
14 RECOGNIZANCE RELEASE OBTAINED UNDER QUESTIONABLE CIRCUMSTANCES
15 SHOULD JUST BE A SHOCK TO THE JUDICIAL CONSCIENCE. ALL I'M
16 ASKING IS THIS DEFENDANT BECAUSE HE MANAGED TO MANIPULATE THE
17 SYSTEM IN THE FIRST INSTANCE. I DON'T WANT TO SEEM VINDICTIVE
18 AND ASK FOR WHAT I WOULD IF IT WERE A TRUE BAIL, WHERE I'D BE
19 ASKING IN THE NATURE OF \$100,000 OR \$150,000 BAIL FOR THIS MAN,
20 BUT I THINK HE SHOULD BE AT LEAST REQUIRED TO POST STANDARD BAIL
21 IN THESE TYPE OF CASES.

22 HE IS NOW FACING A LIFE SENTENCE ON ONE OF THESE AND HE
23 -- AS A MATTER OF FACT THAT MAY BE UNDER THE NEW SENTENCING
24 GUIDELINES -- JULY 31ST -- IT MAY MAKE IT THAT HE IS NOT ELIGIBLE

1 FOR PAROLE FOR A MINIMUM OF 10 YEARS.

2 SO, I WOULD ASK AT LEAST A STANDARD BAIL BE SET.

3 BY MR. MITCHELL: YOUR HONOR, AGAIN I CAN'T COMMENT
4 ABOUT MR. LUKENS' REPRESENTATIONS CONCERNING HIS CONVERSATIONS
5 WITH JUDGE GATES. I WASN'T A PARTY TO THE ORIGINAL PROCEEDINGS
6 NOR WAS A PARTY TO MR. LUKENS CONVERSATIONS WITH JUDGE GATES.

7 I DO KNOW THAT JUDGE GATES HAD -- I GUESS PERHAPS
8 SUBSEQUENT TO MR. LUKENS CONVERSATION, AND MAYBE HE'S HAD OTHERS
9 SINCE -- DID CONTACT ME TO INQUIRE ABOUT MR. YOUNG'S STATUS AND I
10 KNOW AFTER EXPLAINING TO HIM MR. YOUNG HAS KEPT ALL HIS
11 CONDITIONS OF RELEASE; THAT MR. YOUNG HAS A JOB; THAT HE IS
12 ABIDED BY AND FULFILLED ALL THE REQUIREMENTS OF INTENSIVE
13 SUPERVISION.

14 BY THE COURT: WHAT IS THE JOB HE HAS?

15 BY MR. MITCHELL: VARSITY CONSTRUCTION.

16 JUDGE GATES EXPRESSED NO PARTICULAR SURPRISE OR REGRET
17 OF HIS ACTIONS. I CAN'T COMMENT ON MR. LUKENS CONVERSATION.

18 I DO KNOW MR. YOUNG WAS RELEASED ON HIS OWN RECOGNIZANCE
19 I KNOW HE HAS SINCE THAT TIME ABIDED WITH ALL THE CONDITIONS OF
20 HIS RELEASE; HE HAS MAINTAINED A JOB IN THE COMMUNITY; HE HAS
21 FAMILY IN THE COMMUNITY AND HAS BEEN IN THIS COMMUNITY A LONG
22 TIME. HE HAS SUBSTANTIAL TIES, AND HE HAS COMPLIED WITH ALL OF
23 THE REQUIREMENTS OF INTENSIVE SUPERVISION, AND THEREFORE I DON'T
24 BELIEVE THAT THERE IS A JUSTIFICATION AT THIS TIME TO ALTER THE

1 CONDITIONS OF RELEASE, SINCE THOSE ORIGINALLY IMPOSED HAVE
2 OBVIOUSLY BEEN SUCCESSFUL IN BOTH SECURING MR. YOUNG'S ATTENDANCE
3 HERE AT COURT, AND HE'S BEEN PRESENT FOR ALL THE PRIOR
4 PROCEEDINGS AS WELL AS PROTECTING COMMUNITY. HE HAS MAINTAINED
5 HIS JOB AND MAINTAINED HIS STATUS AND STANDING IN THE COMMUNITY.

6 FURTHERMORE, I DON'T BELIEVE THAT THESE PRIOR
7 ALLEGATIONS THAT MR. LUKENS RAISES NOW ARE A GROUND UPON WHICH
8 BAIL CAN BE MODIFIED AT THIS TIME. THOSE ITEMS WERE DISMISSED
9 AND THEY WERE FOUND FOR WHATEVER REASON NOT TO WARRANT FURTHER
10 PROSECUTION.

11 THEREFORE, I THINK UNDER THE CIRCUMSTANCES OF THIS CASE
12 BAIL SHOULD CONTINUE AS IT HAS BEEN ALREADY ESTABLISHED BY JUDGE
13 GATES, AND AGAIN JUDGE GATES IN HIS CONVERSATION WITH ME
14 EXPRESSED NO PARTICULAR SURPRISE OR REGRET AT WHAT HE HAD DONE.
15 SO, I DON'T KNOW THIS IS THE KIND OF THING -- CERTAINLY MR. YOUNG
16 HAS DONE NOTHING TO WARRANT CHANGING THE CIRCUMSTANCES OF HIS
17 BAIL OR EVEN ASKING THAT A STANDARD BAIL BE SET.

18 I'D ASK THE COURT TO RETAIN THE CURRENT CONDITIONS OF
19 THE RELEASE AND ALLOW MR. YOUNG TO RETAIN HIS JOB AND RETAIN HIS
20 POSITION IN THE COMMUNITY, AND STAY HERE WITH HIS FAMILY AND
21 CONTINUED TO WORK WITH ME IN THE INVESTIGATION IN THE REMAINING
22 TRAIL OF THIS PROSECUTION'S LITIGATION.

23 BY THE COURT: ANYTHING FURTHER?

24 BY MR. LUKENS: IT'S JUST THAT RELEASE ON A PERSON'S OWN

1 RECOGNIZANCE IS A PRIVILEGE AND IT SHOULD BE A PRIVILEGE FOR
2 SOMEONE WHO HAS OTHERWISE BEEN A GOOD CITIZEN. THIS DEFENDANT IS
3 SOMEBODY THAT CERTAINLY YOU CAN TAKE INTO ACCOUNT HIS RECORD,
4 PAST RECORD, HIS RECORD OF ARREST, AND RECORD OF VIOLENCE, THE
5 FACT WE HAVE MORE THAN ONE VICTIM IN THIS CASE.

6 THIS ISN'T THE TYPE OF SITUATION WHERE WE HAVE PERHAPS A
7 MISUNDERSTANDING OR SOMETHING OF THAT NATURE. WE HAVE GOT
8 SOMEBODY WHO IT HAS DEMONSTRATED PREYS ON CHILDREN. IF IT WERE
9 JUST ONE VICTIM I WOULDN'T BE MAKING THIS PITCH. I THINK YOU CAN
10 TAKE THOSE THINGS INTO CONSIDERATION.

11 BY MR. MITCHELL: I DON'T KNOW YOU CAN TAKE THEM INTO
12 CONSIDERATION, ESPECIALLY SINCE AS MR. LUKENS SAYS THIS A
13 PRIVILEGE; MR. YOUNG HAS CERTAINLY MAINTAINED THE BENEFIT OF THAT
14 PRIVILEGE BY ABIDING BY ALL THE CONDITIONS OF RELEASE.
15 FURTHERMORE, I THINK IT'S IMPORTANT TO NOTE THAT THERE IS EVERY
16 LIKELIHOOD AT LEAST IN TWO OF THESE GIRLS' INSTANCES THEY WERE
17 LOOKING FOR WHAT THEY SAY HAPPENED; WHETHER IT HAPPENED OR NOT
18 THEY HAD CRUSHES ON MR. YOUNG.

19 THERE MAY BE SOME REASON BEHIND WHAT WE'RE HEARING, BUT
20 I JUST DON'T KNOW HE IS THE PREDATOR THAT MR. LUKENS WANTS TO
21 PAINT HIM AS.

22 BY THE COURT: I DON'T KNOW THERE HAS EVER BEEN A
23 TEENAGE GIRL WITH A CRUSH ON ME, BUT MY RESPONSIBILITY AS AN
24 ADULT IS TO SAY NO AND NOT TO GO AHEAD AND HAVE SEX BECAUSE A

1 YOUNG GIRL DECIDES SOME OLDER MAN IS OKAY WITH HER.

2 BY MR. MITCHELL: I'M NOT DISPUTING THAT RESPONSIBILITY.
3 WHAT I'M SAYING IS THAT THIS MIGHT NOT BE QUITE THE PREDATOR THAT
4 MR. LUKENS IS TRYING TO PORTRAY HIM AS.

5 FURTHERMORE, RELYING ON HIS PAST INCIDENTS WHICH HAVE
6 ALREADY BEEN EXAMINED AND ALREADY REVIEWED AND DISMISSED, I THINK
7 IT'S INAPPROPRIATE AT THIS TIME.

8 I THINK MR. YOUNG HAS WARRANTED THE PRIVILEGE MR. LUKENS
9 RAISES BY ABIDING BY ALL THE CONDITIONS OF HIS RELEASE. HE
10 CERTAINLY HASN'T DONE ANYTHING TO WARRANT REVOKING THOSE
11 CONDITIONS OF RELEASE. NOTHING HAS CHANGED SINCE THE TIME HE WAS
12 RELEASED AND TODAY.

13 I DON'T KNOW THAT IT'S APPROPRIATE TO MODIFY THOSE
14 CONDITIONS OF RELEASE. I WOULD ASK THE COURT TO RETAIN THOSE
15 CONDITIONS.

16 BY THE COURT: FIRST OF ALL, THE RECORD SHOULD BE CLEAR
17 WHAT HAS HAPPENED. THE COMPLAINT WAS SWORN AND FILED I SIGNED
18 THE WARRANT. THE ORIGINAL COMPLAINT ALLEGED TWO COUNTS OF
19 STATUTORY SEXUAL SEDUCTION AGAINST ALISHA MORGAN, AND I SIGNED A
20 WARRANT FOR ARREST AND SET BAIL AT \$5,000 A COUNT. I GUESS THE
21 DEFENDANT WAS SUBSEQUENTLY ARRESTED AND O.R.'D BY JUDGE GATES.

22 HE CAME INTO COURT AND THE STATE FILED A FIRST AMENDED
23 COMPLAINT WHICH THEY ADDED A COUNT OF STATUTORY SEXUAL SEDUCTION
24 INVOLVING SYLVIA ROBERTSON. AT THAT TIME THERE WAS NO REQUEST TO

1 MODIFY THE STATUS OF MR. YOUNG'S BAIL CUSTODY.

2 SUBSEQUENTLY, THE STATE FILED A SECOND AMENDED COMPLAINT
3 AND ADDED A SEXUAL ASSAULT COUNT AGAINST TRACI CARLIN. I DON'T
4 BELIEVE THERE WAS A REQUEST AT THE TIME EITHER TO ALTER THE BAIL
5 OR CUSTODY STATUS.

6 SO, HE'S BEEN ON INTENSIVE SUPERVISION AND MADE HIS
7 CHECK-INS, ACCORDING TO PRE-TRIAL SERVICES HE'S IN COMPLIANCE.
8 IN RULING I'M NOT TAKING INTO CONSIDERATION THE DISMISSED CASES
9 AT THIS POINT.

10 INITIALLY WHEN I SET BAIL I MAY HAVE, BUT NOW THAT
11 MATTER IS PAST. WHAT REALLY CONCERNS ME I GUESS IS HAVING HEARD
12 THE TESTIMONY OF THESE GIRLS AND I AM LEFT WITH CONCERNS ABOUT
13 HAVING MR. YOUNG IN THE COMMUNITY. BUT, HE HAS DONE EVERYTHING
14 HE'S SUPPOSED TO DO, BUT THREE GIRLS WHO DON'T KNOW EACH OTHER
15 AND WHO CAME IN TO TESTIFY THAT IN SOME FASHION OR ANOTHER THEY
16 HAD SEX WITH MR. YOUNG.

17 I AM GOING TO ALTER THE STATUS AND PUT HIM ON HOUSE
18 ARREST. THE ONLY REASON HE'S ALLOWED TO BE OUT OF HIS HOUSE IS
19 TO DO HIS JOB. WE'LL NOTIFY PRE-TRIAL SERVICES OF THAT AND ANY
20 PROBLEMS WITH THAT THEN I GUESS MR. YOUNG WOULD HAVE TO GO INTO
21 CUSTODY.

22 LIKE I SAY, EXCEPT FOR COURT APPEARANCES AND HIS JOB I
23 WANT HIM INSIDE HIS HOUSE.

24 BY MR. LUKENS: YOUR HONOR, MAY I ASK FOR AN ADDITIONAL

1 CONDITION IN REFERENCE TO THAT HE HAVE NO CONTACT WITH ANY GIRL
2 UNDER THE AGE OF 18, NOT A FAMILY MEMBER.

3 BY THE COURT: YEAH.

4 BY MR. MITCHELL: THAT'S KIND OF BROAD.

5 BY MR. LUKENS: I MEAN, IN THE NATURE OF WORK.

6 BY THE COURT: EXCEPT FOR WORK.

7 BY MR. MITCHELL: I UNDERSTAND MR. LUKENS CONCERNS, BUT
8 AT THE SAME TIME WHAT HE REQUESTS IS SO FAR REACHING AND SO
9 BROAD.

10 BY THE COURT: ONE OF THE CONDITIONS OF HOUSE ARREST I
11 CERTAINLY WOULDN'T WANT A TEENAGE GIRL VISITING IN THE HOME
12 WITHOUT ANYBODY THERE, SINCE THE ONLY REASON HE CAN LEAVE HOME IS
13 TO GO TO WORK AND COME TO COURT THE ONLY WAY HE'D HAVE CONTACT
14 WITH ANYBODY WOULD BE AT WORK.

15 BY MR. MITCHELL: I'M JUST CONCERNED WITH THE WAY HE'S
16 PHRASED IT; THERE IS TOO MUCH AMBIGUITY AND TOO MUCH VAGUENESS IN
17 THAT, AND IT'S FRAUGHT WITH PROBLEMS.

18 I THINK PLACING HIM ON HOUSE ARREST AND GOING TO AND
19 FROM WORK IS CERTAINLY GOING TO BE SUFFICIENT. IF THERE IS ANY
20 CONCERNS WHICH ARISE OUT OF THAT PERHAPS THEY CAN BE ADDRESSED AT
21 THAT TIME.

22 BY MR. LUKENS: THE PICTURE OF THIS DEFENDANT IS HE HAS
23 SOUGHT OUT AND ASSOCIATED WITH YOUNG GIRLS WHETHER THEY WERE
24 GROUPIES AND COME TO HIM OR HE GOES TO THEM.

1 BY THE COURT: I UNDERSTAND YOUR CONCERNS. IF HE HAS TO
2 STOP FOR GAS ON THE WAY TO WORK AND THE CLERK AT THE SEVEN-ELEVEN
3 HAPPENS TO BE 17 YEARS OLD -- I GUESS SHE COULDN'T BE, BUT AS AN
4 EXAMPLE.

5 BY MR. MITCHELL: EVEN IF A PAPERBOY OR PAPERGIRL COMES
6 TO THE DOOR.

7 BY THE COURT: TO SAY HE'S NOT TO ASSOCIATE WITH ANY
8 GIRLS UNDER THE AGE OF 18, THAT WOULD GO BEYOND RUNNING INTO THEM
9 OR BUYING GAS. I THINK THE CONDITION IS MORE OF A SOCIAL CONTACT
10 OR CONVERSATIONS, LUNCH TOGETHER, SPENDING TIME TOGETHER, YOU
11 KNOW, NORMAL CONTACTS WITH ANY YOUNG WOMEN UNDER THE
12 CIRCUMSTANCES THAT WOULD NOT TAKE MORE THAN 10 MINUTES. I
13 WOULDN'T THINK A PAPERGIRL WHO COMES TO THE DOOR, OR HE BUYS GAS,
14 OR RUNS INTO A CLERK OR SOMETHING LIKE THAT SHOULD TAKE MORE THAN
15 10 MINUTES. THAT WOULD NOT BE REALLY ASSOCIATING. I MEAN BY
16 SOCIALIZING IT IS SPENDING TIME WITH.

17 BY MR. MITCHELL: THE PROBLEM WITH "ASSOCIATING WITH"
18 ALL WE'RE DOING IS JUST RUNNING INTO PROBLEMS WITH THE
19 DEFINITION.

20 BY MR. LUKENS: HE KNOWS EXACTLY WHAT I MEAN AND WHAT
21 THE COURT MEANS AND THERE IS NO QUESTION IF HE VIOLATES THAT I'M
22 GOING TO FILE A MOTION.

23 BY MR. MITCHELL: WE CAN CERTAINLY ADDRESS THAT IF SOME
24 INSTANCE LIKE THAT EVER OCCURS.

1 MY PROBLEM IS WHY CREATE THE PROBLEM BEFORE THERE IS A
2 PROBLEM.

3 BY MR. LUKENS: APPEARS WE HAVE HEARD THREE PROBLEMS
4 TODAY.

5 BY THE COURT: THAT'S MY CONCERN, UP TO A POINT THERE IS
6 NO PROBLEM. IT'S NOT A PROBLEM TO TALK TO A GIRL ONCE IN A
7 HALLWAY BUT AFTER YOU TALK TO HER TWO, THREE, OR FOUR TIMES YOU
8 BECOME FRIENDS WITH HER AND ALL OF A SUDDEN YOU ARE A LOT
9 FRIENDLIER; THAT'S A PROBLEM.

10 I THINK EVERYONE UNDERSTANDS WHAT I MEAN. I'M NOT GOING
11 TO REVOKE THE OWN RECOGNIZANCE HOUSE ARREST BECAUSE HE HAPPENS TO
12 CHAT WITH SOMEONE IN THE HALLWAY AT WORK OR BECAUSE HE BUYS GAS
13 OR BECAUSE SOMEBODY COMES TO THE DOOR SELLING CANDY LIKE THE KIDS
14 DO IN MY NEIGHBORHOOD. NONE OF THOSE THINGS ARE A PROBLEM.

15 BUT, AS FAR AS DEVELOPING FRIENDSHIPS OR RELATIONSHIPS,
16 OR ASSOCIATING TO ANY EXTENT WITH GIRLS UNDER THE AGE OF 18. I
17 THINK THAT'S CLEAR ENOUGH AND SOMETHING HE NEEDS TO ABIDE BY.

18 BY MR. MITCHELL: I CAN UNDERSTAND THE COURT'S CONCERN
19 ABOUT THAT. MY CONCERN WITH IT IS JUST HOW YOU ESTABLISH THAT
20 AND HOW YOU KEEP AWAY FROM IT.

21 BY MR. LUKENS: IF I HAD A 14 YEAR OLD NEXT DOOR
22 NEIGHBOR AND I KNOW SHE GOES OVER TO HIS HOUSE AND IS INSIDE
23 THERE FOR AN HOUR AND HE AND SHE ARE THE ONLY ONES THERE, I AM
24 GOING TO MOVE TO REVOKE HIS BAIL.

1 BY MR. MITCHELL: I'D CERTAINLY EXPECT THAT. BY THE
2 SAME TOKEN I EXPECT THAT WOULD BE POSSIBLE WITHOUT SUCH A
3 REQUIREMENT YOU CAN'T ASSOCIATE WITH PEOPLE UNDER 18.

4 BY MR. LUKENS: NO.

5 BY THE COURT: YOU HAVE KIDS AT HOME, RIGHT?

6 BY THE DEFENDANT: YES, FOUR YOUNG KIDS; ONE, FIVE, SIX,
7 AND FOUR.

8 BY THE COURT: THAT'S NOT GOING TO BE A PROBLEM.

9 BY MR. LUKENS: ANY YOUNG FEMALES BETWEEN 12 AND 18,
10 HE'S NOT GOING TO WORRY ABOUT A BABYSITTER.

11 BY THE COURT: I DON'T PERCEIVE IN THIS CASE A DANGER TO
12 FOUR OR FIVE YEAR OLDS. HIS CHILDREN CAN HAVE THEIR FRIENDS OVER
13 THEY'RE ALL UNDER 10 YEARS OLD, THAT'S NOT A PROBLEM.

14 BY MR. MITCHELL: I GUESS HE INFORMS ME HE DOES HAVE A
15 11-YEAR OLD.

16 BY THE COURT: YOUR CHILD?

17 BY THE DEFENDANT: YEAH, MY CHILD I GET HER ON THE
18 WEEKEND.

19 BY MR. MITCHELL: SHE MIGHT HAVE FRIENDS OVER, AND THIS
20 IS WHERE WE GET INTO A CONUNDRUM.

21 BY MR. LUKENS: IF HE DOESN'T WANT TO GO ALONG WITH IT
22 WE CAN PUT HIM SOMEPLACE WHERE THERE ARE NO YOUNG GIRLS, AND I
23 HAVE A PLACE WAITING FOR HIM.

24 BY THE COURT: I THINK HE CAN FIGURE OUT A WAY TO ABIDE

1 BY IT. I THINK HE UNDERSTANDS WHAT WE ARE TALKING ABOUT.

2 BY MR. MITCHELL: THIS ORDER WILL ALLOW MR. YOUNG TO
3 TRAVEL TO PICK UP HIS CHILDREN AND THINGS OF THAT NATURE. HE HAS
4 THEM IN DAY CARE FACILITY WHILE HE WORKS.

5 BY THE COURT: PICKING THEM UP ON THE WAY HOME FROM
6 WORK, RIGHT?

7 BY MR. MITCHELL: I ASSUME SO, PERHAPS ON OTHER
8 OCCASIONS WHERE HE HAS A DAY OFF HE MIGHT HAVE TO TRAVEL TO THE
9 DAY CARE FACILITY TO DROP THEM OFF AND GO BACK AND PICK THEM UP
10 AND BRING THEM HOME.

11 THERE IS GOING TO BE INCIDENTAL TRAVEL MORE THAN JUST
12 FROM WORK TO HOME, AND I ASSUME THAT CAN BE WORKED OUT PRE-TRIAL
13 SERVICES.

14 BY THE COURT: WE WILL CALL THEM AND LET THEM KNOW WHAT
15 THE CONCERNS ARE AND IF THEY CAN WORK OUT A WAY THEY ARE
16 COMFORTABLE WITH HIM GETTING KIDS FROM CHILD CARE I DON'T HAVE A
17 PARTICULAR PROBLEM WITH THAT. THOSE DETAILS NEED TO BE WORKED.
18 ON HOUSE ARREST YOU CAN EXPLAIN WHEN YOU WORK AND WHEN YOU TAKE
19 YOUR KIDS, AND YOU CAN SET THE HOURS UP SO THEY KNOW WHAT YOU DO
20 AND WHEN.

21 YOU NEED TO SIT DOWN AND COME UP WITH WORK HOURS OR
22 OTHER TIMES YOU MIGHT BE PICKING UP YOUR KIDS AND THINGS LIKE
23 THAT. THERE HAS TO BE THOSE KIND OF NECESSITIES TO BE
24 CONSIDERED.

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NOW, THAT'S AS FAR AS MY CONSCIENCE WILL ALLOW ME TO GO.
I'M CONCERNED ABOUT THIS CASE, AND AT THE SAME TIME HE'S DONE
WHAT HE WAS SUPPOSED TO DO. I'M KIND OF MEETING IN THE MIDDLE
HERE HOPING IT TURNS OUT OKAY AS FAR AS THIS GOES. THOSE THE
REQUIREMENTS.

BY MR. MITCHELL: THANK YOU, YOUR HONOR.


BY THE CLERK: FEBRUARY 6, AT 9:00 A.M., IN DEPARTMENT
NUMBER THIRTEEN.

BY THE COURT: BE SURE TO CONTACT PRE-TRIAL BY TOMORROW
TO SET UP THE HOUSE ARREST.

BY MR. MITCHELL: YES.

* * * * *

ATTEST: FULL, TRUE AND ACCURATE TRANSCRIPT OF THE PROCEEDINGS
HAD, PREPARED AND TRANSCRIBED TO THE BEST OF MY KNOWLEDGE, SKILL
AND ABILITY.


WARREN G. HANS, CSR #19

MEMO

CASE NUMBER C133315
PLAINTIFF State of Nevada
DEFENDANT Matthew G. Young

SEALED VIOLATION REPORT _____

SEALED EVALUATION _____

SEALED PSI P _____

STILL ACTIVE _____

SEALED FILE _____

SEALED CHILD CUSTODY _____

Clark County Justice Court

NORTH LAS VEGAS TOWNSHIP

THE STATE OF NEVADA,

Plaintiff,

—vs—

Young, Matthew Gordon

Defendant.

RECEIPT

District Court Case #:

C133315

Department #:

XIII

Justice Court Case #:

95FN1049X

RECEIVED OF JUSTICE COURT THE FOLLOWING ITEMS:

CRIMINAL PROCEEDINGS

CRIMINAL COMPLAINT

Amended Criminal Complaint

Second Amended Criminal Complaint

COMMITMENT & ORDER

Dated: _____

JAN 16 1996

LORETTA BOWMAN, County Clerk

NORRETA CALDWELL

By: _____

Deputy

CRIMINAL COURT MINUTES

96-C-133315-C STATE OF NEVADA vs Young, Matthew G

02/06/96 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: DON P. CHAIREZ, Judge; Dept. 13

OFFICERS: DOROTHY KELLY, Court Clerk
KRIS FLUKER, Reporter/Recorder

PARTIES: STATE OF NEVADA
001951 Leen, Peggy
001 D1 Young, Matthew G
003775 Mitchell, Douglass A.
004918 Bell, Linda M.

Y
Y
Y
Y
Y

DEFT YOUNG ARRAIGNED, PLED NOT GUILTY AND WAIVED THE 60 DAY RULE. COURT ORDERED, matter set for trial.

H.A.

03-28-96 9:00 AM CALENDAR CALL

04-01-96 10:00 AM JURY TRIAL

03/26/96 09:00 AM 00 DEFT'S MOTION TO CONTINUE TRIAL

HEARD BY: DON P. CHAIREZ, Judge; Dept. 13

OFFICERS: DOROTHY KELLY, Court Clerk
THERESA LANZA, Reporter/Recorder

PARTIES: STATE OF NEVADA
004232 Carroll, Thomas M.
001 D1 Young, Matthew G
003775 Mitchell, Douglass A.

Y
Y
N
Y

Mr. Mitchell advised Court that this motion is uncontested. Mr. Carroll stated the State has no objection to this motion. Mr. Mitchell stated he has not had enough time to conclude the investigation in this case. Mr. Carroll stated that Mr. Lukens has no objection to a continuance. COURT ORDERED, Deft's Motion to Continue Trial, GRANTED; Trial Date VACATED and RESET.

H.A.

05-16-96 9:00 AM CALENDAR CALL

05-20-96 10:00 AM JURY TRIAL

CRIMINAL COURT MINUTES

96-C-133315-C STATE OF NEVADA

vs Young, Matthew G

CONTINUED FROM PAGE: 001

04/11/96 09:00 AM 00 STATE'S REQUEST TO REVOKE DEFT'S O.R.

HEARD BY: DON P. CHAIREZ, Judge; Dept. 13

OFFICERS: DOROTHY KELLY, Court Clerk
FELICIA ZABIN, Reporter/RecorderPARTIES: STATE OF NEVADA
000843 Lukens, John P.001 D1 Young, Matthew G
003775 Mitchell, Douglass A.
004918 Bell, Linda M.Y
Y
Y
Y
Y

Roy Evans of the Division of Parole & Probation present. Mr. Lukens stated the deft was released on his own recognizance by a District Court Judge who did not know all the facts. He continued that the deft has had repeated contact with one of the three victims in the case; the mother of the victim is present in the Courtroom to verify contact. Mr. Mitchell stated he spoke to the alleged victim, Sylvia Robertson, and she said there were two (2) telephone calls and she initiated them, and they were conducted in a three-party situation; her mother was on the phone; the deft has had no personal contact. He further stated he advised the deft that he cannot speak to the alleged victim, if she calls. Mr. Mitchell presented the Court with a letter from the Intensive Supervision Program. Court inquired of Mr. Lukens as to the nature of the contacts and how another Judge got involved. Mr. Lukens responded that Mrs. Robertson came forward; he does not know how the other Judge was involved. Mr. Mitchell requested an Evidentiary Hearing with Mrs. Robertson included; COURT, SO ORDERED.

H.A.

04-16-96 10:00 A.M. EVIDENTIARY HEARING

05-15-96 9:00 AM CALENDAR CALL

05-20-96 10:00 AM JURY TRIAL

CRIMINAL COURT MINUTES

96-C-133315-C STATE OF NEVADA

vs Young, Matthew G

CONTINUED FROM PAGE: 002

04/16/96 10:00 AM 00 EVIDENTIARY HEARING

HEARD BY: DON P. CHAIREZ, Judge; Dept. 13

OFFICERS: THERESA LEE, Court Clerk
SUE DEATON/SD, Relief Clerk
MARIA WOOLEY, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000843	Lukens, John P.	Y
001 D1	Young, Matthew G	Y
003775	Mitchell, Douglass A.	Y
004918	Bell, Linda M.	Y

At 10 AM COURT ORDERED, matter trailed for Mr. Lukens' arrival from Dept. 3.

RECALLED...10:45 A.M. Mr. Lukens present, COURT ORDERED matter CONTINUED until Thursday due to on-going Trial that was scheduled to begin at 10:30 A.M.

H.A.

CONTINUED TO: 04/18/96 10:00 AM 01

04/18/96 10:00 AM 01 EVIDENTIARY HEARING

HEARD BY: DON P. CHAIREZ, Judge; Dept. 13

OFFICERS: DOROTHY KELLY, Court Clerk
SUE DEATON/SD, Relief Clerk
THERESA LANZA, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
000843	Lukens, John P.	Y
001 D1	Young, Matthew G	Y
003775	Mitchell, Douglass A.	Y
004918	Bell, Linda M.	Y

COURT ORDERED, matter to be placed on Calendar on April 23rd for Entry of Plea.

H.A.

4-23-96, 9:00 A.M., ENTRY OF PLEA

CRIMINAL COURT MINUTES

96-C-133315-C STATE OF NEVADA

vs Young, Matthew G

CONTINUED FROM PAGE: 003

04/23/96 09:00 AM 00 ENTRY OF PLEA

HEARD BY: DON P. CHAIREZ, Judge; Dept. 13

OFFICERS: DOROTHY KELLY, Court Clerk
SUE DEATON/SD, Relief Clerk
KRIS FLUKER, Reporter/Recorder

PARTIES: STATE OF NEVADA
000843 Lukens, John P.
001 D1 Young, Matthew G
003775 Mitchell, Douglass A.
004918 Bell, Linda M.

Y
Y
Y
Y
Y

AMENDED INFORMATION and GUILTY PLEA AGREEMENT FILED IN OPEN COURT. DEFT YOUNG ARRAIGNED AND PLED GUILTY PURSUANT TO ALFORD TO COUNT I - STATUTORY SEXUAL SEDUCTION (F) AND COUNT III - COERCION (F). DEFT YOUNG PLED GUILTY TO COUNT II - STATUTORY SEXUAL SEDUCTION (F). As to Counts I & III, Mr. Lukens presented facts State could prove if case went to Trial. COURT ACCEPTED PLEAS, referred matter to P&P for PSI Report and ORDERED set for SENTENCING.

H.A.

6-20-96, 9:00 A.M., SENTENCING

06/20/96 09:00 AM 00 SENTENCING

HEARD BY: DON P. CHAIREZ, Judge; Dept. 13

OFFICERS: DOROTHY KELLY, Court Clerk
TERESA DEROSSETT, Reporter/Recorder

PARTIES: STATE OF NEVADA
000843 Lukens, John P.
001 D1 Young, Matthew G
003775 Mitchell, Douglass A.
004918 Bell, Linda M.

Y
Y
Y
Y
Y

Mr. Lukens requested a continuance; and by the COURT, SO ORDERED.

H.A.

SENTENCING

CONTINUED TO: 07/02/96 09:00 AM 01

CRIMINAL COURT MINUTES

96-C-133315-C STATE OF NEVADA

vs Young, Matthew G

CONTINUED FROM PAGE: 004

07/02/96 09:00 AM 01 SENTENCING

HEARD BY: DON P. CHAIREZ, Judge; Dept. 13

OFFICERS: DOROTHY KELLY, Court Clerk
KAREN MELL, Reporter/Recorder

PARTIES: STATE OF NEVADA

000843 Lukens, John P. Y

001 D1 Young, Matthew G Y

003775 Mitchell, Douglass A. Y

004918 Bell, Linda M. Y

David Deuel of the Division of Parole & Probation present. After in-chambers conference with counsel, Court stated it is on the Board of a program which works to eliminate child abuse and neglect; therefore to avoid the appearance of impropriety and implied bias, this Court hereby disqualifies itself and ORDERS, this matter be REASSIGNED at random.

H.A.

07/10/96 09:00 AM 00 STATUS CHECK: SENTENCING

HEARD BY: LEE A GATES, Judge; Dept. 8

OFFICERS: LINDA GROVES, Court Clerk
YVONNE VALENTIN, Reporter/Recorder

PARTIES: STATE OF NEVADA

001951 Leen, Peggy Y

000843 Lukens, John P. Y

Ms. Leen stated that this is Mr. Lukens case and requested that the matter be trailed. MATTER TRAILED.

MATTER RECALLED: Mr. Lukens present. Mr. Lukens stated that neither the defendant nor his attorney, Mr. Mitchell, are present and that he doesn't know if they were properly noticed that the case was transferred to this department from Dept. XIII. Mr. Lukens requested a two-week continuance. COURT ORDERED, matter CONTINUED.

H.A.

CLERK'S NOTE: On 7/10/96 at 1:30 p.m., I advised Mr. Mitchell of the Court's order and continuance date.

CONTINUED TO: 07/24/96 09:00 AM 01

CRIMINAL COURT MINUTES

96-C-133315-C

STATE OF NEVADA

vs Young, Matthew G

CONTINUED FROM PAGE: 005

07/24/96 09:00 AM 01 STATUS CHECK: SENTENCING

HEARD BY: LEE A GATES, Judge; Dept. 8

OFFICERS: LINDA GROVES, Court Clerk
YVONNE VALENTIN, Reporter/RecorderPARTIES: STATE OF NEVADA
004630 Hendricks, Craig L.Y
Y001 D1 Young, Matthew G
003775 Mitchell, Douglass A.
004918 Bell, Linda M.Y
Y
Y

Mr. Hendricks stated that this is Mr. Lukens case who is teaching a class and requested a continuance. Colloquy regarding victim speaker being told to be present tomorrow. COURT ORDERED, matter CONTINUED one week.

H.A.

CONTINUED TO: 07/31/96 09:00 AM 02

07/31/96 09:00 AM 02 STATUS CHECK: SENTENCING

HEARD BY: LEE A GATES, Judge; Dept. 8

OFFICERS: LINDA GROVES, Court Clerk
YVONNE VALENTIN, Reporter/RecorderPARTIES: STATE OF NEVADA
000843 Lukens, John P.Y
Y001 D1 Young, Matthew G
003775 Mitchell, Douglass A.Y
Y

Peggy Coleman of the Division of Parole & Probation present. DEFENDANT YOUNG ADJUDGED GUILTY OF COUNTS I AND II-STATUTORY SEXUAL SEDUCTION (F) AND COUNT III-COERCION (F). P & P had nothing further to add to their report. Mr. Lukens stated there are three speakers present, one of which is not related to the victims of the incidents. Objection by Mr. Mitchell as to the unrelated speaker. Conference at the bench. COURT ORDERED, DISALLOW statement by the unrelated speaker. Sworn Impact Statements by Hazel Roach and Clara Robertson. Statements in mitigation of sentencing. COURT ORDERED, in addition to the \$25.00 Administrative Assessment Fee, Defendant Young SENTENCED to the Nevada Department of Prisons as to COUNT I for FIVE (5) YEARS and pay \$870.00 RESTITUTION; as to COUNT II for a MAXIMUM of THIRTY-SIX (36) MONTHS with a MINIMUM PAROLE ELIGIBILITY of TWELVE (12) MONTHS; and as to COUNT III for a MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM PAROLE ELIGIBILITY of TWELVE (12) MONTHS, COUNTS I, II AND III to

PRINT DATE: 07/31/96

PAGE: 006

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MINUTES DATE: 07/31/96

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EXHIBIT 115

EXHIBIT 115

1 SMEM
2 DAVID ROGER
3 DISTRICT ATTORNEY
4 Nevada Bar #002781
5 VICKI J. MONROE
6 Chief Deputy District Attorney
7 Nevada Bar #003776
8 200 South Third Street
9 Las Vegas, NV 89155-2211
10 (702) 455-4711
11 Attorney for Plaintiff

FEB 04 2004

SHARON COFFMAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

VERNELL RAY EVANS,
#924477

Defendant.

CASE NO: C116071
DEPT NO: VIII

SENTENCING AGREEMENT

I, VERNELL RAY EVANS, having been found guilty by a jury of: COUNTS 2
THROUGH 5 - FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON
(Felony - NRS 200.010, 200.030, 193.165)), hereby agree to enter into the following
sentencing agreement:

Both parties stipulate that the Defendant will be sentenced to a term of life in the
Nevada Department of Corrections without the possibility of parole, plus an equal and
consecutive term of life in the Nevada Department of Corrections without the possibility of
parole for the deadly weapon enhancement, per count. Further, both parties stipulate that all
counts will run consecutive to one another and will run consecutive to Count 1, which the
Defendant is currently serving time for. Additionally, both parties agree that if the Court is
not inclined to sentence the Defendant as stipulated, either party may withdraw from these
negotiations and proceed to a penalty hearing.

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1 sentencing, including my criminal history. This report may contain hearsay information
2 regarding my background and criminal history. My attorney and I will each have the
3 opportunity to comment on the information contained in the report at the time of sentencing.
4 Unless the District Attorney has specifically agreed otherwise, then the District Attorney
5 may also comment on this report.

6 WAIVER OF RIGHTS

7 I understand that the Nevada Supreme Court has ordered a new penalty hearing for
8 me in this case. I agree, after speaking with attorneys, that it is in my best interests to accept
9 the conditions set forth in the sentencing agreement. I further agree that I waive my right to
10 appeal my decision to waive my penalty hearing at this time.

11 VOLUNTARINESS OF PLEA

12 I have discussed with my attorney any possible appellate issues and circumstances
13 which might be in my favor.

14 All of the foregoing elements, consequences, rights, and waiver of rights have been
15 thoroughly explained to me by my attorney.

16 I believe that entering into this sentencing agreement is in my best interest, and that a
17 penalty hearing would be contrary to my best interest.

18 I am signing this agreement voluntarily, after consultation with my attorney, and I am
19 not acting under duress or coercion or by virtue of any promises of leniency, except for those
20 set forth in this agreement.

21 I am not now under the influence of any intoxicating liquor, a controlled substance or
22 other drug which would in any manner impair my ability to comprehend or understand this
23 agreement or the proceedings surrounding my entry into this agreement.

24 My attorney has answered all my questions regarding this sentencing agreement and

25 //

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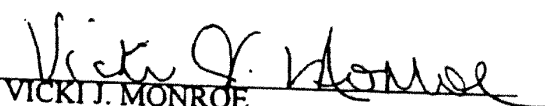
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its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

DATED this 4 day of ^{February}~~January~~, 2004.


VERNELL RAY EVANS
Defendant

AGREED TO BY:


VICKI J. MONROE
Chief Deputy District Attorney
Nevada Bar #003776

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of
3 the court hereby certify that:

4 1. I have fully explained to the Defendant the allegations contained in the charge(s)
5 and sentencing options for which the Defendant was convicted.

6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.

8 3. All waivers offered by the Defendant pursuant to this agreement are consistent
9 with the facts known to me and are made with my advice to the Defendant.


10 4. To the best of my knowledge and belief, the Defendant:

11 a. Is competent and understands the charges and the consequences of the
12 agreement and waivers as provided in this agreement.

13 b. Executed this agreement voluntarily.

14 c. Was not under the influence of intoxicating liquor, a controlled substance or
15 other drug at the time I consulted with the defendant as certified in paragraphs
16 1 and 2 above.

17 Dated: This 4 day of January, 2004.

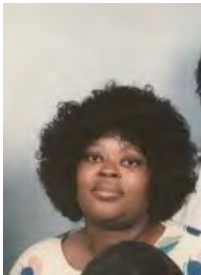
18 
19 ATTORNEY FOR DEFENDANT

20 

21 mb

EXHIBIT 116

EXHIBIT 116



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EXHIBIT 117

EXHIBIT 117



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EXHIBIT 118

EXHIBIT 118



AA4974

EXHIBIT 119

EXHIBIT 119



THE GREATER PHILADELPHIA CHURCH OF GOD IN CHRIST



This information is current as of July 16, 2017.

Entity Name:	<u>THE GREATER PHILADELPHIA CHURCH OF GOD IN CHRIST</u>		
Filing Status:	Permanently Revoked	Date Filed:	04/06/1994
Type:	Domestic Non-Profit Corporation	File Number:	<u>C5221-1994</u>

Registered Agent: Darrell Thomas

Las Vegas, NV

Principals

Darrell Thomas

Las Vegas, NV

[Order Business Services For The Greater Philadelphia Church Of God In Christ](#)

[Previous Entity](#)

[Search Entities](#)

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EXHIBIT 120

EXHIBIT 120

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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

RONALD DUCKSWORTH, JR.,

Defendant.

) CASE NO. C108501
)
) DEPT. NO. XV
)
) DOCKET NO. L
)

FILED IN OPEN COURT
OCT 28 1993 19
LORETTA BOWMAN, CLERK
BY Cindy Horton Deputy

SPECIAL
VERDICT

We, the Jury in the above entitled case, having found the Defendant, RONALD DUCKSWORTH, JR., Guilty of COUNT I - MURDER OF THE FIRST DEGREE (Joseph Smith III), designate that any aggravating circumstance which has been checked below has been established beyond a reasonable doubt and further find that there are no mitigating circumstances sufficient to outweigh the aggravating circumstance or circumstances found.

X

The murder was committed by a person who was previously convicted of a felony involving the use or threat of violence to the person of another.

X

The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a course of action which would normally be hazardous to the lives of more than one person.

X

The murder was committed while a person was engaged, alone or with another, in the commission

1 of or an attempt to commit any Burglary, and the
2 person charged:

3 (a) Killed the person murdered; or

4 (b) Knew or had reason to know that life would be
5 taken or lethal force used; or

6 (c) Acted with reckless indifference to human life
7 and was a major participant in the Burglary
8 committed.

9 X The murder was committed while a person was
10 engaged, alone or with another, in the commission
11 of or an attempt to commit any First Degree
12 Kidnapping, and the person charged:

13 (a) Killed the person murdered; or

14 (b) Knew or had reason to know that life would be
15 taken or lethal force used; or

16 (c) Acted with reckless indifference to human life
17 and was a major participant in the First Degree
18 Kidnapping committed.

19 X The murder was committed while a person was
20 engaged, alone or with another, in the commission
21 of or an attempt to commit any Robbery, and the
22 person charged:

23 (a) Killed the person murdered; or

24 (b) Knew or had reason to know that life would be
25 taken or lethal force used; or

26 (c) Acted with reckless indifference to human life
27 and was a major participant in the Robbery
28 committed.

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_____ The murder was committed while a person was engaged, alone or with another, in the commission of or an attempt to commit any Sexual Assault, and the person charged:

- (a) Killed the person murdered; or
- (b) Knew or had reason to know that life would be taken or lethal force used; or
- (c) Acted with reckless indifference to human life and was a major participant in the Sexual Assault committed.

_____ The murder involved torture, depravity of mind or the mutilation of the victim.

DATED at Las Vegas, Nevada, this 28th day of October, 1993.

Charles M. O'A
FOREPERSON

DISTRICT COURT
CLARK COUNTY, NEVADA

247
THE STATE OF NEVADA,
Plaintiff,
-vs-
RONALD JR. DUCKSWORTH, aka
RONALD DUCKSWORTH, JR.,
Defendant.

CASE NO. C108501

DEPT. NO. XV

DOCKET NO. L

FILED IN OPEN COURT

OCT 28 1993 19

LORETTA BOWMAN, CLERK

BY Cindy Horton
Deputy

VERDICT

We, the Jury in the above entitled case, having found the
Defendant, RONALD JR. DUCKSWORTH, aka RONALD DUCKSWORTH, JR.,
Guilty, impose a sentence of:

COUNT I - Murder of the First Degree (Joseph Smith III)

 Life with the Possibility of Parole;

 X Life without the Possibility of Parole;

 Death.

COUNT II - Murder of the First Degree (Vikki Smith)

 Life with the Possibility of Parole;

 X Life without the Possibility of Parole;

 Death.

DATED at Las Vegas, Nevada, this 28th day of October, 1993.

Charles W. Off
FOREPERSON

248

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CARL LEE MARTIN,

Defendant.

CASE NO. C108501

DEPT. NO. XV

DOCKET NO. L

FILED IN OPEN COURT

OCT 28 1993 19

LORETTA BOWMAN, CLERK

BY

Candy Horton
Deputy

SPECIAL

VERDICT

We, the Jury in the above entitled case, having found the Defendant, CARL LEE MARTIN, Guilty of COUNT II - MURDER OF THE FIRST DEGREE (Vikki Yvett Smith), designate that any aggravating circumstance which has been checked below has been established beyond a reasonable doubt and further find that there are no mitigating circumstances sufficient to outweigh the aggravating circumstance or circumstances found.

X

The murder was committed by a person who was previously convicted of a felony involving the use or threat of violence to the person of another.

X

The murder was committed by a person who knowingly created a great risk of death to more than one person by means of a course of action which would normally be hazardous to the lives of more than one person.

X

The murder was committed while a person was engaged, alone or with another, in the commission

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

MARLO THOMAS,

Appellant,

v.

WILLIAM GITTERE, et al.,

Respondents.

Electronically Filed
Jun 14 2019 03:04 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

No. 77345

District Court Case No.
96C136862-1

(Death Penalty Case)

APPELLANT'S APPENDIX

Volume 20 of 35

Appeal from Order Dismissing Petition for Writ of Habeas
Corpus (Post-Conviction)
Eighth Judicial District Court, Clark County
The Honorable Stefany Miley, District Judge

RENE L. VALLADARES
Federal Public Defender

JOANNE L. DIAMOND
Assistant Federal Public Defender
Nevada Bar No. 14139C
Joanne_Diamond@fd.org

411 E. Bonneville, Suite 250
Las Vegas, Nevada 89101
(702) 388-6577

Attorneys for Appellant

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CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on June 14, 2019. Electronic Service of the foregoing APPELLANT'S APPENDIX shall be made in accordance with the Master Service List as follows:

Steven S. Owens
Chief Deputy District Attorney

/s/ *Jeremy Kip*

An Employee of the
Federal Public Defender,
District of Nevada

22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: 20 yrs ago - defend was
23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: no
24. In general, what are your opinions and feelings about how the criminal justice system works? no opinion
25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes No X
If yes, do you feel that person was treated fairly by the judicial system?
26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain.
27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served? no

28. How has this experience affected your feelings about the criminal justice system? _____
29. Do you have any relatives or close friends of a different racial background than your own? Yes ☒ No _____
If so, please describe the relationship? _____
Sister in law - married - African
30. When was the last time you hosted someone of a different racial background in your home? *many - Black friends* *last wk*
31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain. _____
32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain. _____

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes _____ No X
If yes, what organizations: _____

34. Would you say that you are generally:

- a. in favor of the death penalty,
- b. generally opposed to it,
- c. would consider it in certain circumstances,
- d. never thought about it.
- e. oppose to it under any circumstances.

Please explain: _____

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?
Please explain. _____

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes _____ No _____

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes X No _____

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?
Please explain. _____

38. In reaching a verdict in this penalty phase, you will be asked to consider mitigating circumstances, such as the Defendant's background, the Defendant's health, mental status, age, childhood experiences, education, etc.

Do you feel you would consider those types of factors.

Very Much _____ Not At All ✓
Somewhat _____ Not sure ✓

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

W. D. Sydney
Signature

10-5-05
Date

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

100684132
638

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	CASE NO. C 136862
)	DEPT. NO. XV
Plaintiff,)	
)	
vs.)	
)	
MARLO THOMAS,)	
)	
Defendant.)	

JURY QUESTIONNAIRE

<u> </u>	<u>030638</u>	<u>NIPAPON B. ANGSUMALER</u>
JUROR NUMBER	BADGE NO.	PRINT NAME
		<u>56</u>
		DATE OF BIRTH

✓ 732-0870

C0136862

Dear Prospective Juror:

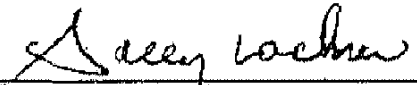
You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.


District Court Judge
9-30-05
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror? Yes X No If not please explain.

I GO THAILAND 10-1 UNTIL 11-29

Is there any reason that you could not sit as a juror on this case?

1. Your full name: WIRAPON S. ANGSAMALEE
2. Your age: 49
3. Your place of birth: THAILAND
4. Your marital status (married, divorced, single, separated):

5. Children: (names not required)

<u>Age</u>	<u>Sex</u>	<u>Education</u>	<u>Occupation</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>

6. How long have you lived in the Las Vegas Metropolitan area?
79-05-26
7. Without listing an address, please describe your neighborhood.
8. What is the highest grade you have completed? _____
9. Did you attend College or University? NO
If so, please list which college, what degree(s) you received,
and your major: _____
10. Have you received any other special training or schooling? _____
If so, explain: _____
11. What is the education level of your spouse or person you are
living with? Again, please list any advanced degrees and areas
of study. _____
12. If you have taken courses or had training in any of the
behavioral sciences (e.g. psychology, sociology, counseling or
similar areas), please identify such courses/training by title
and subject matter: _____
13. If you have taken courses or had training in any of the legal
fields, (i.e. law, administration of justice, corrections, law
enforcement), please identify such courses/training by title
and subject matter: _____
14. If you have taken courses or had training in any of the medical
sciences, and in particular the medical specialty of
psychiatry, please identify such courses/training by subject
matter or title: _____

15. Please describe anything you remember about this case that you may have heard from any media source. _____
16. Have you already formed any opinion about this case?
Yes _____ No _____ If so, please describe that opinion. _____
17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:
- | <u>Branch</u> | <u>Dates</u> | <u>Position/Rank</u> | <u>Duties</u> |
|---------------|--------------|----------------------|---------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
18. Were you ever a member of the military police or shore patrol? _____
19. Were you ever involved in a military court martial?
Yes _____ No _____ If yes, please describe your role in the proceedings? _____
20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes _____ No _____ If yes, please explain: _____
21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)
Yes _____ No _____ If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects: _____

-
22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: _____

23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: _____

24. In general, what are your opinions and feelings about how the criminal justice system works? _____

25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes _____ No _____
If yes, do you feel that person was treated fairly by the judicial system? _____

26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. __

27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served?

28. How has this experience affected your feelings about the criminal justice system? _____

29. Do you have any relatives or close friends of a different racial background than your own? Yes _____ No _____
If so, please describe the relationship? _____

30. When was the last time you hosted someone of a different racial background in your home? _____

31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain.

32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain.

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- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes ____ No ____
If yes, what organizations: _____

34. Would you say that you are generally:

- a. in favor of the death penalty,
- b. generally opposed to it,
- c. would consider it in certain circumstances,
- d. never thought about it.
- e. oppose to it under any circumstances.

Please explain: _____

35. Do you hold any strong moral or religious views toward the death penalty and its imposition?
Please explain. _____

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes ____ No ____

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes ____ No ____

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?
Please explain. _____

38. In reaching a verdict in this penalty phase, you will be asked to consider mitigating circumstances, such as the Defendant's background, the Defendant's health, mental status, age, childhood experiences, education, etc.

Do you feel you would consider those types of factors.

Very Much _____ Not At All _____
Somewhat _____ Not sure _____

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

Nyong S. Kambur
Signature

10-5-05
Date

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

badge # 030681

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

THE STATE OF NEVADA,)	CASE NO. C 136862
)	DEPT. NO. XV
Plaintiff,)	
)	
vs.)	
)	
MARLO THOMAS,)	
)	
Defendant.)	

JURY QUESTIONNAIRE

100138935
JUROR NUMBER

030681
BADGE NO.

Alice Elaine Chocron
PRINT NAME

43
DATE OF BIRTH

✓ 702-397-6848

C0136862

Dear Prospective Juror:

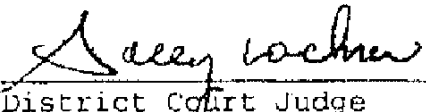
You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

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District Court Judge
9-30-05
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror? ____ Yes ____ ☒ No If not please explain.

I AM SELF EMPLOYED - My Lively HOOD IS AT
STAKE. SELF EMPLOYED REALTOR.

Is there any reason that you could not sit as a juror on this case?

SELF EMPLOYED

1. Your full name: ALICE ELAINE CHORLTON
2. Your age: 62
3. Your place of birth: RICHFIELD, UTAH
4. Your marital status (married, divorced, single, separated):
MARRIED
5. Children: (names not required)

Age	Sex	Education	Occupation
<u>42</u>	<u>M</u>	<u>14</u>	<u>PROJECT MGR</u>

6. How long have you lived in the Las Vegas Metropolitan area?
I HAVE LIVED IN OVERTON, NV. 6 YEARS
7. Without listing an address, please describe your neighborhood.
1/4 ACRE LOTS- SINGLE FAMILY DWELLINGS
CHILDREN & ADULTS LIVE HERE. 21 BLOCKS
FROM A GROCERY STORE
8. What is the highest grade you have completed? 12
9. Did you attend College or University? NIL SCHOOL ONLY
If so, please list which college, what degree(s) you received,
and your major: NORTHERN NV. COMMUNITY COLLEGE
NO DEGREE-
10. Have you received any other special training or schooling? _____
If so, explain: REAL ESTATE SCHOOL.
11. What is the education level of your spouse or person you are
living with? Again, please list any advanced degrees and areas
of study. GRADE 10
12. If you have taken courses or had training in any of the
behavioral sciences (e.g. psychology, sociology, counseling or
similar areas), please identify such courses/training by title
and subject matter: NONE
13. If you have taken courses or had training in any of the legal
fields, (i.e. law, administration of justice, corrections, law
enforcement), please identify such courses/training by title
and subject matter: NONE
14. If you have taken courses or had training in any of the medical
sciences, and in particular the medical specialty of
psychiatry, please identify such courses/training by subject
matter or title: NONE

15. Please describe anything you remember about this case that you may have heard from any media source. NO RECOLLECTION
OF THE CASE

16. Have you already formed any opinion about this case?
Yes No ✓ If so, please describe that opinion.

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

<u>Branch</u>	<u>Dates</u>	<u>Position/Rank</u>	<u>Duties</u>
<u>N/A</u>			

18. Were you ever a member of the military police or shore patrol?
NO

19. Were you ever involved in a military court martial?
Yes No ✓ If yes, please describe your role in the proceedings?

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes No ✓ If yes, please explain:

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)
Yes No ✓ If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:

22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: HAVE NOT SERVED AS A
JUROR
23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: _____
24. In general, what are your opinions and feelings about how the criminal justice system works? I DON'T UNDERSTAND
WHY PERSONS "CONVICTED" OF A CRIME
ARE RELEASED FROM PRISON & THEN
COMMIT THE SAME CRIME AGAIN,
I.E. CHILD MOLESTERS & MURDERERS, PREVIOUSLY
CONVICTED
25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes _____ No ☒
If yes, do you feel that person was treated fairly by the judicial system? _____
26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain. NO
27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served? NO

28. How has this experience affected your feelings about the criminal justice system? _____

29. Do you have any relatives or close friends of a different racial background than your own? Yes _____ No ☒
 If so, please describe the relationship? _____

30. When was the last time you hosted someone of a different racial background in your home? _____
 NEVER HAVE
31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain.
 YES PROBABLY. I TRY NOT TO
 BE PREJUDICED. MOST OF OUR
 PRISONERS, I UNDERSTAND, ARE MAJORITY
 OF AFRICAN AMERICAN MALES.
32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain.
 YES

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- ☒ D. The death penalty.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes ____ No ☒
if yes, what organizations: _____

34. Would you say that you are generally:

- a. in favor of the death penalty,
- b. generally opposed to it,
- ☒ c. would consider it in certain circumstances,
- d. never thought about it.
- e. oppose to it under any circumstances.

Please explain:

35. Do you hold any strong moral or religious views toward the death penalty and its imposition? *NO*
Please explain. _____

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes ____ No ☒

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes ____ No ☒

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?

Please explain. *NO. I DON'T THINK CONVICTED MURDERERS SHOULD BE PUNISHED*

38. In reaching a verdict in this penalty phase, you will be asked to consider mitigating circumstances, such as the Defendant's background, the Defendant's health, mental status, age, childhood experiences, education, etc.

Do you feel you would consider those types of factors.

Very Much _____ Not At All _____
Somewhat _____ Not sure ✓

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.

Alicia Elaine Charlton
Signature

10/5/05
Date

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

BADGE#
030869

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

THE STATE OF NEVADA,)	CASE NO. C 136862
)	DEPT. NO. XV
Plaintiff,)	
)	
vs.)	
)	
MARLO THOMAS,)	
)	
Defendant.)	

JURY QUESTIONNAIRE

101550646 030869
JUROR NUMBER BADGE NO.

TRAVIS SLONAKER
PRINT NAME

80
DATE OF BIRTH

✓ 617-1163

C0136862

Dear Prospective Juror:

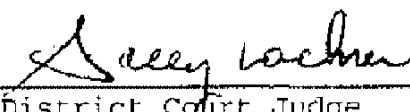
You have been placed under oath. Please answer all questions truthfully and completely as though the questions were being asked of you in open court. You may be asked additional questions in open court during the jury selection process. Some of the questions asked in court may be similar to the questions included in the questionnaire. Every effort will be made to keep duplication of questions to a minimum.

All questions asked, either by way of this questionnaire or by way of oral examination, are intended to facilitate the selection of a fair and impartial jury to hear this case. The answers provided in response to the written questions will be made available to counsel for both the State and the defense. Your answers will also become part of the Court's permanent record and therefore, a public document. If you cannot answer a question, please leave the response area blank. During regular questioning by the court and the attorneys you will be given an opportunity to explain or expand upon any answers, if necessary.

To assist the Court and counsel in evaluating any knowledge you may have concerning this case, please read the brief synopsis of this case provided with this questionnaire. Because this questionnaire is part of the jury selection process, you must answer the questions under penalty of perjury and you must fill out the questionnaire by yourself. After you have completed filling out the questionnaire, please leave it with a jury assistant.

If you wish to make further comments regarding any of your answers, please do so on the last page of this questionnaire. If you need additional pages, please ask a jury assistant and they will be provided to you. As you answer the questions that follow, please keep in mind that every person is fully entitled to his or her own opinions and feelings, and that there is no right or wrong answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers because they make long and tiresome questioning unnecessary, therefore, shortening the time it takes to select a jury.

Your answers will be used solely in the selection of a jury and for no other purpose.


District Court Judge
9-30-05
Date

SYNOPSIS

Marlo Thomas has previously been convicted of two counts of First Degree Murder with use of a deadly weapon with respect to the stabbing deaths of Matthew Gianakis and Carl Dixon at the Lone Star Restaurant at Cheyenne and Rainbow in April, 1996. The purpose of this penalty hearing is for you to decide the appropriate punishment for Marlo Thomas.

The Penalty Hearing will start on October 24th and may last until November 2nd due to the Nevada Day holiday.

Would you be available for the specified time period if selected as a juror? Yes X No If not please explain.

I AM A FULL TIME STUDENT AT THE UNIVERSITY OF NEVADA, LAS VEGAS AND ALSO WORK A FULL TIME JOB.

Is there any reason that you could not sit as a juror on this case?

REASONS LISTED ABOVE

1. Your full name: TRAVIS ANDREW SLONAKER
2. Your age: 25
3. Your place of birth: POTTSTOWN, PENNSYLVANIA
4. Your marital status (married, divorced, single, separated):
MARRIED
5. Children: (names not required)

<u>Age</u>	<u>Sex</u>	<u>Education</u>	<u>Occupation</u>
<u>NONE</u>			

6. How long have you lived in the Las Vegas Metropolitan area?
TWO YEARS
7. Without listing an address, please describe your neighborhood.
HOUSING COMPLEX WITH HOME OWNERS
ASSOCIATION, FRIENDLY NEIGHBORS
AND A LOT OF CHILDREN THROUGHOUT
8. What is the highest grade you have completed? BACHELORS DEGREE
9. Did you attend College or University? YES
If so, please list which college, what degree(s) you received,
and your major:
* SLIPPERY ROCK UNIVERSITY OF PENNSYLVANIA
- RESORT MANAGEMENT AND TOURISM
10. Have you received any other special training or schooling? _____
If so, explain: * FULL TIME STUDENT IN PURSUIT
OF MASTERS DEGREE IN SPECIAL EDUCATION
11. What is the education level of your spouse or person you are
living with? Again, please list any advanced degrees and areas
of study. WIFE WITH MASTERS DEGREE IN
EARLY CHILDHOOD EDUCATION WITH
AN ENDORSEMENT IN AUTISM.
12. If you have taken courses or had training in any of the
behavioral sciences (e.g. psychology, sociology, counseling or
similar areas), please identify such courses/training by title
and subject matter:
* INTRODUCTION TO PSYCHOLOGY
13. If you have taken courses or had training in any of the legal
fields, (i.e. law, administration of justice, corrections, law
enforcement), please identify such courses/training by title
and subject matter: * NONE
14. If you have taken courses or had training in any of the medical
sciences, and in particular the medical specialty of
psychiatry, please identify such courses/training by subject
matter or title: * NONE

15. Please describe anything you remember about this case that you may have heard from any media source. • NOTHING

16. Have you already formed any opinion about this case?
Yes X No If so, please describe that opinion.
• HE IS PROBABLY GUILTY IF THE CASE HAS
TAKEN THIS LONG AND SHOULD HAVE A DEATH
SENTENCE.

17. If you have served in the military please indicate branch of service, dates of service, position/rank held, and duties:

<u>Branch</u>	<u>Dates</u>	<u>Position/Rank</u>	<u>Duties</u>
<u>• NONE</u>			

18. Were you ever a member of the military police or shore patrol?
• NO

19. Were you ever involved in a military court martial?
Yes No X If yes, please describe your role in the proceedings?

20. Do you belong to any group or organization active in political matters (e.g. Mothers Against Drunk Drivers, The American Civil Liberties Union, The John Birch society, Amnesty International, etc.)? Yes No X If yes, please explain:

21. Do you have any relatives or close friends who work in the justice system (lawyers, judges, police officers, etc.)
Yes X No If yes, please state your relationship to that person(s) and indicate how often you communicate with them regarding law-related subjects:
• UNCLE - AIR MARSHALL
• COUSIN - POLICE OFFICER

22. If you have ever been a juror before, please state for each case the nature of the action and whether or not you reached a verdict: • NO
23. If you have served before, was there anything about that experience that would make it difficult for you to be fair and impartial in this case? Please explain: N/A
24. In general, what are your opinions and feelings about how the criminal justice system works? • TOO MANY LAWSUITS
• DEFENSE ATTORNEYS HAVE NO CONSCIENCE
• ENOUGH MONEY CAN GET YOU OUT OF ANYTHING
25. Have you or any family member or close friend ever been arrested and/or charged with a crime? Yes No X
If yes, do you feel that person was treated fairly by the judicial system? • N/A
26. Have you ever been a witness in a court case or ever filed a lawsuit or been sued? If yes, please explain.
• NO
27. Have you or any family member or close friend ever been the victim of a crime? If yes, do you feel justice was served?
• NO

28. How has this experience affected your feelings about the criminal justice system? _____

• SLOW PROCESS USING VALUABLE
TAX DOLLARS

29. Do you have any relatives or close friends of a different racial background than your own? Yes _____ No X
If so, please describe the relationship? N/A

30. When was the last time you hosted someone of a different racial background in your home? • LAST WEEKEND

31. Marlo Thomas is an African American male. Is there anything about that fact that would affect your ability to be fair and impartial in this case? Please explain.

• NO, MURDERERS COME IN ALL SHAPES,
SIZES, AND RACES.

32. If the evidence shows that the victims in this case are of a different racial background than Marlo Thomas would that affect your ability to be fair and impartial? Please explain.

• POSSIBLY, SOME PEOPLE ARE RACIST.

• POSSIBLY NOT, DEPENDING ON THE RACE.

ATTITUDES REGARDING THE DEATH PENALTY

The defendant in this case has been convicted with Two Counts of First Degree Murder with use of a deadly weapon. The Nevada State Legislature has determined that if a person is convicted of First Degree Murder, then a jury must further decide which of four possible punishments provided by law should be imposed. For each count of First Degree Murder a Defendant can be sentenced to four possible punishments which are: (each sentence would be doubled due to the deadly weapon enhancement)

- A. Definite term of 50 years with the possibility of parole after 20 years;
- B. Life imprisonment with the possibility of parole;
- C. Life imprisonment without the possibility of parole; or
- D. The death penalty.

The law requires that whenever the District Attorney seeks death as a possible punishment for a charge, prospective jurors may be asked to express their views on both the death penalty and the penalty of life in prison with or without the possibility of parole, and a term of years. Asking about your views at this time is a routine part of the procedure to be followed in all cases in which death is sought as a possible punishment.

33. Do you belong to any organization that advocates the abolition or actively supports the death penalty? Yes _____ No X
If yes, what organizations: N/A

34. Would you say that you are generally:

- (a.) in favor of the death penalty,
- b. generally opposed to it,
- c. would consider it in certain circumstances,
- d. never thought about it.
- e. oppose to it under any circumstances.

Please explain:

• IF YOU KILL SOMEONE, YOU SHOULD BE
KILLED YOURSELF
• A LIFE SENTENCE WASTES LOTS OF MONEY
THAT COULD BE SAVED BY THE DEATH PENALTY
• IT WOULD SERVE AS A STRONG DETERRENT

35. Do you hold any strong moral or religious views toward the death penalty and its imposition? FROM
Please explain. NO WRONG.

36. Are your beliefs about the death penalty such that you would automatically vote against the death penalty regardless of the facts and circumstances of the case. Yes _____ No X

Are your beliefs about the death penalty such that you would automatically vote for the death penalty regardless of the facts and circumstances of the case. Yes _____ No X

37. Are you open to considering all four forms of punishment depending on the evidence presented in a penalty phase?
Please explain. YES

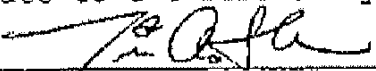
38. In reaching a verdict in this penalty phase, you will be asked to consider mitigating circumstances, such as the Defendant's background, the Defendant's health, mental status, age, childhood experiences, education, etc.

Do you feel you would consider those types of factors.

Very Much _____ Not At All _____
Somewhat _____ Not sure X _____

• MOST OF THESE I FEEL WOULD
BE IRRELEVANT IN A MURDER CASE.

I swear or affirm that the responses given are true and accurate to the best of my knowledge and belief.


Signature

10-05-05
Date

You are instructed not to discuss this questionnaire or any aspect of this case with anyone, including other prospective jurors. You are further instructed not to view, read or listen to any media account of these proceedings.

EXHIBIT 103

EXHIBIT 103

◆◆◆ PRIVILEGED AND CONFIDENTIAL ◆◆◆

**INVESTIGATIVE
MEMORANDUM**

TO: Marlo Thomas File
FROM: Tena S. Francis
DATE: October 25, 2011
RE: Interview of witness: Rebecca Thomas

On October 12 I met with Rebecca Thomas at her home. Rebecca is Marlo's maternal aunt, two years younger than his mother.

Rebecca was able to provide more information about Georgia's family. Rebecca was about nine years old when their father (JT Thomas) uprooted himself and his children and moved to Las Vegas. Their mother (Jessie Mae Brown) remained in Louisiana. Rebecca was not clear on the reason her parents split up. Her mother only visited the children once after the move to Las Vegas. They were not sent to visit her in Louisiana.

Their life in Louisiana was very different from their life in Las Vegas. Rebecca's father worked in the cotton fields in Louisiana. He picked cotton, as did his older children. Rebecca stated she was too small to work and she does not recall the cotton fields.

When JT Thomas and his children arrived in Las Vegas, they moved into the mobile home of his twin brother, JT Thomas. Rebecca stated her siblings are:

- Betty, oldest, passed away at age 23 of cancer
- Annie
- Johnnie
- Georgia
- Shirley
- Eliza
- Emma
- Linda
- TJ

Rebecca's father had three daughters and a son with a second woman, Shirley Thomas.

Rebecca stated she cannot recall Georgia ever actually living with their family in Las Vegas. She is not certain when or how or why Georgia came to Las Vegas. She remembers that as a child Georgia was injured in a car accident. She was unable to walk for a long time.

Rebecca recalls when Georgia became pregnant at age sixteen, she moved to Louisiana to stay with their mother. When Georgia returned, she had a baby (Larry) and was pregnant with her second child (Darrell).

Like Georgia, Rebecca worked at Arrowhead Linen, feeding sheets into a machine that folded them. She was pregnant with her son at the time, who was born April, 1972. Rebecca only worked there a few months. She recalls the heat was unbearable, but not the odor described by other witnesses. The owner of the business was Benny Cosello.

Rebecca said she was never around Marlo. She could not explain why she and Georgia did not see each other as adults, other than to note she (Rebecca) was busy with her own children.

EXHIBIT 104

EXHIBIT 104

SSA-1826

ITEMIZED STATEMENT OF EARNINGS

SOCIAL SECURITY ADMINISTRATION
OFFICE OF CENTRAL OPERATIONS
6100 WABASH AVENUE
BALTIMORE MARYLAND 21215

Date: 06/30/2017

JOANNE DIAMOND
ASSISTANT FEDERAL PUBLIC DEFENDER
SUITE 250
411 EAST BONNEVILLE AVENUE
LAS VEGAS NV 89101

We are sending the statement of earnings requested for:

Number Holder's Name: MARLO THOMAS
Social Security Number: XXX-XX-5216

Years Requested: 1990 THRU 1996

Control Number: 17180093814

Enclosure(s):
Earnings Statement

AA4786

SSA-1826

ITEMIZED STATEMENT OF EARNINGS

SOCIAL SECURITY ADMINISTRATION
EARNINGS RECORD INFORMATION

Date: 06/30/2017

Our records show the amount of earnings reported, not the amount of Social Security taxes that were paid.

Wages were first covered under Social Security in 1937. Therefore, 1937 is the first year for which earnings may be shown on our records. Employers were required to report earnings semi-annually in 1937, and on a quarterly basis for the years from 1938 through 1977. Beginning with 1978, employers are required to report earnings annually.

Our records do not show the exact date of employment (month and day) because we do not need this information to figure Social Security benefits. Employers do not give us this information.

Each year, there is a maximum amount of earnings that is subject to Social Security taxes and is used to compute benefits. If a person earns more than this maximum amount, the earnings statement will usually show the maximum rather than the total earnings. Maximum benefits can be found on the SSA website.
<http://www.ssa.gov/OACT/COLA/cbb.html>

Beginning in 1951, self-employed persons could also receive Social Security credit for their work. The maximum amounts of self-employment earnings that are subject to Social Security taxes and are used to compute benefits can also be found on the SSA website.
<http://www.ssa.gov/OACT/COLA/cbb.html>

If you have any questions, you should call, write, or visit any Social Security office. If you visit or call, please bring this letter. It will help us answer questions. The toll free number to call is 1-800-772-1213 (for the deaf or hard of hearing, call our TTY number, 1-800-325-0778).

AA4787

SSA-1826

ITEMIZED STATEMENT OF EARNINGS
* * * FOR SSN XXX-XX-5216 * * *

FROM: SOCIAL SECURITY ADMINISTRATION
OFFICE OF CENTRAL OPERATIONS
6100 WABASH AVENUE
BALTIMORE MARYLAND 21215

NUMBER HOLDER NAME: MARLO THOMAS
YEARS REQUESTED: 1990 THRU 1996

JOANNE DIAMOND
ASSISTANT FEDERAL PUBLIC DEFENDER
SUITE 250
411 EAST BONNEVILLE AVENUE
LAS VEGAS NV 89101

EMPLOYER NUMBER: 36-2951565
MCDONALDS CORPORATION AS AGENT
2111 MCDONALDS DRIVE DEPT 028T
OAK BROOK IL 60523-5500

YEAR	1ST QTR	2ND QTR	3RD QTR	4TH QTR	TOTAL
1995					\$70.74
1996					\$713.14

EMPLOYER NUMBER: 48-1110529
LONE STAR STEAKHOUSE & SALOON OF
LAS VEGAS INC
PO BOX 12726
WICHITA KS 67277-2726

YEAR	1ST QTR	2ND QTR	3RD QTR	4TH QTR	TOTAL
1996					\$351.12

***** THERE ARE NO OTHER EARNINGS RECORDED UNDER THIS *****
***** SOCIAL SECURITY NUMBER FOR YEAR(S) REQUESTED *****

EXHIBIT 105

EXHIBIT 105

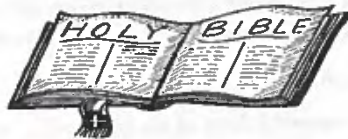
Home Going Celebration
For
Bobby Lewis



SUNRISE
January 28, 1949

SUNSET
January 15, 2012

"Precious in the sight of the Lord is the death of his saints"
Psalms 16:15



Services

Monday, January 23, 2012 - 11:00 a.m.

Philadelphia Church

1901 South Losee Road suite 150
Las Vegas, Nevada 89030

Officiating Service - Elder Mathew Goins



Obituary



Bobby Lewis was born January 28, 1949 in Tallulah Louisiana to the union of the late Will and Pearl Lewis. Bobby attended McCall High School in Tallulah Louisiana. He attended Rising Sun Baptist Church under the leadership of Reverend Harvey where he accepted Christ at an early age. He later relocated to Las Vegas, Nevada in 1967 where he gained employment with the Rivera Hotel and Casino as a porter. Bobby was also gainfully employed with the Flamingo Hotel. And later worked at the American Linen Company. Bobby enjoyed and regularly attended Philadelphia Church of God in Christ; under the leadership of his watch care Pastor Darrell Thomas his son. During this tenure the two developed a caring and trusting relationship, a revered father and son bond was re-established.

Bobby Lewis had five brothers; Jab, Robert, Joe, Jack, and Willie and four sisters; Evelyn, Rosa Lee, Bertha, and Emma all which preceded him in death. He leaves to mourn two sisters; Annie Stringer, (Clarence Stringer), of Las Vegas, Nevada and Rosie Lewis of Memphis, Tennessee. Three children; Pastor Darrell Thomas Sr., (Adrian), Africa Dasheke, and Marlo Thomas. Two stepchildren; Pastor Larry Thomas, (Delene), and Tina. Eleven children, and one great grand -daughter. One dear niece, Sharon Jones, one great niece, Destiny Jones, and a Special Friend, (Queen Reese).

He also leaves to mourn a host of uncles, aunts, nieces and nephews.



Order of Service

Processional.....	Clergy and Family
Prayer.....	Pulpit
Scripture:	
Old Testament.....	Psalm 23
New Testament.....	1 Corinthian 15:51-58
Poem.....	Destiny Jones
Expressions.....	(Two Minutes).....Family and Friends
Words of Expressions.....	Elder Larry Thomas
"Tribute" From Bobby to the Family	
Words of Expressions.....	Elder David Hudson
Acknowledgments and Obituary.....	Evangelist Denise Cunningham
Selection Tribute.....	By Family
Words of Expressions.....	Elder Leon Jackson
"Special Medley".....	Sharon Dean Leggroat
Eulogy.....	Mathew Goins
A Parting View.....	Funeral Director



Remembering Daddy

Hey Daddy, I know you're sitting up in Heaven singing and rejoicing. But I want you to know that I Love you and that you will be missed "So Much".

I have a lot of memories when I was a kid, I remember you buying me my first bike and then teaching me to ride.

I remember how you taught me to drive a car, sitting on your lap driving the car. (smile)

I remember how you visited my Uncle Nash and BB. I remember when you visited Uncle Charles and Aunt Shirley, how you would always request for me to sing for you when I was a young boy.

I have so many fond memories,
I am overwhelmed at the mere thought of you
meeting and sharing precious
times with your grandchildren,
Dad that meant the world to me.

Love you, Darrell



Dear Papa

I Love you and you meant a lot to me. Your Granddaughter, (Saniyah) and granddaughter in law, (Sara') loved you as well. I will always remember the last words you said to me, "I Love you very much." I often found myself Thinking and Dreaming about you, and about the words you shared with me that will remain a part of my life forever, I am the third generation, "Wow" after yourself, my father, 'Darrell Sr.), and myself, Darrell Jr. What a Legacy. Some tall shoes to fill, but I am up to the challenge.

Yours in Christ, Darrell Thomas Jr. aka "Drummer

Boy".

To my Papa

I Love you and I Thank God for you and the time I had with you. You will always be in my heart, I miss you already, I will never forget your favorite song, "I give myself away", I know you are in a better place, shouting and praising God. When we all get to Heaven we will sure have Big Fun PaPa.

Love, Your Singer Darea'

To: My Papa

When I first saw you I thought WoW, he is my Daddy's Twinn!!!! I always think about you every Day. You will always have your own spot in my Heart. Every time I saw you, I would always have this Big Huge Smile on my face and that matched yours. (Big and Huge). I won't ever forget those times we shared and your little nicknames for me, i.e. "Baby Girl". Papa bobby I know you are having a great time with God.



From Baby Girl, Darjavun Thomas

To my Grandpa,

whom I Love with all my heart, I Thank God for the time he allowed us to have and cherish together. I am grateful for the memories he allowed us to share.

I can remember the last phone call we had a few weeks back you were telling me how to pronounce your doctors name and laughing at me because I couldn't pronounce it. I will never forget the first day we met and I thought to myself Wow he looks just like my dad, and I see where I get my nose. Now I'm sitting here still at a loss for words and hurt but I know you have went home to see our Savior, and waiting patiently for the rest of us. Miss and I Love you so very much, words really cannot explain, rest in Paradise Papa. You will remain in my heart forever

Love your Pretty Girl, Darnisha Thomas.

Words of Comfort from Brother Bobby Lewis

**To My Dearest Sister, Granny, (Annie Stringer) I Love you.
I'm sorry I didn't get to tell you I only came to visit for a short
while.**

**I stopped by to see my son, my grandchildren, my nieces, and
nephews.**

**Don't' be angry at me somewhere down the line you will
understand month
by month as little things happen you will understand.
I Love you with all my heart.**

**Pray & God will help you.
I will go now the sun is going down and I am ready to surrender to
my Heavenly Father in the name of Jesus Amen.**

**Submitted by Aunt Annie Stringer,
From my Baby Brother Bobby Lewis**



Pallbearers

Active Pallbearers

Elder David Hudson Octavion Brown
Jerrell Thompson Elder Leon Jackson
Elder Larry Thomas Minister Anthony Byrd

Honorary Pallbearers

Darrell Thomas Jr. Fred Jones Clearance Stringer

Acknowledgments

The Family of Bobby Lewis wish to acknowledge with gratitude and sincere appreciation all the comforting expressions extended by many. Your messages of sympathy and all acts of kindness are appreciated.

Repast and Fellowship



5824 Oakey Blvd
Las Vegas, Nevada 89146

Arrangements Entrusted To
Valley Funeral Home
3919 Raymert
Las Vegas, Nevada



EXHIBIT 106

EXHIBIT 106

Nevada Department of Health & Human Services

Division of Child & Family Services



CU:

ADA Amer

- HOME
- ABOUT US
- PROGRAMS
- POLICIES
- TIPS & RESOURCES
- FORMS
- MEETINGS
- CONTACT

Programs

CALIENTE YOUTH CENTER (CYC)

Child Welfare Services

Children's Mental Health

Juvenile Justice System

Quality Improvement

Caliente Youth Center

Caliente Forms

Caliente FAQs

Caliente Support
Services

Caliente Program
Information

Caliente Education

Caliente MentalHealth

Caliente Notifications

Caliente AGENCY AND
COMMUNITY
PARTNERS

Caliente Parent Corner

Juvenile Detention
Facility Standards (pdf)

Nevada Youth Training

A Message from the Superintendent

Please click on this link: [A Message from the Superintendent](#)

PROGRAM INFORMATION

The Caliente Youth Center (CYC), established in 1962, is a staff-secure facility located in Caliente, Nevada. The facility includes seven separate housing units for youth committed to the state for correctional care; five units for males and two for females. CYC has the capacity to serve up to 140 youth ages 12 to 18. For over 50 years, the Caliente Youth Center has assisted in helping Nevada's at risk youth change their course. CYC's mission is to promote positive value change to the youth served through a balanced, team-centered and strength-based approach.

In an effort to help improve the future of at risk youth, CYC utilizes *Forward Thinking*, a cognitive behavioral program model. The program utilizes evidence-based strategies and interactive journaling to changes in their thoughts, feelings and behaviors. Youth participate in individual group discussions; improving communication skills and learning to work as a team on the topics of "What Got Me Here, Responsible Behavior, Individual Character Feelings, Relationships and Communication, Family, Victim Awareness, Substance Abuse Reentry Planning."

Nestled up against the mountains, CYC provides a unique atmosphere for correctional care. In addition to the seven separate housing units, there is an administration building, kitchen and laundry, maintenance, an accredited high school, a gymnasium, baseball/softball diamond, and a workout room for aerobic, weightlifting, and stretching.

Review the tabs to learn more about what CYC offers to Nevada's youth transitioning out of correctional care.

- Lin
- Info
- Edu
- Mer
- Noti
- Sup
- Age
- Part
- Forr
- Frec

Center

Summit View Youth
Center

Programs Office

Contact JJS

Youth-Parole-Bureau

Youth Parole Bureau
Programs

Youth Parole Bureau
Resources For Families

Youth Parole Bureau
Data

Youth Parole Bureau
Interstate Compact on
Juveniles

Youth Parole Bureau
Contacts

[Systems Advocate](#)

[Information Management
Services \(IMS\)](#)



CALIENTE YOUTH CENTER



HOME

[State of Nevada](#)
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EXHIBIT 107

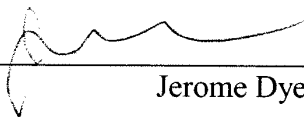
EXHIBIT 107

**DECLARATION
OF
JEROME DYER**

I, JEROME DYER, under penalty of perjury, declare the following to be true and correct.

1. In July, 1996, I was hired as an investigator for the Office of the Special Public Defender in Las Vegas, Nevada. I was the first investigator hired for the office, which had only recently opened. Peter LaPorta was the attorney in charge of the office.
2. Peter LaPorta was the only attorney in the office with any significant experience. In my opinion, the other attorneys in our office had much less experience—some no experience—they were often left to figure things out on their own. Although the attorneys were energetic and enthusiastic, they were new when it came to trying a criminal case, conducting an investigation, and working with expert witnesses. LaPorta provided no direction—no assistance. I wondered how such inexperienced attorneys could be responsible for defending someone who faced the death penalty.
3. I have no independent recollection of the Patrick McKenna case. Based on the dates on the reports I have been shown, I think at the time of Patrick McKenna trial, I was the only investigator at the Special Public Defender. Indeed, this may have been my first case. The McKenna case was also the first time I ever worked as an investigator for a defense attorney. Prior to my position in LaPorta's office, I was a field agent for the Federal Bureau of Investigation.
4. I recently met Tena Francis who is an investigator employed by the Law Offices of the Federal Public Defender in Nevada. Ms. Francis showed me copies of documents which were generated by my office regarding Mr. McKenna's case. The date on Nancy Lemcke's investigation request was dated shortly after I was hired.
5. It has been a long time and I cannot recall any facts about Mr. McKenna's case. Based on the documents Ms. Francis showed me, any direction I received for the investigation of the case came from Nancy Lemcke. Because I was new to defense work, I did not know exactly what was expected of me, but I did what the attorneys requested.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that this Declaration is signed on July 1st, 2011.



Jerome Dyer

EXHIBIT 108

EXHIBIT 108

INVESTIGATION OF NAVADA YOUTH TRAINING CENTER

The Honorable Kenny Guinn
Governor of Nevada
Capitol Building
Carson City, NV 89701

Re: Findings of Investigation of Nevada Youth Training Center, Elko, Nevada
Dear Governor Guinn:

On December 6, 2001, we notified you, pursuant to the Civil Rights of Institutionalized Persons Act ("CRIPA"), 42 U.S.C. § 1997, and the pattern or practice provision of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, that we were investigating conditions of confinement at Nevada Youth Training Center ("NYTC"), a facility located in Elko, Nevada, operated by the Department of Human Resources for juvenile males who have been adjudicated delinquent. During February 11-13, 2002, we and our expert consultants toured NYTC. At an exit interview conducted on the last day of our visit, we verbally conveyed our preliminary findings to counsel and senior Department of Human Resources and facility officials. Consistent with the requirements of CRIPA, we are now writing to apprise you of our findings.

As a threshold matter, we wish to acknowledge, and express our appreciation for, the extensive cooperation and assistance provided to us by the NYTC staff, the leadership of the Department of Human Resources and the office of the Attorney General. We hope to continue to work with the State of Nevada and the administration of NYTC in the same cooperative manner in addressing the problems that we found. Further, we note that, though certain conditions at NYTC require immediate attention, the facility possesses many positive attributes.

I. BACKGROUND

We conducted our investigation by reviewing numerous facility records; interviewing current and former NYTC staff, including supervisory personnel, mid-level managers and line staff; interviewing NYTC youths residing in each of the facility's living units; observing and speaking informally with staff and youths; and touring the facility's buildings and grounds.

At the time of our visit, NYTC's population was approximately 160 male youths, between the ages of 13 and 18. Most of the youths during our visit were 15 to 18 years old. The majority of them came from the Reno and Las Vegas areas and were committed to NYTC for seven to twelve months because of property offenses, drug charges, and failures in residential placements.

The facility operates seven living units. Each of the three larger units can house approximately 30 youths. The remaining four can accommodate approximately 20 youths. The living units are overseen by approximately 11 head staff and 40 supervisory staff. The facility also has 5 counselors and a vacant position for a psychologist.

NYTC has many positive elements. It is configured as a residential boarding school, with no perimeter fences. It has a fully accredited academic and vocational educational program. It maintains an active interscholastic athletic program. Its behavior point system appears to function reasonably well. Its fire fighting program offers an unusual, positively affirming experience for its youth participants. Finally, many of its staff appear to be motivated by the youths' welfare, and its newly installed administration has voiced a commitment toward implementing a quality program. However, certain conditions at NYTC are not consistent with constitutional standards.

As a general matter, the State must provide confined, adjudicated juveniles with reasonably safe conditions of confinement. See *Youngberg v. Romeo*, 457 U.S. 307, 315-16, 24 (1982) (recognizing that a person with mental retardation in state custody has rights under the Fourteenth Amendment, including the right to reasonable safety); *Bell v. Wolfish*, 441 U.S. 520, 535-36 & n.16 (1979) (applying the Fourteenth Amendment standard to adult pre-trial detainees); *Gary H. v. Hegstrom*, 831 F.2d 1430, 1432 (9th Cir. 1987) (applying Fourteenth Amendment standard to facility for adjudicated juveniles). It must also provide a means of grievance that reasonably does not expose juveniles to risk of retribution. *Bradley v. Hall*, 64 F.3d 1276 (9th Cir. 1995). The State must provide minimum procedural safeguards before placing juveniles in disciplinary confinement. *Milonas v. Williams*, 691 F.2d 931, at 941-942 & n.4 (10th Cir. 1982). It must also not censor mail based on criticisms of the juvenile institution. *Id.* at 940-941. Finally, it must provide juveniles with adequate mental health care. *Youngberg*, 457 U.S. at 315. The conditions that do not meet constitutional standards, and the minimum remedial steps that we believe need to be undertaken in response, are detailed below.

II. FINDINGS

Our findings address the following areas: (1) excessive force; (2) an inadequate grievance system; (3) lack of procedural due process in the imposition of seclusion and time out; (4) improper screening of mail for statements critical of the facility; (5) inadequate mental health care and safety; and (6) unsafe transportation of youths.

A. Excessive Force Is Prevalent at NYTC

In operating NYTC, the State is constitutionally required to "take reasonable measures to guarantee the safety of inmates." *Farmer v. Brennan*, 511 U.S. 825, 832 (1994) (internal quotation marks and citations omitted). A corollary obligation is to refrain from use of excessive force against prisoners. *Id.* These obligations extend to juveniles in detention. See *H.C. v. Jarrard*, 786 F.2d 1080, 1089 (11th Cir. 1986) (juvenile's rights violated when juvenile detention facility superintendent slammed juvenile against wall and metal cot for laughing and protesting imposition of isolation on another detainee); *Milonas v. Williams*, 691 F.2d 931, 942 (10th Cir. 1982) (prohibiting physical force for any purpose other than to restrain juvenile who is physically violent and immediately dangerous to himself or others or physically resisting institutional rules); *Nelson v. Heyne*, 355 F. Supp. 451, 454 (N.D. Ind. 1972) (beating juveniles with boards violated juveniles' constitutional rights), *aff'd*, 491 F.2d 352 (7th Cir. 1974).

Most of the youths, and a number of current and former staff, whom our consultants interviewed credibly recounted instances in which they had seen staff use excessive force against youths. These instances included punching youths in the chest, kicking their legs, grabbing shirts and shoving youths against lockers and walls, "dipping" or throwing youths to the floor, slapping youths in the face, smashing youths' heads in doors, and pulling youths from their beds to the floor. Staff and youths further indicated that, typically, the triggers for the use of force were youths disobeying or failing to follow directions, rather than youths posing an immediate threat of harm to themselves or others.

Similarly, most of the youths, and a number of current and former staff, whom our consultants interviewed reported that youths frequently were subjected to verbal abuse, in which their race, family, physical appearance and stature, intelligence, or perceived sexual orientation were aggressively attacked. It was evident that some staff used verbal abuse to provoke youths into physical confrontations to provide a pretext for the use of force.

In conducting record reviews, our consultants found numerous memoranda, incident reports, abuse reports, written reprimands and other documentation of incidents where: (1) use of force was treated as "horse play" or otherwise trivialized when the described circumstances suggested more serious physical contact occurred, without significant repercussions to the involved staff; and (2) the same staff person was identified in multiple incidents, without significant interventions. In this regard, it does not appear that the facility's reporting system includes the possible relationship between verbal abuse and use of force.

The frequency with which particular instances were corroborated by more than one person, and with which particular staff and/or abusive practices were independently identified by record review, youths and staff, lead us to conclude that there is a pattern or practice of use of excessive force at NYTC.

These problems were especially prevalent at the Reception and Classification ("R&C") Unit, in which all new youths are "oriented," although they were by no means isolated to that living unit. Almost every one of the youths we interviewed in that living unit related instances of physical or verbal abuse that occurred there. Further, the unit is extremely regimented -- youth spend extended periods in silence and in their rooms, and their exposure to meaningful educational programming is inadequate. Youths in R&C are often threatened, especially around food issues. For relatively minor infractions they are placed in "time out," and forced to sit upright on their bed frame for extended periods of time. A number of youths and a long-term staff member indicated that, as of the time of our visit, staff regularly threaten to force feed R&C youths who do not take a portion of everything offered in the foodline and then eat it all. In effect, the R&C Unit is a place where newly arrived youths at NYTC are taught that, notwithstanding its written policies, the facility will subject them to excessive force, verbal abuse and intimidation as means to control them.

Our consultants' interviews and record reviews identified several factors contributing to the excessive force at NYTC. First, certain staff persons in management positions were frequently identified as regularly using excessive force against youths. Despite their reputations, these persons have received insignificant, if any, sanctions regarding their use of excessive force. In fact, some of them were promoted to management positions after NYTC had determined that they had used inappropriate force on youths. In the same vein, a number of current and former staff related to us their perception that NYTC's administration had tolerated this conduct, at least when engaged in by certain staff members.

Record reviews confirmed this perception. In the facility's documentation, staff's use of force is often described as "horseplay" or otherwise minimized. A November 20, 2001 memorandum is typical; it detailed an investigation of an incident in which a youth received a one-inch laceration at the back of the head as a result of a physical altercation with a staff member, and stated, "... [the youth] initiated the altercation by making fun of [the staff's] sweater . . . [T]he staff grabbed [the youth] and wrestled him to the ground" It then recounted that the staff was "told that he could expect a memo (oral warning) on Horseplay."

A July 20, 2000 written reprimand of R.B. recounted that:

As a result of [a youth's] slow response to your instructions, you kicked his posterior with your foot to get his attention. It was determined that the ward was not injured and that you just meant to get his attention, however, kicking a ward for any reason, playing

or to get a point across is unacceptable.

The youth was not out of control, nor did he pose a risk of danger to anyone. He was subjected to use of force "to get his attention." Yet, the facility described the incident in the context of playful activity and limited R.B.'s sanction to a written reprimand. It was quickly apparent during our interviews of youths and staff that R.B. was widely known to use excessive force. Nevertheless, he continued to supervise youths until shortly after our tour, following which he reportedly was dismissed.

Second, NYTC's staffing patterns often leave only one staff person responsible for 20 to 28 youths. This staffing pattern exposes staff to group control issues that undoubtedly contribute to a perception among many staff members that even minor infractions must be met swiftly with physical intimidation to maintain control.

Third, the facility's behavior management/crisis intervention training for staff is provided once annually: Newly hired staff can supervise youths for up to a year before receiving it. Even then, there is some doubt whether all staff supervising youths receive it. Further, the non-violent intervention techniques that are taught require two or more staff to implement. Because staff often are providing single coverage when supervising youths, many staff regard these techniques as useless. In fact, in our record review, we could not find a single reference indicating that these techniques had been implemented at NYTC.

Fourth, quality assurance and documentation practices at NYTC are weak. Frequently, incident reports and other NYTC documentation fail to justify why staff used force and why other non-physical interventions were not implemented. The documentation is mainly silent about the nature and amount of force used in any given incident. Further, we saw no evidence indicating that the facility can track or systemically analyze critical incidents, including factors such as time, place, nature of force, involved persons, and antecedent events.

Fifth, the abuse investigation process at NYTC is often ineffective, which, in addition to the more immediate problems associated with responding properly to a particular incident, reinforces the perception among staff that excessive force against youths is tolerated. Currently, when a formal abuse investigation, which is conducted by state officials and local law enforcement, is initiated, the facility typically does not take responsive action until that investigation is completed. However, these formal investigations often are conducted weeks or months after the alleged incident, by which time visible evidence of injury, if any, is lost. Under such circumstances, the facility should at least take steps to ensure that relevant evidence is preserved and that youths are adequately protected from harm. Further, the facility's investigations are often conducted by staff who directly supervise the people whom they are investigating. Finally, as noted above, NYTC most often employs mild sanctions, such as "letters of instruction" or "guidance," in response to instances in which it found excessive force was used.

B. NYTC's Grievance System Is Ineffective and Fails to Protect Youth from Harm

Just as prisoners and juvenile detainees have a constitutional right of access to the courts, they have a right to a grievance system that does not carry risk of punishment as a price for using it. See *Bradley v. Hall*, 64 F.3d 1276 (9th Cir. 1995); see also *Bounds v. Smith*, 430 U.S. 817, 822 n.17 ("Our main concern here is protecting the ability of an inmate to prepare a petition or complaint.") (internal quotation marks and citations omitted). For the entire calendar year 2001, only five youth grievances were filed. Youths do not use the facility's grievance system because they do not trust it. Many youths told us that they did not believe that the facility would seriously investigate their grievances, and some related that some staff had threatened to retaliate against those who grieved. When we asked a youth whether he felt safe at NYTC, he described his fearful reaction to witnessing a staff member striking another youth. Although this incident, which other youths witnessed, frightened him enough to relay fears for his safety in a letter to his father, the youth did not report it to anyone at the facility. Significantly, NYTC's administration reportedly began investigating this incident after the father brought it to the superintendent's attention, not in response to a grievance.

C. NYTC's Seclusion and Disciplinary Confinement Practices Lack Adequate Due Process

Juveniles should not be involuntarily secluded for periods longer than necessary to regain control of themselves and to eliminate significant risks to the safety of the juvenile, other persons and the security of the institution.

Courts have held that, in the case of juvenile correctional and detention facilities, use of isolation triggers the due process protections of the Fourteenth Amendment. In *Milonas*, the Tenth Circuit affirmed a permanent injunction barring a facility from ever placing juveniles in isolation rooms. 691 F.2d at 941-42 & n.4. The Ninth Circuit has held that, in juvenile facilities, due process hearings are warranted before inmates are placed in disciplinary confinement for extended periods of time. See *Gary H.*, 831 F.2d at 1432-33 (9th Cir. 1987) (due process hearing prior to confinement in excess of 24 hours constitutionally warranted). Further, juvenile facilities must also abide by whatever state-created process pertains to liberty restrictions involving significant hardship.

The NYTC Policy Manual (9-3 and 9-4) indicates that Seclusion, or "Time Out" (isolation in a small, locked room, interrupted only by latrine breaks) can be used to protect youths from harming themselves or others, to prevent escapes, and to prevent program disruption. Youths involved in fighting may be placed in time out for up to an hour, with extensions of time made based upon a written justification. Policy 9-3. Youths in time out are to receive psychological, medical and educational services, and large muscle activity. Policy 9-4. Procedurally, such time out intervention must be reviewed after 60 minutes by the Superintendent or his designee and can

be extended for up to 24 hours. Id. Thereafter, "due process protections," including an evidentiary hearing, are required for further extensions of time. Id. Time out is not to be used as a punishment. Id.

NYTC's actual practice does not comport with its procedure. For instance, according to NYTC's "time out" log, on February 10, 2002, two youths were placed in "time out" for 7.75 hours, for "gang related" activities. There was no indication that their condition was reviewed by a staff person after 60 minutes, that a written recommendation was made to exceed 60 minutes, or that they were kept in time out to establish calm or safety. The time out log further indicates that, also on February 10, a youth remained in time out for 13 hours as a consequence of fighting, again without substantiating the need for this extension. Youths are sometimes isolated in excess of 24 hours without a due process hearing. The log contains a January 9, 2002 entry, for example, indicating that a youth was placed in time out for 32 hours for fighting, without any evidence that a due process hearing was provided.

Our interviews of youths and review of records makes clear that "time out" is an almost automatic response to fighting and that its duration often runs well beyond the time that individual behavior control has been reestablished. That is, it appears that "time out" is used in contravention of NYTC procedures as a form of summary punishment. At a minimum, NYTC must comply with its own procedures regarding the imposition of "time out" and disciplinary confinement. Cf. *Bass v. Perrin*, 170 F.3d 1312, 1318 (11th Cir. 1999) (even adult prisoners enjoy state-created liberty interest when prison deprives them of yard time, in contravention of its procedures, after placing them in segregation).

D. NYTC's Practice and Policy Regarding Screening of Outgoing Mail is Unconstitutional

NYTC's Policy (15-4) identifies as "unacceptable" mail relating "[s]ituations or incidents that could or would bring discredit to the Institution or staff." In many, if not all, living units, staff routinely read youth's outgoing mail. Prohibiting mail because it is critical of an institution and routinely subjecting outgoing mail to screening has been held to be unconstitutional. *Milonas*, 691 F.2d 931, 940-941 (10th Cir. 1982) (affirming order permanently enjoining, as violative of the 1st and 14th Amendments, policy and practice of a Utah school for youths monitoring and censoring outgoing mail that was critical of the institution.)

E. Inadequate Mental Health Care and Safety

NYTC is not providing adequate mental health care and safety for its youths. Youths receiving psychotropic medications at the time they are admitted to the facility are not systemically screened and evaluated before a professional determination is made whether to discontinue such medications; psychotropic medications are automatically and permanently discontinued at the youths' arrival, without the provision of alternative psychiatric supports.

Also, the single rooms in the infirmary area contain suicide risks (e.g., grated windows, metal door arms) that should be eliminated. In the same regard, toxic cleaning materials are sometimes stored in unlocked containers in some of the cottages. Such materials should be secured.

F. Unsafe Transportation of Youths

The facility typically handcuffs youths together during transport to and from the airport. This is an unsafe practice that substantially departs from professional standards and places youths at risk of harm.

III. MINIMUM REMEDIAL MEASURES

To remedy the deficiencies discussed above and to protect the constitutional rights of juveniles at NYTC, Nevada promptly should implement the minimum remedial measures set forth below.

A. Excessive Force

NYTC must take reasonable measures to guarantee the safety of the youth in its custody and to protect them from harm from the use of excessive force. In particular, the facility should:

1. Limit the use of force to situations in which youths pose a risk of harm to themselves or others.
2. Ensure that, regardless of position or seniority, all staff are held accountable, through meaningful disciplinary action, for the use of excessive force and verbal abuse used to provoke youths into confrontations.
3. Maintain staff ratios that will permit staff to supervise, and maintain control of, youths without resort to excessive use of force.
4. Ensure that all instances of use of force are immediately, thoroughly, and reliably documented and investigated.
5. Ensure that quality assurance mechanisms are in place that adequately monitor and analyze incidents where force is used, identify corrective action, as appropriate, and ensure that such action is successfully undertaken.
6. Ensure that all allegations of abuse are investigated in a timely and thorough manner.

7. Provide appropriate behavior management/crisis intervention training to staff before staff may work in direct contact with youths.

B. Grievances

NYTC must provide youth with an effective, reliable process to raise grievances, without exposing them to retribution from staff. In particular, the facility should:

1. Ensure that grievances are examined by persons other than the staff, and the direct and indirect supervisors of those staff, who supervise the youth making the grievance.
2. Ensure that youths making a grievance are informed of the results of the grievance process.

C. Seclusion and Disciplinary Confinement

NYTC must not place youths in seclusion in contravention of its own policies. In particular, the facility should:

1. Ensure that youths do not remain in time out after they no longer pose a significant risk of danger to themselves, others or the security of the institution.
2. Ensure that, before youths are placed in confinement in excess of 24 hours, they are afforded adequate due process protections, including an evidentiary hearing.

D. Screening And Censoring Outgoing Mail

NYTC staff must not censor youths' outgoing mail for material critical of the institution.

E. Mental Health Care and Safety

1. The decision to discontinue a youth's psychotropic medications should be made based on a professional assessment of the youth, not on a blanket prohibition of such medications.
2. Suicide risk hazards, such as grated windows and door arms, in single rooms near the infirmary should be eliminated, and toxic cleaning chemicals in the living units should be safeguarded properly.

F. Transportation of Youths

Youths should not be handcuffed together when being transported to or from the airport.

The collaborative approach that the parties have taken thus far has been productive. We hope to be able to continue working with the State in an amicable and cooperative fashion to resolve our outstanding concerns regarding NYTC.

We will forward our expert consultants' reports under separate cover. Although their reports are their work - and do not necessarily represent the official conclusions of the Department of Justice - their observations, analyses, and recommendations provide further elaboration of the relevant concerns, and offer practical assistance in addressing them. We hope that you will give this information careful consideration and that it will assist in facilitating a dialogue swiftly addressing areas requiring attention.

In the unexpected event that the parties are unable to reach a resolution regarding our concerns, we are obligated to advise you that the Attorney General may initiate a lawsuit pursuant to CRIPA, to correct deficiencies or to otherwise protect the rights of NYTC residents, 49 days after the receipt of this letter. 42 U.S.C. 1997b (a)(1). Accordingly, we will soon contact State officials to discuss in more detail the measures that the State must take to address the deficiencies identified herein.

Sincerely,

/s/ Ralph F. Boyd, Jr.

Ralph F. Boyd, Jr.
Assistant Attorney General

cc: The Honorable Frankie Sue Del Papa
Attorney General
State of Nevada

Michael J. Willden
Director
Nevada Department of Human Resources

7/12/2017

Investigation Of Nevada Youth Training Center | CRT | Department of Justice

Dale E. Warmuth
Superintendent
Nevada Youth Training Center

Daniel G. Bogden, Esq.
United States Attorney

>

Updated August 6, 2015

EXHIBIT 109

EXHIBIT 109



AA4813

EXHIBIT 110

EXHIBIT 110



EXHIBIT 111

EXHIBIT 111



AA4817

EXHIBIT 112

EXHIBIT 112



MThomas TSF04293

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EXHIBIT 113

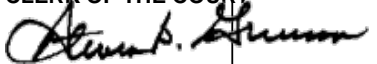
EXHIBIT 113



MThomas TSF04292

TSF04292

AA4821



EXHS

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(702) 388-6577

(702) 388-5819 (Fax)

Attorneys for Petitioner

DISTRICT COURT

CLARK COUNTY, NEVADA

* * * * *

MARLO THOMAS,

Petitioner,

v.

TIMOTHY FILSON, Warden, and ADAM
PAUL LAXALT, Attorney General of the
State of Nevada,

Respondents.

Case No. 96C136862-1

Dept No. XXIII

**EXHIBITS IN SUPPORT OF
PETITION FOR WRIT OF HABEAS
CORPUS P**

(EXHIBITS 114-133)

(Death Penalty Habeas Corpus Case)

114. Matthew G. Young Criminal File

- 1 115. Sentencing Agreement, State v. Evans, District Court, Clark County, Nevada
2 Case No. C116071 (February 4, 2004)
- 3 116. Photograph of Georgia Thomas
- 4 117. Photograph of TJ Thomas
- 5 118. Photograph of Darrell Thomas
- 6 119. The Greater Philadelphia Church of God in Christ, Annual Report, Darrell
7 Thomas, Domestic Non-Profit Corporation, File No. E0389782012-8 (July 24,
8 2012)
- 9 120. Special Verdict, State v. Ducksworth, Jr., District Court, Clark County,
10 Nevada Case No. C108501 (October 28, 1993)
- 11 121. Correspondence from David Schieck to Daniel Albregts with Mitigating
12 Factors Preliminary Checklist (June 2, 2005)
- 13 122. Getting it Right: Life History Investigations as the Foundation for a Reliable
14 Mental Health Assessment, authored by Richard G. Dudley, Jr., Pamela
15 Blume Leonard (June 15, 2008)
- 16 123. Criminal Complaint, State v. Thomas, Justice Court, Las Vegas Township,
17 Clark County, Nevada Case No. 96F07190A-B (April 22, 1996)
- 18 124. Appearances-Hearing, State v. Thomas, Justice Court, Las Vegas Township,
19 Clark County, Nevada Case No. 96F07190A
- 20 125. Reporter's Transcript of Preliminary Hearing, State v. Thomas, Justice
21 Court, Las Vegas Township, Clark County, Nevada Case No. 96F07190A
(June 27, 1996)
- 22 126. Information, State v. Thomas, District Court, Clark County, Nevada Case No.
23 C136862 (July 2, 1996)
127. Notice of Intent to Seek Death Penalty, State v. Thomas, District Court,
Clark County, Nevada Case No. C136862 (July 3, 1996)
128. Reporter's Transcript of Proceedings, State v. Thomas, District Court, Clark
County, Nevada Case No. C136862 (July 10, 1996)
129. Jury Trial-Day 1, Volume I, State v. Thomas, District Court, Clark County,
Nevada Case No. C136862 (June 16, 1997)

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- 130. Jury Trial-Day 1, Volume II, State v. Thomas, District Court, Clark County, Nevada Case No. C136862 (June 16, 1997)
- 131. Jury Trial-Day 3, Volume IV, State v. Thomas, District Court, Clark County, Nevada Case No. C136862 (June 18, 1997)
- 132. Jury Trial-Penalty Phase Day 1, State v. Thomas, District Court, Clark County, Nevada Case No. C136862 (June 23, 1997)
- 133. Jury Trial-Penalty Phase Day 2, State v. Thomas, District Court, Clark County, Nevada Case No. C136862 (June 25, 1997)

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CERTIFICATE OF SERVICE

In accordance with EDCR 7.26(a)(4) and 7.26(b)(5), the undersigned hereby certifies that on October 20, 2017, a true and accurate copy of the foregoing EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS was filed electronically with the Eighth Judicial District Court and served by Odyssey EFileNV, addressed as follows:

Steven S. Owens
Chief Deputy District Attorney
motions@clarkcountynv.gov
Eileen.davis@clarkcountynv.gov

In accordance with EDCR 7.26(a)(1), the undersigned hereby certifies that on this October 20, 2017, a true and correct copy of the foregoing EXHIBITS IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS PURSUANT was served by United States Mail/UPS, postage prepaid, and addressed as follows:

Jeffrey M. Conner
Assistant Solicitor General
Office of the Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89015-4717

Timothy Filson, Warden
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301

/s/ Jeremy Kip
An Employee of the
Federal Public Defender,
District Of Nevada

EXHIBIT 114

EXHIBIT 114

FILED

Clark County Justice Court

NORTH LAS VEGAS TOWNSHIP
CLERK

STATE OF NEVADA,

Plaintiff,

—VS—

Young, Matthew Gordon

Defendant.

CERTIFICATION

District Court Case No. C133315

Justice Court Case No. 95FN1049X

I hereby certify the foregoing to be a full, true and correct copy of the proceedings as the same appear in the above case.

WITNESS my hand this date: 1-16-96

[Signature]
JUSTICE OF THE PEACE, North Las Vegas Township

Clark County Justice Court

NORTH LAS VEGAS TOWNSHIP

CASE NO. 1049-95FN

STATE -vs- YOUNG, MATTHEW GORDON

CHARGE statutory sexual seduction (PC 261.5) (3 cts)
sexual assault

RAIL 10-26-95 O/R

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

1-16-96
S.J. Dahl, JP
J. Lukens, DA
Clk, VW
W. Hans, CR
D. Mitchell, esq

THIS IS THE TIME SET FOR PRELIMINARY HEARING
Defendant PRESENT "on O/R", Intensive Supervision
Deft has made all required check ins w/Intake Services
Defense MOTION to exclude witnesses...GRANTED
Motion by DA to close Courtroom...granted.
STATE WITNESSES: Alisha Morgan, Sylvia Robinson,
Traci Carlin STATE RESTS

Defendant waives right to testify/call witnesses.
Motion by defense to dismiss...denied.

THEREUPON the Court ORDERED Defendant bound over
& held to answer to said charge in the Eighth
Judicial District Court

Motion by Mr Lukens to revoke O/R & set standard
bail....obj Defense. Deft placed on House Arrest
may go to work, Court appearances & pick up children
from childcare. Deft is to NOT associate w/any

girls under the age of 18.
Deft ORDERED to report to House Arrest by 1-17-96

Intake Services/Intensive Supervision not., Sharon
CCDC House Arrest not., Marte

2-6-96/9am
D.C. XIII

DEFENSE RESTS

JCN-1
Rev. 10/88

MINUTES — CRIMINAL

CASE NO. 1049-95FN (2)

AA4828

Clark County Justice Court

NORTH LAS VEGAS TOWNSHIP

1049-95FN

CASE NO. _____

STATE -vs- Young, Matthew Gordon

CHARGE statutory sexual seduction (2~~cts~~) (3 cts)
sexual assault

BAIL _____

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

10-4-95 Oct. 5, 1995 S.J.Dahl, JP C.Hendricks, DA VW, Clk. W.Hans, CR	COMPLAINT SWORN TO & FILED DEFT. NOT PRESENT....ACTIVATE WARRANT/\$10,000 (5000 ea ct	
October 26, 1995 S. Dahl, JP B. Berrett, DA W. Hans, CR CLERK, RD D. Mitchell, Esq.	Defendant PRESENT in Court INITIAL ARRAIGNMENT Complaint presented, advised, waives (defendant booked on W/A and O/R's by Judge Gates) Amended criminal complaint filed P/Hearing set Defendant released on O/R with I/Sup and no contact with victim and stay away from Cheyenne High School OR shall continue	12-4-95 10am PH
11-17-95 November 20, 1995 S. Dahl, JP C. Siegel, DA W. Hans, CR CLERK, RD	NOTICE TO PLACE ON CALENDAR for filing second amended complaint Defendant NOT PRESENT IN Court "on O/R" Attorney D. Mitchell out of town this week P/H STANDS PASSED for deft. to also be present OR shall continue (Mitchell not)	11-20-95 9am 11-27-95 9am
November 27, 1995 S. Dahl, JP J. Miller, DA W. Hans, CR CLERK, RD D. Mitchell	Defendant PRESENT IN Court "on OR" DA gives deft. copy of complaint (amended) P/H set for 12-4-95 10am is VACATED..Defense Motion to reset PH..Granted OR shall continue (I/S Sharon/not)	1-16-96 10am PH

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JUSTICE COURT, NORTH LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MATTHEW GORDAN YOUNG, #0850210

Defendant.

CASE NO. 95FN1049X

CRIMINAL COMPLAINT

The Defendant above named has committed the crime of STATUTORY SEXUAL SEDUCTION (Felony - NRS 200.364, 200.368), in the manner following, to-wit: That the said Defendant, on or during March, 1995, at and within the County of Clark, State of Nevada,

COUNT I

did then and there wilfully, unlawfully, and feloniously subject ALISHA MORGAN, a female person under the age of 16 years, to sexual penetration, to-wit: sexual intercourse, by inserting his penis into the vagina of said ALISHA MORGAN, the defendant being 21 years of age, or older, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said defendant, or said child.

COUNT II

did then and there wilfully, unlawfully, and feloniously subject ALISHA MORGAN, a female person under the age of 16 years, to sexual penetration, to-wit: cunnilingus, by inserting his tongue into the vagina of said ALISHA MORGAN, the defendant being 21 years of age, or older, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said defendant, or said child.

1 All of which is contrary to the form, force and effect of
2 Statutes in such cases made and provided and against the peace and
3 dignity of the State of Nevada. Said Complainant makes this
4 declaration subject to the penalty of perjury.

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26 95FN1049X/jgw
27 CCSDPD DR#95-3200
28 SSS - F
TK 7

1 JUSTICE COURT, LAS VEGAS TOWNSHIP

2 CLARK COUNTY, NEVADA

3 THE STATE OF NEVADA,

4 Plaintiff, *zw*

CASE NO. 95FN1049X

5 -vs-

6 MATTHEW GORDAN YOUNG
#0850210

7
8 Defendant.

AMENDED
CRIMINAL COMPLAINT

9
10 The Defendant above named has committed the crime of STATUTORY
11 SEXUAL SEDUCTION (Felony - NRS 200.364, 200.368), in the manner
12 following, to-wit: That the said Defendant, on or between March,
13 1995 and July, 1995, at and within the County of Clark, State of
14 Nevada,

15 COUNT I

16 did then and there wilfully, unlawfully and feloniously
17 subject ALISHA MORGAN, a female person under the age of 16 years,
18 to sexual penetration, to-wit: sexual intercourse, by inserting
19 his penis into the vagina of said ALISHA MORGAN, the defendant
20 being 21 years of age, or older, with the intent of arousing,
21 appealing to or gratifying the lust, passions or sexual desires of
22 said defendant, or said child.

23 COUNT II

24 did then and there wilfully, unlawfully and feloniously
25 subject ALISHA MORGAN, a female person under the age of 16 years,
26 to sexual penetration, to-wit: cunnilingus, by inserting his
27 tongue into the vagina of said ALISHA MORGAN, the defendant being
28 21 years of age, or older, with the intent of arousing, appealing

1 to or gratifying the lust, passions or sexual desires of said
2 defendant, or said child.

3 COUNT III

4 did then and there wilfully, unlawfully and feloniously
5 subject SYLVIA ROBERTSON, a female person under the age of 16
6 years, to sexual penetration, to-wit: sexual intercourse, by
7 inserting his penis into the vagina of said SYLVIA ROBERTSON, the
8 defendant being 21 years of age, or older, with the intent of
9 arousing, appealing to or gratifying the lust, passions, or sexual
10 desires of said defendant, or said child.

11 All of which is contrary to the form, force and effect of
12 Statutes in such cases made and provided and against the peace and
13 dignity of the State of Nevada. Said Complainant makes this
14 declaration subject to the penalty of perjury.

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27 DA#95FN1049X/k1
28 CCSD DR#95-3200
STATUTORY SEXUAL SEDUCTION (F)
(TK7)

FILED
JUSTICE COURT, NORTH LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MATTHEW GORDAN YOUNG,
#0850210

Defendant(s).

CLERK
CASE NO. 95FN1049X
CLERK

SECOND AMENDED
CRIMINAL COMPLAINT

The Defendant above named has committed the crimes of STATUTORY SEXUAL SEDUCTION (Felony - NRS 200.364, 200.368) and SEXUAL ASSAULT (Felony - NRS 200.364, 200.366), in the manner following, to-wit: That the said Defendant on or between March 1995 and August, 1995, at and within the County of Clark, State of Nevada,

COUNT I - STATUTORY SEXUAL SEDUCTION

did then and there wilfully, unlawfully and feloniously subject ALISHA MORGAN, a female person under the age of 16 years, to sexual penetration, to-wit: sexual intercourse, by inserting his penis into the vagina of said ALISHA MORGAN, the defendant being 21 years of age, or older, with the intent of arousing, appealing to or gratifying the lust, passions or sexual desires of said defendant, or said child.

COUNT II - STATUTORY SEXUAL SEDUCTION

did then and there wilfully, unlawfully and feloniously subject ALISHA MORGAN, a female person under the age of 16 years, to sexual penetration, to-wit: cunnilingus, by inserting his tongue into the vagina of said ALISHA MORGAN, the defendant being 21 years of age, or older, with the intent of arousing, appealing to or gratifying the lust, passions or sexual desires of said defendant, or said child.

COUNT III - STATUTORY SEXUAL SEDUCTION

did then and there wilfully, unlawfully and feloniously subject SYLVIA ROBERTSON, a female person under the age of 16 years, to sexual penetration, to-wit: sexual intercourse, by inserting his penis into the vagina of said SYLVIA ROBERTSON, the defendant being 21 years of age, or older, with the intent of arousing, appealing to or gratifying the lust, passions or sexual desires of said defendant, or said

1 child.

2 COUNT IV - SEXUAL ASSAULT

3 did, on or about July 31, 1995, then and there wilfully, unlawfully and feloniously sexually assault
4 and subject TRACI CARLIN, a female person, to sexual penetration, to-wit: by inserting the penis of
5 Defendant into the vagina of said TRACI CARLIN against her will.

6 All of which is contrary to the form, force and effect of Statutes in such cases made and provided
7 and against the peace and dignity of the State of Nevada. Said Complainant makes this declaration
8 subject to the penalty of perjury.

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DA#95FN1049X/kl
CCSD DR#95-3200
STAT SEX SED; SA (F)
(TK7)

Basic Requirements for House Arrest Program

1. You are required to have a phone and a residence
2. Unless noted otherwise in the Court Order, you are allowed employment.
3. You will be monitored 24 hours per day by phone, personal visits, and electronic surveillance equipment. Other than work, transit, or other activities (approved by the Court, your Probation Officer, or House Arrest) you must be home at all times. Any violation of curfew will be reported and may result in your return to custody.
4. You must attend weekly scheduled meetings with your Monitoring Officer at the Clark County Detention Center (CCDC). These meetings are required for inspection of your bracelet, verification of compliance, assessment of progress, and collection of fees.
5. Program fees are \$10 per day, paid weekly in advance, cash or money order, plus any additional court ordered fees. There will be an initial processing fee of \$30.

SENTENCING NOTICE

Notice of Violation and/or completion will be sent to the judge.

Please send CCDC House Arrest a copy of the court order and this notice as authority in supervision defendant.

Name Young, Matthew Case # 95FN1049X Phone # 648 4997
stat sex seduction (3 cts)
 Offense sexual assault Sentence Date 1-16-96 Court NLV JC-Dahl

Number of days on house arrest N/A Judge Dahl

(next Court app: 2-6-96/9am District Court, Dept XIII)

Allowed/Yes

Allowed/Yes

Employment: xxx
 Attend church ---
 Shop/laundry weekly at pre-arranged time ---
 Doctor/Dental appointments ---

School, counselling, AA/NA ---
 DWI/Court appointments xxx
 Second job ---
 Documented overtime at work ---
 pick up children from childcare xxx

Special instructions: _____

Court phone #: 455 7802

Clerk/Judge's signature: 

CLARK COUNTY SCHOOL DISTRICT
POLICE DEPARTMENT

AFFIDAVIT
(N.R.S. 171.106)

DR# 95-3200

STATE OF NEVADA)

)SS: Young, Matthew Gordan

COUNTY OF CLARK)

Investigator Philip Gelber, being first duly sworn, deposes and says;

That he is a peace officer with the CLARK COUNTY SCHOOL DISTRICT, being so employed for a period of 13 years, assigned to investigate the crime of statutory sexual seduction (over 21) committed on or about March 1995 which investigation (date) has developed Matthew Gordan Young as the perpetrator thereof,

That affiant developed the following facts in the course of the investigation of said crime, to wit:

1. That on 09/27/95, at approximately 1600 hours, Alisha Morgan (DOB /79) signed a crime complaint alleging that she was sexually assaulted by school district employee, Matthew Gordan Young (DOB /67), while on the property of Cheyenne High School located at 3200 W. Alexander Road, North Las Vegas, NV 89030.
2. That Alisha first advised School Police of the incident on 09/27/95, at approximately 1235 hours, when campus police officer, Calvin Walker, P# 146, approached her reference rumors suggesting that she may somehow be involved with Young. (See Walker's Officer's Report.)
3. That Alisha met with Officer Walker at approximately 1255 hours in his office and stated that Young had given her oral sex and penetrated her vagina with his penis on at least one occasion while at school. (See statement.)

4. That Officer Walker advised Alisha's mother by phone of the allegations and then allowed Alisha to go home.
5. That at approximately 1400 hours, Officer Walker advised CCSDPD Investigator Hugh Harrison of the allegations.
6. That at approximately 1440 hours, Investigating Officer M. Jordan responded to Cheyenne and met with Officer Walker and School Principal Richard Brown.
7. That Officer Jordan attempted to contact Alisha and her mother (Hazel Morgan) by phone, but was advised by Frank Roach, Alisha's stepfather, that they had not yet returned home.
8. That Officer Jordan provided Mr. Roach with her pager number and asked Mr. Roach to have Ms. Morgan page upon her return.
9. That at approximately 1900 hours, Ms. Morgan paged Officer Jordan who then contacted CCSDPD Investigator P. Gelber, P# 86.
10. That at approximately 1900 hours on 09/27/95, Investigator Gelber responded to Alisha's residence located at 3648 N. Bend Drive, Las Vegas, NV 89115, and met with Alisha and Ms. Morgan.
11. That Alisha told Investigator Gelber that she had had a crush on Young (school custodian) since 9th grade (last year) and would talk to Young at school each day. That every now and then Young would hug and kiss her. That one day (unknown) Young asked her to go into the student council room located in the school cafeteria. That once inside the room, Young locked the door and started kissing her neck and "rubbing on me." That Young "rubbed on my breasts, butt, and thigh."
12. That Alisha further stated that Young "turned off the light and came near me and I didn't lay down voluntarily and Young didn't push me down. I was sort of kissed down. Once I was down, Young had removed my panties and slowly started performing oral sex. Young penetrated his tongue in my vagina and then he stopped and started playing with himself."

13. That Alisha stated that at one point Young "reached into his pocket, put on a condom, and put his penis in my vagina and penetrated two times in my vagina." (See statement.)
14. That Alisha believes to the best of her recollection, this incident occurred sometime in March 1995.
15. That Alisha stated after discovering that Young was married with children, she vowed to tell someone if he touched her again.
16. That according to Alisha, he touched her "butt" while she was at lunch so she reported it to School Dean Glenna Loar.
17. That on 09/28/95, Assistant Principal Mary Appel spoke to Ms. Loar, who is currently working at Silverado, reference this incident.
18. That according to Ms. Appel, Ms. Loar recalls "students" telling her that Matt Young had been harassing "them;" however, she stated that the girls refused to write statements or talk to the police (See Ms. Appel's and Ms. Loar's statements.)
19. That Ms. Loar stated eventually one student wrote a statement which was placed in the student's file; however, Ms. Loar could not provide the name of the student.
20. That Jessica Henry (DOB 04/14/80) and Yolanda Banks (DOB 09/09/80), both Cheyenne students and friends of Alisha, stated to Investigator Gelber on 09/28/95 that although they never witnessed any sexual misconduct between Young with Alisha, they did witness Young on many occasions walk over to Alisha when she was eating lunch in the cafeteria (see statements).
21. That on 09/28/95, at approximately 1420 hours, Alisha, on request of Investigator Gelber, telephoned Young at Cheyenne High School from her residence with Investigator Gelber listening on an extension phone. Alisha told Young that she had been overheard by a teacher talking to a friend about their relationship and had been requested to go to the dean's office.
22. That Alisha asked Young if he wanted her to tell the dean about their sexual relationship.

23. That Young initially stated, "No." However, subsequently stated, "Whatever."
(See investigative report.)
24. That due to the allegations and the phone conversation between Young and Alisha, which was monitored by Investigator Gelber, a request for a warrant is being requested.

Wherefore, affiant prays that a warrant of arrest/summons be issued for suspect Matthew Gordan Young on a charge of statutory sexual seduction (over 21 years) NRS 200.364.

AFFIANT

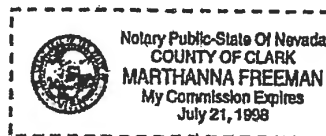
Philip M. Gelber

subscribed and sworn to before me 3rd day of October, 19 95

(SEAL)

Marthanna Freeman

Notary Public in and for said State and County



Clark County Justice Court

NORTH LAS VEGAS TOWNSHIP

THE STATE OF NEVADA,

Plaintiff,

—VS—

Young, Matthew Gordon

Defendant.

District Court Case No. _____

Justice Court Case No. 95FN1049X

COMMITMENT AND ORDER TO APPEAR

An Order having been made this day by me that the above named defendant be held to answer upon the charge(s) of _____
Statutory Sexual Seduction (3 cts); Sexual Assault

_____ committed in Clark County, Nevada, on or about 3-95 through 8-95,

IT IS FURTHER ORDERED that unless the Defendant has been previously released on bail or by order of the Court, the Sheriff of Clark County receive the above named Defendant into custody and detain such Defendant until such Defendant be legally discharged and that such Defendant be admitted to bail in the sum of \$_____ cash or bail bond or \$_____ property bond. (Property bond must be approved in advance by the Court)

IT IS FURTHER ORDERED that said Defendant appear in the Eighth Judicial District Court, Clark County Courthouse, 200 South Third Street, Las Vegas, Nevada on 2-6-96, at 9 A.M., Department # XIII, for arraignment and further proceedings.

DATED 1-16-96



STEPHEN J. DAHL, Justice of the Peace
North Las Vegas Township

ORIGINAL

FILED

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JAN 19 1 51 PM '96

CLERK

1 INFO
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

9 I.A. 02/06/96
10 9:00 A.M.
11 DOUGLAS A. MITCHELL, ESQ.
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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MATTHEW GORDAN YOUNG,
#0850210

Defendant.

Case No. 2133315
Dept. No. XIII
Docket G

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss:

STEWART L. BELL, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That MATTHEW GORDAN YOUNG, the Defendant above named, having committed the crimes of **STATUTORY SEXUAL SEDUCTION (Felony - NRS 200.364, 200.366)** and **SEXUAL ASSAULT (Felony - NRS 200.364, 200.366)**, on or between March 1995 and August, 1995, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNT I - STATUTORY SEXUAL SEDUCTION

did then and there wilfully, unlawfully and feloniously subject ALISHA MORGAN, a female person under the age of 16 years, to sexual penetration, to-wit: sexual intercourse, by inserting his penis into the vagina of said ALISHA MORGAN, the defendant being 21 years of age, or older, with the intent of arousing, appealing to or gratifying the lust, passions or sexual desires of said Defendant, or said child.

CAC

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AA4842

1 COUNT II - STATUTORY SEXUAL SEDUCTION

2 did then and there wilfully, unlawfully and feloniously subject ALISHA MORGAN, a female
3 person under the age of 16 years, to sexual penetration, to-wit: cunnilingus, by placing his mouth on the
4 vagina of said ALISHA MORGAN, the Defendant being 21 years of age, or older, with the intent of
5 arousing, appealing to or gratifying the lust, passions or sexual desires of said Defendant, or said child.

6 COUNT III - STATUTORY SEXUAL SEDUCTION

7 did then and there wilfully, unlawfully and feloniously subject SYLVIA ROBERTSON, a female
8 person under the age of 16 years, to sexual penetration, to-wit: sexual intercourse, by inserting his penis
9 into the vagina of said SYLVIA ROBERTSON, the defendant being 21 years of age, or older, with the
10 intent of arousing, appealing to or gratifying the lust, passions or sexual desires of said Defenant, or said
11 child.

12 COUNT IV - SEXUAL ASSAULT

13 did, on or about July 31, 1995, then and there wilfully, unlawfully and feloniously sexually assault
14 and subject TRACI CARLIN, a female person, to sexual penetration, to-wit: by inserting the penis of
15 Defendant into the vagina of said TRACY CARLIN against her will.

16 STEWART L. BELL
17 DISTRICT ATTORNEY
Nevada Bar #000477

18
19 BY 

20 JOHN P. LUKENS
21 Chief Deputy District Attorney
22 Nevada Bar #0000843

23 Names of witnesses known to the District Attorney's Office at the time of filing this Information
24 are as follows:

25 NAME

ADDRESS

26 ADAMS, Marion

UMC

27 ALVES, Josephine

7905 Gray Crest Ct., #2, LVN 89102

28 ANDERSON, D.

NLVPD

1	BANKS, Yolanda	3647 Blue Lake, LVN 89115
2	BERRY, Adam	Dixie College, St. George, Utah
3	CARLIN, Traci	700 Thrush, LVN 89128
4	COOK, Terry	LVMPD Forensic Lab
5	CRATER, Ebony	2719 Donna St. #C, NLV 89030
6	CUSTODIAN OF RECORDS	Planned Parenthood
7	CUSTODIAN OF RECORDS	UMC
8	GAITOR, Bruce	3200 W. Alexander, NLV 89030
9	GELBER, P. Inv.	CCSDPD #86
10	GERVASI, P.	CCSDPD #163
11	HARRISON, H. Inv.	CCSDPD
12	HENRY, Jessica	3200 W. Alexander, NLV 89030
13	JORDAN, Maria	CCSDPD #127
14	LEE, Tamaree	489 E. Merlayne, Henderson, NV 89015
15	LIDE, Trina	3700 W. Bonanza, NLV 89030
16	LOAR-NIELSON, Glenna	1650 Silver Hawk, LVN 89123
17	MORGAN, Alisha	, LVN 89115
18	MORGAN, Hazel	, LVN 89115
19	MYLES, Maria	2301 Redwood #3506, LVN 89102
20	NEEDHAM, Catherine	3200 W. Alexander, NLV 89030
21	RISENHOOVER, N.	NLVPD
22	ROACH, Hazel	LVN 89128
23	ROBERTSON, Clara	NLV 89030
24	ROBERTSON, Sylvia	N. Las Vegas, NV 89030
25	ROBINSON, Solomon	3612 Iverson Lane, NLV 89030
26	SALLEE, Cecil	2029 Balzar Ave., NLV 89030
27	SCURRY, Shadonna	NLV 89030
28	STALL, Richard	5025 Nellis Oasis, LVN 89115

1 TURNER, Latasha

7905 Gray Crest #202, LVN 89128

2 WALKER, Calvin

CCSDPD #146

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27 DA#95FN1049X/kl
CCSD DR#95-3200
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28 (TK7)

District Court FILED

CLARK COUNTY, NEVADA

FEB 27 3 36 PM '96

Loretta Bowman
CLERK

STATE OF NEVADA

Plaintiff,

—vs—

MATTHEW GORDAN YOUNG,

Defendant.

C 133315

Case No. C-1333172

Dept. No. XIII

Docket No. G

SUBPOENA

☐ Regular ☒ Duces Tecum

THE STATE OF NEVADA SENDS GREETINGS TO:

Sue Sweikart, Registrar
Cimarron High School

2301 N. Tenaya
Las Vegas, Nevada 89128 Telephone 799-4400

YOU ARE HEREBY COMMANDED, that all and Singular, business and excuses set aside, you appear and attend on the 29th day of February, 19 96 at the hour of 10:00 A.M.

The address where you are required to appear is Dickerson, Dickerson, Lieberman & Consul, 330 South Third St., Ste. 1130, Las Vegas, Nevada.

~~330 S. Third St., Las Vegas, Nevada.~~ You are required to bring with you at the time of your appearance any items set forth on the reverse side of this subpoena. If you fail to attend, you will be deemed guilty of contempt of Court and liable to pay all losses and damages caused by your failure to appear and in addition forfeit One Hundred (\$100.00).

LORETTA BOWMAN, CLERK OF COURT

Issued at the request of: DICKERSON, DICKERSON, LIEBERMAN
& CONSUL

By: *E. J. York*
DEPUTY CLERK

FEB 22 1996

Date

Douglas A. Mitchell, Esq.
330 S. Third St., Ste. 1130
Las Vegas, Nevada 89101
Attorney for Defendant

1870

AA4846

District Court

CLARK COUNTY, NEVADA

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FILED

FEB 27 3 35 PM '96

Loretta Bowman

CLERK

C 133315

E-133172

Case No. _____

Dept. No. XIII

Docket No. G

STATE OF NEVADA,

Plaintiff,

—VS—

MATTHEW GORDAN YOUNG,

Defendant.

SUBPOENA

☐ Regular ☒ Duces Tecum

THE STATE OF NEVADA SENDS GREETINGS TO: Vonda Lewis
Registrar
Southern Nevada Vocational Technical Center
5710 Mountain Vista
Las Vegas, Nevada 89120 (702) 799-7500

YOU ARE HEREBY COMMANDED, that all and Singular, business and excuses set aside, you appear and attend on the 20th day of February, 1996 at the hour of 10:00 A.M. in Department No. _____ of the _____ at the law office of _____
District Court, Clark County, Nevada. The address where you are required to appear is the Clark County Courthouse, 200 DICKERSON, DICKERSON, LIEBERMAN & CONSUL, 330 S. Third St., Suite 1130, Las Vegas, NV 89101 South Third Street, Las Vegas, Nevada. You are required to bring with you at the time of your appearance any items set forth on the reverse side of this subpoena. If you fail to attend, you will be deemed guilty of contempt of Court and liable to pay all losses and damages caused by your failure to appear and in addition forfeit One Hundred (\$100.00).

LORETTA BOWMAN, CLERK OF COURT

Issued at the request of DICKERSON, DICKERSON,
LIEBERMAN & CONSUL
DOUGLASS A. MITCHELL, ESQ.
Nevada Bar No. 003775
330 S. Third St., Suite 1130
Las Vegas, NV 89101
Attorney for Defendant

By: *Jayne Stender*
DEPUTY CLERK

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Date

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For the Defendant
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0026
DICKERSON, DICKERSON, LIEBERMAN
& CONSUL
DOUGLASS A. MITCHELL, ESQ.
Nevada Bar No. 003775
LINDA MARIE BELL, ESQ.
Nevada Bar No. 004918
330 S. Third Street, Suite 1130
Las Vegas, Nevada 89101
(702) 388-8600

Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,)
)
Plaintiff,)
)
v.)
)
MATTHEW GORDAN YOUNG,)
)
Defendant.)

CASE NO. C133315
DEPT NO. XIII
DOCKET NO. "G"

Date of Hearing: 3-28-96
Time of Hearing: 9AM

DEFENDANT'S MOTION TO CONTINUE TRIAL

COMES NOW the Defendant, MATTHEW GORDAN YOUNG, by and
through his attorneys, DOUGLASS A. MITCHELL, ESQ., and LINDA MARIE BELL,
ESQ., of the law firm of DICKERSON, DICKERSON, LIEBERMAN & CONSUL, and
moves this Court to order that the trial of the Defendant, currently scheduled to begin April
1, 1996, be continued for a period of at least sixty (60) days pursuant to Nevada Revised
Statute 174.515.

DICKERSON, DICKERSON, LIEBERMAN & CONSUL
ATTORNEYS AT LAW
SUITE 1130, THE PHOENIX BUILDING
330 SOUTH THIRD STREET
LAS VEGAS, NEVADA 89101
TELEPHONE (702) 388-8600



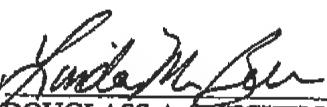
DICKERSON, DICKERSON, LIEBERMAN & CONSUL
ATTORNEYS AT LAW

SUITE 130, THE PHOENIX BUILDING
330 SOUTH THIRD STREET
LAS VEGAS, NEVADA 89101
TELEPHONE (702) 388-8600

1 This Motion is based upon the attached Points and Authorities and on such
2 arguments and evidence as may be presented at the time set for the hearing of this Motion.

3
4 DATED this 20th day of March, 1996.

5 DICKERSON, DICKERSON, LIEBERMAN
6 & CONSUL


7 By 
8 DOUGLASS A. MITCHELL, ESQ.
9 Nevada Bar No. 003775
10 LINDA MARIE BELL, ESQ.
11 Nevada Bar No. 004918
12 330 S. Third Street, #1130
13 Las Vegas, Nevada 89101
14 Attorneys for Defendant

15 NOTICE OF MOTION

16 TO: JOHN LUKENS, Chief Deputy District Attorney

17 PLEASE TAKE NOTICE that the undersigned will bring the foregoing
18 MOTION TO CONTINUE TRIAL on for hearing before the above-entitled Court on the
19 26 day of March 1996, at the hour of 9 a.m., or as soon
20 thereafter as counsel may be heard.

21 DICKERSON, DICKERSON, LIEBERMAN
22 & CONSUL

23 By 
24 DOUGLASS A. MITCHELL, ESQ.
25 Nevada Bar No. 003775
26 LINDA MARIE BELL, ESQ.
27 Nevada Bar No. 004918
28 330 S. Third Street, #1130
Las Vegas, Nevada 89101
Attorneys for Defendant

DICKERSON, DICKERSON, LIEBERMAN & CONSUL
ATTORNEYS AT LAW
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330 SOUTH THIRD STREET
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ORDER SHORTENING TIME

Based upon the Affidavit of Counsel and good cause appearing therefor,

IT IS HEREBY ORDERED that the time for the hearing on Defendant's Motion to Continue Trial is hereby shortened to the 26th day of March, 1996, at the hour of 9:00 a.m.

DATED this 20th day of March, 1996.


DISTRICT JUDGE *SEM*

AFFIDAVIT OF COUNSEL IN SUPPORT
OF ORDER SHORTENING TIME

STATE OF NEVADA)
COUNTY OF CLARK) SS:

LINDA MARIE BELL, being first duly sworn, deposes and says:

1. I am an attorney duly licensed to practice law in the State of Nevada, and before this Honorable Court, and I have been retained by the Defendant to represent him in this action.

2. The trial in this matter has been set for April 1, 1996, with a Calendar Call scheduled for March 28, 1996. If this Motion set in the regular course, it will not be

...

...

...


DICKERSON, DICKERSON, LIEBERMAN & CONSUL
ATTORNEYS AT LAW
SUITE 1120, THE PHOENIX BUILDING
330 SOUTH THIRD STREET
LAS VEGAS, NEVADA 89101
TELEPHONE (702) 388-8600

1 heard prior to the time of the Calendar Call and trial. Therefore, an Order Shortening Time
2 is necessary to resolve this issue prior to the date of the trial.

3 Further Affiant sayeth naught.

4
5
6 
7 LINDA MARJE BELL

8 Subscribed and sworn to before me
9 this 20th day of March, 1995.

10 
11 NOTARY PUBLIC in and for said
12 County and State.



16 POINTS AND AUTHORITIES


17 Nevada Revised Statute 174.515(1) provides that "when an action is called
18 for trial, or at any time previous thereto, the court may, upon sufficient cause shown by
19 either party by affidavit, direct the trial to be postponed to another day. . . ." The current
20 case involves serious allegations of sexual assault and statutory sexual seduction with
21 multiple victims. Although the Defendant waived his right to a trial within 60 days at the
22 time of his initial arraignment in District Court, a trial was set on a date within
23 approximately 60 days of the initial arraignment. Due to the serious nature of this case and
24 the number of potential witnesses, the defense has not had sufficient time to adequately
25 prepare for the Defendant's case. Therefore, under the discretion provided to this Court by
26
27
28

DICKERSON, DICKERSON, LIEBERMAN & CONSUL
ATTORNEYS AT LAW
SUITE 1130, THE PHOENIX BUILDING
330 SOUTH THIRD STREET
LAS VEGAS, NEVADA 89101
TELEPHONE (702) 388-8600

1 Nevada Revised Statute 174.515, as cited above, the Defendant respectfully requests a
2 continuance of the trial for a period of not less than 60 days.
3

4 Respectfully submitted,

5 DICKERSON, DICKERSON, LIEBERMAN
6 & CONSUL

7 By 
8 DOUGLASS A. MITCHELL, ESQ.
9 Nevada Bar No. 003775
10 LINDA MARIE BELL, ESQ.
11 Nevada Bar No. 004918
12 330 S. Third Street, #1130
13 Las Vegas, Nevada 89101
14 Attorneys for Defendant
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1 ROC
2 DICKERSON, DICKERSON, LIEBERMAN
3 & CONSUL
4 DOUGLASS A. MITCHELL, ESQ.
5 Nevada Bar No. 003775
6 LINDA MARIE BELL, ESQ.
7 Nevada Bar No. 004918
8 330 S. Third Street, Suite 1130
9 Las Vegas, Nevada 89101
10 (702) 388-8600

11 Attorneys for Defendant

12 DISTRICT COURT

13 CLARK COUNTY, NEVADA

14 STATE OF NEVADA,)

15 Plaintiff,)

16 v.)

17 MATTHEW GORDAN YOUNG,)

18 Defendant.)

CASE NO. C133315

DEPT NO. XIII

DOCKET NO. "G"

Date of Hearing: 3/26/96

Time of Hearing: 9:00 a.m.

19 RECEIPT OF COPY

20 RECEIPT OF COPY of the DEFENDANT'S MOTION TO CONTINUE

21 TRIAL is hereby acknowledged this 22 day of March, 1996.

22 STEWART BELL, DISTRICT ATTORNEY

23 By *John Lukens*

24 JOHN LUKENS, ESQ.

25 Chief Deputy District Attorney

26 Nevada Bar No. 000843

27 200 S. Third Street, 7th Floor

28 Las Vegas, Nevada 89155

Attorneys for Plaintiff

CE31

DICKERSON, DICKERSON, LIEBERMAN & CONSUL
ATTORNEYS AT LAW
SUITE 1130, THE PHOENIX BUILDING
330 SOUTH THIRD STREET
LAS VEGAS, NEVADA 89101
TELEPHONE (702) 388-8600

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District Court
CLARK COUNTY, NEVADA

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C133315

STATE OF NEVADA,

Plaintiff,

—vs—

MATTHEW GORDON YOUNG

Defendant.

Case No. C133315

Dept. No. XIII

Docket No. 9

SUBPOENA

☐ Regular ☒ Duces Tecum

THE STATE OF NEVADA SENDS GREETINGS TO:

JOHN P. LUKENS, CHIEF DEPUTY DISTRICT ATTORNEY

200 South Third Street, 5th Floor, Las Vegas, Nevada 89115

YOU ARE HEREBY COMMANDED, that all and Singular, business and excuses set aside, you appear and attend on the 18th day of April, 1996 at the hour of 9 A.M.

The address where you are required to appear is 330

/Suite 1130
South Third Street, Las Vegas, Nevada. You are required to bring with you at the time of your appearance any items set forth on the reverse side of this subpoena. If you fail to attend, you will be deemed guilty of contempt of Court and liable to pay all losses and damages caused by your failure to appear and in addition forfeit One Hundred (\$100.00).

LORETTA BOWMAN, CLERK OF COURT

Issued at the request of: Dickerson, Dickerson, Lieberman,
Consul

By: Linda M. Bell
LINDA M. BELL Bar # 004918

DOUGLASS A. MITCHELL Bar # 003775
330 S. Third Street, Suite 1130
Las Vegas, Nevada 89101 (702)-388-8600

By: John T. [Signature]
DEPUTY CLERK

Date

CE31

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ORIGINAL

1 INFO
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

FILED IN OPEN COURT
April 23 1996
LORETTA BOWMAN, CLERK
BY Sue Deaton
Deputy

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 MATTHEW GORDAN YOUNG,
12 #0850210

13 Defendant.

Case No. C133315
Dept. No. XIII
Docket G

AMENDED
INFORMATION

14 STATE OF NEVADA
15)
16 COUNTY OF CLARK) ss:

17 STEWART L. BELL, District Attorney within and for the County of Clark, State of Nevada, in
18 the name and by the authority of the State of Nevada, informs the Court:

19 That MATTHEW GORDAN YOUNG, the Defendant above named, having committed the
20 crimes of STATUTORY SEXUAL SEDUCTION (Felony - NRS 200.364, 200.366) and
21 COERCION (Felony - NRS 207.190), on or between March 1995 and August, 1995, within the
22 County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made
23 and provided, and against the peace and dignity of the State of Nevada,

24 COUNT I - STATUTORY SEXUAL SEDUCTION

25 did, during March, 1995, then and there wilfully, unlawfully and feloniously subject ALISHA
26 MORGAN, a female person under the age of 16 years, to sexual penetration, to-wit: sexual intercourse,
27 by inserting his penis into the vagina of said ALISHA MORGAN, the defendant being 21 years of age,
28 or older, with the intent of arousing, appealing to or gratifying the lust, passions or sexual desires of said

CE37

1 Defendant, or said child.


2 **COUNT II - STATUTORY SEXUAL SEDUCTION**

3 did, during July, 1995, then and there wilfully, unlawfully and feloniously subject SYLVIA
4 ROBERTSON, a female person under the age of 16 years, to sexual penetration, to-wit: sexual
5 intercourse, by inserting his penis into the vagina of said SYLVIA ROBERTSON, the defendant being
6 21 years of age, or older, with the intent of arousing, appealing to or gratifying the lust, passions or
7 sexual desires of said Defenant, or said child.

8 **COUNT III - COERCION**

9 did, on or about July 31, 1995, then and there wilfully, unlawfully and feloniously use physical
10 force or immediate threat of such force against TRACY CARLIN with intent to compel her to do or
11 abstain from doing an act which she had a right to do, or abstain from doing, to-wit: by forcing Tracy
12 Carlin to engage in sexual intercourse with Defendant.

13
14 STEWART L. BELL
15 DISTRICT ATTORNEY
16 Nevada Bar #000477

17 BY 
18 JOHN P. LUKENS
19 Chief Deputy District Attorney
20 Nevada Bar #0000843

21 Names of witnesses known to the District Attorney's Office at the time of filing this Information
22 are as follows:

23	<u>NAME</u>	<u>ADDRESS</u>
24	ADAMS, Marion	UMC
25	ALVES, Josephine	7905 Gray Crest Ct., #2, LVN 89102
26	ANDERSON, D.	NLVPD
27	BANKS, Yolanda	3647 Blue Lake, LVN 89115
28	BERRY, Adam	Dixie College, St. George, Utah

1	CARLIN, Traci	700 Thrush, LVN 89128
2	COOK, Terry	LVMPD Forensic Lab
3	CRATER, Ebony	2719 Donna St. #C, NLV 89030
4	CUSTODIAN OF RECORDS	Planned Parenthood
5	CUSTODIAN OF RECORDS	UMC
6	GAITOR, Bruce	3200 W. Alexander, NLV 89030
7	GELBER, P. Inv.	CCSDPD #86
8	GERVASI, P.	CCSDPD #163
9	HARRISON, H. Inv.	CCSDPD
10	HENRY, Jessica	3200 W. Alexander, NLV 89030
11	JORDAN, Maria	CCSDPD #127
12	LEE, Tamaree	489 E. Merlayne, Henderson, NV 89015
13	LIDE, Trina	3700 W. Bonanza, NLV 89030
14	LOAR-NIELSON, Glenna	1650 Silver Hawk, LVN 89123
15	MORGAN, Alisha	LVN 89115
16	MORGAN, Hazel	LVN 89115
17	MYLES, Maria	2301 Redwood #3506, LVN 89102
18	NEEDHAM, Catherine	3200 W. Alexander, NLV 89030
19	RISENHOOVER, N.	NLVPD
20	ROACH, Hazel	Ir., LVN 89128
21	ROBERTSON, Clara	NLV 89030
22	ROBERTSON, Sylvia	N. Las Vegas, NV 89030
23	ROBINSON, Solomon	3612 Iverson Lane, NLV 89030
24	SALLEE, Cecil	2029 Balzar Ave., NLV 89030
25	SCURRY, Shadonna	NLV 89030
26	STALL, Richard	5025 Nellis Oasis, LVN 89115
27	TURNER, Latasha	7905 Gray Crest #202, LVN 89128
28	WALKER, Calvin	CCSDPD #14

1 DA#95FN1049X/k1
2 CCSD DR#95-3200
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1 GMEM
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for: Plaintiff

FILED IN OPEN COURT
April 23 1996
LORETTA BOWMAN, CLERK
BY Suo Deaton
Deputy

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 MATTHEW GORDAN YOUNG,
12 #0850210,

13 Defendant.
14

Case No. C133315
Dept. No. XIII
Docket G

15 GUILTY PLEA AGREEMENT

16 I hereby agree to:

- 17 1) Plead guilty pursuant to North Carolina v. Alford, 400 U.S. 25 (1970) in Count I - Statutory
18 Sexual Seduction;
19 2) Count II - Statutory Sexual Seduction; and
20 3) Plead guilty pursuant to North Carolina v. Alford, 400 U.S. 25 (1970) in Count III - Coercion,
21 as more fully alleged in the charging document attached hereto as Exhibit "1".

22 My decision to plead guilty is based upon the plea agreement in this case which is as follows:

23 The State has agreed to retain the right to argue at rendition of sentence, but will recommend that
24 all sentences run concurrent. In the event that the Court is inclined to impose consecutive sentences, the
25 State will have no opposition to the Defendant's motion to withdraw his plea and proceed to trial on the
26 matter..

27 CONSEQUENCES OF THE PLEA

28 By pleading guilty pursuant to the Alford decision to Count I and Count III, it is my desire to

[GE31]

1 avoid the possibility of being convicted of more offenses or of a greater offense if I were to proceed to
2 trial on the original charges and of also receiving a greater penalty. I understand that my decision to
3 plead guilty by way of the Alford decision does not require me to admit guilt, but is based upon my
4 belief that the State would present sufficient evidence at trial that a jury would return a verdict of guilty
5 of a greater offense or of more offenses than that to which I am pleading guilty to.

6 I understand that by pleading guilty to Count II, I admit the facts which support all the elements
7 of the offense(s) to which I now plead as set forth in Exhibit "1".

8 I understand that as a consequence of my plea of guilty by way of the Alford decision to Count
9 I - Statutory Sexual Seduction, I will be sentenced to serve a term of from one to ten years in the state
10 prison.

11 I understand that as a consequence of my plea of guilty to Count II - Statutory Sexual Seduction,
12 I will be sentenced to serve a term of from one to five years in the state prison.

13 I understand that as a consequence of my plea of guilty by way of the Alford decision to Count
14 III - Coercion, I will be sentenced to serve a term of from one to six years in the state prison. I
15 understand that the law requires me to pay an Administrative Assessment Fee.

16 I understand that, if appropriate, I will be ordered to make restitution to the victim of the
17 offense(s) to which I am pleading guilty and to the victim of any related offense which is being
18 dismissed or not prosecuted pursuant to this agreement. I will also be ordered to reimburse the State of
19 Nevada for any expenses related to my extradition, if any.

20 I understand that I am eligible for probation for the offense to which I am pleading guilty. I
21 understand that, except as otherwise provided by statute, the question of whether I receive probation is
22 in the discretion of the sentencing judge.

23 I understand that if more than one sentence of imprisonment is imposed and I am eligible to serve
24 the sentences concurrently, the sentencing judge has the discretion to order the sentences served
25 concurrently or consecutively.

26 I also understand that information regarding charges not filed, dismissed charges, or charges to
27 be dismissed pursuant to this agreement may be considered by the judge at sentencing.

28 I have not been promised or guaranteed any particular sentence by anyone. I know that my

1 sentence is to be determined by the Court within the limits prescribed by statute. I understand that if my
2 attorney or the State of Nevada or both recommend any specific punishment to the Court, the Court is
3 not obligated to accept the recommendation.

4 I understand that the Division of Parole and Probation will prepare a report for the sentencing
5 judge prior to sentencing. This report will include matters relevant to the issue of sentencing, including
6 my criminal history. This report may contain hearsay information regarding my background and
7 criminal history. My attorney and I will each have the opportunity to comment on the information
8 contained in the report at the time of sentencing. Unless the District Attorney has specifically agreed
9 otherwise, then the District Attorney may also comment on this report.

10 WAIVER OF RIGHTS

11 By entering my plea of guilty pursuant to the Alford decision to Counts I and III, and by entering
12 my plea of guilty to Count II, I understand that I am waiving and forever giving up the following rights
13 and privileges:

14 1. The constitutional privilege against self-incrimination, including the right to refuse to testify
15 at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal
16 to testify.

17 2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive
18 pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an
19 attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a
20 reasonable doubt each element of the offense charged.

21 3. The constitutional right to confront and cross-examine any witnesses who would testify
22 against me.

23 4. The constitutional right to subpoena witnesses to testify on my behalf.

24 5. The constitutional right to testify in my own defense.

25 6. The right to appeal the conviction, with the assistance of an attorney, either appointed or
26 retained, unless the appeal is based upon reasonable constitutional jurisdictional or other grounds that
27 challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS
28 174.035.

1 VOLUNTARINESS OF PLEA

2 I have discussed the elements of all of the original charge(s) against me with my attorney and
3 I understand the nature of the charge(s) against me.

4 I understand that the State would have to prove each element of the charge(s) against me at trial.

5 I have discussed with my attorney any possible defenses, defense strategies and circumstances
6 which might be in my favor.

7 All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly
8 explained to me by my attorney.

9 I believe that pleading guilty by way of the Alford decision to Counts I and III and accepting this
10 plea bargain is in my best interest, and that a trial would be contrary to my best interest.

11 I believe that pleading guilty to Counts II and accepting this plea bargain is in my best interest,
12 and that a trial would be contrary to my best interest.

13 I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting
14 under duress or coercion or by virtue of any promises of leniency, except for those set forth in this
15 agreement.

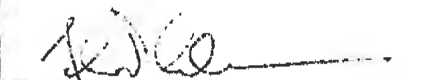
16 I am not now under the influence of any intoxicating liquor, a controlled substance or other drug
17 which would in any manner impair my ability to comprehend or understand this agreement or the
18 proceedings surrounding my entry of this plea.

19 My attorney has answered all my questions regarding this guilty plea agreement and its
20 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

21 DATED this 23 day of April, 1996.

22
23 
24 MATTHEW GORDAN YOUNG
25 Defendant

26 AGREED TO BY:

27 
28 Deputy District Attorney

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court
3 hereby certify that:

4 1. I have fully explained to the Defendant the allegations contained in the charge(s) to which
5 guilty pleas are being entered.

6 2. I have fully explained to the Defendant the allegations contained in the charge(s) to which
7 guilty pleas are being entered and the entry of a guilty plea pursuant to the Alford decision..

8 3. I have advised the Defendant of the penalties for each charge and the restitution that the
9 Defendant may be ordered to pay.

10 4. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent with
11 the facts known to me and are made with my advice to the Defendant.

12 5. All pleas of guilty offered by the Defendant pursuant to this agreement and the Alford
13 decision are consistent with the facts known to me and are made with my advice to the Defendant.

14 4. To the best of my knowledge and belief, the Defendant:

15 a. Is competent and understands the charges and the consequences of pleading guilty as
16 provided in this agreement.

17 b. Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily.

18 c. Was not under the influence of intoxicating liquor, a controlled substance or other
19 drug at the time I consulted with the defendant as certified in paragraphs 1 and 2 above.

20 Dated: This 27 day of April, 1996.

21
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27
28


ATTORNEY FOR DEFENDANT

COPY

1 INFO
2 STEWART L. BELL
3 DISTRICT ATTORNEY
4 Nevada Bar #000477
5 200 S. Third Street
6 Las Vegas, Nevada 89155
7 (702) 455-4711
8 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 MATTHEW GORDAN YOUNG,
12 #0850210

13 Defendant.

Case No. C133315
Dept. No. XIII
Docket G

AMENDED
INFORMATION

14 STATE OF NEVADA }
15 } ss:
16 COUNTY OF CLARK }

17 STEWART L. BELL, District Attorney within and for the County of Clark, State of Nevada, in
18 the name and by the authority of the State of Nevada, informs the Court:

19 That MATTHEW GORDAN YOUNG, the Defendant above named, having committed the
20 crimes of STATUTORY SEXUAL SEDUCTION (Felony - NRS 200.364, 200.366) and
21 COERCION (Felony - NRS 207.190), on or between March 1995 and August, 1995, within the
22 County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made
23 and provided, and against the peace and dignity of the State of Nevada,

24 COUNT I - STATUTORY SEXUAL SEDUCTION

25 did, during March, 1995, then and there wilfully, unlawfully and feloniously subject ALISHA
26 MORGAN, a female person under the age of 16 years, to sexual penetration, to-wit: sexual intercourse,
27 by inserting his penis into the vagina of said ALISHA MORGAN, the defendant being 21 years of age,
28 or older, with the intent of arousing, appealing to or gratifying the lust, passions or sexual desires of said

EXHIBIT "1"

1 Defendant, or said child.

2 COUNT II - STATUTORY SEXUAL SEDUCTION

3 did, during July, 1995, then and there wilfully, unlawfully and feloniously subject SYLVIA
4 ROBERTSON, a female person under the age of 16 years, to sexual penetration, to-wit: sexual
5 intercourse, by inserting his penis into the vagina of said SYLVIA ROBERTSON, the defendant being
6 21 years of age, or older, with the intent of arousing, appealing to or gratifying the lust, passions or
7 sexual desires of said Defenant, or said child.

8 COUNT III - COERCION

9 did, on or about July 31, 1995, then and there wilfully, unlawfully and feloniously use physical
10 force or immediate threat of such force against TRACY CARLIN with intent to compel her to do or
11 abstain from doing an act which she had a right to do, or abstain from doing, to-wit: by forcing Tracy
12 Carlin to engage in sexual intercourse with Defendant.

13
14 STEWART L. BELL
15 DISTRICT ATTORNEY
16 Nevada Bar #000477

17 BY 

18 JOHN P. LUKENS
19 Chief Deputy District Attorney
20 Nevada Bar #0000843

21 Names of witnesses known to the District Attorney's Office at the time of filing this Information
22 are as follows:

23	<u>NAME</u>	<u>ADDRESS</u>
24	ADAMS, Marion	UMC
25	ALVES, Josephine	7905 Gray Crest Ct., #2, LVN 89102
26	ANDERSON, D.	NLVPD
27	BANKS, Yolanda	3647 Blue Lake, LVN 89115
28	BERRY, Adam	Dixie College, St. George, Utah

1	CARLIN, Traci	700 Thrush, LVN 89128
2	COOK, Terry	LVMPD Forensic Lab
3	CRATER, Ebony	2719 Donna St. #C, NLV 89030
4	CUSTODIAN OF RECORDS	Planned Parenthood
5	CUSTODIAN OF RECORDS	UMC
6	GAITOR, Bruce	3200 W. Alexander, NLV 89030
7	GELBER, P. Inv.	CCSDPD #86
8	GERVASI, P.	CCSDPD #163
9	HARRISON, H. Inv.	CCSDPD
10	HENRY, Jessica	3200 W. Alexander, NLV 89030
11	JORDAN, Maria	CCSDPD #127
12	LEE, Tamaree	489 E. Merlayne, Henderson, NV 89015
13	LIDE, Trina	3700 W. Bonanza, NLV 89030
14	LOAR-NIELSON, Glenna	1650 Silver Hawk, LVN 89123
15	MORGAN, Alisha	, LVN 89115
16	MORGAN, Hazel	, LVN 89115
17	MYLES, Maria	2301 Redwood #3506, LVN 89102
18	NEEDHAM, Catherine	3200 W. Alexander, NLV 89030
19	RISENHOOVER, N.	NLVPD
20	ROACH, Hazel	, LVN 89128
21	ROBERTSON, Clara	, NLV 89030
22	ROBERTSON, Sylvia	, N. Las Vegas, NV 89030
23	ROBINSON, Solomon	3612 Iverson Lane, NLV 89030
24	SALLEE, Cecil	2029 Balzar Ave., NLV 89030
25	SCURRY, Shadonna	NLV 89030
26	STALL, Richard	5025 Nellis Oasis, LVN 89115
27	TURNER, Latasha	7905 Gray Crest #202, LVN 89128
28	WALKER, Calvin	CCSDPD #14

1 DA#95FN1049X/k1
2 CCSD DR#95-3200
3 SSS; SA - F
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Attorneys for Defendant

MATTHEW GORDAN YOUNG

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

MATTHEW GORDAN YOUNG,
#0850210

Defendant.

CASE NO.: C133315

DEPT. NO.: XIII

DOCKET NO.: "G"

DEFENDANT'S RESPONSE TO PRESENTENCE REPORT

Matthew Young, by and through his attorneys, Douglass A. Mitchell, Esq. and Linda Marie Bell, Esq., of the law firm of Dickerson, Dickerson, Lieberman & Consul hereby respond to the Presentence Report Prepared by the Division of Parole and Probation. This Response is based the accompanying Points together with the Exhibits attached hereto.

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POINTS IN RESPONSE TO PRESENTENCE REPORT

Matthew Young ("Matt") objects and responds to the following portions of the Presentence Report:

1. **Prior Record:** The Division of Parole and Probation ("Parole & Probation") determined that Matt had been arrested five times. See Presentence Report, p. 2. However, Parole & Probation's report identifies only three arrests: (1) attempted sexual assault in May 1990 (the charges were dropped); (2) Murder and using a deadly weapon in the commission of a crime (the charges were dropped); and (3) the instant offenses. It appears as though Parole & Probation is attempting to include in its calculation an arrest for speeding and no proof of insurance. In all likelihood, this was not an arrest requiring Matt to be taken into custody, but probably just a roadside stop to issue a ticket. Accordingly, the number of arrests should be changed to reflect only three.

2. **Offense Report Count I:** In describing the allegations of Offense I, the Presentence Report states it was based on a review of the files prepared by the Clark County School District Police Department and Clark County District Attorney's Office. It further states "the offenses occurred substantially as follows" without noting for the Court that Matt entered an Alford plea, and therefore denies the truth of the allegations described in the School District Police and District Attorney files. Moreover, even though Matt entered an Alford Plea in connection with Count I, the Presentence Report fails to inform the Court of information in those files that support an inference that the allegations may not be true.

For instance, the Presentence Report does not inform the Court that one of Alisha Morgan's cousins reported Alisha was very sexually active, having engaged in sexual intercourse with many