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Elizabeth A. Brown
Clerk of Supreme Court

SANDRA L. STEWART
Attorney at Law
Nevada Bar No. 6834
140 Rancho Maria Street
Las Vegas, Nevada 89148
(702) 363-4656

Attorney for DAMIEN ALEXANDER PHILLIPS

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,
Plaintiff,


v.

DAMIEN ALEXANDER PHILLIPS,
Defendant.

DISTRICT COURT NO.: - C-18-335500-1
JUSTICE COURT NO.: - 18 CRH001555-1
SUPREME COURT NO.: - TBD
NOTICE OF APPEAL

NOTICE is hereby given that Defendant, DAMIEN ALEXANDER PHILLIPS, hereby
appeals to the Nevada Supreme Court, from the Eighth Judicial District Court's Judgment of
Conviction and all other appealable rulings rendered in this case.

Dated this 28th day of February, 2019.



SANDRA L. STEWART
Attorney for DAMIEN PHILLIPS

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CERTIFICATE OF SERVICE

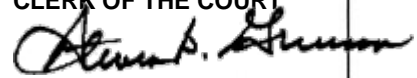
I hereby certify that on February 28, 2019, I served a copy of the:

NOTICE OF APPEAL

by e-filing the document with the Eighth Judicial District Court via Wiznet, thereby providing access to a copy to all other interested parties, including but not limited to, the following:

STEVEN B. WOLFSON, ESQ.
CLARK COUNTY DISTRICT ATTORNEY
200 Lewis Avenue
Las Vegas, NV 89155-2212


SANDRA L. STEWART



SANDRA L. STEWART
Attorney at Law
Nevada Bar No. 6834
140 Rancho Maria Street
Las Vegas, Nevada 89148
(702) 363-4656

Attorney for DAMIEN ALEXANDER PHILLIPS

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,
Plaintiff,

v.

DAMIEN ALEXANDER PHILLIPS,
Defendant.

DISTRICT COURT NO.: - C-18-335500-1
JUSTICE COURT NO.: - 18 CRH001555-1
SUPREME COURT NO.: - TBD
CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

DAMIEN ALEXANDER PHILLIPS

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

Hon. VALERIE ADAIR/DOUGLAS E. SMITH

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

DAMIEN ALEXANDER PHILLIPS

State of Nevada

4. Identify all parties involved in this appeal:

DAMIEN ALEXANDER PHILLIPS

State of Nevada

....

1 **5. Set forth the name, law firm, address, and telephone number of all counsel on**
2 **appeal and identify the party or parties whom they represent:**

3 Sandra L. Stewart
4 Attorney at Law
5 140 Rancho Maria Street
6 Las Vegas, NV 89148
7 702-363-4656
8 *(for Damien Alexander*
9 *Phillips)*

 Steven B. Wolfson, Esq.
 Clark County District Attorney
 200 Lewis Avenue
 Las Vegas, NV 89101
 702-671-2700
 (for State)

10 **6. Indicate whether appellant was represented by appointed or retained counsel**
11 **in the district court:**

12 Appointed.

13 **7. Indicate whether appellant is represented by appointed or retained counsel on**
14 **appeal:**

15 Appointed.

16 **8. Indicate whether appellant was granted leave to proceed in forma pauperis,**
17 **and the date of entry of the district court order granting such leave:**

18 No.

19 **9. Indicate the date the proceedings commenced in the district court (e.g., date**
20 **complaint, indictment, information, or petition was filed):**

21 October 23, 2018.

22 Dated this 28th day of February, 2019.

23 

24 _____
25 SANDRA L. STEWART
26 Attorney for DAMIEN ALEXANDER PHILLIPS

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CASE APPEAL STATEMENT

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STEVEN B. WOLFSON, ESQ.
CLARK COUNTY DISTRICT ATTORNEY
200 Lewis Avenue
Las Vegas, NV 89155-2212


SANDRA L. STEWART

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY
CASE NO. C-18-335500-1

State of Nevada
vs
Damien Phillips

§ Location: **Department 21**
§ Judicial Officer: **Adair, Valerie**
§ Filed on: **10/23/2018**
§ Cross-Reference Case **C335500**
§ Number:
§ Defendant's Scope ID #: **8437102**
§ ITAG Case ID: **2015980**
§ Lower Court Case # Root: **18FH1708**
§ Lower Court Case Number: **18FH1708A**

CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. CONSPIRACY TO COMMIT BURGLARY Arrest: 08/09/2018	G	07/17/2018	Case Status: 02/28/2019 Closed	
2. CONSPIRACY TO COMMIT ROBBERY	F	07/17/2018		
3. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	F	07/17/2018		
4. ROBBERY WITH USE OF A DEADLY WEAPON	F	07/17/2018		
5. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	F	07/23/2018		
6. ROBBERY WITH USE OF A DEADLY WEAPON	F	07/23/2018		
7. ROBBERY WITH USE OF A DEADLY WEAPON	F	07/23/2018		
8. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	F	07/31/2018		
9. ROBBERY WITH USE OF A DEADLY WEAPON	F	07/31/2018		
10. ROBBERY WITH USE OF A DEADLY WEAPON	F	07/31/2018		
11. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	F	08/06/2018		
12. ROBBERY WITH USE OF A DEADLY WEAPON	F	08/06/2018		
13. ROBBERY WITH USE OF A DEADLY WEAPON	F	08/06/2018		
14. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	F	08/09/2018		
15. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	F	08/09/2018		
16. ROBBERY WITH USE OF A DEADLY WEAPON	F	08/09/2018		
17. ROBBERY WITH USE OF A DEADLY WEAPON	F	08/09/2018		
18. ASSAULT WITH A DEADLY WEAPON	F	08/09/2018		
19. ASSAULT WITH A DEADLY WEAPON	F	08/09/2018		
20. ASSAULT WITH A DEADLY WEAPON	F	08/09/2018		
21. ASSAULT WITH A DEADLY WEAPON, VICTIM 60 YEARS OF AGE OR OLDER	F	08/09/2018		
22. CARRY CONCEALED PNEUMATIC GUN	F	08/09/2018		
23. PREVENT OR DISSUADING WITNESS OR VICTIM FROM REPORTING CRIME OR COMMENCING PROSECUTION	F	08/09/2018		

Related Cases

C-18-335500-2 (Multi-Defendant Case)
C-18-335500-3 (Multi-Defendant Case)

Statistical Closures

02/28/2019 Jury Trial - Conviction - Criminal

DATE

CASE ASSIGNMENT

Current Case Assignment













Case Number C-18-335500-1
Court Department 21
Date Assigned 10/23/2018

CASE SUMMARY**CASE NO. C-18-335500-1**
Adair, Valerie

Judicial Officer

PARTY INFORMATION

Defendant	Phillips, Damien Alexander	<i>Lead Attorneys</i> Stewart, Sandra L. <i>Retained</i> 7023634656(W)
Plaintiff	State of Nevada	Wolfson, Steven B 702-671-2700(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
10/23/2018	 Criminal Bindover - Confidential	
10/23/2018	 Criminal Bindover	
10/23/2018	 Information Party: Plaintiff State of Nevada <i>Information</i>	
10/31/2018	 Reporters Transcript <i>Reporter's Transcript of Preliminary Hearing - October 4, 2018 - Volume 1</i>	
10/31/2018	 Reporters Transcript <i>Reporter's Transcript of Preliminary Hearing - October 10, 2018 - Volume 2</i>	
11/08/2018	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>State's Notice of Witnesses and/or Expert Witnesses</i>	
11/13/2018	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>State's Notice of Witnesses and/or Expert Witnesses</i>	
11/16/2018	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>State's Second Supplemental Notice of Witnesses and/or Expert Witnesses</i>	
11/16/2018	 Notice of Motion Filed By: Plaintiff State of Nevada <i>State's Notice of Motion and Motion to Admit Preliminary Hearing Testimony</i>	
11/21/2018	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>State's Third Supplemental Notice of Witnesses</i>	
11/27/2018	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>State's Fourth Supplemental Notice of Witnesses</i>	
11/30/2018	 Recorders Transcript of Hearing	

CASE SUMMARY

CASE NO. C-18-335500-1

Recorder's Transcript of Hearing: Status Check: Trial Setting 11.01.18

12/03/2018	 Jury List
12/04/2018	 Media Request and Order <i>Media Request And Order Allowing Camera Access To Court Proceedings</i>
12/11/2018	 Information Amended in Open Court
12/13/2018	 Verdict
12/13/2018	 Amended Jury List
12/13/2018	 Instructions to the Jury
01/17/2019	 PSI
01/29/2019	 Order Appointing Counsel Party: Defendant Phillips, Damien Alexander <i>Order Appointing Appellate Counsel</i>
01/31/2019	 Request Filed by: Defendant Phillips, Damien Alexander <i>Damien Phillips Request For Full Transcripts Of Justice Court Proceedings To Dana Taviglione</i>
01/31/2019	 Request Filed by: Defendant Phillips, Damien Alexander <i>Damien Phillips Request For Full Transcripts Of Justice Court Proceedings To Lisa Brenske</i>
01/31/2019	 Request Filed by: Defendant Phillips, Damien Alexander <i>Damien Phillips Request For Full Transcripts Of District Court Proceedings To Kiara Schmidt</i>
01/31/2019	 Request Filed by: Defendant Phillips, Damien Alexander <i>Damien Phillips Request For Full Transcripts Of Justice Court Proceedings To Shawna McIntosh</i>
01/31/2019	 Request Filed by: Defendant Phillips, Damien Alexander <i>Damien Phillips Request For Full Transcripts Of District Court Proceedings To Susie Schofield</i>
02/07/2019	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing Re: Initial Arraignment, October 24, 2018</i>
02/27/2019	 Judgment of Conviction <i>Judgment of Conviction (Jury Trial)</i>
02/27/2019	 Criminal Order to Statistically Close Case

CASE SUMMARY
CASE NO. C-18-335500-1

Criminal Order to Statistically Close Case

02/28/2019



Notice of Appeal (criminal)
Notice of Appeal

02/28/2019



Case Appeal Statement
Filed By: Defendant Phillips, Damien Alexander
Case Appeal Statement

DISPOSITIONS

12/11/2018

Disposition (Judicial Officer: Adair, Valerie)

22. CARRY CONCEALED PNEUMATIC GUN

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

23. PREVENT OR DISSUADING WITNESS OR VICTIM FROM REPORTING CRIME OR COMMENCING PROSECUTION

Amended Information Filed/Charges Not Addressed

PCN: Sequence:

12/13/2018

Disposition (Judicial Officer: Adair, Valerie)

1. CONSPIRACY TO COMMIT BURGLARY

Guilty

PCN: Sequence:

2. CONSPIRACY TO COMMIT ROBBERY

Guilty

PCN: Sequence:

3. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

Guilty

PCN: Sequence:

4. ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

5. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

Guilty

PCN: Sequence:

6. ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

7. ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

8. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

Guilty

PCN: Sequence:

9. ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

10. ROBBERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

CASE SUMMARY
CASE NO. C-18-335500-1

11. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON
Guilty
PCN: Sequence:
12. ROBBERY WITH USE OF A DEADLY WEAPON
Guilty
PCN: Sequence:
13. ROBBERY WITH USE OF A DEADLY WEAPON
Guilty
PCN: Sequence:
14. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON
Guilty
PCN: Sequence:
15. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON
Guilty
PCN: Sequence:
16. ROBBERY WITH USE OF A DEADLY WEAPON
Guilty
PCN: Sequence:
17. ROBBERY WITH USE OF A DEADLY WEAPON
Guilty
PCN: Sequence:
18. ASSAULT WITH A DEADLY WEAPON
Guilty
PCN: Sequence:
19. ASSAULT WITH A DEADLY WEAPON
Guilty
PCN: Sequence:
20. ASSAULT WITH A DEADLY WEAPON
Guilty
PCN: Sequence:
21. ASSAULT WITH A DEADLY WEAPON, VICTIM 60 YEARS OF AGE OR OLDER
Guilty
PCN: Sequence:

HEARINGS

10/24/2018



Initial Arraignment (10:00 AM) (Judicial Officer: De La Garza, Melisa)

Plea Entered;

Journal Entry Details:

DEFT. PHILLIPS ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. Court stated that due to the invoked date provided being less then a week, ORDERED, matter set for status check to set a trial date. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript; FURTHER ORDERED, Deft s request for discovery and State s request for reciprocal discovery is GRANTED pursuant to Statute and State law. CUSTODY 11/01/18 9:30 AM STATUS CHECK: TRIAL SETTING (DEPT. 21);

11/01/2018



Status Check: Trial Setting (9:30 AM) (Judicial Officer: Adair, Valerie)

Trial Date Set;

CASE SUMMARY

CASE NO. C-18-335500-1

Journal Entry Details:

Colloquy regarding trial dates. Court noted that the Deft. invoked his right to a speedy trial and SET matter for trial. CUSTODY 11/29/18 9:30 AM CALENDAR CALL 12/3/18 9:30 AM JURY TRIAL;

11/27/2018



Motion to Admit Evidence (9:30 AM) (Judicial Officer: Adair, Valerie)

*State's Notice of Motion and Motion to Admit Preliminary Hearing Testimony
Matter Heard;*

Journal Entry Details:

Mr. Hughes requested the matter be moved to the calendar call date Thursday to have the State appear. Ms. Pandukht stated she would call the deputy to have them appear. COURT TRAILED MATTER. MATTER RECALLED Mr. Hughes and Mr. Brower stated that they received the State's motion but the date was not included. Ms. Schifalacqua stated that the motion was filed to place the defense on notice that she expected upwards of 75 witnesses in a 3 week trial adding that representations were made to the Court that the trial would be overflow eligible. As to the 16 witnesses that were called to testify during the preliminary hearing, Ms. Schifalacqua stated that she anticipates she may need to use transcripts of their testimony but will continue to do her due diligence to locate all witnesses. Upon the Court's inquiry, Ms. Schifalacqua stated that she believed the witness list will narrow to around 60 and that she provided a number of discovery items including cell phone and tablet analysis but requested the Court canvass Defts. that proceeding to trial is their strategy regardless of receiving the outstanding discovery. Ms. Schifalacqua stated there was also outstanding surveillance, underlying data with latent print examinations, and underlying gun analysis of which she anticipated getting the first week of trial and requested parties have a conference call to sort out scheduling. Mr. Brower stated that the trial length given was based on the 16 witnesses that were called in the preliminary hearing. Court advised counsel that everything will be placed on the record at Thursday's calendar call. CUSTODY;

11/29/2018



Calendar Call (9:30 AM) (Judicial Officer: Adair, Valerie)

Matter Heard;

Journal Entry Details:

Counsel stated they anticipated having 70 witnesses and would need 2 to 3 weeks for trial. Court advised counsel that it reviewed the transcripts, as previously discussed, and did not feel that Mr. Brower misrepresented the length of the trial. Court also noted that Court and counsel met in chambers to work out scheduling. Ms. Schifalacqua wanted to make a record that she had been providing discovery almost daily and the defense did not notice any experts or do any motion work. Colloquy regarding redactions to be made to bodycam video. Court directed the defense to notify Ms. Schifalacqua of what needs to be redacted to ensure that it is removed. Following a conference at the bench, Mr. Brower stated that he went over the incoming discovery with his client and he still wanted to invoke his right to a speedy trial. Court confirmed with both Defts. that they wanted to proceed to trial although discovery was still coming in. Mr. Hughes stated that he did not receive any jail call recordings from the State. Mr. Scow stated that he would provide the calls if he intended to use them during trial. Court SET trial time. CUSTODY 12/3/18 9:00 AM JURY TRIAL;

12/03/2018



Jury Trial (9:00 AM) (Judicial Officer: Adair, Valerie)

12/03/2018-12/07/2018, 12/10/2018-12/11/2018, 12/13/2018

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY Court and counsel settled jury instructions and verdict form. INSIDE THE PRESENCE OF THE JURY Jury instructions read by the Court. Closing arguments by counsel. Court revealed the alternate jurors who were thanked and excused until further notice. Jury retired to deliberate. At the time of 4:48 PM the Jury returned with the following verdict: COUNT 1 - Conspiracy to Commit Burglary - GUILTY; COUNT 2 - Conspiracy to Commit Burglary - GUILTY; COUNT 3 - Burglary While in Possession of a Deadly Weapon - GUILTY; COUNT 4 - Robbery with Use of a Deadly

CASE SUMMARY

CASE NO. C-18-335500-1

Weapon - GUILTY; COUNT 5 - Burglary While in Possession of a Deadly Weapon - GUILTY; COUNT 6 - Robbery with Use of a Deadly Weapon - GUILTY; COUNT 7 - Robbery with Use of a Deadly Weapon - GUILTY; COUNT 8 - Burglary While in Possession of a Deadly Weapon - GUILTY; COUNT 9 - Robbery with Use of a Deadly Weapon - GUILTY; COUNT 10 - Robbery with Use of a Deadly Weapon - GUILTY; COUNT 11 - Burglary While in Possession of a Deadly Weapon - GUILTY; COUNT 12 - Robbery with Use of a Deadly Weapon - GUILTY; COUNT 13 - Robbery with Use of a Deadly Weapon - GUILTY; COUNT 14 - Burglary While in Possession of a Deadly Weapon - GUILTY; COUNT 15 - Burglary While in Possession of a Deadly Weapon - GUILTY; COUNT 16 - Robbery with Use of a Deadly Weapon - GUILTY; COUNT 17 - Robbery with Use of a Deadly Weapon - GUILTY; COUNT 18 - Assault with a Deadly Weapon - GUILTY; COUNT 19 - Assault with a Deadly Weapon - GUILTY; COUNT 20 - Assault with a Deadly Weapon, Victim 60 Years of Age or Older - GUILTY. Court thanked and excused the Jury. COURT ORDERED, DEFT. REMANDED into custody without bail. Court referred the matter to the Division of Parole and Probation for a Presentence Investigation report and SET for sentencing. CUSTODY 1/29/19 9:30 AM SENTENCING;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY Colloquy regarding witnesses and possible prior acts. Court advised that it would be all right to get into witnesses relationships with the Defts. Mr. Scow requested the Information be interlineated on page 20 lines 1 and 2 to show the actual victim's name. Mr. Scow also requested an interlineation on page 2, line 4 to reflect the correct date of 7/17/18. COURT SO ORDERED. *INSIDE THE PRESENCE OF THE JURY* Testimony and exhibits presented. (See worksheets) The State rested. Court ADMONISHED and EXCUSED the Jurors for the evening recess. *OUTSIDE THE PRESENCE OF THE JURY* Deft. Barr advised of the evidence of past convictions. Defts. were advised of their rights to testify. CUSTODY 12/12/18 12:30 PM JURY TRIAL CONTINUED ;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

INSIDE THE PRESENCE OF THE POTENTIAL JURY Testimony and exhibits presented. (See worksheets) *OUTSIDE THE PRESENCE OF THE JURY* Following a conference at the bench, Court noted parties discussed redactions made to bodycam videos. *INSIDE THE PRESENCE OF THE POTENTIAL JURY* Testimony and exhibits presented. (See worksheets) Court ADMONISHED and EXCUSED the Jurors for the evening recess. CUSTODY 12/11/18 9:00 AM JURY TRIAL CONTINUED;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY Mr. Scow stated that Henderson Police evidence was marked when admitted. Court clarified that the exhibits were in a sealed state when received by the clerk. *INSIDE THE PRESENCE OF THE POTENTIAL JURY* Testimony and exhibits presented. (See worksheets) *OUTSIDE THE PRESENCE OF THE JURY* Court and counsel went over objections during testimony. *INSIDE THE PRESENCE OF THE POTENTIAL JURY* Testimony and exhibits presented. (See worksheets) Court ADMONISHED

CASE SUMMARY

CASE NO. C-18-335500-1

and EXCUSED the Jurors for the evening recess. CUSTODY 12/10/18 10:00 AM JURY TRIAL CONTINUED;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

INSIDE THE PRESENCE OF THE JURY Testimony and exhibits presented. (See worksheets) Court ADMONISHED and EXCUSED the Jurors for the evening recess. CUSTODY 12/7/18 9:00 AM JURY TRIAL CONTINUED;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY Counsel placed stipulated to exhibits on the records. INSIDE THE PRESENCE OF THE JURY Testimony and exhibits presented. (See worksheets) Court ADMONISHED and EXCUSED the Jurors for the lunch recess. OUTSIDE THE PRESENCE OF THE JURY Colloquy regarding juror that appeared to be resting during the testimony. The Court and the Court's marshal both noted they were watching the juror and her eyes were not closed and that she appear to just be slumped down in her chair. INSIDE THE PRESENCE OF THE JURY Testimony and exhibits presented. (See worksheets) Court ADMONISHED and EXCUSED the Jurors for the evening recess. OUTSIDE THE PRESENCE OF THE JURY Ms. Schifalacqua stated that she was able to have all of the bodycam video redacted as requested. CUSTODY 12/6/18 12:30 PM JURY TRIAL CONTINUED ;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

INSIDE THE PRESENCE OF THE JURY Opening statements by the State and Mr. Hughes. Court admonished and excused the Jury for the evening recess. OUTSIDE THE PRESENCE OF THE JURY Colloquy regarding upcoming testimony and expert witnesses. CUSTODY 12/5/08 9:00 AM JURY TRIAL CONTINUED;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Verdict;

Journal Entry Details:

INSIDE THE PRESENCE OF THE PROSPECTIVE JURY Introductions by the Court and counsel. Clerk called roll of the potential jurors and administered the Voir Dire Oath. Voir Dire began. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY Court and counsel reviewed for cause challenges. INSIDE THE PRESENCE OF THE POTENTIAL JURY Voir Dire continued. Jury panel selected and SWORN. Information read. Instructions given by Court. Court ADMONISHED and EXCUSED the Jurors for the evening recess. OUTSIDE THE PRESENCE OF THE JURY Counsel stipulated to the clerk not reading the Deft's full

CASE SUMMARY

CASE No. C-18-335500-1

names and aka names. Mr. Hughes stated that his client requested new accommodations in the South Tower of the jail. The Court advised parties that it would not get involved with the jail and where inmates are housed. CUSTODY 12/4/18 12:30 PM JURY TRIAL CONTINUED ;

01/29/2019



Sentencing (9:30 AM) (Judicial Officer: Smith, Douglas E.)

Defendant Sentenced;

Journal Entry Details:

Argument by counsel. Statement by the Deft. Victim speakers SWORN and TESTIFIED. By virtue of the Jury's verdict and by ORDER OF THIS COURT, DEFT BARR ADJUDGED GUILTY of: COUNT 1 - CONSPIRACY TO COMMIT BURGLARY; COUNT 2 - CONSPIRACY TO COMMIT ROBBERY; COUNT 3 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON; COUNT 4 - ROBBERY WITH USE OF A DEADLY WEAPON; COUNT 5 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON; COUNT 6 - ROBBERY WITH USE OF A DEADLY WEAPON; COUNT 7 - ROBBERY WITH USE OF A DEADLY WEAPON; COUNT 8 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON; COUNT 9 - ROBBERY WITH USE OF A DEADLY WEAPON; COUNT 10 - ROBBERY WITH USE OF A DEADLY WEAPON; COUNT 11 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON; COUNT 12 - ROBBERY WITH USE OF A DEADLY WEAPON; COUNT 13 - ROBBERY WITH USE OF A DEADLY WEAPON; COUNT 14 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON; COUNT 15 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON; COUNT 16 - ROBBERY WITH USE OF A DEADLY WEAPON; COUNT 17 - ROBBERY WITH USE OF A DEADLY WEAPON; COUNT 18 - ASSAULT WITH A DEADLY WEAPON; COUNT 19 - ASSAULT WITH A DEADLY WEAPON; COUNT 20 - ASSAULT WITH A DEADLY WEAPON; COUNT 21 - ASSAULT WITH A DEADLY WEAPON, VICTIM 60 YEARS OF AGE OR OLDER. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$250.00 Indigent Defense Fund fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers if not already taken, and \$3.00 DNA Collection fee, Deft. SENTENCED as follows: COUNT 1 - CONSPIRACY TO COMMIT BURGLARY- TO THREE HUNDRED SIXTY-FOUR (364) in the Clark County Detention Center (CCDC); COUNT 2 - CONSPIRACY TO COMMIT ROBBERY- TO A MINIMUM OF TWELVE (12) MONTHS AND A MAXIMUM OF FORTY-EIGHT (48) MONTHS to run CONCURRENT with Count 1; COUNT 3 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON- TO A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS, to run CONCURRENT with Count 2; COUNT 4 - ROBBERY WITH USE OF A DEADLY WEAPON- TO A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS plus a CONSECUTIVE term of a MINIMUM OF THIRTY (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS for use of a deadly weapon; COUNT 5 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON- TO A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS to run CONCURRENT to Count 3; COUNT 6 - ROBBERY WITH USE OF A DEADLY WEAPON- TO A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS plus a CONSECUTIVE term of a MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS for use of a deadly weapon to run CONSECUTIVE to Count 4; COUNT 7 - ROBBERY WITH USE OF A DEADLY WEAPON- TO A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS plus a CONSECUTIVE term of a MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS for use of a deadly weapon to run CONSECUTIVE to Count 6; COUNT 8 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON- TO A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS to run CONCURRENT with Count 5; COUNT 9 - ROBBERY WITH USE OF A DEADLY WEAPON- TO A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS plus a CONSECUTIVE term of a MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS for use of a deadly weapon to run CONSECUTIVE to Count 7; COUNT 10 - ROBBERY WITH USE OF A DEADLY WEAPON- A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS plus a CONSECUTIVE term of a MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS for use of a deadly weapon to run CONSECUTIVE to Count 9; COUNT 11 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON- A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS to run CONCURRENT with Count 8; COUNT 12 - ROBBERY WITH USE OF A DEADLY WEAPON- A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS plus a CONSECUTIVE term of a MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF

CASE SUMMARY

CASE No. C-18-335500-1

ONE HUNDRED TWENTY (120) MONTHS for use of a deadly weapon to run CONCURRENT with Count 10; COUNT 13 - ROBBERY WITH USE OF A DEADLY WEAPON- A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS plus a CONSECUTIVE term of A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS to run CONCURRENT with Count 12; COUNT 14 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON- A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS to run CONCURRENT with Count 11; COUNT 15 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON- A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS to run CONCURRENT with Count 14; COUNT 16 - ROBBERY WITH USE OF A DEADLY WEAPON- A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS plus a CONSECUTIVE term of A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS for use of a deadly weapon to run CONCURRENT with Count 13; COUNT 17 - ROBBERY WITH USE OF A DEADLY WEAPON- A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS plus a CONSECUTIVE term of A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS for use of a deadly weapon to run CONCURRENT with Count 16; COUNT 18 - ASSAULT WITH A DEADLY WEAPON- A MINIMUM OF TWELVE (12) MONTHS AND A MAXIMUM OF FORTY-EIGHT (48) MONTHS to run CONCURRENT with Count 15; COUNT 19 - ASSAULT WITH A DEADLY WEAPON- TO A MINIMUM OF TWELVE (12) MONTHS AND A MAXIMUM OF FORTY-EIGHT (48) MONTHS to run CONCURRENT with Count 18; COUNT 20 - ASSAULT WITH A DEADLY WEAPON- TO A MINIMUM OF TWELVE (12) MONTHS AND A MAXIMUM OF FORTY-EIGHT (48) MONTHS to run CONCURRENT with Count 19; COUNT 21 - ASSAULT WITH A DEADLY WEAPON, VICTIM 60 YEARS OF AGE OR OLDER- TO A MINIMUM OF TWELVE (12) MONTHS AND A MAXIMUM OF FORTY-EIGHT (48) MONTHS plus a CONSECUTIVE term of A MINIMUM OF TWELVE (12) MONTHS AND A MAXIMUM OF FORTY-EIGHT (48) MONTHS for victim 65 years of age or older, to run CONCURRENT with Count 17 in the Nevada Department of Corrections (NDC). Aggregate total sentence for the Deft. is a MINIMUM OF THREE HUNDRED SIXTY (360) MONTHS and a MAXIMUM OF ONE THOUSAND TWO HUNDRED (1,200) MONTHS, with ONE HUNDRED SEVENTY-FOUR (174) DAYS credit for time served. Mr. Brower requested he be allowed to withdraw and Ms. Stewart to be appointed for the Deft's appeal. COURT SO ORDERED. BOND, if any, EXONERATED. NDC;

02/04/2019



Status Check (8:00 AM) (Judicial Officer: Smith, Douglas E.)

Status Check: Clarification of Sentence

Matter Heard; Clarification of Sentence

Journal Entry Details:

Richard Scow, Chf Dep DA, and Barbara Schifalacqua, Chf Dep DA, present on behalf of the State; Keith Brower, Esq., present on behalf of Deft. Phillips, who is also present. This is the time set for the Status Check on Clarification of Sentence. Court called case; Ms. Schifalacqua advised that Deft. Phillips and Deft. Barr went to trial together back in December 2018; they were sentenced back on January 29, 2019, by this Court. Although some clarification as to Deft. Barr's sentence is necessary, Deft. Phillips sentence is fine as is. Therefore, COURT ORDERED, matter OFF CALENDAR. NDC;

Steven D. Grierson

JOC

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DAMIEN ALEXANDER PHILLIPS aka
Travis Alexander Phillips
#8437103

Defendant.

CASE NO. C-18-335500-1

DEPT. NO. XXI

JUDGMENT OF CONVICTION

(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 – CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor) in violation of NRS 205.060, 199.480; COUNT 2 - CONSPIRACY TO COMMIT ROBBERY (Category B Felony) in violation of NRS 200.380, 199.480; COUNTS 3, 5, 8, 11, 14 and 15 – BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (Category B Felony) in violation of NRS 205.060; COUNTS 4, 6, 7, 9, 10, 12, 13, 16 and 17 - ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.165; COUNTS 18, 19 and 20 – ASSAULT WITH A DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; COUNT 21 – ASSAULT WITH USE OF A DEADLY WEAPON, VICTIM 60 YEARS OF

<input type="checkbox"/> Nolle Prosequi (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial
<input type="checkbox"/> Dismissed (after diversion)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquittal
<input type="checkbox"/> Guilty Plea with Sent. (before trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition	

1 AGE OR OLDER (Category B Felony) in violation of NRS 200.471, 193.167; COUNT 22 –
2 CARRYING CONCEALED PNEUMATIC GUN (Category C Felony) in violation of NRS
3 202.350; and COUNT 23 – PREVENTING OR DISSUADING WITNESS OR VICTIM FROM
4 REPORTING CRIME OR COMMENCING PROSECUTION (Category D Felony) in violation
5 of NRS 199.305; the matter having been tried before a jury and the Defendant having been
6 found guilty of the crimes of COUNTS 1 and 2 – CONSPIRACY TO COMMIT BURGLARY
7 (Gross Misdemeanor) in violation of NRS 205.060, 199.480; COUNT 2 - CONSPIRACY TO
8 COMMIT ROBBERY (Category B Felony) in violation of NRS 200.380, 199.480; COUNTS
9 3, 5, 8, 11, 14 and 15 – BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON
10 (Category B Felony) in violation of NRS 205.060; COUNTS 4, 6, 7, 9, 10, 12, 13, 16 and 17 -
11 ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony) in violation of NRS
12 200.380, 193.165; COUNTS 18, 19 and 20 – ASSAULT WITH A DEADLY WEAPON
13 (Category B Felony) in violation of NRS 200.471; COUNT 21 – ASSAULT WITH USE OF A
14 DEADLY WEAPON, VICTIM 60 YEARS OF AGE OR OLDER (Category B Felony) in
15 violation of NRS 200.471, 193.167; COUNT 22 – CARRYING CONCEALED PNEUMATIC
16 GUN (Category C Felony) in violation of NRS 202.350; and COUNT 23 – PREVENTING OR
17 DISSUADING WITNESS OR VICTIM FROM REPORTING CRIME OR COMMENCING
18 PROSECUTION (Category D Felony) in violation of NRS 199.305; thereafter, on the 29th day
19 of January, 2019, the Defendant was present in court for sentencing with counsel KEITH
20 BROWER, ESQ., and good cause appearing,
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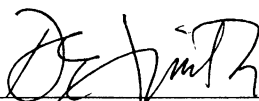
25 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in addition
26 to the \$25.00 Administrative Assessment Fee, \$250.00 Indigent Defense Civil Assessment Fee
27 and \$150.00 DNA Analysis Fee including testing to determine genetic markers plus \$3.00 DNA
28

1 Collection Fee, the Defendant is SENTENCED to the Nevada Department of Corrections
2 (NDC) as follows: **COUNT 1** – THREE HUNDRED SIXTY-FOUR (364) DAYS in the Clark
3 County Detention Center (CCDC); **COUNT 2** - a MAXIMUM of FORTY-EIGHT (48)
4 MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS, CONCURRENT
5 with COUNT 1; **COUNT 3** - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS
6 with a MINIMUM Parole Eligibility of THIRTY-SIX (36) MONTHS, CONCURRENT with
7 COUNT 2; **COUNT 4** - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a
8 MINIMUM Parole Eligibility of THIRTY-SIX (36) MONTHS plus a CONSECUTIVE term of
9 ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of
10 THIRTY-SIX (36) MONTHS for the Use of a Deadly Weapon; **COUNT 5** - a MAXIMUM of
11 ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of
12 THIRTY-SIX (36) MONTHS, CONCURRENT with COUNT 3; **COUNT 6** – a MAXIMUM of
13 a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole
14 Eligibility of THIRTY-SIX (36) MONTHS plus a CONSECUTIVE term of ONE HUNDRED
15 TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of THIRTY-SIX (36)
16 MONTHS for the Use of a Deadly Weapon, CONSECUTIVE to COUNT 4; **COUNT 7** – a
17 MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole
18 Eligibility of THIRTY-SIX (36) MONTHS plus a CONSECUTIVE term of ONE HUNDRED
19 TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of THIRTY-SIX (36)
20 MONTHS for the Use of a Deadly Weapon, CONSECUTIVE to COUNT 5; **COUNT 8** – a
21 MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole
22 Eligibility of THIRTY-SIX (36) MONTHS, CONCURRENT with COUNT 5; **COUNT 9** – a
23 MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole
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1 Eligibility of THIRTY-SIX (36) MONTHS plus a CONSECUTIVE term of ONE HUNDRED
2 TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of THIRTY-SIX (36)
3 MONTHS for the Use of a Deadly Weapon, CONSECUTIVE to COUNT 7; **COUNT 10** – a
4 MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole
5 Eligibility of THIRTY-SIX (36) MONTHS plus a CONSECUTIVE term of ONE HUNDRED
6 TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of THIRTY-SIX (36)
7 MONTHS for the Use of a Deadly Weapon, CONSECUTIVE to COUNT 9; **COUNT 11** – a
8 MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole
9 Eligibility of THIRTY-SIX (36) MONTHS, CONCURRENT with COUNT 8; **COUNT 12** - a
10 MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole
11 Eligibility of THIRTY-SIX (36) MONTHS plus a CONSECUTIVE term of ONE HUNDRED
12 TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of THIRTY-SIX (36)
13 MONTHS for the Use of a Deadly Weapon, CONSECUTIVE to COUNT 10; **COUNT 13** – a
14 MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole
15 Eligibility of THIRTY-SIX (36) MONTHS plus a CONSECUTIVE term of ONE HUNDRED
16 TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of THIRTY-SIX (36)
17 MONTHS for the Use of a Deadly Weapon, CONSECUTIVE to COUNT 12; **COUNT 14** – a
18 MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole
19 Eligibility of THIRTY-SIX (36) MONTHS, CONCURRENT with COUNT 11; **COUNT 15** - a
20 MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole
21 Eligibility of THIRTY-SIX (36) MONTHS, CONCURRENT with COUNT 14; **COUNT 16** - a
22 MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole
23 Eligibility of THIRTY-SIX (36) MONTHS plus a CONSECUTIVE term of ONE HUNDRED
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1 TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of THIRTY-SIX (36)
2 MONTHS for the Use of a Deadly Weapon, CONSECUTIVE to COUNT 13; **COUNT 17** – a
3 MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole
4 Eligibility of THIRTY-SIX (36) MONTHS plus a CONSECUTIVE term of ONE HUNDRED
5 TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of THIRTY-SIX (36)
6 MONTHS for the Use of a Deadly Weapon, CONSECUTIVE to COUNT 16; **COUNT 18** – a
7 MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of
8 TWELVE (12) MONTHS, CONCURRENT with COUNT 15; **COUNT 19**- a MAXIMUM of
9 FORTY-EIGHT (48) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12)
10 MONTHS, CONCURRENT with COUNT 18; **COUNT 20**- a MAXIMUM of FORTY-EIGHT
11 (48) MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS,
12 CONCURRENT with COUNT 19; and **COUNT 21** – a MAXIMUM of FORTY-EIGHT (48)
13 MONTHS with a MINIMUM Parole Eligibility of TWELVE (12) MONTHS, CONCURRENT
14 with COUNT 20; with ONE HUNDRED SEVENTY-FOUR (174) DAYS credit for time
15 served. The AGGREGATE TOTAL sentence is ONE HUNDRED (100) YEARS MAXIMUM
16 with a MINIMUM PAROLE ELIGIBILITY OF THIRTY (30) YEARS.
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20 DATED this 25 day of February, 2019.
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24 for VALERIE ADAIR
25 DISTRICT COURT JUDGE
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 24, 2018

C-18-335500-1 State of Nevada
 vs
 Damien Phillips

October 24, 2018 10:00 AM Initial Arraignment

HEARD BY: De La Garza, Melisa

COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Kristen Brown

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:	Brower, Keith	Attorney
	Jones, Jr., John T.	Attorney
	Phillips, Damien Alexander	Defendant
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- DEFT. PHILLIPS ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. Court stated that due to the invoked date provided being less than a week, ORDERED, matter set for status check to set a trial date. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript; FURTHER ORDERED, Deft s request for discovery and State s request for reciprocal discovery is GRANTED pursuant to Statute and State law.

CUSTODY

11/01/18 9:30 AM STATUS CHECK: TRIAL SETTING (DEPT. 21)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 01, 2018

C-18-335500-1 State of Nevada
 vs
 Damien Phillips

November 01, 2018 9:30 AM Status Check: Trial Setting

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT: Brower, Keith Attorney
 Luong, Vivian Attorney
 Phillips, Damien Alexander Defendant
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Colloquy regarding trial dates. Court noted that the Deft. invoked his right to a speedy trial and SET matter for trial.

CUSTODY

11/29/18 9:30 AM CALENDAR CALL
12/3/18 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 27, 2018

C-18-335500-1 State of Nevada
 vs
 Damien Phillips

November 27, 2018 9:30 AM Motion to Admit Evidence

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Brower, Keith	Attorney
	Phillips, Damien Alexander	Defendant
	Schifalacqua, Barbara	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Hughes requested the matter be moved to the calendar call date Thursday to have the State appear. Ms. Pandukht stated she would call the deputy to have them appear. COURT TRAILED MATTER.

MATTER RECALLED

Mr. Hughes and Mr. Brower stated that they received the State's motion but the date was not included. Ms. Schifalacqua stated that the motion was filed to place the defense on notice that she expected upwards of 75 witnesses in a 3 week trial adding that representations were made to the Court that the trial would be overflow eligible. As to the 16 witnesses that were called to testify during the preliminary hearing, Ms. Schifalacqua stated that she anticipates she may need to use transcripts of their testimony but will continue to do her due diligence to locate all witnesses.

Upon the Court's inquiry, Ms. Schifalacqua stated that she believed the witness list will narrow to around 60 and that she provided a number of discovery items including cell phone and tablet

analysis but requested the Court canvass Defts. that proceeding to trial is their strategy regardless of receiving the outstanding discovery. Ms. Schifalacqua stated there was also outstanding surveillance, underlying data with latent print examinations, and underlying gun analysis of which she anticipated getting the first week of trial and requested parties have a conference call to sort out scheduling.

Mr. Brower stated that the trial length given was based on the 16 witnesses that were called in the preliminary hearing.

Court advised counsel that everything will be placed on the record at Thursday's calendar call.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 29, 2018

C-18-335500-1 State of Nevada
 vs
 Damien Phillips

November 29, 2018 9:30 AM Calendar Call

HEARD BY: Adair, Valerie **COURTROOM:** RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Brower, Keith	Attorney
	Phillips, Damien Alexander	Defendant
	Schifalacqua, Barbara	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Counsel stated they anticipated having 70 witnesses and would need 2 to 3 weeks for trial. Court advised counsel that it reviewed the transcripts, as previously discussed, and did not feel that Mr. Brower misrepresented the length of the trial. Court also noted that Court and counsel met in chambers to work out scheduling. Ms. Schifalacqua wanted to make a record that she had been providing discovery almost daily and the defense did not notice any experts or do any motion work.

Colloquy regarding redactions to be made to bodycam video. Court directed the defense to notify Ms. Schifalacqua of what needs to be redacted to ensure that it is removed.

Following a conference at the bench, Mr. Brower stated that he went over the incoming discovery with his client and he still wanted to invoke his right to a speedy trial. Court confirmed with both Defts. that they wanted to proceed to trial although discovery was still coming in. Mr. Hughes stated that he did not receive any jail call recordings from the State. Mr. Scow stated that he would provide the calls if he intended to use them during trial.

Court SET trial time.

CUSTODY

12/3/18 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 03, 2018

C-18-335500-1 State of Nevada
vs
Damien Phillips

December 03, 2018 9:00 AM Jury Trial

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Brower, Keith	Attorney
	Phillips, Damien Alexander	Defendant
	Schifalacqua, Barbara	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- INSIDE THE PRESENCE OF THE PROSPECTIVE JURY

Introductions by the Court and counsel. Clerk called roll of the potential jurors and administered the Voir Dire Oath. Voir Dire began.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY

Court and counsel reviewed for cause challenges.

INSIDE THE PRESENCE OF THE POTENTIAL JURY

Voir Dire continued. Jury panel selected and SWORN. Information read. Instructions given by Court. Court ADMONISHED and EXCUSED the Jurors for the evening recess.

OUTSIDE THE PRESENCE OF THE JURY

Counsel stipulated to the clerk not reading the Deft's full names and aka names. Mr. Hughes stated that his client requested new accommodations in the South Tower of the jail. The Court advised parties that it would not get involved with the jail and where inmates are housed.

CUSTODY

12/4/18 12:30 PM JURY TRIAL CONTINUED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 04, 2018

C-18-335500-1 State of Nevada
vs
Damien Phillips

December 04, 2018 12:30 AM Jury Trial

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Brower, Keith	Attorney
	Phillips, Damien Alexander	Defendant
	Schifalacqua, Barbara	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- INSIDE THE PRESENCE OF THE JURY

Opening statements by the State and Mr. Hughes. Court admonished and excused the Jury for the evening recess.

OUTSIDE THE PRESENCE OF THE JURY

Colloquy regarding upcoming testimony and expert witnesses.

CUSTODY

12/5/08 9:00 AM JURY TRIAL CONTINUED

December 05, 2018

Minutes Date: October 24, 2018

INSIDE THE PRESENCE OF THE JURY

Testimony and exhibits presented. (See worksheets) Court ADMONISHED and EXCUSED the Jurors for the evening recess.

OUTSIDE THE PRESENCE OF THE JURY

Ms. Schifalacqua stated that she was able to have all of the bodycam video redacted as requested.

CUSTODY

12/6/18 12:30 PM JURY TRIAL CONTINUED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 06, 2018

C-18-335500-1 State of Nevada
 vs
 Damien Phillips

December 06, 2018 12:30 AM Jury Trial

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Brower, Keith	Attorney
	Phillips, Damien Alexander	Defendant
	Schifalacqua, Barbara	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- INSIDE THE PRESENCE OF THE JURY

Testimony and exhibits presented. (See worksheets)

Court ADMONISHED and EXCUSED the Jurors for the evening recess.

CUSTODY

12/7/18 9:00 AM JURY TRIAL CONTINUED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 07, 2018

C-18-335500-1 State of Nevada
vs
Damien Phillips

December 07, 2018 9:00 AM Jury Trial

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Brower, Keith	Attorney
	Phillips, Damien Alexander	Defendant
	Schifalacqua, Barbara	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY

Mr. Scow stated that Henderson Police evidence was marked when admitted. Court clarified that the exhibits were in a sealed state when received by the clerk.

INSIDE THE PRESENCE OF THE POTENTIAL JURY

Testimony and exhibits presented. (See worksheets)

OUTSIDE THE PRESENCE OF THE JURY

Court and counsel went over objections during testimony.

INSIDE THE PRESENCE OF THE POTENTIAL JURY

Testimony and exhibits presented. (See worksheets) Court ADMONISHED and EXCUSED the Jurors for the evening recess.

CUSTODY

12/10/18 10:00 AM JURY TRIAL CONTINUED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 10, 2018

C-18-335500-1 State of Nevada
 vs
 Damien Phillips

December 10, 2018 10:00 AM Jury Trial

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Brower, Keith	Attorney
	Phillips, Damien Alexander	Defendant
	Schifalacqua, Barbara	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- INSIDE THE PRESENCE OF THE POTENTIAL JURY

Testimony and exhibits presented. (See worksheets)

OUTSIDE THE PRESENCE OF THE JURY

Following a conference at the bench, Court noted parties discussed redactions made to bodycam videos.

INSIDE THE PRESENCE OF THE POTENTIAL JURY

Testimony and exhibits presented. (See worksheets) Court ADMONISHED and EXCUSED the Jurors for the evening recess.

C-18-335500-1

CUSTODY

12/11/18 9:00 AM JURY TRIAL CONTINUED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 11, 2018

C-18-335500-1 State of Nevada
 vs
 Damien Phillips

December 11, 2018 9:00 AM Jury Trial

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Brower, Keith	Attorney
	Phillips, Damien Alexander	Defendant
	Schifalacqua, Barbara	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY

Colloquy regarding witnesses and possible prior acts. Court advised that it would be all right to get into witnesses relationships with the Defts.

Mr. Scow requested the Information be interlineated on page 20 lines 1 and 2 to show the actual victim's name. Mr. Scow also requested an interlineation on page 2, line 4 to reflect the correct date of 7/17/18. COURT SO ORDERED.

INSIDE THE PRESENCE OF THE JURY

Testimony and exhibits presented. (See worksheets) The State rested. Court ADMONISHED and EXCUSED the Jurors for the evening recess.

OUTSIDE THE PRESENCE OF THE JURY

Deft. Barr advised of the evidence of past convictions. Defts. were advised of their rights to testify.

CUSTODY

12/12/18 12:30 PM JURY TRIAL CONTINUED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 13, 2018

C-18-335500-1 State of Nevada
 vs
 Damien Phillips

December 13, 2018 12:30 AM Jury Trial

HEARD BY: Adair, Valerie

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Brower, Keith	Attorney
	Phillips, Damien Alexander	Defendant
	Schifalacqua, Barbara	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY

Court and counsel settled jury instructions and verdict form.

INSIDE THE PRESENCE OF THE JURY

Jury instructions read by the Court. Closing arguments by counsel. Court revealed the alternate jurors who were thanked and excused until further notice. Jury retired to deliberate.

At the time of 4:48 PM the Jury returned with the following verdict:

COUNT 1 - Conspiracy to Commit Burglary - GUILTY;
COUNT 2 - Conspiracy to Commit Burglary - GUILTY;
COUNT 3 - Burglary While in Possession of a Deadly Weapon - GUILTY;

COUNT 4 - Robbery with Use of a Deadly Weapon - GUILTY;
COUNT 5 - Burglary While in Possession of a Deadly Weapon - GUILTY;
COUNT 6 - Robbery with Use of a Deadly Weapon - GUILTY;
COUNT 7 - Robbery with Use of a Deadly Weapon - GUILTY;
COUNT 8 - Burglary While in Possession of a Deadly Weapon - GUILTY;
COUNT 9 - Robbery with Use of a Deadly Weapon - GUILTY;
COUNT 10 - Robbery with Use of a Deadly Weapon - GUILTY;
COUNT 11 - Burglary While in Possession of a Deadly Weapon - GUILTY;
COUNT 12 - Robbery with Use of a Deadly Weapon - GUILTY;
COUNT 13 - Robbery with Use of a Deadly Weapon - GUILTY;
COUNT 14 - Burglary While in Possession of a Deadly Weapon - GUILTY;
COUNT 15 - Burglary While in Possession of a Deadly Weapon - GUILTY;
COUNT 16 - Robbery with Use of a Deadly Weapon - GUILTY;
COUNT 17 - Robbery with Use of a Deadly Weapon - GUILTY;
COUNT 18 - Assault with a Deadly Weapon - GUILTY;
COUNT 19 - Assault with a Deadly Weapon - GUILTY;
COUNT 20 - Assault with a Deadly Weapon, Victim 60 Years of Age or Older - GUILTY.

Court thanked and excused the Jury. COURT ORDERED, DEFT. REMANDED into custody without bail. Court referred the matter to the Division of Parole and Probation for a Presentence Investigation report and SET for sentencing.

CUSTODY

1/29/19 9:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 29, 2019

C-18-335500-1 State of Nevada
vs
Damien Phillips

January 29, 2019 9:30 AM Sentencing

HEARD BY: Smith, Douglas E.

COURTROOM: RJC Courtroom 11C

COURT CLERK: Jill Chambers

RECORDER: Susan Schofield

REPORTER:

PARTIES

PRESENT:	Brower, Keith	Attorney
	Phillips, Damien Alexander	Defendant
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff
	Stewart, Sandra L.	Attorney

JOURNAL ENTRIES

- Argument by counsel. Statement by the Deft. Victim speakers SWORN and TESTIFIED.

By virtue of the Jury's verdict and by ORDER OF THIS COURT, DEFT BARR ADJUDGED GUILTY of:

COUNT 1 - CONSPIRACY TO COMMIT BURGLARY;
COUNT 2 - CONSPIRACY TO COMMIT ROBBERY;
COUNT 3 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON;
COUNT 4 - ROBBERY WITH USE OF A DEADLY WEAPON;
COUNT 5 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON;
COUNT 6 - ROBBERY WITH USE OF A DEADLY WEAPON;
COUNT 7 - ROBBERY WITH USE OF A DEADLY WEAPON;
COUNT 8 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON;
COUNT 9 - ROBBERY WITH USE OF A DEADLY WEAPON;

COUNT 10 - ROBBERY WITH USE OF A DEADLY WEAPON;
COUNT 11 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON;
COUNT 12 - ROBBERY WITH USE OF A DEADLY WEAPON;
COUNT 13 - ROBBERY WITH USE OF A DEADLY WEAPON;
COUNT 14 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON;
COUNT 15 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON;
COUNT 16 - ROBBERY WITH USE OF A DEADLY WEAPON;
COUNT 17 - ROBBERY WITH USE OF A DEADLY WEAPON;
COUNT 18 - ASSAULT WITH A DEADLY WEAPON;
COUNT 19 - ASSAULT WITH A DEADLY WEAPON;
COUNT 20 - ASSAULT WITH A DEADLY WEAPON;
COUNT 21 - ASSAULT WITH A DEADLY WEAPON, VICTIM 60 YEARS OF AGE OR OLDER.

COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$250.00 Indigent Defense Fund fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers if not already taken, and \$3.00 DNA Collection fee, Deft. SENTENCED as follows:

COUNT 1 - CONSPIRACY TO COMMIT BURGLARY- TO THREE HUNDRED SIXTY-FOUR (364) in the Clark County Detention Center (CCDC);

COUNT 2 - CONSPIRACY TO COMMIT ROBBERY- TO A MINIMUM OF TWELVE (12) MONTHS AND A MAXIMUM OF FORTY-EIGHT (48) MONTHS to run CONCURRENT with Count 1;

COUNT 3 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON- TO A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS, to run CONCURRENT with Count 2;

COUNT 4 - ROBBERY WITH USE OF A DEADLY WEAPON- TO A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS plus a CONSECUTIVE term of a MINIMUM OF THIRTY (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS for use of a deadly weapon;

COUNT 5 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON- TO A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS to run CONCURRENT to Count 3;

COUNT 6 - ROBBERY WITH USE OF A DEADLY WEAPON- TO A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS plus a CONSECUTIVE term of a MINIMUM OF THIRTY-SIX (36) AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS for use of a deadly weapon to run CONSECUTIVE to Count 4;

COUNT 7 - ROBBERY WITH USE OF A DEADLY WEAPON- TO A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS plus a CONSECUTIVE term of a MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS for use of a deadly weapon to run CONSECUTIVE to Count 6;

COUNT 8 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON- TO A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS to run CONCURRENT with Count 5;

COUNT 9 - ROBBERY WITH USE OF A DEADLY WEAPON- TO A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS plus a CONSECUTIVE term of A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS for use of a deadly weapon to run CONSECUTIVE to Count 7;

COUNT 10 - ROBBERY WITH USE OF A DEADLY WEAPON- A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS plus a CONSECUTIVE term of A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS for use of a deadly weapon to run CONSECUTIVE to Count 9;

COUNT 11 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON- A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS to run CONCURRENT with Count 8;

COUNT 12 - ROBBERY WITH USE OF A DEADLY WEAPON- A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS plus a CONSECUTIVE term of A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS for use of a deadly weapon to run CONCURRENT with Count 10;

COUNT 13 - ROBBERY WITH USE OF A DEADLY WEAPON- A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS plus a CONSECUTIVE term of A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS to run CONCURRENT with Count 12;

COUNT 14 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON- A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS to run CONCURRENT with Count 11;

COUNT 15 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON- A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS to run CONCURRENT with Count 14;

COUNT 16 - ROBBERY WITH USE OF A DEADLY WEAPON- A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS plus a CONSECUTIVE term of A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS for use of a deadly weapon to run CONCURRENT with Count 13;

COUNT 17 - ROBBERY WITH USE OF A DEADLY WEAPON- A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS plus a CONSECUTIVE term of A MINIMUM OF THIRTY-SIX (36) MONTHS AND A MAXIMUM OF ONE HUNDRED TWENTY (120) MONTHS for use of a deadly weapon to run CONCURRENT with Count 16;

COUNT 18 - ASSAULT WITH A DEADLY WEAPON- A MINIMUM OF TWELVE (12) MONTHS AND A MAXIMUM OF FORTY-EIGHT (48) MONTHS to run CONCURRENT with Count 15;

COUNT 19 - ASSAULT WITH A DEADLY WEAPON- TO A MINIMUM OF TWELVE (12) MONTHS AND A MAXIMUM OF FORTY-EIGHT (48) MONTHS to run CONCURRENT with Count 18;

COUNT 20 - ASSAULT WITH A DEADLY WEAPON- TO A MINIMUM OF TWELVE (12) MONTHS AND A MAXIMUM OF FORTY-EIGHT (48) MONTHS to run CONCURRENT with Count

19;

COUNT 21 - ASSAULT WITH A DEADLY WEAPON, VICTIM 60 YEARS OF AGE OR OLDER- TO A MINIMUM OF TWELVE (12) MONTHS AND A MAXIMUM OF FORTY-EIGHT (48) MONTHS plus a CONSECUTIVE term of A MINIMUM OF TWELVE (12) MONTHS AND A MAXIMUM OF FORTY-EIGHT (48) MONTHS for victim 65 years of age or older, to run CONCURRENT with Count 17 in the Nevada Department of Corrections (NDC).

Aggregate total sentence for the Deft. is a MINIMUM OF THREE HUNDRED SIXTY (360) MONTHS and a MAXIMUM OF ONE THOUSAND TWO HUNDRED (1,200) MONTHS, with ONE HUNDRED SEVENTY-FOUR (174) DAYS credit for time served.

Mr. Brower requested he be allowed to withdraw and Ms. Stewart to be appointed for the Deft's appeal. COURT SO ORDERED.

BOND, if any, EXONERATED.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 04, 2019**

C-18-335500-1

State of Nevada

vs

Damien Phillips

February 04, 2019**8:00 AM****Status Check****Clarification of
Sentence****HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Carol Donahoo**RECORDER:** Gina Villani**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Richard Scow, Chf Dep DA, and Barbara Schifalacqua, Chf Dep DA, present on behalf of the State; Keith Brower, Esq., present on behalf of Deft. Phillips, who is also present.

This is the time set for the Status Check on Clarification of Sentence. Court called case; Ms. Schifalacqua advised that Deft. Phillips and Deft. Barr went to trial together back in December 2018; they were sentenced back on January 29, 2019, by this Court. Although some clarification as to Deft. Barr's sentence is necessary, Deft. Phillips sentence is fine as is. Therefore, COURT ORDERED, matter OFF CALENDAR.

NDC

EXHIBIT(S) LIST

Case No.: **C335500**

Trial Date: **12/3/18**

Dept. No.: **XXI**

Judge: **Valerie Adair**

Court Clerk: **Jill Chambers**

Plaintiff: **State of Nevada**

Recorder: **Susie Schofield**

Counsel for Plaintiff: **B. Schifalacqua/R. Scow**

vs.

Defendants:
Damien Phillips/Anthony Barr

Counsel for Defendant: **K. Brower/E. Hughes**

TRIAL BEFORE THE COURT

State's EXHIBITS

Ex. #	Exhibit Description	Date Offered	Obj	Date Admitted
1.	CD – US Bank surveillance	DEC 0 4 2018	Stip	DEC 0 4 2018
2.	CD- 911 Shirley Shaffer	DEC 0 4 2018	"	DEC 0 4 2018
3.	Photo – US Bank 1440 overhead map	DEC 0 4 2018	"	DEC 0 4 2018
4.	Photo –US Bank 1440	DEC 0 4 2018	"	DEC 0 4 2018
5.	Photo – US Bank front door	DEC 0 5 2018	Stip	DEC 0 5 2018
6.	Photo – Bank lobby	DEC 0 4 2018	Stip	DEC 0 4 2018
7.	Photo – Bank counters	DEC 0 4 2018	"	DEC 0 4 2018
8.	Photo – Bank counter	DEC 0 5 2018	Stip	DEC 0 5 2018
9.	Photo – Bank lobby			
10.	Photo – Work station			
11.	Photo – Work station counter			
12.	Photo – Cash drawer			
13.	Photo – Surveillance cameras			
14.	Photo – Work station			
15.	Photo - \$20.00/cell phone			
16.	Photo – Bank offices			
17.	Photo – Camera			
18.	Photo – Front of US Bank			

EXHIBIT(S) LIST

Case # C335500

State of Nevada

vs.

Damien Phillips/Anthony Barr

State's EXHIBITS

Ex. #	Exhibit Description	Date Offered	Obj	Date Admitted
19	Photo – US Bank front door	DEC 0 5 2018	Ship	DEC 0 5 2018
20	Photo – Print lift front door			
21	Photo – Print lift front doors			
22	Photo – Print lift front door			
23	Photo – Cash Settlement 7/17/18	DEC 0 4 2018	Ship	DEC 0 4 2018
24	CD – Sea Food City video	DEC 0 5 2018	Ship	DEC 0 5 2018
25	CD – 911 call Melanie	DEC 0 5 2018	"	DEC 0 5 2018
26	CD – Video at home	"	"	"
27	CD – US Bank surveillance	DEC 0 4 2018		DEC 0 4 2018
28	Photo – 10565 S. Eastern Ave overhead map	DEC 0 4 2018		DEC 0 4 2018
29	Photo – US Bank drive thru	DEC 0 4 2018		DEC 0 4 2018
30	Photo –US Bank parking	DEC 0 4 2018		DEC 0 4 2018
31	Photo – US Bank front door from outside	DEC 0 5 2018	Ship	DEC 0 5 2018
32	Photo – US Bank lobby	DEC 0 4 2018		DEC 0 4 2018
33	Photo –US Bank lobby	DEC 0 4 2018		DEC 0 4 2018
34	Photo – US Bank lobby counter	DEC 0 5 2018	Ship	DEC 0 5 2018
35	Photo – US Bank counter			DEC 0 5 2018
36	Photo – US Bank counter			
37	Photo – US Bank behind counter			
38	Photo – US Bank work station #5			
39	Photo – US Bank work station #5 drawers			
40	Photo – US Bank station #5			
41	Photo – Station #5 cash drawer			
42	Photo – Station #5 empty drawer			
43	Photo – US Bank behind counter			
44	Photo – US Bank behind counter			
45	Photo – US Bank surveillance cameras			
46	Photo – Station #1 cash drawers			

EXHIBIT(S) LIST

Case # C335500

State of Nevada

vs.

Damien Phillips/Anthony Barr

State's EXHIBITS

Ex. #	Exhibit Description	Date Offered	Obj	Date Admitted
47.	Photo – Station #1	DEC 0 5 2018	Stip	DEC 0 5 2018
48.	Photo – Station #1 cash drawer			
49.	Photo – Front of Allyson work station			
50.	Photo – US Bank inside of front doors			
51.	Photo – US Bank inside of front doors fingerprinted			
52.	Photo – US Bank inside of front door			
53.	Photo – US Bank inside of front door			
54.	Photo – Allyson's work station fingerprint dusting			
55.	Photo – Allyson's work station front counter			
56.	Photo – Cash settlement 7/23/18 – Santomaura	DEC 0 5 2018	Stip	DEC 0 5 2018
57.	Photo – Cash settlement 7/23/18 – Terada	DEC 0 5 2018	"	DEC 0 5 2018
58.	Photo – Vault itemization Sheet – 7/23/18	DEC 0 5 2018	"	DEC 0 5 2018
59.	CD – US Bank surveillance	DEC 0 4 2018	Stip	DEC 0 4 2018
60.	CD – Smith's video	DEC 0 6 2018	"	DEC 0 6 2018
61.	CD – 911 call Zitzmann	DEC 0 6 2018	"	DEC 0 6 2018
62.	Photo – Smith's overhead map	DEC 0 5 2018	Stip	DEC 0 5 2018
63.	Photo – Smith's	DEC 0 6 2018	Stip	DEC 0 6 2018
64.	Photo – Smith's US Bank			
65.	Photo – Bank counter			
66.	Photo – Bank counter			
67.	Photo – Bank counter			
68.	Photo – Markers/crayons on shelf	DEC 0 6 2018	Stip	DEC 0 6 2018
69.	Photo – Markers/crayons close up	DEC 0 6 2018	"	DEC 0 6 2018
70.	Photo – Crayons in cart			
71.	Photo – Back of bank counter			
72.	Photo – Back of bank counter			
73.	Photo – Work station			
74.	Photo – Cash drawer			

EXHIBIT(S) LIST

Case # C335500

State of Nevada

vs.

Damien Phillips/Anthony Barr

State's EXHIBITS

Ex. #	Exhibit Description	Date Offered	Obj	Date Admitted
75.	Photo – Work station	DEC 0 6 2018	Ship	DEC 0 6 2018
76.	Photo –Cash drawer			
77.	Photo – Cash drawer			
78.	Photo - Crayons print lift			
79.	Photo – Crayons print lift			
80.	Photo – Crayons print lift			
81.	Photo – Crayons print lift			
82.	Photo – Crayons print lift			
83.	Photo – Crayons print lift			
84.	Photo – US Bank surveillance camera			
85.	Photo –Withdrawal slip	DEC 0 6 2018	Ship	DEC 0 6 2018
86.	Photo – Henderson PD package 1951-001 – front			
87.	Photo - Henderson PD package 1951-001 – back			
88.	Photo – Withdrawal slip front			
89.	Photo –Withdrawal slip back			
90.	Photo –Fingerprints			
91.	Photo –Fingerprints			
92.	Photo –Fingerprints			
93.	Photo -Fingerprints			
94.	Photo - Fingerprints			
95.	Photo - Fingerprints	DEC 0 6 2018	Ship	DEC 0 6 2018
96.	Photo –Desert Dental still – Black female	DEC 0 5 2018	Ship	DEC 0 5 2018
97.	Photo - Desert Dental still – Black female			
98.	Photo - Desert Dental still – 2 black males			
99.	Photo - Desert Dental still – Black male running			
100.	Photo - Desert Dental still – Black males			
101.	Photo - Desert Dental still – Black males			
102.	Photo - Desert Dental still – Black male running	DEC 0 5 2018	Ship	DEC 0 5 2018

EXHIBIT(S) LIST

Case # C335500

State of Nevada

vs.

Damien Phillips/Anthony Barr

State's EXHIBITS

Ex. #	Exhibit Description	Date Offered	Obj	Date Admitted
103.	CD -Bank of the West surveillance	DEC 0 5 2018	Ship	DEC 0 5 2018
104.	CD - 911 - Manny Baene	"	"	"
105.	CD - Anthem realty surveillance	DEC 0 5 2018	Ship	DEC 0 5 2018
106.	Photo - 701 N. Valle Verde overhead map	DEC 0 5 2018	Ship	DEC 0 5 2018
107.	Photo - Bank of the West outside	DEC 0 5 2018	Ship	DEC 0 5 2018
108.	Photo - Bank of the West front entrance			
109.	Photo - Bank of the West front doors			
110.	Photo - Bank of the West entrance doors			
111.	Photo - Bank of the West entrance doors			
112.	Photo - Bank of the West lobby			
113.	Photo - Bank of the West lobby			
114.	Photo - Bank of the West waiting area	DEC 0 5 2018	Ship	DEC 0 5 2018
115.	Photo - Bank of the West counters			
116.	Photo - Bank of the West counters			
117.	Photo - Bank of the West lobby table			
118.	Photo - Bank of the West new accounts desk			
119.	Photo - Bank of the West counter			
120.	Photo - Bank of the West Grace counter			
121.	Photo - Bank of the West counter			
122.	Photo - Back of counters			
123.	Photo - Back of counters			
124.	Photo - Back of counters			
125.	Photo - Cash drawer			
126.	Photo - Work station			
127.	Photo - Work station			
128.	Photo - Cash drawer			
129.	Photo - Back of work stations			
130.	Photo - Bank of the West surveillance cameras			

EXHIBIT(S) LIST

Case # C335500

State of Nevada

vs.

Damien Phillips/Anthony Barr

State's EXHIBITS

Ex. #	Exhibit Description	Date Offered	Obj	Date Admitted
131.	Photo - Bank of the West work stations	DEC 0 5 2018	Stip	DEC 0 5 2018
132.	Photo - Bank of the West surveillance cameras			
133.	Photo - Bank of the West lobby			
134.	Photo - front of counter			
135.	Photo - counter dusted for fingerprints			
136.	Photo - chair dusted for fingerprints			
137.	Photo - lobby table			
138.	Photo - lobby table fingerprint tape			
139.	Photo - Bank of the West front doors			
140.	Photo - front door fingerprint tape			
141.	Photo - front door fingerprint tape			
142.	Photo - front door fingerprint tape			
143.	Photo - outside of front door fingerprint tape			
144.	Photo - outside of front door fingerprint tape			
145.	Photo - inside of front door			
146.	Photo - inside front door fingerprint tape			
147.	Photo - inside outside front door fingerprint tape			
148.	Photo - inside front door handle fingerprint tape	DEC 0 5 2018	Stip	DEC 0 5 2018
149.	Photo - Spirit Life Church	DEC 0 7 2018		DEC 0 7 2018
150.	Photo - Bank of the West back	" "	" "	" "
151.	Photo - Anthem Realty Surveillance	DEC 0 7 2018		DEC 0 7 2018
152.	Photo - Bank of the West balance sheet Begum 7/31/18	Withdrawn - Returned		
153.	Photo - Bank of the West balance sheet Mones 7/31/18	Withdrawn - Returned		
154.	CD - US Bank surveillance	DEC 0 4 2018	Stip	DEC 0 4 2018
155.	CD - Smith's surveillance	DEC 1 0 2018	Stip	DEC 1 0 2018
156.	CD - Hubbard Video	DEC 1 0 2018	Stip	DEC 1 0 2018
157.	CD - Air unit traffic	DEC 1 0 2018	Stip	DEC 1 0 2018
158.	CD - 911 call 801 E. Charleston			

EXHIBIT(S) LIST

Case # C335500

State of Nevada

VS.

Damien Phillips/Anthony Barr

State's EXHIBITS

Ex. #	Exhibit Description	Date Offered	Obj	Date Admitted
159.	CD - 705 E St. Louis	DEC 05 2018	Ship	DEC 05 2018
160.	Photo - Smith's overhead map	DEC 05 2018	"	DEC 05 2018
161.	Photo - 2 black males outside Smith's	DEC 10 2018	Ship	DEC 10 2018
162.	Photo - US Bank overhead map	DEC 10 2018	Ship	DEC 10 2018
163.	Photo - US Bank	DEC 07 2018	Ship	DEC 07 2018
164.	Photo - US Bank			
165.	Photo - US Bank front door			
166.	Photo - US Bank lobby			
167.	Photo - US Bank lobby			
168.	Photo - US Bank counters			
169.	Photo - US Bank counters			
170.	Photo - US Bank counter			
171.	Photo - US Bank business teller			
172.	Photo - US Bank business teller			
173.	Photo - US Bank waiting area			
174.	Photo - Fingerprint lift counter			
175.	Photo - US Bank service desks	DEC 07 2018	Ship	DEC 07 2018
176.	Photo - US Bank outside of vault	"	"	"
177.	Photo - US Bank lobby	"	"	"
178.	Photo - US Bank outside parking lot			
179.	Photo - US Bank outside parking lot	DEC 10 2018	Ship	DEC 10 2018
180.	Photo - Arrest photo - male	DEC 07 2018	Ship	DEC 07 2018
181.	Photo - Arrest photo	DEC 07 2018	Ship	DEC 07 2018
182.	Photo - Arrest photo	DEC 13 2018	Ship	DEC 13 2018
183.	Photo - Arrest photo	DEC 13 2018	Ship	DEC 13 2018
184.	Photo - Arrest photo	DEC 13 2018	Ship	DEC 13 2018
185.	Photo - Arrest photo handcuffed	DEC 07 2018	"	DEC 07 2018
186.	Photo - Arrest photo wound	"	"	"

EXHIBIT(S) LIST

Case # C335500

State of Nevada

vs.

Damien Phillips/Anthony Barr

State's EXHIBITS

Ex. #	Exhibit Description	Date Offered	Obj	Date Admitted
187.	Photo - Arrest photo wound	DEC 0 7 2018	Stip	DEC 0 7 2018
188.	Photo - Arrest photo back of arm			
189.	Photo - Arrest photo scrape			
190.	Photo - Arrest photo scrape			
191.	Photo - Arrest photo handcuffed rubberband			
192.	Photo - Arrest photo wound			
193.	Photo - Arrest photo wound			
194.	Photo - Arrest photo - female			
195.	Photo - Arrest photo	DEC 0 7 2018	Stip	DEC 0 7 2018
196.	Photo - Arrest photo			
197.	Photo - Arrest photo			
198.	Photo - Arrest photo			
199.	Photo - Arrest photo - second female	DEC 0 7 2018	Stip	DEC 0 7 2018
200.	Photo - Arrest photo			
201.	Photo - Arrest photo			
202.	Photo - Arrest photo			
203.	Photo - Arrest photo			
204.	Photo - Arrest photo - male in car	DEC 0 7 2018	Stip	DEC 0 7 2018
205.	Photo - Money recovered			
206.	Photo - 606 house			
207.	Photo - Money in backyard			
208.	Photo - Money in backyard			
209.	Photo - Money - yellow bag			
210.	Photo - Money in backyard			
211.	Photo - Money in backyard			
212.	Photo - Money in backyard			
213.	Photo - Money in backyard			
214.	Photo - Money in backyard			

EXHIBIT(S) LIST

Case # C335500

State of Nevada

vs.

Damien Phillips/Anthony Barr

State's EXHIBITS

Ex. #	Exhibit Description	Date Offered	Obj	Date Admitted
215.	Photo - Money in backyard	DEC 07 2018	Ship	DEC 07 2018
216.	Photo - Money band			
217.	Photo - Money - yellow bag			
218.	Photo - Money - yellow bag			
219.	Photo - Money in yellow bag			
220.	Photo - Money sorted			
221.	Photo - Money sorted			
222.	Photo - Money sorted			
223.	Photo - Money in yellow bag			
224.	Photo - 701 house			
225.	Photo - 701 house			
226.	Photo - Side of 701 house			
227.	Photo - Money in yard			
228.	Photo - Backyard wall			
229.	Photo - Backyard wall			
230.	Photo - Sideyard	DEC 07 2018		DEC 07 2018
231.	Photo - Arrest - Phillips	DEC 10 2018	Ship	DEC 10 2018
232.	Photo - Arrest - Barr	DEC 07 2018	Ship	DEC 07 2018
233.	Photo - Suspect clothing	DEC 07 2018	Ship	DEC 07 2018
234.	Photo - Suspect clothing			
235.	Photo - Suspect clothing			
236.	Photo - Suspect shoes			
237.	Photo - Suspect shoes			
238.	Photo - Suspect shoes			
239.	Photo - Wallet - Barr			
240.	Photo - Wallet - Barr			
241.	Photo - Belt, lighter, sunglasses, room keycard, gum			
242.	Photo - Sunglasses			

EXHIBIT(S) LIST

Case # C335500

State of Nevada

vs.

Damien Phillips/Anthony Barr

State's EXHIBITS

Ex. #	Exhibit Description	Date Offered	Obj	Date Admitted
243.	Photo – Sunglasses	DEC 07 2018	Ship	DEC 07 2018
244.	Photo - Suspect clothing			
245.	Photo - Suspect clothing			
246.	Photo - Suspect clothing			
247.	Photo - Suspect clothing			
248.	Photo - Suspect clothing			
249.	Photo - Suspect shoes			
250.	Photo - Suspect shoes			
251.	Photo - Suspect shoes			
252.	Photo - Suspect shoes	DEC 07 2018	Ship	DEC 07 2018
253.	CD – Papazian w/ Barr in car	DEC 10 2018	Ship	DEC 10 2018
254.	CD – Parish-money clip	DEC 10 2018	"	DEC 10 2018
255.	CD – Farrington arrest of Phillips	DEC 10 2018	Ship	DEC 10 2018
256.	CD – Grand Marquis stop	DEC 10 2018	Ship	DEC 10 2018
257.	CD – Arrest of Barr	DEC 10 2018	Ship	DEC 10 2018
258.	Photo – E. St Louis overhead map	DEC 07 2018	Ship	DEC 07 2018
259.	Photo – Alhambra Circle overhead map			
260.	Photo – Arrest	Withdrawn - Returned		
261.	Photo – Arrest			
262.	Photo – Arrest			
263.	Photo – News release	DEC 07 2018	Ship	DEC 07 2018
264.	Photo – Suspects in bank	DEC 05 2018	Ship	DEC 05 2018
265.	Balance sheet - Ruacho-Benitez/Apebani	DEC 10 2018	Ship	DEC 10 2018
266.	Photo – 142 door numbers	DEC 11 2018	Ship	DEC 11 2018
267.	Photo – Inside of apartment			
268.	Photo – 242 door numbers			
269.	Photo – Inside of apartment			
270.	Photo – Inside of apartment			

EXHIBIT(S) LIST

Case # C335500

State of Nevada

vs.

Damien Phillips/Anthony Barr

State's EXHIBITS

Ex. #	Exhibit Description	Date Offered	Obj	Date Admitted
271.	Photo – Folded clothes on bed	DEC 1 1 2018	Ship	DEC 1 1 2018
272.	Photo – Table			
273.	Photo – Kitchen			
274.	Photo – Black male headshot	DEC 1 1 2018	Ship	DEC 1 1 2018
275.	Photo – Bathroom sink	DEC 1 1 2018	"	DEC 1 1 2018
276.	Photo – Grand Marquis front	DEC 1 1 2018		DEC 1 1 2018
277.	Photo – Grand Marquis back	DEC 1 0 2018	Ship	DEC 1 0 2018
278.	Photo – Grand Marquis driver's side	DEC 1 1 2018	Ship	DEC 1 1 2018
279.	Photo – Grand Marquis Driver's front fender			
280.	Photo – Texas 30 day permit			
281.	Photo – Grand Marquis hood			
282.	Photo – Grand Marquis trunk			
283.	Photo – Grand Marquis driver's seat			
284.	Photo - Grand Marquis back seat blue bag			
285.	Photo – Blue bag, black/red box			
286.	Photo – Gun on rear floorboard			
287.	Photo - Grand Marquis front passenger seat			
288.	Photo - Grand Marquis passenger side backseat			
289.	Photo - Grand Marquis inside of trunk			
290.	Photo – Sig Sauer firearm			
291.	Photo – Firearm with magazine			
292.	Photo – Magazine			
293.	Photo - Grand Marquis passenger seat pocket			
294.	Photo – Close up of pocket			
295.	Photo - Grand Marquis front seat			
296.	Photo – TX ID card – Sabrina Henderson			
297.	Photo – Eyeshadow			
298.	Photo – Makeup box	DEC 1 1 2018	Ship	DEC 1 1 2018

EXHIBIT(S) LIST

Case # C335500

State of Nevada

vs.

Damien Phillips/Anthony Barr

State's EXHIBITS

Ex. #	Exhibit Description	Date Offered	Obj	Date Admitted
299.	Photo – Circus Circus room door	DEC 11 2018	Ship	DEC 11 2018
300.	Photo - Circus Circus room # 2404			
301.	Photo - Circus Circus inside of room			
302.	Photo - Circus Circus beds/nightstand			
303.	Photo - Circus Circus coffee table			
304.	Photo – Coffee Table close up			
305.	Photo - Circus Circus bathroom sink			
306.	Photo – Makeup bottles			
307.	Photo – Makeup bottles			
308.	Photo – Makeup with brush			
309.	Photo - Circus Circus chair seat			
310.	Photo – Damien Phillips work badge			
311.	Photo – Plastic bag with makeup contents			
312.	Photo – Black purse with plastic bag inside			
313.	Photo – Wash clothes hanging on shower pole			
314.	Photo – Wash clothes close up			
315.	Photo - Circus Circus manor sign			
316.	Photo – Blue jeans rear			
317.	Photo – Blue jeans front	DEC 11 2018	Ship	DEC 11 2018
318.	Photo – Mazda Protégé driver's side	DEC 10 2018	Ship	DEC 10 2018
319.	Photo - Mazda Protégé passenger side	DEC 11 2018	Ship	DEC 11 2018
320.	Photo - Mazda Protégé rear bumper			
321.	Photo - Mazda Protégé passenger seat red/black shirt hung up			
322.	Photo - Mazda Protégé back seat passenger side			
323.	Photo - Mazda Protégé back seat driver's side			
324.	Photo - Mazda Protégé driver's seat			
325.	Photo - Mazda Protégé hatchback inside			
326.	Photo – Black gun			

EXHIBIT(S) LIST

Case # C335500

State of Nevada

vs.

Damien Phillips/Anthony Barr

State's EXHIBITS

Ex. #	Exhibit Description	Date Offered	Obj	Date Admitted
327.	Photo - Mazda Registration	12/11/18	stip	12/11/18
328.	Henderson PD evidence			
329.	" "			
330.	" "			
331.	" "			
332.	" "			
333.	" "	12/11/18	stip	12/11/18
333A	- receipt	12/11/18	"	12/11/18
334	Henderson PD evidence			
335	" "	12/6/18	stip	12/6/18
336	" "			
337	" "			
338	" "			
339.	" "	12/11/18	stip	12/11/18
339A	Ziploc w/ makeup			
339A-1	Makeup			
339A-2	Makeup			
339A-3	Makeup			
340	Henderson PD evidence			
341	" "			
342	" "	12/5/18	stip	12/5/18
342A	Barr - fingerprints			
342A-1	" "			
342B	Phillips - fingerprints			
342B-1	" "			
343	Henderson PD evidence			
344	" " "	12/5/18	stip	12/5/18
344A	finger + palm prints	"	"	"

EXHIBIT(S) LIST

Case # C335500

State of Nevada

vs.

Damien Phillips/Anthony Barr

State's EXHIBITS

Ex. #	Exhibit Description	Date Offered	Obj	Date Admitted
13 344B	finger + palm prints	12/5/18	stip	12/5/18
13 344C	" " "	"	"	"
13 345	Henderson PD evidence	12/6/18	stip	12/6/18
13 346	" " "	12/5/18	"	12/5/18
13 346A	latent print cards			
13 B	"			
13 C	"			
13 D	"			
13 E	"			
13 347	Henderson PD evidence			
13 347A	latent print cards			
13 B	"			
13 C	"			
13 D	"			
13 E	"			
13 F	"			
13 G	"			
13 H	"			
13 I	"			
13 J	"	12/5/18	stip	12/5/18
13 348				
13 349				
13 350	Latent prints	12/5/18	stip	12/5/18
13 350A	"			
13 B	"			
13 C	"			
13 D	"			
13 E	"			

EXHIBIT(S) LIST

Case # C335500

State of Nevada

vs.

Damien Phillips/Anthony Barr

State's EXHIBITS

Ex. #	Exhibit Description	Date Offered	Obj	Date Admitted
355	Balance sheet - Monnes	DEC 05 2018	Ship	DEC 05 2018
356	DMV	DEC 05 2018	"	DEC 05 2018
357	LMPD - Money Accounting	DEC 10 2018	"	DEC 10 2018
358	Video - Jakari cell phone	DEC 10 2018	Ship	DEC 10 2018
359	Bodycam - Cuevas	DEC 05 2018	Ship	DEC 05 2018
360	Bodycam - OKinata	"	"	"
361	Bodycam - Rycraft	"	"	"
362	Bodycam - Baldassarre	DEC 06 2018	Ship	DEC 06 2018
363	Bodycam - McAteer	DEC 06 2018	"	DEC 06 2018
364	Photo - sent with 7/18/18 news release	DEC 05 2018	Ship	DEC 05 2018
365	Photo - 4 photos sent with news release	DEC 07 2018	Ship	DEC 07 2018
366	Photo - Map - Trader Joes	DEC 05 2018	Ship	DEC 05 2018
367		Skipped	Number	
368	Balance Sheet - Zitzmann	DEC 06 2018	"	DEC 06 2018
369	Balance Sheet - Cortner	DEC 06 2018	"	DEC 06 2018
370	CD - Tracker locations	DEC 07 2018	"	DEC 07 2018
371	Circus Circus reservation	Withdrawn -	Returned	
372	" " " locate	Withdrawn -	Returned	
373	Photo - Right Palm - Phillips	DEC 06 2018	Ship	DEC 06 2018
374	Photo - " " - "	"	"	"
375	Photo - Left Thumb - Phillips			
376	" - Right Thumb - ALi			
377	" - " " "			
378	" - " " - Phillips			
379	" - " " - ALi			
380	" - Left Thumb - Phillips			
381	" - Right Thumb - Krantz			
382	" - Left " - "			

EXHIBIT(S) LIST

Case # C335500

State of Nevada

vs.

Damien Phillips/Anthony Barr

State's EXHIBITS

Ex. #	Exhibit Description	Date Offered	Obj	Date Admitted
383	Photo - Left index - Phillips	DEC 06 2018	Slip	DEC 06 2018
384	Photo - Inside Metro Car	DEC 10 2018	Y	DEC 10 2018
385	Photo - temp TX tag	DEC 11 2018	Slip	DEC 11 2018
386	" - Grand Marquis - inside driver door			
387	" - " " " - " passenger door			
388	" - " " " - rear " "			
389	" - " " " passenger side			
390	" - " " VIN			
391	Photo - Grand jury ex. 10 - Suspects	DEC 06 2018	Slip	DEC 06 2018
392	Photo - " " ex. 11 - Suspects	DEC 06 2018	Slip	DEC 06 2018
393	Photo - 2 fingerprint lifts	"	"	"
394	Photo - Bryce Crafton	DEC 07 2018	Slip	DEC 07 2018
395	Photo - Gun	DEC 11 2018	Slip	DEC 11 2018
396	" - Gun custody slip			
397	" - Gun - left			
398	" - " - right			
399	" - magazine			
400	" - Gun trigger	DEC 11 2018		DEC 11 2018
401	Move in reservation - Phillips	DEC 11 2018	Slip	DEC 11 2018
402	" " " - Holman	DEC 11 2018	Slip	DEC 11 2018
403	Photo - Black male grey pants	DEC 11 2018	Slip	DEC 11 2018
404	Gun Box	DEC 11 2018	Slip	DEC 11 2018
a	Gun	"	"	"
b	Magazine	"	"	"
c	CO ² cartridge	"	"	"

EXHIBIT(S) LIST

Case # C335500

State of Nevada

VS.

Damien Phillips/Anthony Barr

State's EXHIBITS

[illegible]

EXHIBIT(S) LIST

Case No.: **C335500**

Trial Date: **12/3/18**

Dept. No.: **XXI**

Judge: **Valerie Adair**

Court Clerk: **Jill Chambers**

Plaintiff: **State of Nevada**

Recorder: **Susie Schofield**

Counsel for Plaintiff: **B. Schifalacqua/R. Scow**

VS.

Defendants:

Damien Phillips/Anthony Barr

Counsel for Defendant: **K. Brower/E. Hughes**

TRIAL BEFORE THE COURT

Court's EXHIBITS

Ex. #	Exhibit Description	Date Offered	Obj	Date Admitted
1.	Juror question - #3 Asked	DEC 05 2018		DEC 05 2018
2.	" " #3 "	"		"
3.	" " #3 "	DEC 05 2018		DEC 05 2018
4.	" " #5 "	DEC 06 2018		DEC 06 2018
5.	" " #1 "	"		"
6.	" " #13 "	"		"
7.	" " #3 Asked	DEC 07 2018		DEC 07 2018
8.	" " 2 Asked	DEC 10 2018		DEC 10 2018
9.	" " 2 "	DEC 11 2018		DEC 11 2018
10.	" " 13 "	DEC 11 2018		DEC 11 2018
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; JUDGMENT OF CONVICTION (JURY TRIAL); DISTRICT COURT
MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

DAMIEN ALEXANDER PHILLIPS
aka TRAVIS ALEXANDER PHILLIPS,

Defendant(s).

Case No: C-18-335500-1

Dept No: XXI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 4 day of March 2019.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

