

*Steven D. Grierson*

Louis Randolph, a.k.a.,  
CLYDE LEWIS #48875  
P.O. BOX 208-S.D.C.C.  
Indian Springs, NV. 89070  
In Proper Personam

Electronically Filed  
Mar 29 2019 02:47 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

In the Eighth Judicial District Court  
of the State of Nevada in and  
for the County of Clark

The State of Nevada,  
Plaintiff,

vs.

LOUIS RANDOLPH,  
a.k.a., CLYDE LEWIS,  
Defendant.

CASE No.: 94C120857-2

Dept. No.: 23

Docket

## "NOTICE OF APPEAL"

NOTICE IS HEREBY GIVEN, THAT the Defendant, LOUIS RANDOLPH, in and through his proper person, hereby appeals to the Supreme Court of Nevada from the District Court's Final Order Denying Defendants "PETITION FOR WRIT OF MANDAMUS", claiming that it had already addressed Defendants "LACK OF - JURISDICTION", issue within his three previous writs of habeas corpus, WAS a RED HERRING aimed for the purpose of denying Defendant relief for the Courts failure to follow N.R.S. 175.552, ruled on the 25<sup>th</sup> day of February, 2019.

Dated this 20<sup>th</sup> day of March, 2019.

Respectfully Submitted

*Louis Randolph #48875*

CERTIFICATE OF SERVICE

I, Louis Randolph, hereby certify pursuant to Rule 4(b) of the NRCP, that on this 20<sup>th</sup> day of March, 2019, I served a True and Correct copy of the above entitled "Notice of Appeal" postage prepaid and addressed as follows:

(  
Steven D. Grierson, Clerk  
Eighth Judicial Dist. Court  
200 Lewis Ave., 3rd floor  
Las Vegas, Nev. 89155-1160  
)

Louis Randolph  
Louis Randolph #48875  
P.O. Box 208 - S.D.C.C.  
Indian Springs, NV. 89070

1 Louis Randolph, aka,  
2 LYDE Lewis #48875  
3 P.O. Box 208 - S.D.C.C.  
4 Indian Springs, NV. 89070

5  
6 DATE: March 20<sup>th</sup> 2019

7  
8 Attn: Mr. Grierson, Clerk of the Court,

9  
10 I am hereby proceeding Pro Se, and Indigent.  
11 Could you please provide me a personal copy  
12 of the "Notice of Appeal" I'm submitting, as  
13 I am unable to make copies, due to my being  
14 over the prisons legal copywork limit?

15  
16 It will be greatly appreciated.

17 God Bless!

18  
19  
20 Respectfully

21 Louis Randolph  
22  
23  
24  
25  
26  
27  
28



Louis Randolph, a.k.a.,  
CLYDE LEWIS #48875  
P.O. BOX 208- S.D.C.C.  
Indian Springs, Nev. 89070

LAS VEGAS

NV 890

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21 MAR '19 03/21/2019

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FIRST-CLASS MAIL

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ZIP 89101

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TO: STEVEN D. GRIERSON, COURT CLERK  
EIGHTH JUDICIAL DIST. COURT  
200 LEWIS AVE., 3rd Floor  
LAS VEGAS, NEV. 89155-1160

~~CONFIDENTIAL MAIL~~

99101-630000

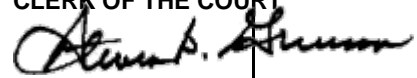




SOUTHERN DESERT  
CORRECTIONAL CENTER

MAR 20 2019

OUTGOING MAIL



1 ASTA

2  
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6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**

9 STATE OF NEVADA,

10 Plaintiff(s),

11 vs.

12 CLYDE LEWIS aka LOUIS RANDOLPH,

13 Defendant(s),

Case No: 94C120857-2

Dept No: XXIII

14  
15  
16 **CASE APPEAL STATEMENT**

17  
18 1. Appellant(s): Louis Randolph

19 2. Judge: Stefany Miley

20 3. Appellant(s): Louis Randolph

21 Counsel:

22 Louis Randolph #48875  
23 P.O. Box 208  
24 Indian Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney  
28 200 Lewis Ave.  
Las Vegas, NV 89101

(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes  
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: Yes

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: June 13, 1994

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 30567, 33145, 55843, 60522, 64309, 65186, 73706,  
74478

12. Child Custody or Visitation: N/A

Dated This 26 day of March 2019.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk  
200 Lewis Ave  
PO Box 551601  
Las Vegas, Nevada 89155-1601  
(702) 671-0512

cc: Louis Randolph



**CASE No. 94C120857-2**

~~~~~

Location: **Department 23**  
 Judicial Officer: **Miley, Stefany**  
 Filed on: **06/13/1994**  
 Case Number History:  
 Cross-Reference Case **C120857**  
 Number:  
 Defendant's Scope ID #: **1356378**  
 Lower Court Case # Root: **93F09838**  
 Lower Court Case Number: **93F09838B**  
 Supreme Court No.: **60522**  
**64309**  
**65186**  
**73706**  
**74478**

| Offense                                                   | Deg | Date       | Case Type:   | Felony/Gross Misdemeanor   |
|-----------------------------------------------------------|-----|------------|--------------|----------------------------|
| 1. BURGLARY                                               | F   | 01/01/1900 | Case Status: | <b>03/31/2017   Closed</b> |
| 2. ROBBERY WITH USE OF A DEADLY WEAPON                    | F   | 01/01/1900 |              |                            |
| 3. BATTERY WITH USE OF A DEADLY WEAPON                    | F   | 01/01/1900 |              |                            |
| 4. MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON | F   | 01/01/1900 |              |                            |

## 94C120857-1 (Multi-Defendant Case)

|            |                                        |
|------------|----------------------------------------|
| 03/31/2017 | Other Manner of Disposition - Criminal |
| 03/27/2012 | Jury Trial - Conviction - Criminal     |
| 06/24/2010 | USJR Reporting Statistical Closure     |
| 06/08/1997 | USJR Reporting Statistical Closure     |
| 03/22/2005 | USJR Reporting Statistical Closure     |

## CASE ASSIGNMENT

|                  |                |
|------------------|----------------|
| Case Number      | 94C120857-2    |
| Court            | Department 23  |
| Date Assigned    | 12/28/2008     |
| Judicial Officer | Miley, Stefany |

### *Lead Attorneys*

**Pro Se**

**Wolfson, Steven B**  
702-671-2700(W)





















## INDEX

|            |                                                                                                       |
|------------|-------------------------------------------------------------------------------------------------------|
| 06/13/1994 |  Criminal Bindover |
|------------|-------------------------------------------------------------------------------------------------------|

06/17/1994 Information

# CASE SUMMARY

CASE NO. 94C120857-2

|            |                                                                                                                                                                                                                                |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 06/27/1994 |  Reporters Transcript<br><i>Transcript of Hearing Held on June 6, 1994</i>                                                                    |
| 06/27/1994 |  Notice of Intent to Seek Death Penalty                                                                                                       |
| 07/06/1994 |  Reporters Transcript<br><i>Transcript of Hearing Held on June 20, 1994</i>                                                                   |
| 07/15/1994 |  Order Appointing Counsel                                                                                                                     |
| 08/09/1994 |  Stipulation<br><i>Stipulation for Late Filing of Pretrial Writ of Habeas Corpus and Order</i>                                                |
| 08/16/1994 |  Petition for Writ of Habeas Corpus                                                                                                           |
| 08/16/1994 |  Stipulation<br><i>Stipulation for Late Filing of Pretrial Writ of Habeas Corpus and Order</i>                                                |
| 08/16/1994 |  Receipt of Copy                                                                                                                              |
| 08/17/1994 |  Filed Under Seal<br><i>Affidavit of Laura L. Melia in Support of Application for Appointment of Investigator (Filed Under Seal) (Sealed)</i> |
| 08/18/1994 |  Order<br><i>Order for Writ of Habeas Corpus</i>                                                                                            |
| 08/22/1994 |  Writ of Habeas Corpus                                                                                                                      |
| 08/22/1994 |  Receipt of Copy                                                                                                                            |
| 08/23/1994 |  Ex Parte Order                                                                                                                             |
| 08/30/1994 |  Return to Writ of Habeas Corpus                                                                                                            |
| 09/19/1994 |  Order                                                                                                                                      |
| 10/05/1994 |  Information                                                                                                                                |
| 10/10/1994 |  Criminal Bindover                                                                                                                          |
| 10/12/1994 |  Filed Under Seal<br><i>Ex Parte Application for Appointment of Expert Services (Filed Under Seal) (Sealed)</i>                             |
| 10/18/1994 |  Order                                                                                                                                      |
| 10/21/1994 |  Reporters Transcript<br><i>Transcript of Hearing Held on September 29, 1994</i>                                                            |

# CASE SUMMARY





















CASE NO. 94C120857-2

|            |                                                                                                                                                                                                                                        |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11/01/1994 |  Filed Under Seal<br><i>Ex Parte Motion to Provide Funds for Expert Psychological Assistance (Filed Under Seal) (Sealed)</i>                          |
| 11/08/1994 |  Motion to Withdraw As Counsel<br><i>Motion to Withdraw as Attorney-of-Record on Order Shortening Time</i>                                            |
| 11/08/1994 |  Receipt of Copy                                                                                                                                      |
| 11/09/1994 |  Motion<br><i>Motion and Notice of Motion to Endorse Names on Information</i>                                                                         |
| 11/14/1994 |  Order<br><i>Order to Endorse Names on Information</i>                                                                                                |
| 11/14/1994 |  Information Amended in Open Court<br><i>Information Amended by Interlineation</i>                                                                    |
| 11/15/1994 |  Ex Parte Application<br><i>Ex-Parte Application for Transcript Order</i>                                                                             |
| 11/16/1994 |  Notice of Motion<br><i>Notice of Motion and Motion for Disclosure of Tibor Lakicevic's Polygraph Test Questions and Test Results</i>                 |
| 11/16/1994 |  Notice of Motion<br><i>Notice of Motion and Motion to Sever</i>                                                                                    |
| 11/16/1994 |  Notice of Motion<br><i>Notice of Motion and Motion Challenging the Composition of the Petit Jury for Under-Representation of Cognizable Groups</i> |
| 11/16/1994 |  Notice of Motion<br><i>Notice of Motion and Motion to Interview State's Witness</i>                                                                |
| 11/16/1994 |  Notice of Motion<br><i>Notice of Motion and Motion for In-Camera Review of Presentence Reports</i>                                                 |
| 11/16/1994 |  Notice of Motion<br><i>Notice of Motion and Motion to Suppress Statements (Evidentiary Hearing Requested)</i>                                      |
| 11/16/1994 |  Notice of Motion<br><i>Notice of Motion and Motion for Discovery of Brady and Giglio Materials</i>                                                 |
| 11/16/1994 |  Receipt of Copy                                                                                                                                    |
| 11/17/1994 |  Ex Parte Order                                                                                                                                     |
| 11/17/1994 |  Motion to Compel<br><i>Motion to Compel Disclosure of Documents Maintained by the LVMPD Records Section</i>                                        |





















# CASE SUMMARY

CASE NO. 94C120857-2

|            |                                                                                                                                                                                                                                           |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11/18/1994 |  Notice of Motion<br><i>Notice of Motion and Motion to Strike Aggravating Circumstance Based Upon Felony of Robbery and Burglary</i>                     |
| 11/18/1994 |  Notice of Motion<br><i>Notice of Motion, Order Shortening Time for Motion to Compel Disclosure of Documents Maintained by The LVMPD Records Section</i> |
| 11/21/1994 |  Motion<br><i>Motion for Jury Questionnaire</i>                                                                                                          |
| 11/21/1994 |  Notice of Motion                                                                                                                                        |
| 11/21/1994 |  Receipt of Copy                                                                                                                                         |
| 11/21/1994 |  Receipt of Copy                                                                                                                                         |
| 11/21/1994 |  Receipt of Copy                                                                                                                                         |
| 11/21/1994 |  Order                                                                                                                                                   |
| 11/21/1994 |  Petition for Writ of Habeas Corpus                                                                                                                      |
| 11/22/1994 |  Order                                                                                                                                                 |
| 11/22/1994 |  Receipt of Copy                                                                                                                                       |
| 11/29/1994 |  Motion<br><i>Motion and Notice of Motion to Endorse Names on Information</i>                                                                          |
| 11/30/1994 |  Answer (Criminal)<br><i>Answer in Opposition to Motion to Sever</i>                                                                                   |
| 11/30/1994 |  Return to Writ of Habeas Corpus                                                                                                                       |
| 11/30/1994 |  Certificate of Mailing                                                                                                                                |
| 11/30/1994 |  Order                                                                                                                                                 |
| 11/30/1994 |  Information Amended in Open Court<br><i>Amended Information by Interlineation</i>                                                                     |
| 12/01/1994 |  Reporters Transcript<br><i>Transcript of Hearing Held on July 8, 1994</i>                                                                             |
| 12/01/1994 |  Reporters Transcript<br><i>Transcript of Hearing Held on July 18, 1994</i>                                                                            |
| 12/01/1994 |  Reporters Transcript<br><i>Transcript of Hearing Held on July 20, 1994</i>                                                                            |

# CASE SUMMARY

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|            |                                                                                                                                                                                                                                            |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/01/1994 |  Reporters Transcript<br><i>Transcript of Hearing Held on September 12, 1994</i>                                                                          |
| 12/01/1994 |  Reporters Transcript<br><i>Transcript of Hearing Held on November 28, 1994</i>                                                                           |
| 12/01/1994 |  Reporters Transcript<br><i>Transcript of Hearing Held on November 30, 1994</i>                                                                           |
| 12/01/1994 |  Order<br><i>Order for Transcript</i>                                                                                                                     |
| 12/02/1994 |  Reporters Transcript<br><i>Transcript of Hearing Held on June 29, 1994</i>                                                                               |
| 12/02/1994 |  Reporters Transcript<br><i>Transcript of Hearing Held on August 31, 1994</i>                                                                             |
| 12/02/1994 |  Reporters Transcript<br><i>Reporter's Transcript of November 14, 1994</i>                                                                                |
| 12/02/1994 |  Writ of Habeas Corpus                                                                                                                                    |
| 12/02/1994 |  Certificate of Mailing                                                                                                                                 |
| 12/05/1994 |  Answer (Criminal)<br><i>Answer in Opposition to Motion for In-Camera Review of Presentence Reports</i>                                                 |
| 12/05/1994 |  Amended Information                                                                                                                                    |
| 12/05/1994 |  Answer (Criminal)<br><i>Answer in Opposition to Motion to Sever</i>                                                                                    |
| 12/05/1994 |  Answer (Criminal)<br><i>Answer in Opposition to Motion to Suppress Statements</i>                                                                      |
| 12/05/1994 |  Answer (Criminal)<br><i>Answer in Opposition to Motion Challenging the Composition of the Petit Jury for Under-Representation of Cognizable Groups</i> |
| 12/06/1994 |  Guilty Plea Agreement<br><i>Guilty Plea Memorandum</i>                                                                                                 |
| 12/06/1994 |  Amended Information<br><i>Second Amended Information</i>                                                                                               |
| 12/07/1994 |  Order<br><i>Order to Endorse Names on Information</i>                                                                                                  |
| 12/07/1994 |  Reporters Transcript                                                                                                                                   |

# CASE SUMMARY

CASE NO. 94C120857-2

*Transcript of Hearing Held on December 6, 1994*

12/07/1994



Reporters Transcript

*Transcript of Hearing Held on December 5, 1994*

12/14/1994



Reply to Opposition

*Reply to Opposition for Writ of Habeas Corpus*

01/20/1995



Judgment of Conviction

*Judgment of Conviction (Plea)*

01/24/1995



Stipulation

01/25/1995



Order

02/13/1995



Stipulation

02/15/1995



Order

02/28/1995



Ex Parte Order

*Ex Parte Order to Appoint Investigator*

05/12/1995



Motion

*Motion and Notice of Motion to Endorse Names on Information*

05/12/1995



Order for Production of Inmate

*Order for Production of Inmate Tibor Lakicevic, Back #43954*

05/15/1995



Ex Parte Motion

*Ex Parte Motion for Order to Transport Witness*

05/15/1995



Order

*Order to Transport Witness*

05/16/1995



Notice of Motion

05/16/1995



Motion in Limine

05/22/1995



Notice of Motion

*Notice of Motion and Motion to Amend Information*

05/23/1995



Supplemental

*Supplemental Points and Authorities to Motion in Limine*

05/30/1995



Answer (Criminal)

*Answer in Opposition to Motion in Limine*

06/06/1995



Reply





















*Defendant's Reply*

06/09/1995





















# CASE SUMMARY

CASE NO. 94C120857-2

|            |                                                                                                                                                                                        |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |  Order<br><i>Order to Endorse Names on Information</i>                                                |
| 06/30/1995 |  Opposition to Motion<br><i>Opposition to Motion to Amend Information</i>                             |
| 07/05/1995 |  Amended Information                                                                                  |
| 07/10/1995 |  Order<br><i>Order to Amend Information</i>                                                           |
| 08/15/1995 |  Order<br><i>Order to Transport Witness</i>                                                           |
| 08/17/1995 |  Order for Production of Inmate<br><i>Order for Production of Inmate Tibor Lakicevic, Back #43954</i> |
| 08/17/1995 |  Order<br><i>Order to Transport Witness</i>                                                           |
| 08/24/1995 |  Jury List                                                                                            |
| 08/25/1995 |  Subpoena                                                                                             |
| 08/29/1995 |  Subpoena                                                                                           |
| 08/30/1995 |  Subpoena Duces Tecum                                                                               |
| 08/30/1995 |  Subpoena                                                                                           |
| 09/01/1995 |  Subpoena                                                                                           |
| 09/05/1995 |  Instructions to the Jury                                                                           |
| 09/05/1995 |  Verdict                                                                                            |
| 09/11/1995 |  Reporters Transcript<br><i>Transcript of Hearing Held on August 24, 1995</i>                       |
| 10/04/1995 |  PSI<br><i>Pre-Sentence Investigation Report (Unfiled) Confidential</i>                             |
| 12/08/1995 |  Motion for Fees<br><i>Motion for Excess Fees and Order</i>                                         |
| 12/12/1995 |  Order                                                                                              |
| 12/14/1995 |  Judgment of Conviction<br><i>Judgment of Conviction (Jury Trial)</i>                               |

# CASE SUMMARY

CASE NO. 94C120857-2

|            |                                                                                                                                                                                          |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01/17/1996 |  Ex Parte<br><i>Exparte Amended Motion for Excess Fees and Order</i>                                    |
| 02/01/1996 |  Order for Production of Inmate                                                                         |
| 02/15/1996 |  Amended Order                                                                                          |
| 09/05/1996 |  Order for Production of Inmate<br><i>Order for Production of Inmate Tibor Lakicevic, Back #43954</i>   |
| 09/10/1996 |  Order<br><i>Order for Transcript</i>                                                                   |
| 09/19/1996 |  Motion to Continue Trial<br><i>Motion to Continue Jury Trial: Order Shortening Time</i>                |
| 10/16/1996 |  Reporters Transcript<br><i>Transcript of Hearing Held on August 29, 1995</i>                           |
| 10/16/1996 |  Reporters Transcript<br><i>Transcript of Hearing Held on August 30, 1995</i>                           |
| 10/16/1996 |  Reporters Transcript<br><i>Transcript of Hearing Held on August 28, 1995</i>                           |
| 10/16/1996 |  Reporters Transcript<br><i>Transcript of Hearing Held on September 5, 1995</i>                       |
| 10/16/1996 |  Reporters Transcript<br><i>Reporter's Transcript of September 1, 1995</i>                            |
| 01/06/1997 |  Reporters Transcript<br><i>Transcript of Hearing Held on August 23, 1995</i>                         |
| 01/06/1997 |  Reporters Transcript<br><i>Transcript of Hearing Held on August 24, 1995</i>                         |
| 01/06/1997 |  Reporters Transcript<br><i>Transcript of Hearing Held on August 25, 1995</i>                         |
| 01/06/1997 |  Reporters Transcript<br><i>Transcript of Hearing Held on August 31, 1995</i>                         |
| 02/14/1997 |  Order for Production of Inmate<br><i>Order for Production of Inmate Tibor Lakicevic, Back #43954</i> |
| 02/19/1997 |  Order to Transport Defendant<br><i>Order to Transport Prisoner</i>                                   |
| 02/24/1997 |  Motion to Compel<br><i>Motion to Compel Production of "Rap Sheets"</i>                               |

# CASE SUMMARY



















CASE NO. 94C120857-2

|            |                                                                                                                                                                                                                                                                                     |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/24/1997 |  Motion to Compel<br><i>Motion to Compel Disclosure of Pre-Sentence Reports or, in the Alternative, for In-Camera Review</i>                                                                       |
| 02/24/1997 |  Motion in Limine<br><i>Motion in Limine to Preclude Evidence Surrounding Defendant's Arrest</i>                                                                                                   |
| 02/24/1997 |  Motion to Strike<br><i>Motion to Strike Deadly Weapon Allegation and Motion to Suppress Evidence That the Defendant was Convicted of Battery with use of a Deadly Weapon</i>                      |
| 02/24/1997 |  Motion to Compel<br><i>Motion to Compel Disclosure of Existence and Substance of Expectations, or Actual Receipt of Benefits or Preferential Treatment for Cooperation with Prosecution</i>       |
| 02/27/1997 |  Motion to Suppress<br><i>Motion to Suppress Identifications of Defendant</i>                                                                                                                      |
| 02/27/1997 |  Response<br><i>Response to Motion to Compel Production of "Rap Sheets"</i>                                                                                                                        |
| 02/27/1997 |  Receipt of Copy<br><i>Receipt of Copies</i>                                                                                                                                                       |
| 02/27/1997 |  Opposition to Motion<br><i>Opposition to Motion for Disclosure of Pre-Sentence Reports or in the Alternative In-Camera Review of Pre-Sentence Reports</i>                                       |
| 02/27/1997 |  Opposition to Motion in Limine<br><i>Opposition to Motion in Limine to Preclude Evidence Surrounding Defendant's Arrest</i>                                                                     |
| 02/27/1997 |  Response<br><i>Response to Motion to Compel Disclosure of Existence and Substance of Expectations, or Actual Receipt of Benefits or Preferential Treatment for Cooperation with Prosecution</i> |
| 02/28/1997 |  Opposition to Motion<br><i>Opposition to Motion to Strike Deadly Weapon Allegation and Motion to Suppress Evidence That the Defendant was Convicted of Battery With use of a Deadly Weapon</i>  |
| 02/28/1997 |  Opposition to Motion<br><i>Opposition to Motion to Suppress Identification of Defendant</i>                                                                                                     |
| 02/28/1997 |  Exhibits<br><i>Exhibits to State's Opposition to Motion to Suppress Identification of Defendant</i>                                                                                             |
| 03/04/1997 |  Jury List                                                                                                                                                                                       |
| 03/10/1997 |  Verdict                                                                                                                                                                                         |
| 03/10/1997 |  Verdict                                                                                                                                                                                         |


















# CASE SUMMARY

CASE NO. 94C120857-2

|            |                                                                                                                                                                                                           |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03/10/1997 |  Verdict                                                                                                                 |
| 03/10/1997 |  Instructions to the Jury                                                                                                |
| 04/01/1997 |  PSI<br><i>Pre-Sentence Investigation Report (Unfiled) Confidential</i>                                                  |
| 04/03/1997 |  Order                                                                                                                   |
| 05/07/1997 |  Order Appointing Counsel<br><i>Order of Appointment</i>                                                                 |
| 05/23/1997 |  Judgment of Conviction<br><i>Judgment of Conviction (Jury Trial)</i>                                                    |
| 06/09/1997 |  Case Appeal Statement                                                                                                   |
| 06/09/1997 |  Notice of Appeal (criminal)<br><i>Notice of Appeal</i>                                                                  |
| 07/10/1997 |  Reporters Transcript<br><i>Transcript of Hearing Held on March 3, 1997</i>                                              |
| 07/10/1997 |  Reporters Transcript<br><i>Transcript of Hearing Held on April 29, 1997</i>                                           |
| 07/10/1997 |  Reporters Transcript<br><i>Transcript of Hearing Held on March 5, 1997</i>                                            |
| 07/10/1997 |  Reporters Transcript<br><i>Reporter's Transcript of March 7, 1997</i>                                                 |
| 07/11/1997 |  Certificate<br><i>Certificate Acknowledging Transmittal of Certified Transcript to the Clerk of the Supreme Court</i> |
| 07/14/1997 |  Reporters Transcript<br><i>Transcript of Hearing Held on September 24, 1996</i>                                       |
| 07/14/1997 |  Certificate<br><i>Certificate Acknowledging Delivery of Transcripts to the Clerk of the Supreme Court</i>             |
| 07/15/1997 |  Reporters Transcript<br><i>Transcript of Hearing Held on March 10, 1997</i>                                           |
| 07/15/1997 |  Reporters Transcript<br><i>Transcript of Hearing Held on March 10, 1997</i>                                           |
| 07/15/1997 |  Reporters Transcript<br><i>Transcript of Hearing Held on March 6, 1997</i>                                            |



















# CASE SUMMARY

CASE NO. 94C120857-2

|            |                                                                                                                                                                                                                                                                                            |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/22/1997 |  Reporters Transcript<br><i>Transcript of Hearing Held on March 4, 1997</i>                                                                                                                               |
| 07/25/1997 |  Reporters Transcript<br><i>Transcript of Hearing Held on February 10, 1995</i>                                                                                                                           |
| 07/25/1997 |  Reporters Transcript<br><i>Transcript of Hearing Held on February 15, 1995</i>                                                                                                                           |
| 07/25/1997 |  Reporters Transcript<br><i>Transcript of Hearing Held on May 17, 1995</i>                                                                                                                                |
| 07/25/1997 |  Reporters Transcript<br><i>Transcript of Hearing Held on May 22, 1995</i>                                                                                                                                |
| 07/25/1997 |  Reporters Transcript<br><i>Transcript of Hearing Held on May 23, 1995</i>                                                                                                                                |
| 07/25/1997 |  Reporters Transcript<br><i>Transcript of Hearing Held on June 7, 1995</i>                                                                                                                                |
| 07/25/1997 |  Reporters Transcript<br><i>Transcript of Hearing Held on July 3, 1995</i>                                                                                                                                |
| 07/25/1997 |  Reporters Transcript<br><i>Transcript of Hearing Held on July 5, 1995</i>                                                                                                                              |
| 07/28/1997 |  Certificate<br><i>Certificate Acknowledging Delivery of Certified Transcript to the Clerk of the Supreme Court and Certificate Acknowledging Delivery of Certified Copies of Transcript to Counsel</i> |
| 12/17/1997 |  Motion<br><i>Motion for Correction of the Record on Appeal</i>                                                                                                                                         |
| 12/17/1997 |  Receipt of Copy                                                                                                                                                                                        |
| 02/12/1998 |  Reporters Transcript<br><i>Transcript of Hearing Held on November 28, 1995</i>                                                                                                                         |
| 02/12/1998 |  Reporters Transcript<br><i>Transcript of Hearing Held on November 30, 1995</i>                                                                                                                         |
| 02/20/1998 |  Certificate<br><i>Certificate Acknowledging Transmittal of Certified Transcript to the Clerk of the Supreme Court</i>                                                                                  |
| 02/24/1998 |  Reporters Transcript<br><i>Transcript of Hearing Held on September 19, 1995</i>                                                                                                                        |
| 04/03/1998 |  Reporters Transcript<br><i>Transcript of Hearing Held on October 19, 1994</i>                                                                                                                          |


















# CASE SUMMARY

CASE NO. 94C120857-2

|            |                                                                                                                                                                                                                                                                                          |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/03/1998 |  Certificate<br><i>Certificate Acknowledging Delivery of Certified Transcript to the Clerk of the Supreme Court and Certificate Acknowledging Delivery of Certified Copies of Transcript to Counsel</i> |
| 05/21/1998 |  Reporters Transcript<br><i>Transcript of Hearing Held on March 3, 1997</i>                                                                                                                             |
| 05/21/1998 |  Certificate<br><i>Certificate Acknowledging Transmittal of Certified Transcript to the Clerk of the Supreme Court</i>                                                                                  |
| 07/10/1998 |  Petition for Writ of Habeas Corpus<br><i>Petition for Writ of Habeas Corpus (Post-Conviction)</i>                                                                                                      |
| 07/21/1998 |  Brief<br><i>Brief in Support of Petition for Writ of Habeas Corpus (Post-Conviction)</i>                                                                                                               |
| 07/21/1998 |  Receipt of Copy                                                                                                                                                                                        |
| 07/27/1998 |  Opposition<br><i>Opposition to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction Relief)</i>                                                                                             |
| 09/04/1998 |  Reply to Opposition<br><i>Reply to State's Opposition to Brief in Support of Petition for Petition for Writ of Habeas Corpus (Post-Conviction)</i>                                                     |
| 09/08/1998 |  Receipt of Copy                                                                                                                                                                                      |
| 10/05/1998 |  Notice of Appeal (criminal)<br><i>Notice of Appeal</i>                                                                                                                                               |
| 10/05/1998 |  Case Appeal Statement                                                                                                                                                                                |
| 10/09/1998 |  Order<br><i>Order for Transcript</i>                                                                                                                                                                 |
| 10/16/1998 |  Reporters Transcript<br><i>Transcript of Hearing Held on October 5, 1998</i>                                                                                                                         |
| 11/17/1998 |  Findings of Fact, Conclusions of Law and Order                                                                                                                                                       |
| 11/17/1998 |  Notice of Entry of Order                                                                                                                                                                             |
| 06/27/2001 |  Motion<br><i>Motion to Place on Calendar</i>                                                                                                                                                         |
| 07/31/2001 |  Order Granting<br><i>Order Granting Attorney's Fees In Excess of the Statutory Limit</i>                                                                                                             |
| 02/21/2002 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed; Rehearing Denied</i>                                                     |

# CASE SUMMARY

CASE NO. 94C120857-2

|            |                                                                                                                                                                                                                                                                                                                                               |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/21/2002 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed; Rehearing Denied</i>                                                                                                            |
| 09/26/2002 |  Reporters Transcript<br><i>Transcript of Hearing Held on July 14, 1994</i>                                                                                                                                                                                  |
| 10/29/2002 |  Reporters Transcript<br><i>Transcript of Hearing Held on October 17, 1995</i>                                                                                                                                                                               |
| 04/16/2004 |  Motion to Correct Sentence<br><i>Motion to Modify Correct or Reduce Sentence Pursuant to NRS 193.165 (3)</i>                                                                                                                                                |
| 04/16/2004 |  Motion<br><i>Motion for Leave to File Motion to Modify Correct, or Reduce Sentence</i>                                                                                                                                                                      |
| 04/28/2004 |  Opposition to Motion<br><i>State's Opposition to Defendant's Motion to Modify, Correct or Reduce Sentence</i>                                                                                                                                               |
| 06/07/2004 |  Reporters Transcript<br><i>Transcript of Hearing Held on May 26, 2004</i>                                                                                                                                                                                   |
| 06/10/2004 |  Order<br><i>Order for Transcripts</i>                                                                                                                                                                                                                       |
| 06/28/2004 |  Findings of Fact, Conclusions of Law and Order                                                                                                                                                                                                            |
| 07/06/2004 |  Notice of Entry of Decision and Order                                                                                                                                                                                                                     |
| 12/16/2009 |  Writ of Habeas Corpus<br><i>Original Writ of Habeas Corpus, or in the Alternative Petition for Writ of Habeas Corpus (Post-Conviction), or in the Alternative Petition for Writ of Mandamus, or in the Alternative Petition for Declaratory Judgment.</i> |
| 12/16/2009 |  Writ of Habeas Corpus<br><i>Original Writ of Habeas Corpus, or in the Alternative Petition for Writ of Habeas Corpus (Post-Conviction), or in the Alternative Petition for Writ of Mandamus, or the Alternative Petition for Declaratory Judgment</i>     |
| 01/12/2010 |  Order for Petition for Writ of Habeas Corpus                                                                                                                                                                                                              |
| 02/16/2010 |  Response<br><i>State's Response and Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>                                                                                                                                |
| 03/05/2010 |  Decision                                                                                                                                                                                                                                                  |
| 03/11/2010 |  Reporters Transcript<br><i>Transcript of Hearing Held on March 3, 2010</i>                                                                                                                                                                                |
| 03/12/2010 |  Notice of Entry of Decision and Order                                                                                                                                                                                                                     |

# CASE SUMMARY

CASE NO. 94C120857-2

|            |                                                                                                                                                                                                                                                                                   |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/14/2010 |  Notice of Appeal (criminal)<br><i>Notice of Appeal</i>                                                                                                                                          |
| 04/18/2010 |  Case Appeal Statement                                                                                                                                                                           |
| 11/22/2011 |  Petition for Writ of Habeas Corpus<br>Filed by: Defendant Lewis, Clyde<br><i>Petition for Writ of Habeas Corpus (Post Conviction)</i>                                                           |
| 12/05/2011 |  Order for Petition for Writ of Habeas Corpus                                                                                                                                                    |
| 01/19/2012 |  Motion<br>Filed By: Defendant Lewis, Clyde<br><i>Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference</i> |
| 01/27/2012 |  Opposition to Motion<br>Filed By: Plaintiff State of Nevada<br><i>State's Opposition to Defendant's Motion for Transport or Appearance by Telephonic or Video Conference</i>                    |
| 01/31/2012 |  Response<br>Filed by: Plaintiff State of Nevada<br><i>State's Response to Defendant's Petition for Writ of Habeas Corpus and Motion to Dismiss</i>                                              |
| 02/08/2012 |  Order Denying<br><i>Order Denying Defendant's Motion for Transport or Appearance by Telephonic or Video Conference</i>                                                                        |
| 02/15/2012 |  Reply<br>Filed by: Defendant Lewis, Clyde<br><i>Petitioner's Reply to State's Response to Petition for Writ of Habeas Corpus Post-Conviction</i>                                              |
| 02/16/2012 |  Notice of Rescheduling<br><i>Notice Resetting Date and Time of Hearing</i>                                                                                                                    |
| 02/27/2012 |  Recorders Transcript of Hearing<br>Party: Plaintiff State of Nevada<br><i>Transcript of Hearing Held on January 30, 2012</i>                                                                  |
| 03/19/2012 |  Order Denying<br>Filed By: Plaintiff State of Nevada<br><i>Order Denying Defendant's Petition for Writ of Habeas Corpus</i>                                                                   |
| 03/22/2012 |  Notice of Appeal (criminal)<br>Party: Defendant Lewis, Clyde<br><i>Notice of Appeal</i>                                                                                                       |
| 03/22/2012 |  Case Appeal Statement<br>Filed By: Defendant Lewis, Clyde                                                                                                                                     |
| 03/23/2012 |  Case Appeal Statement                                                                                                                                                                         |

# CASE SUMMARY

CASE NO. 94C120857-2

|            |                                                                                                                                                                                                                                                                                                                                                                         |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03/23/2012 |  Notice of Entry of Decision and Order                                                                                                                                                                                                                                                 |
| 04/10/2012 |  Criminal Order to Statistically Close Case                                                                                                                                                                                                                                            |
| 07/06/2012 |  Reporters Transcript<br>Filed By: Plaintiff State of Nevada<br><i>Transcript of Hearing Held on March 5, 2012</i>                                                                                                                                                                     |
| 01/15/2013 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>                                                                                                                                                        |
| 07/29/2013 |  Notice of Motion<br>Filed By: Defendant Lewis, Clyde<br><i>Notice of Motion and Motion to Appoint Counsel</i>                                                                                                                                                                         |
| 07/29/2013 |  Motion<br>Filed By: Defendant Lewis, Clyde<br><i>Accused Motion to Dismiss for Lack of Subject Matter Jurisdiction</i>                                                                                                                                                                |
| 07/29/2013 |  Document Filed<br>Filed by: Defendant Lewis, Clyde<br><i>Caveat</i>                                                                                                                                                                                                                   |
| 07/29/2013 |  Errata<br>Filed By: Defendant Lewis, Clyde<br><i>Errata to Accused Motion to Dismiss for Lack of Subject Matter Jurisdiction/Motion for Show of Proof</i>                                                                                                                            |
| 08/09/2013 |  Opposition to Motion<br><i>State's Opposition to Defendant's Pro Per Motion to Dismiss for Lack of Subject Matter Jurisdiction, "Errata to Accused Motion to Dismiss for Lack of Subject Matter Jurisdiction/Motion for Show of Proof," "Caveat," and Motion to Appoint Counsel</i> |
| 09/09/2013 |  Notice of Motion                                                                                                                                                                                                                                                                    |
| 09/09/2013 |  Notice of Motion                                                                                                                                                                                                                                                                    |
| 09/09/2013 |  Supplemental<br><i>Accused Supplemental to his Motion for Rehearing/and/or Reply to States Oppositions and or Courts Denial of Accused Filed Motion for Lack of Subject Matter Jurisdiction and Accused Motion to Strike States Opposition for Good Legal Cause Showing</i>         |
| 09/09/2013 |  Motion<br><i>Accused Motion for Rehearing</i>                                                                                                                                                                                                                                       |
| 09/09/2013 |  Request<br><i>Accused Request for Leave to File Motion for Rehearing Based Upon State and Federal Constitutional Deprivation in Prior Proceedings</i>                                                                                                                               |
| 09/23/2013 |  Order Denying Motion<br>Filed By: Plaintiff State of Nevada<br><i>Order Denying Defendant's Pro Per Motion to Dismiss for Lack of Subject Matter Jurisdiction, "Errata to Accused Motion to Dismiss for Lack of Subject Matter</i>                                                  |



# CASE SUMMARY

CASE No. 94C120857-2

*Jurisdiction/Motion for Show of Proof, "Caveat" Order Denying Defendant's Pro Per Motion to Appoint Counsel*

09/24/2013



Opposition

Filed By: Plaintiff State of Nevada

*State's Opposition to Defendant's Pro Per Request for Leave to File Motion for Rehearing, Motion for Rehearing, and "Accused Supplemental to His Motion for Rehearing/and/or Reply to State's Opposition and/or Court's Denial of Accused Filed Motion for Lack of Subject Matter Jurisdiction and Accused Motion to Strike State's Opposition for Good Legal Cause Showing"*

10/17/2013



Reply to Opposition

Filed by: Defendant Lewis, Clyde

*Accused Reply to State's Opposition to Accused Request for Leave to File Motion for Rehearing, Motion for Rehearing, and "Accused Supplemental to His Motion for Rehearing"*

10/22/2013



Order Denying

Filed By: Plaintiff State of Nevada

*Order Denying Defendant's Pro Per Notice of Motion on Motion for Rehearing on Motion to Dismiss Lack of Subject Matter Jurisdiction (Errata) Show of Cause Hearing Discovery Motion Order Denying Defendant's Pro Per Notice of Motion on Request for Leave of the Court to File Motion for Rehearing*

10/29/2013



Notice of Appeal (criminal)

Party: Defendant Lewis, Clyde

*Notice of Appeal*

10/29/2013



Designation of Record on Appeal

Filed By: Defendant Lewis, Clyde

10/30/2013



Case Appeal Statement

Filed By: Defendant Lewis, Clyde

12/02/2013



Petition for Writ of Habeas Corpus

Filed by: Defendant Lewis, Clyde

*Petition for Writ of Habeas Corpus (Post-Conviction); Evidentiary Hearing Requested*

12/02/2013



Motion for Appointment of Attorney

Filed By: Defendant Lewis, Clyde

*Motion to Appoint Counsel*

12/02/2013



Application to Proceed in Forma Pauperis

Filed By: Defendant Lewis, Clyde

*Application to Proceed Informa Pauperis (Sealed)*

12/02/2013



Certificate

*Financial Certificate (on Motion for Leave to Proceed in Forma Pauperis) (Sealed)*

12/05/2013



Order for Petition for Writ of Habeas Corpus

12/05/2013



Notice of Hearing

12/17/2013



NV Supreme Court Clerks Certificate/Judgment - Dismissed

*Nevada Supreme Court Clerk's Certificate Judgment - Dismissed*

# CASE SUMMARY

CASE NO. 94C120857-2

|            |                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 01/15/2014 |  Response<br>Filed by: Plaintiff State of Nevada<br><i>State's Response and Motion to Dismiss Defendant's Pro Per Petition for Writ of Habeas Corpus (Post-Conviction), Opposition to Defendant's Pro Per Motion to Appoint Counsel and Opposition to Defendant's Pro Per Request for an Evidentiary Hearing</i> |
| 02/11/2014 |  Reply<br>Filed by: Defendant Lewis, Clyde<br><i>Petitioner's Reply to State's Response to Petition for Writ of Habeas Corpus Post-Conviction</i>                                                                                                                                                                |
| 03/10/2014 |  Notice of Appeal (criminal)<br>Party: Defendant Lewis, Clyde<br><i>Notice of Appeal</i>                                                                                                                                                                                                                         |
| 03/10/2014 |  Designation of Record on Appeal<br>Filed By: Defendant Lewis, Clyde                                                                                                                                                                                                                                             |
| 03/11/2014 |  Case Appeal Statement<br>Filed By: Defendant Lewis, Clyde                                                                                                                                                                                                                                                       |
| 03/13/2014 |  Findings of Fact, Conclusions of Law and Order<br>Filed By: Plaintiff State of Nevada                                                                                                                                                                                                                           |
| 03/17/2014 |  Notice of Entry<br>Filed By: Plaintiff State of Nevada<br><i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>                                                                                                                                                                              |
| 08/26/2014 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>                                                                                                                                                                                |
| 12/27/2016 |  Filed Under Seal<br>Filed By: Defendant Lewis, Clyde<br><i>Motion for Leave to Proceed in Forma Pauperis (Sealed)</i>                                                                                                                                                                                         |
| 12/27/2016 |  Filed Under Seal<br><i>Financial Certificate on a Motion to Proceed in Forma Pauperis (Sealed)</i>                                                                                                                                                                                                            |
| 12/28/2016 |  Motion for Appointment of Attorney<br>Filed By: Defendant Lewis, Clyde<br><i>Motion for the Appointment of Counsel; Request for Evidentiary Hearing</i>                                                                                                                                                       |
| 12/28/2016 |  Motion to Correct Sentence<br>Filed by: Defendant Lewis, Clyde<br><i>Motion to Correct an Illegal Sentence NRS 176.555</i>                                                                                                                                                                                    |
| 01/13/2017 |  Opposition to Motion<br>Filed By: Plaintiff State of Nevada<br><i>State's Opposition to Defendant's Motion to Correct Illegal Sentence, Motion for Appointment of Attorney, and Request for Evidentiary Hearing</i>                                                                                           |
| 01/17/2017 |  Affidavit in Support of Application Proceed Forma Pauperis<br>Filed By: Defendant Lewis, Clyde<br><i>Affidavit in Support of Motion to Proceed in Forma Pauperis (Sealed)</i>                                                                                                                                 |

# CASE SUMMARY

CASE NO. 94C120857-2

|            |                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 02/14/2017 |  Reply to Opposition<br>Filed by: Defendant Lewis, Clyde<br><i>Defendant's Reply to State's Opposition to Motion to Correct an Illegal Sentence; Motion for Appointment of Counsel; and, Request for an Evidentiary Hearing</i>                                                                                                  |
| 03/09/2017 |  Order Denying Motion<br>Filed By: Plaintiff State of Nevada<br><i>Order Denying Defendant's Pro Per Motion to Correct an Illegal Sentence NRS 176.555<br/>Order Denying Defendant's Pro Per Motion for the Appointment of Counsel Order Granting Defendant's Pro Per Motion for Leave to Proceed in Forma Pauperis (Sealed)</i> |
| 03/31/2017 |  Criminal Order to Statistically Close Case                                                                                                                                                                                                                                                                                      |
| 04/19/2017 |  Motion for Leave to Proceed in Forma Pauperis<br>Filed By: Defendant Lewis, Clyde<br><i>Motion for Leave to Proceed in Forma Pauperis (Sealed)</i>                                                                                                                                                                              |
| 04/19/2017 |  Affidavit in Support of Application Proceed Forma Pauperis<br>Filed By: Defendant Lewis, Clyde<br><i>Affidavit in Support of Motion for Leave to Proceed in Forma Pauperis (Sealed)</i>                                                                                                                                         |
| 04/22/2017 |  Ex Parte Motion<br>Filed By: Defendant Lewis, Clyde<br><i>Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing</i>                                                                                                                                                                                    |
| 04/22/2017 |  Petition for Writ of Habeas Corpus<br>Filed by: Defendant Lewis, Clyde<br><i>Petition for Writ of Habeas Corpus (Post Conviction) (Non-Death)</i>                                                                                                                                                                              |
| 05/03/2017 |  Order for Petition for Writ of Habeas Corpus                                                                                                                                                                                                                                                                                  |
| 05/03/2017 |  Notice of Hearing<br>Filed By: Defendant Lewis, Clyde                                                                                                                                                                                                                                                                         |
| 05/05/2017 |  Certificate<br>Filed By: Defendant Lewis, Clyde<br><i>Financial Certificate on a Motion to Proceed in Forma Pauperis (Sealed)</i>                                                                                                                                                                                             |
| 05/10/2017 |  Motion<br>Filed By: Defendant Lewis, Clyde<br><i>Motion to Extend Prison Copywork Limit</i>                                                                                                                                                                                                                                   |
| 05/22/2017 |  Order Denying Application to Proceed in Forma Pauperis<br>Denied as to: Defendant Lewis, Clyde<br><i>Order Denying Application to Proceed in Forma Pauperis (Sealed)</i>                                                                                                                                                      |
| 06/01/2017 |  Notice of Change of Address<br><i>Change of Address Notice.</i>                                                                                                                                                                                                                                                               |
| 06/19/2017 |  Response<br>Filed by: Plaintiff State of Nevada<br><i>State's Response to, and Motion to Dismiss, Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>                                                                                                                                                        |

# CASE SUMMARY

CASE NO. 94C120857-2

|            |                                                                                                                                                                                                                                                                                   |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 06/30/2017 |  Motion<br>Filed By: Defendant Lewis, Clyde<br><i>Motion for Extension of Time</i>                                                                                                               |
| 06/30/2017 |  Motion<br>Filed By: Defendant Lewis, Clyde<br><i>Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference</i> |
| 07/13/2017 |  Reply<br>Filed by: Defendant Lewis, Clyde<br><i>Petitioner's Reply to State's Response to Petition for Writ of Habeas Corpus (Post-Conviction)</i>                                              |
| 07/27/2017 |  Order                                                                                                                                                                                           |
| 08/07/2017 |  Notice of Appeal (criminal)<br>Party: Defendant Lewis, Clyde<br><i>Notice of Appeal</i>                                                                                                         |
| 08/09/2017 |  Case Appeal Statement                                                                                                                                                                           |
| 08/10/2017 |  Motion to Correct Sentence<br>Filed by: Defendant Lewis, Clyde<br><i>Motion to Correct Illegal Sentence (NRS 176.555)</i>                                                                       |
| 09/01/2017 |  Findings of Fact, Conclusions of Law and Order<br>Filed By: Plaintiff State of Nevada                                                                                                         |
| 09/01/2017 |  Opposition to Motion<br>Filed By: Plaintiff State of Nevada<br><i>State's Opposition to Defendant's Motion to Correct Illegal Sentence</i>                                                    |
| 09/05/2017 |  Notice of Entry<br><i>Notice of Entry of Findings of Fact, Conclusions of Law and Order</i>                                                                                                   |
| 09/28/2017 |  Order Denying Motion<br>Filed By: Plaintiff State of Nevada<br><i>Order Denying Defendant's Pro Per Motion to Correct Illegal Sentence</i>                                                    |
| 10/04/2017 |  Motion to Reconsider<br><i>Motion for Reconsideration to Denial of Motion to Correct Illegal Sentence Leave of Court</i>                                                                      |
| 11/13/2017 |  Notice of Appeal (criminal)<br>Party: Defendant Lewis, Clyde<br><i>Notice of Appeal</i>                                                                                                       |
| 11/15/2017 |  Case Appeal Statement<br><i>Case Appeal Statement</i>                                                                                                                                         |
| 12/12/2017 |  Order<br>Filed By: Plaintiff State of Nevada<br><i>Order Denying Defendant's Pro Per Motion for Reconsideration to Denial of Motion to Correct Illegal Sentence Leave of Court</i>            |

# CASE SUMMARY

CASE NO. 94C120857-2

|            |                                                                                                                                                                                                                                                                                      |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12/29/2017 |  Motion to Correct Sentence<br>Filed by: Defendant Lewis, Clyde<br><i>Motion to Correct Illegal Sentence NRS.176.555</i>                                                                            |
| 02/01/2018 |  Response<br><i>State's Response to Motion to Correct Illegal Sentence</i>                                                                                                                          |
| 02/21/2018 |  Motion<br>Filed By: Defendant Lewis, Clyde<br><i>Motion for Extension of Time</i>                                                                                                                  |
| 02/22/2018 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed<br><i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>                                                                   |
| 03/27/2018 |  Motion<br>Filed By: Defendant Lewis, Clyde<br><i>Motion for Extension of Time</i>                                                                                                                  |
| 04/06/2018 |  Decision and Order<br><i>Decision and Order</i>                                                                                                                                                    |
| 04/11/2018 |  Opposition<br>Filed By: Defendant Lewis, Clyde<br><i>Defendants Opposition</i>                                                                                                                     |
| 06/15/2018 |  Supplement to Opposition<br>Filed By: Defendant Lewis, Clyde<br><i>Supplement to Defendants Opposition to Plaintiffs Response of February 1st 2018</i>                                           |
| 07/13/2018 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed<br><i>Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>                                                                   |
| 02/05/2019 |  Petition for Writ of Mandamus<br>Filed by: Defendant Lewis, Clyde                                                                                                                                |
| 02/05/2019 |  Notice of Motion<br>Filed By: Defendant Lewis, Clyde<br><i>Notice of Petition</i>                                                                                                                |
| 02/13/2019 |  Opposition<br><i>State's Opposition to Defendant's Petition for Writ of Mandamus/Prohibition</i>                                                                                                 |
| 02/15/2019 |  Notice of Rescheduling<br><i>Notice of Rescheduling</i>                                                                                                                                          |
| 02/27/2019 |  Recorders Transcript of Hearing<br><i>Recorder's Transcript of Hearing: Petition for Writ of Mandamus...Defendant's Pro Per Motion to Correct Illegal Sentence NRS 176.555 February 25, 2019</i> |
| 03/25/2019 |  Notice of Appeal (criminal)<br>Party: Defendant Lewis, Clyde<br><i>"Notice of Appeal"</i>                                                                                                        |

# CASE SUMMARY

CASE NO. 94C120857-2

03/26/2019



Case Appeal Statement

Filed By: Defendant Lewis, Clyde

Case Appeal Statement

## DISPOSITIONS

01/01/1900

**Plea** (Judicial Officer: User, Conversion)

1. BURGLARY

Not Guilty

PCN: Sequence:

01/01/1900

**Plea** (Judicial Officer: User, Conversion)

2. ROBBERY WITH USE OF A DEADLY WEAPON

Not Guilty

PCN: Sequence:

01/01/1900

**Plea** (Judicial Officer: User, Conversion)

3. BATTERY WITH USE OF A DEADLY WEAPON

Not Guilty

PCN: Sequence:

01/01/1900

**Plea** (Judicial Officer: User, Conversion)

4. MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON

Not Guilty

PCN: Sequence:

11/20/1995

**Disposition** (Judicial Officer: User, Conversion)

3. BATTERY WITH USE OF A DEADLY WEAPON

Guilty

PCN: Sequence:

11/20/1995

**Disposition** (Judicial Officer: User, Conversion)

11/20/1995

**Adult Adjudication** (Judicial Officer: User, Conversion)

3. BATTERY WITH USE OF A DEADLY WEAPON

01/01/1900 (F) 200.481-2D (200.481-2D)

PCN: Sequence:

Converted Disposition:

Sentence# 0001:

Minimum 8 Years to Maximum 8 Years

Placement: NSP

Converted Disposition:

Sentence# 0002: FINE

Amount: \$5000.00

Converted Disposition:

Sentence# 0003: CREDIT FOR TIME SERVED

Minimum 481 Days to Maximum 481 Days

Converted Disposition:

Sentence# 0004: ADMINISTRATION FEE

Amount: \$25.00

04/29/1997

**Disposition** (Judicial Officer: User, Conversion)

1. BURGLARY

Guilty

PCN: Sequence:

**CASE SUMMARY****CASE NO. 94C120857-2**

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/29/1997 | <b>Disposition</b> (Judicial Officer: User, Conversion)                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 04/29/1997 | <b>Disposition</b> (Judicial Officer: User, Conversion)<br>2. ROBBERY WITH USE OF A DEADLY WEAPON<br>Guilty<br>PCN: Sequence:                                                                                                                                                                                                                                                                                                                                                                |
| 04/29/1997 | <b>Disposition</b> (Judicial Officer: User, Conversion)                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 04/29/1997 | <b>Disposition</b> (Judicial Officer: User, Conversion)<br>4. MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON<br>Guilty<br>PCN: Sequence:                                                                                                                                                                                                                                                                                                                                             |
| 04/29/1997 | <b>Disposition</b> (Judicial Officer: User, Conversion)                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 04/29/1997 | <b>Adult Adjudication</b> (Judicial Officer: User, Conversion)<br>1. BURGLARY<br>01/01/1900 (F) 205.060 (205.060)<br>PCN: Sequence:                                                                                                                                                                                                                                                                                                                                                          |
|            | <hr/> Converted Disposition:<br>Sentence# 0001:<br>Minimum 10 Years to Maximum 10 Years<br>Placement: NSP<br>Cons/Conc: Consecutive<br>w/Charge Item: 0003<br>and Sentence#: 0001<br>Converted Disposition:<br>Sentence# 0002: CREDIT FOR TIME SERVED<br>Minimum 523 Days to Maximum 523 Days<br>Converted Disposition:<br>Sentence# 0003: CREDIT FOR TIME SERVED<br>Minimum 500 Days to Maximum 500 Days<br>Converted Disposition:<br>Sentence# 0004: ADMINISTRATION FEE<br>Amount: \$25.00 |
| 04/29/1997 | <b>Adult Adjudication</b> (Judicial Officer: User, Conversion)<br>2. ROBBERY WITH USE OF A DEADLY WEAPON<br>01/01/1900 (F) 200.380*165 (200.380-165)<br>PCN: Sequence:                                                                                                                                                                                                                                                                                                                       |
|            | <hr/> Converted Disposition:<br>Sentence# 0001:<br>Minimum 15 Years to Maximum 15 Years<br>Placement: NSP<br>Cons/Conc: Consecutive<br>w/Charge Item: 0003<br>and Sentence#: 0001<br>Converted Disposition:<br>Sentence# 0002:<br>Minimum 15 Years to Maximum 15 Years<br>Placement: NSP<br>Cons/Conc: Consecutive<br>w/Charge Item: 0002<br>and Sentence#: 0001                                                                                                                             |
| 04/29/1997 | <b>Adult Adjudication</b> (Judicial Officer: User, Conversion)<br>4. MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON                                                                                                                                                                                                                                                                                                                                                                  |



# CASE SUMMARY

CASE No. 94C120857-2

01/01/1900 (F) 200.010\*165 (200.010\*165)

PCN: Sequence:

Converted Disposition:

Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE

Cons/Conc: Consecutive

w/Charge Item: 0003

and Sentence#: 0001

Converted Disposition:

Sentence# 0002: LIFE WITH POSSIBILITY OF PAROLE

Cons/Conc: Consecutive

w/Charge Item: 0004

and Sentence#: 0001

## HEARINGS

06/20/1994

**Initial Arraignment (9:00 AM)**

*INITIAL ARRAIGNMENT Court Clerk: JULIE HALL Reporter/Recorder: CONNIE MILLER*

*Heard By: A. William Maupin*

*Matter Heard; INITIAL ARRAIGNMENT Court Clerk: JULIE HALL Reporter/Recorder:*

*CONNIE MILLER Heard By: A. William Maupin*

*Journal Entry Details:*

*Def. STRATTON ARRAIGNED, PLED NOT GUILTY TO ALL COUNTS and WAIVED the 60-day rule. COURT ORDERED, matter set for trial. CUSTODY 9/21/94 9 AM CALENDAR CALL 9/26/94 10 AM JURY TRIAL ;*

06/29/1994

**Request (9:00 AM)**

*AT REQUEST OF DISTRICT ATTORNEY ANNOUNCE INTENTION TO SEEK DEATH*

*PENALTY Court Clerk: JULIE HALL Reporter/Recorder: CONNIE MILLER Heard By:*

*MAUPIN, A. WILLIAM*

*Matter Continued; AT REQUEST OF DISTRICT ATTORNEY ANNOUNCE INTENTION*

*TO SEEK DEATH PENALTY Court Clerk: JULIE HALL Reporter/Recorder: CONNIE*

*MILLER Heard By: MAUPIN, A. WILLIAM*

*Journal Entry Details:*

*In absence of Mr. Tilman, COURT ORDERED, matter continued. CUSTODY CLERK'S NOTE: The trial date in this case 9/26/94 is currently set for the third week of a criminal stack. If the State is going to be seeking the Death Penalty, parties to consider moving the trial to the first week of the same stack (9/12/94) allowing two full weeks for the trial. ;*

07/08/1994

**Request (9:00 AM)**

*AT REQUEST OF DISTRICT ATTORNEY ANNOUNCE INTENTION TO SEEK DEATH*

*PENALTY Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By:*

*MAUPIN, A. WILLIAM*

*Matter Continued; AT REQUEST OF DISTRICT ATTORNEY ANNOUNCE INTENTION*

*TO SEEK DEATH PENALTY Court Clerk: JULIE HALL Reporter/Recorder: PATSY*

*SMITH Heard By: MAUPIN, A. WILLIAM*

*Journal Entry Details:*

*In the absence of the def. and counsel and due to the nature of the State's intent, Court felt a continuance was in order. Colloquy regarding Mr. Tilman as counsel. Ms. Robinson advised he was appointed in Justice Court. COURT ORDERED, matter continued and APPOINTED Ms. Laura Melia as co-counsel. Both attorneys to be present at the next hearing. CUSTODY CLERK'S NOTE: Mr. Tilman and Ms. Melia notified of continuance date. ;*

07/18/1994

**Request (9:00 AM)**

*AT REQUEST OF DISTRICT ATTORNEY ANNOUNCE INTENTION TO SEEK DEATH*

*PENALTY Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By:*

*MAUPIN, A. WILLIAM*

*Matter Continued; AT REQUEST OF DISTRICT ATTORNEY ANNOUNCE INTENTION*

*TO SEEK DEATH PENALTY Court Clerk: JULIE HALL Reporter/Recorder: PATSY*

*SMITH Heard By: MAUPIN, A. WILLIAM*

*Journal Entry Details:*

*Mr. Mel Harmon present from the D.A.'s office and Ms. Laura Melia present. Conference at the bench. In the absence of Mr. Tilman, COURT ORDERED, matter continued and counsel to be confirmed. LATER: Mr. Tilman appeared and was notified of the continuance date.*

# CASE SUMMARY

CASE No. 94C120857-2

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|            | <i>CUSTODY 7/20/94 9 AM AT REQUEST OF D.A. ANNOUNCE INTENTION TO SEEK DEATH PENALTY AND CONFIRMATION OF COUNSEL ;</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 07/20/1994 | <b>Request (9:00 AM)</b><br><i>AT REQUEST OF DISTRICT ATTORNEY ANNOUNCE INTENTION TO SEEK DEATH PENALTY Court Clerk: JULIE HALL Reporter/Recorder: CONNIE MILLER</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 07/20/1994 | <b>Motion for Confirmation of Counsel (9:00 AM)</b><br><i>CONFIRMATION OF COUNSEL Heard By: A. William Maupin</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 07/20/1994 | <b>All Pending Motions (9:00 AM)</b><br><i>ALL PENDING MOTIONS 7-20-94 Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i><br>Matter Heard; ALL PENDING MOTIONS 7-20-94 Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin<br>Journal Entry Details:<br><i>AT REQUEST OF DISTRICT ATTORNEY: ANNOUNCE INTENTION TO SEEK DEATH PENALTY . . . CONFIRMATION OF COUNSEL Conference at the bench. Ms. Melia confirmed as counsel. COURT FOUND Ms. Melia, based on prior experience, to be competent and fully qualified to handle all proceedings in this case. Ms. Melia requested a continuance in the trial date as the State is just announcing to seek the Death Penalty and the trial is schedule for September. COURT ORDERED, trial date vacated and reset. CUSTODY 11/30/94 9 AM CALENDAR CALL 12/5/94 9 AM JURY TRIAL ;</i> |
| 08/31/1994 | <b>Petition for Writ of Habeas Corpus (9:00 AM)</b><br>Events: 08/16/1994 Petition for Writ of Habeas Corpus<br><i>PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: JULIE HALL Relief Clerk: NANCY MILLER/nm Reporter/Recorder: CONNIE MILLER Heard By: MAUPIN, A. WILLIAM</i><br>Matter Continued; PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: JULIE HALL Relief Clerk: NANCY MILLER/nm Reporter/Recorder: CONNIE MILLER Heard By: MAUPIN, A. WILLIAM<br>Journal Entry Details:<br><i>Ms. Robinson advised Mr. Roger responded to the Writ of Habeas Corpus and requested a continuance for Mr. Roger to be present. Ms. Melia advised the State did not have a copy of the transcript and she had provided one to him this week. COURT ORDERED, CONTINUED. CUSTODY ;</i>                                                                                                                      |
| 09/12/1994 | <b>Petition for Writ of Habeas Corpus (9:00 AM)</b><br><i>PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i><br>Denied; PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin<br>Journal Entry Details:<br><i>Arguments by counsel. COURT ORDERED, Petition is DENIED; FURTHER, Ms. Melia's request to strike portion of the language in the information is DENIED. CUSTODY ;</i>                                                                                                                                                                                                                                                                                                                                                                           |
| 09/21/1994 | <b>CANCELED Calendar Call (9:00 AM)</b><br><i>Vacated</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 09/26/1994 | <b>CANCELED Jury Trial (10:00 AM)</b><br><i>Vacated</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 10/17/1994 | <b>Initial Arraignment (9:00 AM)</b><br><i>INITIAL ARRAIGNMENT Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: MAUPIN, A. WILLIAM</i><br>Matter Continued; INITIAL ARRAIGNMENT Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: MAUPIN, A. WILLIAM<br>Journal Entry Details:<br><i>In absence of Mr. McDonald, COURT ORDERED, matter continued. Clerk to phone counsel. CUSTODY ;</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 10/19/1994 | <b>Initial Arraignment (9:00 AM)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

# CASE SUMMARY

CASE No. 94C120857-2

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|            | <p><i>INITIAL ARRAIGNMENT Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i></p> <p>Matter Heard; INITIAL ARRAIGNMENT Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</p> <p>Journal Entry Details:</p> <p><i>Mr. Pat McDonald present. Mr. McDonald advised he was appointed in Justice Court to represent this deft. SO NOTED. DEFT. RANDOLPH ARRAIGNED, PLED NOT GUILTY AS CHARGED. Mr. McDonald advised if the deft. wishes to invoke the 60-day rule, he can no longer represent him due to his current schedule. Colloquy regarding co-deft's trial date. Deft. advised he would like to invoke the 60-day rule. COURT ORDERED, MATTER SET FOR TRIAL WITH CO-DEFT.; FURTHER, MR. CHARLES WATERMAN is APPOINTED as counsel. Matter set for confirmation of counsel. Mr. McDonald to be present also. CUSTODY 10/26/94 9 AM CONFIRMATION OF COUNSEL 11/30/94 9 AM CALENDAR CALL 12/5/94 10 AM JURY TRIAL ;</i></p>                                                                                   |
| 10/26/1994 | <p><b>Motion for Confirmation of Counsel (9:00 AM)</b></p> <p><i>CONFIRMATION OF COUNSEL Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i></p> <p>Granted; CONFIRMATION OF COUNSEL Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</p> <p>Journal Entry Details:</p> <p><i>Mr. Waterman CONFIRMED as counsel for deft. Randolph. Defense has 21 days from today to file a Writ. CUSTODY ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 11/14/1994 | <p><b>Motion to Withdraw as Counsel (9:00 AM)</b></p> <p>Events: 11/08/1994 Motion to Withdraw As Counsel</p> <p><i>DEFENDANT'S MOTION TO WITHDRAW AS COUNSEL Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 11/14/1994 | <p><b>Conversion Hearing Type (9:00 AM)</b></p> <p><i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 11/14/1994 | <p><b>All Pending Motions (9:00 AM)</b></p> <p><i>ALL PENDING MOTIONS 11-14-94 Court Clerk: JULIE HALL Reporter/Recorder: CONNIE MILLER Heard By: A. William Maupin</i></p> <p>Granted; ALL PENDING MOTIONS 11-14-94 Court Clerk: JULIE HALL Reporter/Recorder: CONNIE MILLER Heard By: A. William Maupin</p> <p>Journal Entry Details:</p> <p><i>THEODORE MANOS AND ASSOCIATES' MOTION TO WITHDRAW AS ATTORNEY OF RECORD ... STATE'S MOTION TO ENDORSE NAMES ON INFORMATION Mr. Tilman requested he be allowed to withdraw as counsel. Ms. Melia advised she has spoken with Mr. Langford and he would oppose the motion if it means a continuance in the trial. Further, Ms. Melia advised the Court that Mr. Tom Michaelides from her office has been working with her during the preparation and could be ready; therefore, a continuance would not be necessary. COURT ORDERED, Motion to Withdraw is GRANTED; Mr. Michaelides is APPOINTED AND THE TRIAL DATE WILL STAND. FURTHER, Motion to Endorse Names is GRANTED, given the appropriate discovery. CUSTODY ;</i></p> |
| 11/28/1994 | <p><b>Motion (9:00 AM)</b></p> <p>Events: 11/16/1994 Notice of Motion</p> <p><i>DEFENDANT'S MOTION FOR DISCLOSURE OF TIBOR LAKICEVIC'S POLYGRAPH TEST Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 11/28/1994 | <p><b>Motion to Sever (9:00 AM)</b></p> <p>Events: 11/16/1994 Notice of Motion</p> <p><i>DEFENDANT'S MOTION TO SEVER Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 11/28/1994 | <p><b>Motion (9:00 AM)</b></p> <p>Events: 11/16/1994 Notice of Motion</p> <p><i>DEFT'S MOTION CHALLENGING COMPOSITION OF PETIT JURY FOR UNDER REPRESENTATION Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 11/28/1994 | <p><b>Motion (9:00 AM)</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

# CASE SUMMARY

CASE No. 94C120857-2

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|            | <p>Events: 11/16/1994 Notice of Motion<br/> <i>DEFT'S MOTION TO INTERVIEW STATE'S WITNESS Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 11/28/1994 | <p><b>Motion (9:00 AM)</b><br/> Events: 11/16/1994 Notice of Motion<br/> <i>DEFT'S MOTION FOR IN CAMERA REVIEW OF PRESENTENCE REPORTS Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 11/28/1994 | <p><b>Motion to Suppress (9:00 AM)</b><br/> Events: 11/16/1994 Notice of Motion<br/> <i>DEFENDANT'S MOTION TO SUPPRESS STATEMENTS Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 11/28/1994 | <p><b>Motion to Extend Discovery (9:00 AM)</b><br/> Events: 11/16/1994 Notice of Motion<br/> <i>DEFENDANT'S MOTION FOR DISCOVERY OF BRADY AND GIGLIO MATERIALS Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 11/28/1994 | <p><b>Motion to Strike (9:00 AM)</b><br/> Events: 11/18/1994 Notice of Motion<br/> <i>DEFT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCE BASED UPON FELONY OF ROBBERY Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 11/28/1994 | <p><b>All Pending Motions (9:00 AM)</b><br/> <i>ALL PENDING MOTIONS 11-28-94 Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i><br/> Matter Heard; ALL PENDING MOTIONS 11-28-94 Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin<br/> Journal Entry Details:<br/> <i>DEFT'S MOTION CHALLENGING THE COMPOSITION OF THE PETIT JURY FOR UNDER REPRESENTATION OF COGNIZABLE GROUPS DEFT'S MOTION TO INTERVIEW STATE'S WITNESS DEFT'S MOTION FOR IN-CAMERA REVIEW OF PRESENTENCE REPORTS DEFT'S MOTION TO SUPPRESS STATEMENTS DEFT'S MOTION FOR DISCLOSURE OF TIBOR LAKICEVIC'S POLIGRAPH TEST QUESTIONS AND THE TEST RESULTS DEFT'S MOTION TO SERVER DEFT'S MOTION FOR DISCOVERY OF BRADY AND GIGLIO MATERIALS DEFT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES BASED UPON FELONY OF ROBBERY AND BURGLARY Colloquy regarding pending motions. In the absence of Ms. Melia, COURT ORDERED, pre-trial Motions are continued. Calendar call date stands. CUSTODY ;</i></p> |
| 11/30/1994 | <p><b>Calendar Call (9:00 AM)</b><br/> <i>CALENDAR CALL</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 11/30/1994 | <p><b>Motion to Sever (9:00 AM)</b><br/> <i>DEFENDANT'S MOTION TO SEVER Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 11/30/1994 | <p><b>Motion to Compel (9:00 AM)</b><br/> Events: 11/17/1994 Motion to Compel<br/> <i>DEFENDANT'S MOTION TO COMPEL DISCLOSURE OF DOCUMENTS MAINTAINED BY LVMPD Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 11/30/1994 | <p><b>Motion for Judgment Notwithstanding the Verdict (9:00 AM)</b><br/> <i>DEFT'S MOTION FOR JURY QUESTIONNAIRE Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 11/30/1994 | <p><b>Conversion Hearing Type (9:00 AM)</b><br/> Events: 11/29/1994 Motion<br/> <i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 11/30/1994 | <p><b>All Pending Motions (9:00 AM)</b><br/> <i>ALL PENDING MOTIONS 11-30-94 Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i><br/> Matter Heard; ALL PENDING MOTIONS 11-30-94 Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

# CASE SUMMARY

CASE No. 94C120857-2

Journal Entry Details:

*DEFT'S MOTION CHALLENGING THE COMPOSITION OF THE PETIT JURY FOR UNDER- REPRESENTATION OF COGNIZABLE GROUPS DEFT'S MOTION TO INTERVIEW STATE'S WITNESS DEFT'S MOTION FOR IN-CAMERA REVIEW OF PRESENTENCE REPORTS DEFT'S MOTION TO SUPPRESS STATEMENTS DEFT'S MOTION FOR DISCLOSURE OF TIBOR LAKICEVIC'S POLYGRAPH TEST QUESTIONS AND TEST RESULTS DEFT'S MOTION TO SEVER DEFT'S MOTION FOR DISCOVERY OF BRADY AND GIGILO MATERIALS DEFT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES BASED UPON FELONY OF ROBBERY AND BURGLARY DEFT'S MOTION TO COMPEL DISCLOSURE OF DOCUMENTS MAINTAINED BY THE LVMPD RECORDS SECTION DEFT'S MOTION FOR JURY QUESTIONNAIRE STATE'S MOTION TO ENDORSE NAMES ON INFORMATION CALENDAR CALL AS TO THE MOTION TO ENDORSE NAMES ON INFORMATION: There being no opposition, COURT ORDERED, Motion to Endorse is GRANTED, given full discovery. Counsel agreed to the Motion for Jury Questionnaire, therefore, COURT ORDERED, Motion is GRANTED. Ms. Melia advised, once the State reviews the questionnaire, she will provide Jury Services with it. AS TO THE MOTION TO SEVER: Court took oral argument. Mr. Waterman advised he joins in Ms. Melia Motion. Arguments by all counsel. Mr. Waterman advised he cannot possibly be ready to proceed to trial with deft. RANDOLPH. Opposition by Mr. Langford. Based on Mr. Waterman's position, COURT ORDERED Motion to Sever is GRANTED. Deft. RANDOLPH WAIVED the 60-DAY RULE. Deft. RANDOLPH'S trial will be reset. State's Answer to Motion to Sever FILED IN OPEN COURT. AS TO THE PETITION FOR WRIT OF HABEAS CORPUS: Return to the Writ FILED IN OPEN COURT. Due to the continuance granted, parties agreed to argue any pre-trial motions for deft. Randolph and the pending Writ at a future time. COURT ORDERED, matter set for oral argument on any pre-trial motions and the Writ of Habeas Corpus. Briefing schedule set. Colloquy regarding deft's STRATTON'S trial proceedings. With agreement by all parties, COURT ORDERED, further argument on the remaining motions will be held on Monday at 11 AM. The Jury panel will be given the questionnaires Monday morning; then excused. Counsel can review the questionnaires that afternoon and evening. Jury selection will begin on Tuesday at 10:30 AM. Trial will proceed on STRATTON only. CUSTODY (BOTH) 12/5/94 11 AM PENDING PRE-TRIAL MOTIONS (STRATTON) 12/6/94 10:30 AM JURY TRIAL (STRATTON) 2/3/95 9 AM ORAL ARGUMENT PRE-TRIAL MOTIONS (RANDOLPH) AND WRIT OF HABEAS CORPUS 5/17/95 9 AM CALENDAR CALL (RANDOLPH) 5/22/95 10 AM JURY TRIAL (RANDOLPH) ;*

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|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11/30/1994 | <b>Motion (11:00 AM)</b><br><i>DEFENDANT'S MOTION FOR DISCLOSURE OF TIBOR LAKICEVIC'S POLYGRAPH TEST</i><br><i>Heard By: A. William Maupin</i>                                     |
| 11/30/1994 | <b>Motion (11:00 AM)</b><br><i>DEFT'S MOTION CHALLENGING COMPOSITION OF PETIT JURY FOR UNDER REPRESENTATION</i><br><i>Heard By: A. William Maupin</i>                              |
| 11/30/1994 | <b>Motion (11:00 AM)</b><br><i>DEFT'S MOTION TO INTERVIEW STATE'S WITNESS</i><br><i>Heard By: A. William Maupin</i>                                                                |
| 11/30/1994 | <b>Motion (11:00 AM)</b><br><i>DEFT'S MOTION FOR IN CAMERA REVIEW OF PRESENTENCE REPORTS</i><br><i>Heard By: A. William Maupin</i>                                                 |
| 11/30/1994 | <b>Motion to Suppress (11:00 AM)</b><br><i>DEFENDANT'S MOTION TO SUPPRESS STATEMENTS</i><br><i>Heard By: A. William Maupin</i>                                                     |
| 11/30/1994 | <b>Motion to Extend Discovery (11:00 AM)</b><br><i>DEFENDANT'S MOTION FOR DISCOVERY OF BRADY AND GIGLIO MATERIALS</i><br><i>Heard By: A. William Maupin</i>                        |
| 11/30/1994 | <b>Motion to Strike (11:00 AM)</b><br><i>DEFT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCE BASED UPON FELONY OF ROBBERY</i><br><i>Heard By: A. William Maupin</i>                   |
| 12/02/1994 | <b>Motion for Judgment Notwithstanding the Verdict (9:00 AM)</b><br>Events: 11/21/1994 Motion<br><i>DEFT'S MOTION FOR JURY QUESTIONNAIRE</i><br><i>Heard By: A. William Maupin</i> |

# CASE SUMMARY

CASE No. 94C120857-2

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| 12/05/1994 | <p><b>Motion</b> (11:00 AM)<br/> <i>DEFENDANT'S MOTION FOR DISCLOSURE OF TIBOR LAKICEVIC'S POLYGRAPH TEST</i><br/> <i>Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 12/05/1994 | <p><b>Motion</b> (11:00 AM)<br/> <i>DEFT'S MOTION CHALLENGING COMPOSITION OF PETIT JURY FOR UNDER REPRESENTATION</i><br/> <i>Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 12/05/1994 | <p><b>Motion</b> (11:00 AM)<br/> <i>DEFT'S MOTION TO INTERVIEW STATE'S WITNESS</i><br/> <i>Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 12/05/1994 | <p><b>Motion</b> (11:00 AM)<br/> <i>DEFT'S MOTION FOR IN CAMERA REVIEW OF PRESENTENCE REPORTS</i><br/> <i>Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 12/05/1994 | <p><b>Motion to Suppress</b> (11:00 AM)<br/> <i>DEFENDANT'S MOTION TO SUPPRESS STATEMENTS</i><br/> <i>Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 12/05/1994 | <p><b>Motion to Extend Discovery</b> (11:00 AM)<br/> <i>DEFENDANT'S MOTION FOR DISCOVERY OF BRADY AND GIGLIO MATERIALS</i><br/> <i>Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 12/05/1994 | <p><b>Motion to Compel</b> (11:00 AM)<br/> <i>DEFENDANT'S MOTION TO COMPEL DISCLOSURE OF DOCUMENTS MAINTAINED BY LVMPD</i><br/> <i>Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 12/05/1994 | <p><b>Motion to Strike</b> (11:00 AM)<br/> <i>DEFT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCE BASED UPON FELONY OF ROBBERY</i><br/> <i>Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 12/05/1994 | <p><b>Hearing</b> (11:00 AM)<br/> <i>ARGUMENT ON PENDING PRETRIAL MOTIONS</i><br/> <i>Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 12/05/1994 | <p><b>All Pending Motions</b> (11:00 AM)<br/> <i>ALL PENDING MOTIONS 12-5-94 Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH</i><br/> <i>Heard By: A. William Maupin</i><br/> Matter Heard; ALL PENDING MOTIONS 12-5-94 Court Clerk: JULIE HALL<br/> Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin<br/> Journal Entry Details:<br/><br/> <i>DEFT'S MOTION CHALLENGING THE COMPOSITION OF THE PETIT JURY FOR UNDER- REPRESENTATION OF COGNIZABLE GROUPS</i><br/> <i>DEFT'S MOTION TO INTERVIEW STATE'S WITNESS</i><br/> <i>DEFT'S MOTION FOR IN-CAMERA REVIEW OF PRESENTENCE REPORTS</i><br/> <i>DEFT'S MOTION TO SUPPRESS STATEMENTS</i><br/> <i>DEFT'S MOTION FOR DISCLOSURE OF TIBOR LAKICEVIC'S POLYGRAPH TEST QUESTIONS AND TEST RESULTS</i><br/> <i>DEFT'S MOTION FOR DISCOVERY OF BRADY AND GIGLIO MATERIALS</i><br/> <i>DEFT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES BASED UPON FELONY OF ROBBERY AND BURGLARY</i><br/> <i>DEFT'S MOTION TO COPEL DISCLOSURE OF DOCUMENTS MAINTAINED BY THE LVMPD RECORDS SECTION AS TO THE DEFT'S MOTION CHALLENGING THE COMPOSITION OF THE PETIT JURY FOR UNDER-REPRESENTATION OF COGNIZABLE GROUPS:</i><br/> Counsel submitted the matter. COURT ORDERED, Motion is DENIED. AS TO DEFT'S MOTION TO INTERVIEW STATE'S WITNESS: Arguments by counsel. COURT ORDERED, Motion is GRANTED; interview will take place with the witnesses' attorney, Mr. Archie or Mr. Walton. The State does not need to be present. Additional argument. Ruling stands. AS TO DEFT'S MOTION FOR IN-CAMERA REVIEW OF PRESENTENCE REPORTS: Arguments by counsel. COURT ORDERED, Motion is GRANTED; the Court will review any PSI records of the co-defendants, if necessary. AS TO DEFT'S MOTION TO SUPPRESS STATEMENTS: Arguments by counsel. COURT ORDERED, Motion, without further information from the Police Officer is DENIED; however, the COURT WILL ALLOW a 15 minute offer of proof prior to the trial. AS TO DEFT'S MOTION FOR DISCLOSURE OF TIBOR LAKICEVIC'S POLYGRAPH TEST QUESTIONS AND TEST RESULTS: Arguments by counsel. COURT ORDERED, Motion is GRANTED; the information will come in, but polygraph will not be mentioned. AS TO DEFT'S</p> |

# CASE SUMMARY

CASE No. 94C120857-2

*MOTION FOR DISCOVERY OF BRADY AN GIGLIO MATERIALS: Counsel submitted the matter with the exception that any other cases which were to be dismissed pursuant to negotiations be provided to Ms. Melia. COURT ORDERED, Motion is MOOT with the exception as stated. DEFT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES BASED UPON FELONY OF ROBBERY AND BURGLARY: Arguments by counsel. COURT ORDERED, Motion is DENIED WITHOUT PREJUDICE, as the issue may be revisited at the time of jury instructions. DEFT'S MOTION TO COMPEL DISCLOSURE OF DOCUMENTS MAINTAINED BY THE LVMPD RECORDS SECTION: Counsel advised the motion may be MOOT with the exception of Mr. Bush and a prior conviction. COURT ORDERED, it will allow the material regarding Mr. Bush to be produced in chambers. Court will decide if any briefing is necessary. Ms. Melia advised the DR # is 1228-1493, dated November 28, 1992. Mr. Harmon advised an Amended Information has been prepared and requested it be filed in open Court. There being no objection, AMENDED INFORMATION FILED IN OPEN COURT. Colloquy regarding the scheduling of the trial and the penalty phase. Court advised it's intention was to try the case in the next two week, through its conclusion. Opposition by Ms. Melia. Court advised Ms. Melia she can raise her objection prior to the penalty phase. Trial date stands. CUSTODY 12/6/94 10:30 AM JURY TRIAL ;*

12/06/1994

## Jury Trial (10:30 AM)

*TRIAL BY JURY Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin*

*Matter Heard; TRIAL BY JURY Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin*

*Journal Entry Details:*

*Mr. Tom Michaelides present for the defense. Counsel advised the matter is resolved. SECOND AMENDED INFORMATION AND GUILTY PLEA MEMORANDUM filed in open Court. DEFT. STRATTON ARRAIGNED AND PLED GUILTY TO CT. IV OF THE SECOND AMENDED INFORMATION CHARGING "MURDER OF THE 1ST DEGREE WITH USE OF A DEADLY WEAPON (F). NEGOTIATIONS: Deft. is to enter a plea of guilty to Ct. IV, State will make a recommendation of Life with the Possibility of Parole and recommend the deft. serve his prison time in the State of Oregon. Further, Mr. Harmon advised the request for the death penalty is being dropped, and the remaining counts will be dismissed after sentence is rendered. Deft. advised his true name being FREDRICK LEON STRATTON, COURT AMENDED the Second Amended Information to so reflect. FURTHER ACCEPTED the plea as binding and referred the matter to P&P. Matter set for sentencing. CUSTODY 1/9/95 9 AM SENTENCING CT. IV / DISMISS REMAINING ;*

01/09/1995

## Sentencing (9:00 AM)

*SENTENCING (CT.IV) Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin*

### MINUTES

*Granted; SENTENCING (CT.IV) Court Clerk: JULIE HALL Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin*

*Journal Entry Details:*

*Ms. Joy Mundy Neal present for P&P. Conference at the bench. COURT ADJUDGED DEFT. STRATTON GUILTY TO CT. IV - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F). Statements by Ms. Irene Moden and in mitigation of sentencing by counsel. COURT ORDERED, pursuant to the binding negotiations in this matter and in addition to a \$25 Assessment Fee, deft. STRATTON is SENTENCED to LIFE IN THE NEVADA DEPARTMENT OF PRISONS WITH THE POSSIBILITY OF PAROLE and a CONSECUTIVE LIFE WITH THE POSSIBILITY OF PAROLE for the enhancement. FURTHER ORDERED, deft. to pay \$4,499.90 in restitution and given 252 days credit for time served. Remaining Counts are DISMISSED. CUSTODY ;*

02/03/1995

## Hearing (9:00 AM)

*ARGUMENT ON PRETRIAL MOTIONS & PETITIONFOR WRIT OF HABEAS CORPUS (RANDOLPH) Heard By: A. William Maupin*

02/10/1995

## Hearing (9:00 AM)

*ARGUMENT ON PRETRIAL MOTIONS & PETITIONFOR WRIT OF HABEAS CORPUS (RANDOLPH) Court Clerk: LARRY SNYDER Reporter/Recorder: PATSY SMITH Heard By: MAUPIN, A. WILLIAM*

*Matter Continued; ARGUMENT ON PRETRIAL MOTIONS & PETITIONFOR WRIT OF HABEAS CORPUS (RANDOLPH) Court Clerk: LARRY SNYDER Reporter/Recorder:*

# CASE SUMMARY

CASE No. 94C120857-2

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|            | <p>PATSY SMITH Heard By: MAUPIN, A. WILLIAM</p> <p>Journal Entry Details:</p> <p><i>Mr. Waterman advised he has talked with Mr. Harmon, and an offer has been made in this matter. Mr. Waterman requested a continuance to review the offer with the Deft. There being no objection from the State, COURT ORDERED, this matter CONTINUED, and also SET for a Status Check on Possible Negotiations. CUSTODY 2/15/95 9:00 AM ARGUMENT ON PRETRIAL MOTIONS AND PETITION FOR WRIT OF HABEAS CORPUS...STATUS CHECK: POSSIBLE NEGOTIATIONS ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 02/15/1995 | <p><b>Hearing (9:00 AM)</b></p> <p><i>ARGUMENT ON PRETRIAL MOTIONS &amp; PETITIONFOR WRIT OF HABEAS CORPUS (RANDOLPH) Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 02/15/1995 | <p><b>Status Check (9:00 AM)</b></p> <p><i>STATUS CHECK: POSSIBLE NEGOTIATIONS</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 02/15/1995 | <p><b>All Pending Motions (9:00 AM)</b></p> <p><i>ALL PENDING MOTIONS (2/15/95) Court Clerk: LARRY SNYDER Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i></p> <p>Matter Heard; ALL PENDING MOTIONS (2/15/95) Court Clerk: LARRY SNYDER Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</p> <p>Journal Entry Details:</p> <p><i>ARGUMENT ON PRETRIAL MOTIONS AND PETITION FOR WRIT OF HABEAS CORPUS... STATUS CHECK: POSSIBLE NEGOTIATIONS Mr. Waterman advised the Deft. has refused the negotiations offered by the State, and noted he is prepared to go forward at this time and argue the Writ Of Habeas Corpus. Arguments by Counsel. COURT ORDERED, the Court concludes from the transcripts and briefs there is probable cause to bind the Deft. over on all charges, and substantial evidence to prove the Deft. was a principal. COURT FURTHER ORDERED, Petition For Writ Of Habeas Corpus is DENIED, and future Calendar Call date of 5/17/95 and Trial date of 5/22/95 STAND. Mr. Harmon informed Mr. Waterman and the Deft. the State's offer will remain in effect until the date of the Calendar Call. CUSTODY 5/17/95 9:00 AM CALENDAR CALL 5/22/95 10:00 AM JURY TRIAL ;</i></p> |
| 05/17/1995 | <p><b>Calendar Call (9:00 AM)</b></p> <p><i>CALENDAR CALL Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 05/17/1995 | <p><b>Conversion Hearing Type (9:00 AM)</b></p> <p><i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION Heard By: A. William Maupin</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 05/17/1995 | <p><b>All Pending Motions (9:00 AM)</b></p> <p><i>ALL PENDING MOTIONS (5/17/95) Court Clerk: LARRY SNYDER Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i></p> <p>Matter Heard; ALL PENDING MOTIONS (5/17/95) Court Clerk: LARRY SNYDER Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</p> <p>Journal Entry Details:</p> <p><i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...CALENDAR CALL Counsel announced ready for Trial; matter should take approximately one week with two or three out of State witnesses. Conference at the Bench between Court and Counsel. COURT ORDERED, Trial will commence at 11:00 AM Monday morning depending on Mr. Waterman's health. COURT FURTHER ORDERED, State's Motion To Endorse Names On Information and the Motion In Limine to be heard at 9:00 AM on the Monday morning Calendar. CUSTODY 5/22/95 9:00 AM State's Motion To Endorse Names On Information...Motion In Limine 5/22/95 11:00 AM JURY TRIAL ;</i></p>                                                                                                                                                                                                                                  |
| 05/22/1995 | <p><b>All Pending Motions (9:00 AM)</b></p> <p><i>ALL PENDING MOTIONS (5/22/95) Court Clerk: LARRY SNYDER Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i></p> <p>Matter Heard; ALL PENDING MOTIONS (5/22/95) Court Clerk: LARRY SNYDER Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</p> <p>Journal Entry Details:</p> <p><i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...DEFT.'S MOTION IN LIMINE Mr. Waterman not present. Court advised Counsel need to address issues applicable to the Guy decision, and the issue of flight. Mr. Harmon noted he will be filing a Motion To</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |



# CASE SUMMARY

CASE No. 94C120857-2

*Amend The Information. COURT ORDERED, these matters CONTINUED. CUSTODY 5/23/95 10:45 AM STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...STATE'S MOTION TO AMEND INFORMATION...DEFT.'S MOTION IN LIMINE 5/23/95 11:00 AM JURY TRIAL ;*

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| 05/23/1995 | <b>Conversion Hearing Type (9:00 AM)</b><br><i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION Heard By: A. William Maupin</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 05/23/1995 | <b>Motion in Limine (10:45 AM)</b><br><i>MOTION IN LIMINE Heard By: A. William Maupin</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 05/23/1995 | <b>Motion to Amend (10:45 AM)</b><br>Events: 05/22/1995 Notice of Motion<br><i>STATE'S MOTION TO AMEND INFORMATION Heard By: A. William Maupin</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 05/23/1995 | <b>All Pending Motions (10:45 AM)</b><br><i>ALL PENDING MOTIONS (5/23/95) Court Clerk: LARRY SNYDER Relief Clerk: LORI BROWN/LB Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i><br>Matter Heard; ALL PENDING MOTIONS (5/23/95) Court Clerk: LARRY SNYDER Relief Clerk: LORI BROWN/LB Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin<br>Journal Entry Details:<br><i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...DEFT'S MOTION IN LIMINE... STATE'S MOTION TO AMEND INFORMATION Upon inquiry of the court, counsel stipulated to waive the presence of Deft. Randolph. Due to health reasons, Mr. Waterman requested that the Calendar Call and Jury Trial be CONTINUED, and there being no opposition, by the COURT, SO ORDERED. The court noted for the record that the State was ready to proceed in this matter. CUSTODY 6-7-95 9:00 A.M. STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...MOTION IN LIMINE...STATE'S MOTION TO AMEND INFORMATION ;</i> |
| 05/23/1995 | <b>CANCELED Jury Trial (11:00 AM)</b><br><i>Vacated</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 06/07/1995 | <b>Conversion Hearing Type (9:00 AM)</b><br><i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION Heard By: A. William Maupin</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 06/07/1995 | <b>Motion in Limine (9:00 AM)</b><br><i>MOTION IN LIMINE Heard By: A. William Maupin</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 06/07/1995 | <b>Motion to Amend (9:00 AM)</b><br><i>STATE'S MOTION TO AMEND INFORMATION Heard By: A. William Maupin</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 06/07/1995 | <b>All Pending Motions (9:00 AM)</b><br><i>ALL PENDING MOTIONS (6/06/95) Court Clerk: LARRY SNYDER Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i><br>Matter Heard; ALL PENDING MOTIONS (6/06/95) Court Clerk: LARRY SNYDER Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin<br>Journal Entry Details:<br><i>STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...DEFT.'S MOTION IN LIMINE... STATE'S MOTION TO AMEND INFORMATION Arguments by Counsel. State's Motion To Endorse Names On Information is GRANTED. COURT FURTHER ORDERED, Weapons portion of the Motion In Limine is MOOT, and noted the Court will DEFER RULING on the Deft.'s Motion In Limine. COURT ADDITIONALLY ORDERED, State's Motion To Amend Information is CONTINUED. CUSTODY 7/03/95 9:00 AM STATE'S MOTION TO AMEND INFORMATION 8/16/95 9:00 AM CALENDAR CALL 8/21/95 10:00 AM JURY TRIAL ;</i>                                                                                           |
| 07/03/1995 | <b>Motion to Amend (9:00 AM)</b><br><i>STATE'S MOTION TO AMEND INFORMATION Relief Clerk: LORI BROWN Reporter/Recorder: PATSY SMITH Heard By: MAUPIN, A. WILLIAM</i><br><br>Matter Continued; STATE'S MOTION TO AMEND INFORMATION Relief Clerk: LORI                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

# CASE SUMMARY

CASE No. 94C120857-2

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|            | <p>BROWN Reporter/Recorder: PATSY SMITH Heard By: MAUPIN, A. WILLIAM</p> <p>Journal Entry Details:</p> <p><i>COURT ORDERED, this matter CONTINUED. CUSTODY ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 07/05/1995 | <p><b>Motion to Amend (9:00 AM)</b></p> <p><i>STATE'S MOTION TO AMEND INFORMATION Relief Clerk: LORI BROWN Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i></p> <p>Matter Continued; STATE'S MOTION TO AMEND INFORMATION Relief Clerk: LORI BROWN Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</p> <p>Journal Entry Details:</p> <p><i>Arguments of counsel. COURT ORDERED, State's Motion to Amend Information is GRANTED. Order signed in open court this date. Amended Information FILED IN OPEN COURT. CUSTODY ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 08/16/1995 | <p><b>Calendar Call (9:00 AM)</b></p> <p><i>CALENDAR CALL Court Clerk: LORI BROWN Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</i></p> <p>Matter Heard; CALENDAR CALL Court Clerk: LORI BROWN Reporter/Recorder: PATSY SMITH Heard By: A. William Maupin</p> <p>Journal Entry Details:</p> <p><i>Counsel advised the court that they were ready to proceed to trial, and expect it to last approximately one week. COURT ORDERED, trial to begin Wednesday. CUSTODY 8-23-95 11:00 A.M. JURY TRIAL ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 08/21/1995 | <p><b>CANCELED Jury Trial (10:00 AM)</b></p> <p><i>Vacated</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 08/23/1995 | <p><b>Jury Trial (11:00 AM)</b></p> <p><i>TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: LOEHRER, SALLY</i></p> <p>Matter Continued; TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: LOEHRER, SALLY</p> <p>Journal Entry Details:</p> <p><i>Outside the presence of the jury, Upon inquiry by the Court, counsel requested that the debt be referred to as Clyde Lewis. COURT ORDERED, WHEN THE INFORMATION IS READ, THE DEFT WILL BE REFERRED TO AS CLYDE LEWIS ONLY. Jury panel administered the Vior Dire oath at 10:30. COURT ORDERED, NOON RECESS AT 12:10. Vior Dire resumed at 1:00. Twelve Jurors and two alternates sworn at 6:00. Court admonished jury and ORDERED, TRIAL CONTINUED TO AUGUST 24, 1995 AT 10:30. CUSTODY ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 08/24/1995 | <p><b>Jury Trial (8:00 AM)</b></p> <p><i>TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: LOEHRER, SALLY</i></p> <p>Matter Continued; TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: LOEHRER, SALLY</p> <p>Journal Entry Details:</p> <p><i>Counsel stipulated as to the presense of the jury at 10:40. Court advised the jury of the proceedure the trial will take, information read to the jury. State invoked the exclusionary rule. Opening statement by Mr. Harmon. Opening statement by Mr. Waterman. COURT ORDERED, NOON RECESS AT 12:00, jury admonished and advised to return as 1:30. Counsel stipulated as to the presence of the jury at 1:30, testimony and exhibits per attached worksheet. COURT ORDERED, TRIAL RECESSED FOR THE DAY AT 5:10, jury admonished and advised to return on August 25, 1995 at 8:00 a.m. Outside the presence of the jury, Mr. Waterman requested witness Barker be given a drug test as he believes the witness is under the influence. Response by Mr., Mueller. Court advised does not know if this Court has the authority to order the witness be drug tested. Conference at the bench. Upon inquiry by the Court, Ms. Barker advised she is willing to take a drug test. Mr. Harmon stated for the record that Ms. Barker may be willing to take the test but there is no basis for this in the record and there is no cause to subject the witness to a drug test because of the defense counsel's opinion and the State objects. Mr. Waterman stipulated that if the test comes back dirty, it will only be hald against the witness as to her testimony here today. CUSTODY 8/28/95 1:30 PM JURY TRIAL ;</i></p> |
| 08/25/1995 | <p><b>Jury Trial (1:30 PM)</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

# CASE SUMMARY

CASE No. 94C120857-2

TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: LOEHRER, SALLY

Matter Continued; TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: LOEHRER, SALLY

Journal Entry Details:

Counsel stipulated as to the presence of the jury at 8:05. Testimony and exhibits per attached worksheet. AT 9:00, COURT ORDERED A BRIEF RECESS for Mr. Waterman to make appearance in Dept VIII & XIV, jury admonished and advised to return at 9:15. Counsel stipulated as to the presence of the jury at 9:30, testimony and exhibits per attached worksheet. COURT ORDERED, TRIAL RECESSED FOR THE DAY AT 12:20, jury admonished and advised to return on Monday, August 28, 1995 at 1:30 p.m. Outside the presence of the jury, colloquy between Court and counsel regarding trial schedule. CUSTODY 8/28/95 1:30 PM JURY TRIAL CONTINUED ;

08/28/1995

## Jury Trial (10:30 AM)

TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY

Matter Continued; TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY

Journal Entry Details:

Counsel stipulated as to the presence of the jury at 1:35. Testimony and exhibits per attached worksheet. Brief recesses taken at 3:13 p.m. and 5:05 p.m. COURT ORDERED, TRIAL RECESSED FOR THE DAY AT 7:20, jury admonished and advised to return on 8/29/95 at 10:30 a.m. CUSTODY ;

08/29/1995

## Jury Trial (9:00 AM)

TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY

Matter Continued; TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY

Journal Entry Details:

Counsel stipulated as to the presence of the jury at 10:35, testimony and exhibits per attached worksheet. COURT ORDERED, NOON RECESS AT 11:55, jury admonished and advised to return at 1:30. Counsel stipulated as to the presence of the jury at 1:34, testimony and exhibits per attached worksheet. Jury excused from the Courtroom at 2:30. Outside the presence of the jury, Mr. Waterman presented motion as to testimony of the State's next witness, Bert Gutierrez regarding remoteness in time and prejudicial effects. Response by State. Officer Gutierrez brought into Courtroom and sworn and testified. COURT ORDERED, TESTIMONY AS TO THE GUN BEING STOLEN WILL BE SUPRESSED AND THE BALANCE OF THE TESTIMONY WILL BE ALLOWED. Upon inquiry by the Court, Officer Gutierrez advised when the officer knocked on the deft's door he identified himself as police. Counsel stipulated as to the presence of the jury at 2:50. Outside the presence of the jury, Mr. Waterman moved for a mistrial pursuant to testimony of State's witness Gutierrez. Response by State. COURT ORDERED, MOTION FOR MISTRIAL DENIED and advised the jury will be instructed to disregard the witnesses comments about the motel. Jury present in Courtroom. Court advised the jury to disregard the discription of the lodge given by the witness. COURT ORDERED, AFTERNOON RECESS AT 3:15, jury admonished and advised to return at 3:30. Outside the presence of the jury, Court advised the Court has been faxed eighteen pages medical documents for the deft at the request of Mr. Waterman. Copies of documents provided to both counsel. Counsel stipulated as to the presence of the jury at 4:00, testimony and exhibits per attached worksheet. COURT ORDERED, TRIAL RECESSED FOR THE DAY AT 5:10, jury admonished and advised to return on 8/30/95 at 10:00 a.m. Outside the presence of the jury, Court advised the deft of his right to testify or not to testify. Court requested counsel be present at 9:45 to go over jury instructions. CUSTODY 8/30/95 10 AM JURY TRIAL CONTINUED ;

08/30/1995

## Jury Trial (10:30 AM)

TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY

Matter Continued; TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY

Journal Entry Details:

Outside the presence of the jury, Mr. Waterman advised he was not able to serve Dr. Seip as he was no able to serve a subpoena. Mr. Waterman further advised he was not advised the deft's physical affirmaties until the first day of trial. COURT ORDERED, MEDICAL

# CASE SUMMARY

CASE No. 94C120857-2

RECORDS ADMITTED AS COURT'S EXHIBIT #1. Counsel stipulated as to the presence of the jury at 10:35. State rest. Testimony and exhibits per attached worksheet. COURT ORDERED, NOON RECESS AT 11:55, jury admonished and advised to return at 1:30. Outside the presence of the jury, jury instructions settled. Counsel stipulated as to the presence of the jury at 2:30. Defense rest. Rebuttal testimony by the State. Jury instructions read to the jury. Closing argument by counsel. Bailiff and Secretary sworn to take charge of the jury and alternates at 5:00. Jury stopped deliberating for the day at 5:30, Deliberation to resume on 8/31/95 at 8:45. CUSTODY ;

08/31/1995

## Jury Trial (9:00 AM)

TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: LOEHRER, SALLY

Matter Continued; TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: LOEHRER, SALLY

Journal Entry Details:

Jury resumed deliberating at 8:45. At 4:45, pursuant to a note from the jury, Court, Counsel and all officer of the Court present and the Court reread instructions 24 and 25 to the jury. Court explained the instructions pursuant to conference between Court and counsel in chambers. Mr. Waterman waived the presence of the deft for this proceeding. Jury resumed deliberating at 5:00. Jury left for the day at 5:20, to resume on 9/1/95 at 9:00 a.m. CUSTODY ;

09/01/1995

## Jury Trial (9:00 AM)

TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY

Matter Continued; TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY

Journal Entry Details:

Jury resumed deliberating at 9:00 a.m. Jury brought into the Courtroom at 4:55, Judge A. Willaim Maupin presiding, all officers of the Court present. Court advised understands the jury has not been able to reach a verdict as to Counts I, II & IV. Court read a new instruction to the jury as to deliberation. COURT ORDERED, JURY EXCUSED FOR THE WEEKEND, Jury admonished and advised to return on Tuesday, September 5 at 9:00 a.m. Outside the presence of the jury, Mr. Waterman objected to the Court bringing the jury back on Tuesday. Court advised counsel with jury will be allowed to continue deliberations until mid-afternoon and if at that time the Jury has not reached a decision as to Counts I, II & IV, the Court will declare a mistrial as to those counts. CUSTODY ;

09/05/1995

## Jury Trial (9:00 AM)

TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: A. William Maupin

Matter Heard; TRIAL BY JURY Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: A. William Maupin

Journal Entry Details:

Jury resumed deliberating at 9:00 a.m. Jury returned into the Courtroom at 2:00, Judge A. William Maupin presiding and all officers of the Court present. Jury Foreperson advised the jury only reach a verdict as to Court III. All members of the jury concurred. COURT ORDERED, MISTRIAL DECLARED AS TO COUNTS I, II & IV AND DEFT FOUND GUILTY OF COUNT III - BATTERY WITH USE OF A DEADLY WEAPON (F). COURT FURTHER ORDERED, MATTER CONTINUED TO RESET TRAIL AS TO COUNTS I, II & III AND MATTER REFERRED TO PAROLE AND PROBATION FOR PSI AND SET OVER FOR SENTENCING AS TO COUNT III. Court thanked and excused the jury. CUSTODY 9/19/95 9 AM TRIAL SETTING AS TO COUNTS I, II & IV...10/10/95 9 AM SENTENCING COUNT III ;

09/19/1995

## Conversion Hearing Type (9:00 AM)

TRIAL SETTING AS TO COUNTS I,II & IV Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: Sally Loehrer

Matter Heard; TRIAL SETTING AS TO COUNTS I,II & IV Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: Sally Loehrer

Journal Entry Details:

Mr. Waterman requested trail be set in the ordinary course. Deft requested a speedy trial. Mr. Waterman advised since the jury verdict found the deft guilty of one count of battery, the jury did not specify on who the battery was committed and believes it is a lesser included for murder. State requested matter be passed to Thursday to set trial date if there is an issue. COURT ORDERED, MATTER SET FOR TRIAL IN THE ORDINARY COURSE. Mr.

# CASE SUMMARY

CASE No. 94C120857-2

*Waterman advised he may have a motion prior to sentencing on Count III regarding the deft being adjudged guilty of a felony and being able to take the stand in pending trial. Court advised sentencing date will stand at this time. CUSTODY 1/11/96 9 AM CALENDAR CALL...1/16/96 9:30 AM JURY TRIAL COUNTS I, II & III ;*

10/10/1995

**Sentencing (9:00 AM)**

*SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY*

*Matter Continued; SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY*

*Journal Entry Details:*

*Mr. Laurent advised this is Mr. Harmon's case and he requested a continuance and believes Mr. Harmon contacted Mr. Waterman who has no objection to a continuance. COURT ORDERED, SENTENCING CONTINUED FOR ONE WEEK. CUSTODY ;*

10/17/1995

**Sentencing (9:00 AM)**

*SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY*

*Matter Continued; SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY*

*Journal Entry Details:*

*Peggy Coleman of Parole and Probation present. DEFT LEWIS ADJUDGED GUILTY OF COUNT III - BATTERY WITH USE OF A DEADLY WEAPON, PURSUANT TO JURY VERDICT. Mr. Waterman requested he be allowed to withdraw from the case as he has developed antipathy for the deft and cannot say one good thing about him. COURT ORDERED, ORAL MOTION TO WITHDRAW IS GRANTED AND THE STATE PUBLIC DEFENDER'S OFFICE IS APPOINTED AS COUNSEL. J. Savage of the SPD'S Office present in Court and advised can confirm as counsel. COURT ORDERED, STATE PUBLIC DEFENDER'S OFFICE CONFIRMED AS COUNSEL, TRIAL DATE ON REMAINING COUNTS STANDS AND SENTENCING AS TO COUNT III CONTINUED FOR TWO WEEKS. CUSTODY ;*

11/02/1995

**Sentencing (9:00 AM)**

*SENTENCING Court Clerk: LARRY SNYDER/LS Reporter/Recorder: KIT MACDONALD Heard By: MCGROARTY, JOHN S.*

*Matter Continued; SENTENCING Court Clerk: LARRY SNYDER/LS Reporter/Recorder: KIT MACDONALD Heard By: MCGROARTY, JOHN S.*

*Journal Entry Details:*

*COURT ORDERED, this matter CONTINUED to be heard by Judge Loehrer. CUSTODY ;*

11/07/1995

**Sentencing (9:00 AM)**

*SENTENCING Heard By: Sally Loehrer*

11/21/1995

**Sentencing (9:00 AM)**

*SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: LOEHRER, SALLY*

*Matter Continued; SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: LOEHRER, SALLY*

*Journal Entry Details:*

*Officer McKenzie of Parole and Probation present. Upon inquiry by the Court, deft advised the no one from the State Public Defender's Office has been to see him regarding the PSI report. COURT ORDERED, SENTENCING CONTINUED FOR ONE WEEK and requested the Clerk contact the State Public Defender's Office regarding this matter. CUSTODY ;*

11/28/1995

**Sentencing (9:00 AM)**

*SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY*

*Matter Continued; SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY*

*Journal Entry Details:*

*John Delvillan of Parole and Probation present. Court advised met in chambers with Mr. Jackson and Mr. Rogers and indicated this is the third time the State Public Defender has moved to continue sentencing. Court further advised understands that the SPD just received the deft's file this morning and the deft would like to discuss the PSI with counsel. Mr. LaPorta*

# CASE SUMMARY

CASE No. 94C120857-2

*concurrent and advised spoke with Mr. Harmon and he has no objection to a short continuance. COURT ORDERED, SENTENCING CONTINUED ONE LAST TIME TO THURSDAY, NOVEMBER 30 AT 9:00 AM. CUSTODY ;*

11/30/1995

**Sentencing (9:00 AM)**

*SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: Sally Loehrer*

*Matter Continued; SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: Sally Loehrer*

*Journal Entry Details:*

*Thomas Ely of Parole and Probation present. Pursuant to jury verdict, DEFT LEWIS ADJUDGED GUILTY OF COUNT III- BATTERY WITH USE OF A DEADLY WEAPON (F). Argument by State requesting ten years. Statement by deft stating he would like to appeal this case and inquired when he would be getting appeal counsel. Court advised deft he has counsel, however the appeal process does not begin until the Judgment of Conviction is filed. Mr. LaPorta stated he has advised his client to make no further statement because of pending trial on remaining counts in this case. COURT ORDERED, in addition to the \$25.00 Administrative Assessment Fee, Deft. SENTENCED to Nevada Department of Prisons for EIGHT (8) YEARS with 481 DAYS Credit For Time Served and Deft. is Assessed a \$5,000 FINE. Court advised the deft is not to be released to the State Prison system as trial is scheduled on 1/11/96. Mr. LaPorta advised he has a trial scheduled for 1/16/96 in Dept. V. Court advised will reset trial date, however, Mr. Harmon has to be present with his trial schedule. COURT ORDERED, 1/16/96 TRIAL AND 1/11/96 CALENDAR CALL VACATED AND MATTER CONTINUED TO TUESDAY TO RESET TRIAL DATE. CUSTODY 12/5/95 9 AM RESET TRIAL DATE ;*

12/05/1995

**Motion to Set Trial Date (9:00 AM)**

*RESET TRIAL DATE Heard By: A. William Maupin*

**MINUTES**

*Matter Heard; RESET TRIAL DATE Heard By: A. William Maupin*

12/07/1995

**Motion to Set Trial Date (9:00 AM)**

*RESET TRIAL DATE Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: Sally Loehrer*

**MINUTES**

*Matter Heard; RESET TRIAL DATE Court Clerk: CINDY HORTON Reporter/Recorder: JANIE OLSEN Heard By: Sally Loehrer*

*Journal Entry Details:*

*COURT ORDERED, MATTER SET FOR TRIAL. Deft requested he be allowed to return to the State prison. COURT ORDERED, DEFT ALLOWED TO RETURN TO STATE PRISON PENDING TRIAL, HOWEVER, IT IS COUNSEL'S RESPONSIBILITY TO MAINTAIN COMMUNICATION WITH DEFT. CUSTODY 6/20/96 9 AM CALENDAR CALL...6/24/96 9:30 AM JURY TRIAL ;*

01/11/1996

**CANCELED Calendar Call (9:00 AM)**

*Vacated*

01/16/1996

**CANCELED Jury Trial (9:30 AM)**

*Vacated*

06/20/1996

**Calendar Call (9:00 AM)**

*CALENDAR CALL Court Clerk: JUDY NORMAN Reporter/Recorder: HELENE KARP Heard By: Sally Loehrer*

*Matter Heard; CALENDAR CALL Court Clerk: JUDY NORMAN Reporter/Recorder: HELENE KARP Heard By: Sally Loehrer*

*Journal Entry Details:*

*Mr. Roger advised not ready for Trial as three criminologists are not available and moved for an oral Hill Motion to continue. There being no objection, COURT ORDERED, TRIAL DATE VACATED AND RESET. NDP 9/26/96 9:00 AM CALENDAR CALL 9/30/96 9:30 AM JURY TRIAL ;*

06/24/1996

**CANCELED Jury Trial (9:30 AM)**

# CASE SUMMARY

CASE NO. 94C120857-2

*Vacated*

09/24/1996

**Motion to Continue (9:00 AM)**

*DEFT'S MOTION TO CONTINUE JURY TRIAL Court Clerk: JUDY NORMAN  
Reporter/Recorder: MARGIE CARLSON Heard By: Sally Loehrer  
Granted; DEFT'S MOTION TO CONTINUE JURY TRIAL Court Clerk: JUDY NORMAN  
Reporter/Recorder: MARGIE CARLSON Heard By: Sally Loehrer  
Journal Entry Details:  
The Court noted counsel had indicated ready for Trial. Ms. Lempke advised because of the  
McKenna Trial, she was not ready at this time and requested a continuance. Further, had  
spoken with Defendant and, in light of the circumstances, he did not have a problem with it.  
COURT ORDERED, TRIAL DATE VACATED AND RESET. NDP 2/27/97 9:00 AM  
CALENDAR CALL 3/3/97 9:30 AM JURY TRIAL ;*

09/26/1996

**CANCELED Calendar Call (9:00 AM)**

*Vacated*

09/30/1996

**CANCELED Jury Trial (9:30 AM)**

*Vacated*

02/27/1997

**Calendar Call (9:00 AM)**

*CALENDAR CALL*

02/27/1997

**Motion to Compel (9:00 AM)**

*Events: 02/24/1997 Motion to Compel  
DEFT'S MOTION TO COMPEL PRODUCTION OF RAP SHEETS Heard By: Sally Loehrer*

02/27/1997

**Motion to Compel (9:00 AM)**

*Events: 02/24/1997 Motion to Compel  
DEFT'S MOTION TO COMPEL DISCLOSURE OF PRESENTENCE REPORTS Heard By:  
Sally Loehrer*

02/27/1997

**Motion in Limine (9:00 AM)**

*Events: 02/24/1997 Motion in Limine  
DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE Heard By: Sally Loehrer*

02/27/1997

**Motion to Strike (9:00 AM)**

*Events: 02/24/1997 Motion to Strike  
DEFT'S MOTION TO STRIKE DEADLY WEAPON ALLEGATION Heard By: Sally Loehrer*

02/27/1997

**Motion to Compel (9:00 AM)**

*DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE OF BENEFITS OF  
COOPERATION Heard By: Sally Loehrer*

02/27/1997

**All Pending Motions (9:00 AM)**

*ALL PENDING MOTIONS FOR 2/27/97 Court Clerk: CINDY HORTON Reporter/Recorder:  
MARGIE CARLSON Heard By: Sally Loehrer*

**MINUTES**

*Matter Heard; ALL PENDING MOTIONS FOR 2/27/97 Court Clerk: CINDY HORTON  
Reporter/Recorder: MARGIE CARLSON Heard By: Sally Loehrer  
Journal Entry Details:*

*CALENDAR CALL...DEFT'S MOTION TO STRIKE DEADLY WEAPON  
ALLEGATIONS...DEFT'S MOTION TO COMPEL PRODUCTION OF RAP  
SHEETS...DEFT'S MOTION TO COMPEL DISCLOSURE OF PRESENTENCE  
REPORTS...DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE OF BENEFITS  
OF COOPERATION...DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE Ms.  
Lemcke filed DEFT'S MOTION TO SUPPRESS IDENTIFICATIONS OF DEFT IN OPEN  
COURT. State advised has an investigator working on this matter and would request pre-trial  
motions be continued. COURT ORDERED, ALL PRE-TRIAL MOTIONS AND CALENDAR  
CONTINUED TO FRIDAY, FEBRUARY 28 AT 3:00 PM. Upon inquiry by the Court, counsel  
advised trial will take approximately one week, trial counsel will be M. O'Callaghan for the  
State and Ms. Lemcke and Mr. Palma for the defense. State advised if case comes to a penalty*

# CASE SUMMARY

CASE No. 94C120857-2

phase would have no problem with the Court handling that phase. Court advised that is up to the deft if convicted. Ms. Lemcke advised would like the opportunity to discuss this matter with client and co-counsel. Court advised counsel this trial will be #1 to go on Monday. At the request of Ms. Lemcke, COURT ORDERED, DEFT TO BE HELD AT THE CLARK COUNTY DETENTION CENTER THROUGH HIS TRIAL. CUSTODY 2/28/97 3:00 PM CALENDAR CALL CONTINUED AND ALL PRE-TRIAL MOTIONS. 3/3/97 9:30 JURY TRIAL ;

02/28/1997 **Calendar Call (3:00 PM)**  
CALENDAR CALL

02/28/1997 **Motion to Compel (3:00 PM)**  
DEFT'S MOTION TO COMPEL PRODUCTION OF RAP SHEETS Heard By: Sally Loehrer

02/28/1997 **Motion to Compel (3:00 PM)**  
DEFT'S MOTION TO COMPEL DISCLOSURE OF PRESENTENCE REPORTS Heard By: Sally Loehrer

02/28/1997 **Motion in Limine (3:00 PM)**  
DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE Heard By: Sally Loehrer

02/28/1997 **Motion to Strike (3:00 PM)**  
DEFT'S MOTION TO STRIKE DEADLY WEAPON ALLEGATION Heard By: Sally Loehrer

02/28/1997 **Motion to Compel (3:00 PM)**  
DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE OF BENEFITS OF COOPERATION Heard By: Sally Loehrer

02/28/1997 **Motion (3:00 PM)**  
Events: 02/27/1997 Motion to Suppress  
DEFT'S MOTION TO SUPPRESS IDENTIFICATION OF DEFT Heard By: Sally Loehrer

02/28/1997 **All Pending Motions (3:00 PM)**  
ALL PENDING MOTIONS FOR 2/28/97 Court Clerk: CINDY HORTON Reporter/Recorder: MARGIE CARLSON Heard By: Sally Loehrer

## MINUTES

Matter Heard; ALL PENDING MOTIONS FOR 2/28/97 Court Clerk: CINDY HORTON Reporter/Recorder: MARGIE CARLSON Heard By: Sally Loehrer  
Journal Entry Details:

DEFT'S MOTION TO STRIKE DEADLY WEAPON ALLEGATION...DEFT'S MOTION TO COMPEL PRODUCTION OF RAP SHEETS...DEFT'S MOTION TO COMPEL DISCLOSURE OF PRESENTENCE REPORTS...DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE OF BENEFITS OF COOPERATION. DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE... DEFT'S MOTION TO SUPPRESS IDENTIFICATION OF DEFT...CALENDAR CALL Upon inquiry by the Court, State advised believes ready for trial, however, Ms. Atkins will be in trial in Reno and believes can pick a jury on Monday. State further advised is having trouble locating the victims spouse and would request if she is not available that the previous deposition be used. COURT ORDERED, TRIAL STANDS AS #1 ON 3/3/97 AT 9:30 AM. As to DEFT'S MOTION TO STRIKE DEADLY WEAPON ALLEGATION, COURT ORDERED, MOTION GRANTED, THE WORDS "OR HAMMER" ON LINE 14 WILL BE STRICKEN. Following argument by counsel, COURT ORDERED, DEFT'S MOTION TO COMPEL PRODUCTION OF RAP SHEETS GRANTED in that the DA's Staff will run NCIC on names provided by defense counsel and the information will be provided by the DA by Tuesday. As to Deft motion to compel disclosure of presentence report, Court inquired how many witnesses in this case have been convicted in this jurisdiction where a PSI is available. State advised does not know if will be calling the co-deft. Case numbers of possible witnesses with cases in the system provided and will be made available to counsel to review if appropriate. COURT ORDERED, DEFT'S MOTION TO COMPEL DISCLOSURE OF PRESENTENCE REPORTS GRANTED. As to DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE OF BENEFITS OF COOPERATION, COURT ORDERED, MOTION GRANTED as the PSI report can be reviewed. Argument by counsel regarding the deft's motion in limine to preclude evidence. COURT ORDERED, MOTION TO PRECLUDE EVIDENCE DENIED UNLESS THE DEFT TAKES THE STAND. Response by Ms. Lemcke. Court advised will allow a certified JOC if deft says was not there for impeachment purposes. As to Deft's motion to



# CASE SUMMARY

CASE NO. 94C120857-2

*suppress identification of deft, photo of line-up provided to the Court. Court advised does not find anything suggestive in the photo. Ms. Lemcke requested the State be precluded from bringing up the line-up photo at time of direct. Objection by the State. COURT ORDERED, MOTION TO SUPPRESS IDENTIFICATION OF DEFT DENIED. ;*

03/03/1997

**Jury Trial (9:30 AM)**

*TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY*

*Matter Continued; TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY*

*Journal Entry Details:*

*Mr. Palma requested Defendant referred to as Clyde Lewis for purposes of Trial. COURT SO ORDERED. Jury Panel given voir dire oath at 9:45 AM. Noon recess at 12:00 PM. Jury selection resumed at 1:35 PM. Jury excused at 5:10 PM. Outside the presence of the Jury, Mr. Palma moved for mistrial. Arguments by Mr. O'Callaghan. COURT ORDERED, DENIED. CUSTODY ;*

03/04/1997

**Jury Trial (9:30 AM)**

*TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: JOANN ORDUNA Heard By: LOEHRER, SALLY*

*Matter Continued; TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: JOANN ORDUNA Heard By: LOEHRER, SALLY*

*Journal Entry Details:*

*Outside the presence of the Jury, Mr. O'Callaghan requested witness testify prior to openings as had to leave today at 3:00 PM. Objections by Mr. Palma. Mr. Palma advised would stipulate that bullet was taken from body and given to someone else. Jury sworn to hear the case at 11:20 AM. Opening statement by Mr. O'Callaghan at 11:25 AM. Opening statement by Mr. Palma at 11:40 AM. Witnesses sworn and testified. Exhibits per attached worksheet. Noon recess at 12:10 PM. Counsel stipulated to the presence of the Jury at 1:35 PM. Witnesses sworn and testified. Exhibits per attached worksheet. Exclusionary rule invoked at 1:50 PM. Outside the presence of the Jury, the Court advised Mr. Ford would prepare a new Exhibit I as there are other marks from prior Trial on the exhibit. Arguments by Mr. O'Callaghan. The Court gave Exhibit I to Mr. Ford who will return tomorrow with new diagram. Evening recess at 5:15 PM. CUSTODY ;*

03/05/1997

**Jury Trial (10:30 AM)**

*TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY*

*Matter Continued; TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY*

*Journal Entry Details:*

*Counsel stipulated to the presence of the Jury at 9:55 AM. Witnesses sworn and testified. Exhibits per attached worksheet. Noon recess at 11:50 AM. Counsel stipulated to the presence of the Jury at 1:40 PM. Witnesses sworn and testified. Exhibits per attached worksheet. Outside the presence of the Jury, Ms. Lemcke took witness McIntyre on voir dire. Counsel stipulated to the presence of the Jury at 2:20 PM. Outside the presence of the Jury, Ms. Lemcke moved for mis Trial. COURT FINDS objection was not lodged timely and, ORDERED, MOTION DENIED. Counsel stipulated to the presence of the Jury at 3:25 PM. Witnesses sworn and testified. Exhibits per attached worksheet. Evening recess at 5:05 PM. CUSTODY ;*

03/06/1997

**Jury Trial (9:00 AM)**

*TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MARGIE CARLSON Heard By: LOEHRER, SALLY*

*Matter Continued; TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MARGIE CARLSON Heard By: LOEHRER, SALLY*

*Journal Entry Details:*

*Counsel stipulated to the presence of the Jury at 10:40 AM. Witnesses sworn and testified. Exhibits per attached worksheet. Noon recess 12:25 PM. Counsel stipulated to the presence of the Jury at 1:50 PM. Witnesses sworn and testified. Exhibits per attached worksheet. Evening recess at 5:10 PM. CUSTODY ;*

03/07/1997

**Jury Trial (8:30 AM)**

*TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MARY BETH COOK*

# CASE SUMMARY

CASE NO. 94C120857-2

Heard By: LOEHRER, SALLY

Matter Continued; TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MARY BETH COOK Heard By: LOEHRER, SALLY

Journal Entry Details:

*Counsel stipulated to the presence of the Jury at 9:35 AM. Witnesses sworn and testified. Exhibits per attached worksheet. Noon recess at 12:00 AM. Counsel stipulated to the presence of the Jury at 1:35. Witnesses sworn and testified. Exhibits see attached worksheet. Evening recess at 5:25. CUSTODY ;*

03/10/1997

## Jury Trial (8:30 AM)

TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MARGIE CARLSON Heard By: Sally Loehrer

Matter Heard; TRIAL BY JURY Court Clerk: JUDY NORMAN Reporter/Recorder: MARGIE CARLSON Heard By: Sally Loehrer

Journal Entry Details:

*Outside the presence of the Jury, the Court advised Defendant of his right to testify. Counsel stipulated to the presence of the Jury at 9:45 AM. Exhibits see attached worksheet. State rested at 9:50 AM. Defendant rested at 9:55 AM. The Court instructed the Jury at 9:56 AM. Closing arguments by Ms. Lemcke at 10:20 AM. Closing arguments by Mr. Palma at 11:00 AM. Closing arguments by Mr. O'Callaghan at 11:50 AM. Bailiff and Court's secretary sworn to take charge of the Jury at 1:25 PM. The Jury returned with a verdict at 4:45 PM. DEFENDANT, LEWIS FOUND GUILTY OF COUNT I-BURGLARY, COUNT II-ROBBERY WITH USE OF A DEADLY WEAPON, COUNT IV-MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON. The Court thanked and excused the Jury. COURT ORDERED, SET FOR SENTENCING CUSTODY 4/8/97 9:00 AM SENTENCING ;*

04/08/1997

## Sentencing (9:00 AM)

SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: MARGIE CARLSON Heard By: LOEHRER, SALLY

Matter Continued; SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: MARGIE CARLSON Heard By: LOEHRER, SALLY

Journal Entry Details:

*Mr. Palma advised he and Ms. Lemcke have not been able to go over the PSI with the deft and would request a ten day continuance so Ms. Lemcke could be present. State advised defense has been put on notice that the State has victim speakers present. Court advised will allow speakers to make statements to the Court today and will continue formal sentencing. Irene Moden and Eric Moden sworn and made statements to the Court. COURT ORDERED, SENTENCING CONTINUED. CUSTODY ;*

04/29/1997

## Sentencing (9:00 AM)

SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: Sally Loehrer

Matter Continued; SENTENCING Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: Sally Loehrer

Journal Entry Details:

*Angela Lorence of Parole and Probation present. DEFT LEWIS ADJUDGED GUILTY OF COUNT I - BURGLARY (F), COUNT II - ROBBERY WITH USE OF A DEADLY WEAPON (F) AND COUNT IV - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F) PURSUANT TO JURY VERDICT. (DEFT FOUND GUILTY OF COUNT III BATTERY WITH USE OF A DEADLY WEAPON ON 9/5/95 AND SENTENCED AS TO TIME TO EIGHT (8) YEARS IN THE NEVADA DEPT OF PRISONS. Statements in mitigation of sentencing. Deft requested counsel for appeal on all counts. Court advised the deft the SPD will be representing him on these convictions and believes the time may have run on the previous conviction of count III and therefore will Order the SPD to represent on post conviction relief as to count III. Conference at the bench. COURT ORDERED, L. MELIA APPOINTED AS COUNSEL TO REPRESENT DEFT ON DIRECT APPEAL AS TO CONVICTIONS ON COUNTS I, II AND IV AND FOR POST CONVICTION RELIEF AS TO COUNT III. Further statements in mitigation of sentencing. COURT ORDERED, IN ADDITION TO THE \$25 ADMINISTRATIVE ASSESSMENT FEE, DEFT SENTENCED AS TO COUNT I - TEN (10) YEARS IN THE NEVADA DEPT OF PRISONS CONSECUTIVE TO COUNT III, AS TO COUNT II - DEFT SENTENCED TO FIFTEEN (15) YEARS IN THE NEVADA DEPT OF PRISONS PLUS AN EQUAL AND CONSECUTIVE FIFTEEN (15) YEARS PENALTY ENHANCEMENT CONSECUTIVE TO COUNTS I AND III, AS TO COUNT IV - DEFT SENTENCED TO LIFE IN THE NEVADA DEPT OF PRISONS WITH THE POSSIBILITY OF PAROLE PLUS AN EQUAL AND CONSECUTIVE LIFE WITH THE POSSIBILITY OF PAROLE PENALTY*

# CASE SUMMARY

CASE No. 94C120857-2

ENHANCEMENT CONSECUTIVE TO COUNTS I, II AND III WITH 1023 DAYS CREDIT FOR TIME SERVED. COURT FURTHER ORDERED, MATTER CONTINUED TO THURSDAY FOR L. MELIA TO CONFIRM AS COUNSEL. CUSTODY 5/1/97 9 AM CONFIRMATION OF COUNSEL (L. MELIA) ;

05/01/1997

**Motion for Confirmation of Counsel (9:00 AM)**

CONFIRMATION OF COUNSEL (L. MELIA) Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: Sally Loehrer  
Matter Heard; CONFIRMATION OF COUNSEL (L. MELIA) Court Clerk: CINDY HORTON Reporter/Recorder: MARY BETH COOK Heard By: Sally Loehrer  
Journal Entry Details:  
C. Oram, Esq. present as the Court's request. Court advised L. Melia was appointed, however previously represented the co-deft in this case, therefore, the Court contacted Mr. Oram and requested he be present today. Upon inquiry by the Court, Mr. Oram advised he can confirm as counsel. COURT ORDERED, C. ORAM APPOINTED AND CONFIRMED AS COUNSEL FOR DEFT LEWIS. CUSTODY ;

12/29/1997

**Motion (9:00 AM)**

DEFT'S MOTION FOR CLARIFICATION OF THE RECORD Relief Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Pavlikowski, Joseph S.  
Matter Continued; DEFT'S MOTION FOR CLARIFICATION OF THE RECORD Relief Clerk: LINDA SKINNER Reporter/Recorder: JAMES HELLESO Heard By: Pavlikowski, Joseph S.  
Journal Entry Details:  
Since Mr. Oram is not present, COURT ORDERED, matter OFF CALENDAR. MATTER RECALLED WITH MR. ORAM PRESENT: Mr. Oram advised that he was in Dept. XV as Judge Loehrer heard both of the trials and Mr. Oram needs a transcript from the first trial. Colloquy between Court and counsel. Counsel advised that all of Dept. XV criminal cases were sent to Dept. XVI. COURT ORDERED, matter CONTINUED and SENT TO DEPT. XVI. NDP ;

01/05/1998

**Motion (8:45 AM)**

DEFT'S MOTION FOR CLARIFICATION OF THE RECORD Court Clerk: DENISE TRUJILLO Reporter/Recorder: KIT MacDONALD Heard By: McGroarty, John S.  
Matter Continued; DEFT'S MOTION FOR CLARIFICATION OF THE RECORD Court Clerk: DENISE TRUJILLO Reporter/Recorder: KIT MacDONALD Heard By: McGroarty, John S.  
Journal Entry Details:  
Mr. Oram advised of history and requested transcript of deft's first trial. Mr. Hartsell advised he does not have the file as this is a major violator case. COURT ORDERED, matter CONTINUED for DA from the MJ unit to be present. CUSTODY ;

01/07/1998

**Motion (8:45 AM)**

DEFT'S MOTION FOR CLARIFICATION OF THE RECORD Court Clerk: DENISE TRUJILLO Reporter/Recorder: KIT MacDONALD Heard By: John McGroarty  
Matter Continued; DEFT'S MOTION FOR CLARIFICATION OF THE RECORD Court Clerk: DENISE TRUJILLO Reporter/Recorder: KIT MacDONALD Heard By: John McGroarty  
Journal Entry Details:  
Mr. Oram advised he is requesting transcript from deft's first trial. There being no opposition, COURT SO ORDERED. Mr. Oram to prepare the order. CUSTODY ;

08/04/1998

**Petition for Writ of Habeas Corpus (8:30 AM)**

Events: 07/10/1998 Petition for Writ of Habeas Corpus  
DEFT'S PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION Court Clerk: CAROL GREEN Relief Clerk: ROSA ARDESCH/RA Reporter/Recorder: JAMES HELLESO Heard By: Pavlikowski, Joseph S.  
Matter Continued; DEFT'S PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION Court Clerk: CAROL GREEN Relief Clerk: ROSA ARDESCH/RA Reporter/Recorder: JAMES HELLESO Heard By: Pavlikowski, Joseph S.  
Journal Entry Details:  
Mr. Oram advised Deft. is in Ely State Penitentiary, and requested 30 days to supplement the petition. COURT ORDERED supplement to be filed by 9/4/98 at 5:00 PM. Ms. Krisko requested 3 weeks to file reply. COURT ORDERED, for status check and to set time for

# CASE SUMMARY

CASE NO. 94C120857-2

hearing. NDP ;

09/18/1998

## Request of Court (8:30 AM)

AT THE REQUEST OF THE COURT Court Clerk: CAROL GREEN/CG Relief Clerk: DENISE HUSTED Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski Matter Heard; AT THE REQUEST OF THE COURT Court Clerk: CAROL GREEN/CG Relief Clerk: DENISE HUSTED Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski

Journal Entry Details:

Mr. Brown advised that he has a note requesting one week. COURT ORDERED, matter will be heard next week. NDP 9/25/98 DEFT'S PETITION FOR WRIT OF HABEAS CORPUS - POST CONVICTION ;

09/25/1998

## Petition for Writ of Habeas Corpus (8:30 AM)

DEFT'S PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION Court Clerk: LINDA SKINNER Relief Clerk: PAULA GOODELL Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski

Matter Heard; DEFT'S PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION Court Clerk: LINDA SKINNER Relief Clerk: PAULA GOODELL Reporter/Recorder: JAMES HELLESO Heard By: Joseph Pavlikowski

Journal Entry Details:

Court noted Deft. is in Nevada Department of Prisons and ORDERED, matter TRANSFERRED TO DEPARTMENT XV and set for status check. NDP 10/5/98 9:00 AM STATUS CHECK (DEPT XV) ;

10/05/1998

## Status Check (9:00 AM)

STATUS CHECK (DEPT XV) Court Clerk: CINDY HORTON Reporter/Recorder: JOY HINCK Heard By: Sally Loehrer

Denied; STATUS CHECK (DEPT XV) Court Clerk: CINDY HORTON Reporter/Recorder: JOY HINCK Heard By: Sally Loehrer

Journal Entry Details:

Upon inquiry by the Court, State advised does not believe an evidentiary hearing is necessary as it is a legal argument. Mr. Oram concurred as long as the Court does not establish who should have filed the notice. State advised believes everything should be up on appeal at one time, however, that is now what happened and now there are seperate issues. COURT ORDERED, MATTER CONTINUED TO 10:30 FOR HEARING. MATTER RECALLED, all parties present as before. Mr. Oram presented petition for post conviction relief on the charge of battery with use of a deadly weapon. Response by State referring to 174.015. Reply by Mr. Oram. Court advised as to the charges in count III, Mr. Waterman, the deft's attorney at that time, is very competent trial attorney. Court further finds that 174.015 does apply in this case and was waived as to double jeopardy was only charged with murder as to Molden and therefore would never has been double jeopardy and as to failure to effect appeal time, Mr. Waterman was not responsible for filing appeal. Court further finds there was no ineffective assistance of counsel for not perfecting appeal believes the Supreme Court should look at appealable issue. Mr. Oram requested pursuant to Lazado that his client be released for the record and moved for dismissal of the case. Court advised believes the remedy would be another trial. State advised believes there should be consolidation. Court advised finds no ineffective assistance of counsel for failure to perfect appeal and DENIED PETITION FOR POST CONVICTION RELIEF because has already been on direct appeal on other charges and doe not believe it will effect prison time. Court further advised finds there is nothing wrong with the say count III is pled. At the request of Mr. Oram. COURT ORDERED, C. ORAM APPOINTED COUNSEL FOR THE PURPOSE OF THE APPEAL OF DENIAL OF POST CONVICTION RELIEF. NDP ;

07/09/2001

## Motion (8:30 AM)

Events: 06/27/2001 Motion

DEFT'S MOTION TO PLACE ON CALENDAR Court Clerk: THERESA LEE/TL Relief Clerk: APRIL WATKINS Reporter/Recorder: MARCIA HARNESS Heard By: Loehrer, Sally

Matter Continued; DEFT'S MOTION TO PLACE ON CALENDAR Court Clerk: THERESA LEE/TL Relief Clerk: APRIL WATKINS Reporter/Recorder: MARCIA HARNESS Heard By: Loehrer, Sally

Journal Entry Details:

Upon Court's inquiry, Mr. Oram stated he calendared this matter so that he can get paid on everything. He was appointed to do the second appeal on the second trial. The first trial was not appealed, Deft. was convicted of battery of several people. The Court appointed the Public


# CASE SUMMARY

CASE NO. 94C120857-2

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|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | <p><i>Defender to do the writ. The Public Defender did not file one. That is why he filed the writ on behalf of the Deft. The Supreme Court ordered him to file an appeal on the second trial, but informed them he needed to consolidate the issues and bring a writ from the first trial. He appealed the writ after the Court denied it, the issues were consolidated, filed a reply brief and everything has now been denied and is being sent back down. Mr. Oram requested to be paid for the entire bill. Mr. Pace stated Art Noxon of his office needs a copy of Mr. Oram's itemized statement. Mr. Oram stated he submitted one. COURT ORDERED, Mr. Oram to submit another statement and ORDERED, matter CONTINUED one week. NDC ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 07/16/2001 | <p><b>Motion (8:30 AM)</b><br/> <i>DEFT'S MOTION TO PLACE ON CALENDAR Relief Clerk: KEITH REED<br/> Reporter/Recorder: MARCIA HARNESS Heard By: Sally Loehrer<br/> Matter Heard; DEFT'S MOTION TO PLACE ON CALENDAR Relief Clerk: KEITH REED<br/> Reporter/Recorder: MARCIA HARNESS Heard By: Sally Loehrer<br/> Journal Entry Details:<br/> Mr. Oram stated he faxed a copy of the bill to Mr. Noxon has not received any response.<br/> COURT ORDERED, bill is APPROVED; counsel to submit order. NDP ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 04/26/2004 | <p><b>Motion to Modify Sentence (8:30 AM)</b><br/> Events: 04/16/2004 Motion to Correct Sentence<br/> <i>DEFT'S PRO PER MTN TO MODIFY/76 Court Clerk: Theresa Lee Reporter/Recorder: Julie Lever Heard By: Loehrer, Sally<br/> Matter Continued; DEFT'S PRO PER MTN TO MODIFY/76 Court Clerk: Theresa Lee<br/> Reporter/Recorder: Julie Lever Heard By: Loehrer, Sally<br/> Journal Entry Details:<br/> State requested one week to file a response, by 5/3/04. Mr. Erickson present in the courtroom on another matter, advised the Court Ms. Melia moved to California. COURT ORDERED, Laura Melia is allowed to WITHDRAW from this case, and the Court will put deft in PRO PER status. COURT ORDERED, State will have one week to respond by 5/3/04, and send a copy of same to deft in prison, and deft will have until 5/13/04 to file his reply. Upon Court's inquiry, Ms. Palmer stated she does not believe deft's motion has merit. The Court was trying to determine if deft should be transported. The Court will make a decision on 5/26/04 without argument. NDC 5/26/04 8:30 A.M. (SAME)...DECISION. ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 05/26/2004 | <p><b>Motion to Modify Sentence (8:30 AM)</b><br/> <i>DEFT'S PRO PER MTN TO MODIFY/76 Heard By: Sally Loehrer</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 05/26/2004 | <p><b>Decision (8:30 AM)</b><br/> <i>DECISION Heard By: Sally Loehrer</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 05/26/2004 | <p><b>All Pending Motions (8:30 AM)</b><br/> <i>ALL PENDING MOTIONS (5/26/04) Court Clerk: Theresa Lee Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer<br/> Matter Heard; ALL PENDING MOTIONS (5/26/04) Court Clerk: Theresa Lee<br/> Reporter/Recorder: Mary Beth Cook Heard By: Sally Loehrer<br/> Journal Entry Details:<br/> Court stated for the record, Deft was found guilty of murder in the first degree in 1995. Deft. received a sentence of Life With the possibility of parole and a consecutive Life With the possibility of parole for Use of a Deadly Weapon. Deft. filed a motion indicating he has an illegal sentence because he believes the Use of a Deadly Weapon was part of the murder, therefore, unlawful to impose an equal and consecutive sentence. Court noted, Deft. misapprehends the Law and Statutes in the State of Nevada. If the deft committed the murder with his hands, by way of strangulation or beating, then he would have received a first degree murder without the enhancement and received one life sentence. The Legislature in the State of Nevada says the use of a deadly weapon is to be discouraged and is not acceptable behavior. The Legislature has stated, the penalty is doubled for the use of a deadly weapon. Therefore, IT IS HEREBY ORDERED, Deft's Pro Per Motion to Correct or Reduce Sentence is DENIED. Mr. Knapp to prepare the Order and Findings. NDC CLERK'S NOTE: A copy of this minute order was placed in the U.S. Mail to deft at ID#45193, Lovelock Correctional Center, P.O. BOX 359, Lovelock, NV 89419 ;</i></p> |
| 03/03/2010 | <p><b>Petition for Writ of Habeas Corpus (11:00 AM)</b><br/> <i>PTN FOR WRIT OF HABEAS CORPUS</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |




# CASE SUMMARY

CASE NO. 94C120857-2

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| 03/03/2010 | <p><b>Motion</b> (11:00 AM)</p> <p>Events: 02/16/2010 Response</p> <p>STATE'S RSPNSE &amp; MTN TO DISMISS PTN FOR WRIT</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 03/03/2010 | <p><b>All Pending Motions</b> (11:00 AM)</p> <p>ALL PENDING MOTIONS (3/3/10) Court Clerk: Larry Snyder Reporter/Recorder: Dalyne Easley Heard By: Stefany Miley</p> <p>Matter Heard; ALL PENDING MOTIONS (3/3/10) Court Clerk: Larry Snyder Reporter/Recorder: Dalyne Easley Heard By: Stefany Miley</p> <p>Journal Entry Details:</p> <p>PETITION FOR WRIT OF HABEAS CORPUS...STATE'S RESPONSE AND MOTION TO DISMISS DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION). Defendant Stratton not present. Court NOTED, Defendant not transported for the purpose of this Hearing. Court FURTHER NOTED, it will not entertain oral argument. COURT ORDERED, matter taken UNDER ADVISEMENT. Court ADVISED, it will render a written Decision, and will provide copies to the Defendant and State. NDC UNDER ADVISEMENT ;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 03/04/2010 | <p><b>Minute Order</b> (9:00 AM)</p> <p>MINUTE ORDER RE: COURT'S DECISION Court Clerk: Larry Snyder Heard By: Stefany Miley</p> <p>Matter Heard; MINUTE ORDER RE: COURT'S DECISION Court Clerk: Larry Snyder Heard By: Stefany Miley</p> <p>Journal Entry Details:</p> <p>ol is matter was last before the Court on March 3, 2010 pursuant to Defendant s Petition for Writ of Habeas Corpus or in the Alternative Petition for Writ of Mandamus or in the Alternative Petition for Declaratory Judgment and the State s Response and Motion to Dismiss Defendant s petition for Writ of Habeas Corpus (Post-Conviction). Defendant was not transported for purposes of this hearing as the Court did not entertain oral argument. On January 9, 1995, Defendant was sentenced by the District Court to a sentence of Life with the Possibility of Parole, plus an equal and consecutive term for Defendant s use of a deadly weapon. The Judgment of Conviction was filed on January 20, 1995. Defendant did not file a direct appeal. Defendant s instant motion was filed on December 16, 2009. Defendant alleged the Nevada Court lacked jurisdiction over him due to the absence of enacting clauses in the Nevada Revised Statutes. Furthermore, Defendant alleged the deadly weapon enhancement was unconstitutional and violated his constitutional rights. The State disputed the Defendant s contentions alleging his claims were time barred as the Judgment of Conviction was filed over 14 years ago and the Defendant did not take a direct appeal. Additionally, the State alleged the Defendant failed to show good cause for the delay in order to overcome the strictly construed time bar. The State also alleged the Defendant s arguments regarding the enacting clause were not sufficient to demonstrate good cause. The State argued that while it is well established that the laws of Nevada must include an enacting clause, the Nevada Revised Statutes do not have the same requirement, as they are not laws enacted by the legislature. Rather, the Nevada Revised Statutes consist of previously enacted laws which have been classified, codified, and annotated by the Legislative Counsel. See NRS 220.120. Thus, the lack of an enacting clause in the Nevada Revised Statutes does not render them unconstitutional. Furthermore, the State argued that the deadly weapon enhancement has previously been found constitutional by the Nevada Supreme Court. Lastly, the State alleged laches should apply because of the excessive time delay between the filing of the judgment of conviction and the instant motion. COURT FINDS, Defendant s Motion is time barred pursuant to NRS 34.726 as it was not filed until nearly fourteen (14) years after the one year deadline. Furthermore, COURT FINDS, Defendant has failed to demonstrate good cause for failing to file his Petition within the required statutory time frame. Also, COURT FINDS, the Nevada Supreme Court has previously addressed the constitutionality of the deadly weapon enhancement per NRS 193.165 thus Defendant s claims are without merit. Lastly, COURT FINDS, Defendant s claims are barred by the doctrine of laches. As discussed above, over fourteen years elapsed between the filing of the Judgment of Conviction and Defendant s instant motion. The extensive time lapse is prejudicial to the State. COURT ORDERS Defendant s Petition DENIED. ;</p> |
| 01/30/2012 | <p> <b>Motion</b> (9:30 AM) (Judicial Officer: Miley, Stefany)</p> <p>Events: 01/19/2012 Motion</p> <p>Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference</p> <p>Denied; Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

# CASE SUMMARY

CASE NO. 94C120857-2

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|            | <p>Journal Entry Details:<br/> <i>Michael Radovic, Deputy District Attorney, present for State Deft. not present. Court advised an opposition was filed by State and ORDERED Deft's motion DENIED. Court further stated it is not entertaining oral argument, Deft was not transported, and the post conviction petition is set for February 22, 2012. Court further stated that if oral argument is needed, Deft. will be transported. State to prepare the Order. NDC ;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 02/22/2012 | <p><b>CANCELED Petition for Writ of Habeas Corpus</b> (11:00 AM) (Judicial Officer: Miley, Stefany)<br/> <i>Vacated</i><br/> <b>DUPLICATE ENTRY</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 03/05/2012 | <p> <b>Petition for Writ of Habeas Corpus</b> (11:00 AM) (Judicial Officer: Miley, Stefany)<br/> Events: 11/22/2011 Petition for Writ of Habeas Corpus<br/> Motion Denied;<br/> Journal Entry Details:<br/> <i>Robert Stephens, Deputy District Attorney, present for the State of Nevada. Deft. not present. Court noted this is post conviction and Deft. was not transported as it is not entertaining oral argument. Upon Court's inquiry, Mr. Stephens advised the State's response was filed 1/27/12. COURT ORDERED, Motion DENIED as time barred advising Deft. was sentenced on 4/29/97, District Court filed the Judgment of Conviction (JOC) on 5/23/97 and the Deft. didn't file a direct appeal. Court further advised Deft. filed a post conviction Writ on 7/10/98 saying he was denied the right to timely and direct appeal and the Court doesn't show anything after that. COURT FINDS it is time barred in as more than one year after the JOC and the Doctrine of Laches, as pled by the State, applies; there is a presumption of prejudice given the number of years that have passed. State to prepare an order consistent with the Court's findings. NDC CLERK'S NOTE: A copy of this Minute Order was mailed to: Clyde Lewis #48875, P.O. Box 650 [HDSP], Indian Springs, NV 89018. anm/3/8/12 ;</i></p> |
| 08/19/2013 | <p><b>Motion</b> (9:30 AM) (Judicial Officer: Miley, Stefany)<br/> <i>Defendant's Pro Per Notice of Motion and Motion to Appoint Counsel</i><br/> Motion Denied;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 08/19/2013 | <p><b>Motion to Dismiss</b> (9:30 AM) (Judicial Officer: Miley, Stefany)<br/> <i>Defendant's Pro Per Accused Motion to Dismiss for Lack of Subject Matter Jurisdiction</i><br/> Motion Denied;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 08/19/2013 | <p> <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Miley, Stefany)<br/> Matter Heard;<br/> Journal Entry Details:<br/> <b>DEFENDANT'S PRO PER ACCUSED MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION ... DEFENDANT'S PRO PER NOTICE OF MOTION AND MOTION TO APPOINT COUNSEL</b> Defendant not present. Court NOTED, it is not entertaining oral arguments and it is adopting the judicial history filed by the State. COURT STATED ITS FINDINGS, and ORDERED, Motions DENIED as they are without merit. State to prepare a proposed Order including finding of facts and conclusion of law. NDC CLERK'S NOTE: The above minute order has been distributed via U.S. Mail to Defendant: Louis Randolph, aka, Clyde Lewis #48875 Southern Desert Correctional Center 20825 Cold Creek Rd. P.O. Box 208 Indian Springs, NV 89070 - YP 8/19/13;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 09/30/2013 | <p><b>Motion to Rehear</b> (9:30 AM) (Judicial Officer: Miley, Stefany)<br/> <i>Defendant's Pro Per Notice of Motion on Motion for Rehearing on Motion to Dismiss Lack of Subject Matter Jurisdiction (Errata) Show of Cause Hearing Discovery Motion</i><br/> Motion Denied;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 09/30/2013 | <p><b>Motion for Leave</b> (9:30 AM) (Judicial Officer: Miley, Stefany)<br/> <i>Defendant's Pro Per Notice of Motion on Request for Leave of the Court to File Motion for Rehearing</i><br/> Motion Granted;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 09/30/2013 | <p> <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Miley, Stefany)<br/> Matter Heard;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |



**CASE SUMMARY****CASE NO. 94C120857-2**

## Journal Entry Details:

*Leah Beverly, Deputy District Attorney, present for the State of Nevada. DEFT'S PRO PER NOTICE OF MOTION ON MOTION FOR REHEARING ON MOTION TO DISMISS LACK OF SUBJECT MATTER JURISDICTION (ERRATA) SHOW OF CAUSE HEARING DISCOVERY MOTION...DEFT'S PRO PER NOTICE OF MOTION ON REQUEST FOR LEAVE OF THE COURT TO FILE MOTION FOR REHEARING Deft. not present. Court noted Deft. wasn't transported as it is not entertaining oral argument. COURT ADOPTED the procedural history as set forth in the State's Opposition, stated its FINDINGS, and ORDERED, Motions DENIED. State to prepare the order with findings of fact and conclusions of law. NDC CLERK'S NOTE: A copy of this Minute Order was mailed to: Louis Randolph #48875 S.D.C.C. P.O. Box 208 Indian Springs, NV 89070. anm/10/1/13 ;*

11/13/2013

**CANCELED Motion** (9:30 AM) (Judicial Officer: Miley, Stefany)*Vacated*

*Accused Reply to State's Opposition to Accused Request for Leave to File Motion for Rehearing, Motion for Rehearing, and "Accused Supplemental to His Motion for Rehearing*

02/10/2014

**All Pending Motions** (9:30 AM) (Judicial Officer: Miley, Stefany)*Matter Heard;*

## Journal Entry Details:

*Giancarlo Pesci, Deputy District Attorney, present for the State of Nevada. DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)...DEFT'S PRO PER MOTION TO APPOINT COUNSEL...STATE'S RESPONSE AND MOTION TO DISMISS DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION), OPPOSITION TO DEFT'S PRO PER MOTION TO APPOINT COUNSEL AND OPPOSITION TO DEFT'S PRO PER REQUEST FOR AN EVIDENTIARY HEARING Deft. not present. Court noted Deft. wasn't transported as it is not entertaining oral argument. COURT ADOPTED the Procedural History as set forth by the State FINDING it is an accurate recitation of the case. COURT stated its FINDINGS and ORDERED, Motions DENIED. State to prepare the order. NDC CLERK'S NOTE: A copy of this Minute Order was mailed to: Louis Randolph #1356378 SDCC P.O. Box 208 Indian Springs, NV 89070. anm/2/13/14 ;*

02/10/2014

**Petition for Writ of Habeas Corpus** (11:00 AM) (Judicial Officer: Miley, Stefany)*Events: 12/02/2013 Petition for Writ of Habeas Corpus**Defendant's Pro Per Petition for Writ of Habeas Corpus (Post-Conviction)**Denied;*

02/10/2014

**Motion for Appointment of Attorney** (11:00 AM) (Judicial Officer: Miley, Stefany)*Defendant's Pro Per Motion to Appoint Counsel**Motion Denied;*

02/10/2014

**Response and Countermotion** (11:00 AM) (Judicial Officer: Miley, Stefany)

*State's Response And Motion To Dismiss Defendant's Pro Per Petition For Writ Of Habeas Corpus (Post-Conviction), Opposition To Defendant's Pro Per Motion To Appoint Counsel And Opposition To Defendant's Pro Per Request For An Evidentiary Hearing*

*Matter Heard;*

01/18/2017

**Petition to Proceed in Forma Pauperis** (9:30 AM) (Judicial Officer: Miley, Stefany)*Events: 12/27/2016 Filed Under Seal**Defendant's Motion for Leave to Proceed in Forma Pauperis**Granted;*

01/18/2017

**Motion for Appointment of Attorney** (9:30 AM) (Judicial Officer: Miley, Stefany)*Defendant's Pro Per Motion for the Appointment of Counsel**Denied;*

01/18/2017

**Motion to Correct Sentence** (9:30 AM) (Judicial Officer: Miley, Stefany)*Defendant's Pro Per Motion to Correct an Illegal Sentence NRS 176.555**Denied;*

01/18/2017

**All Pending Motions** (9:30 AM) (Judicial Officer: Miley, Stefany)



# CASE SUMMARY

CASE No. 94C120857-2

*Defendant's Motion for Leave to Proceed in Forma Pauperis; Defendant's Pro Per Motion for the Appointment of Counsel; Defendant's Pro Per Motion to Correct an Illegal Sentence NRS 176.555*

Decision Made; Defendant's Motion for Leave to Proceed in Forma Pauperis; Defendant's Pro Per Motion for the Appointment of Counsel; Defendant's Pro Per Motion to Correct an Illegal Sentence NRS 176.555

Journal Entry Details:

*Court noted Deft. was not transported as no oral argument was needed. As to Deft's Motion to Correct an Illegal Sentence: Court FINDS no legal basis and noted if seen as a Habeas Corpus it would be time-barred and ORDERED, motion DENIED as no good cause provided to get past procedural time bars and noted more than five years since filing of remittitur; As to Deft's Motion for the Appointment of Counsel: COURT ORDERED, motion DENIED as there is no merit; and as to Deft's Motion for Leave to Proceed in Forma Pauperis (original scheduled to be heard on January 23, 2017): COURT ORDERED, motion GRANTED. State to prepare the Order. NDC CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Ely State Prison, P.O. Box 1989, Ely, NV 89301. 02/07/17 kls;*

05/31/2017



**Motion** (9:30 AM) (Judicial Officer: Miley, Stefany)

**05/31/2017, 07/10/2017**

*Defendant's Pro Per Motion to Extend Prison Copywork Limit*

Matter Continued; Defendant's Pro Per Motion to Extend Prison Copywork Limit Denied;

Matter Continued; Defendant's Pro Per Motion to Extend Prison Copywork Limit Denied;

Journal Entry Details:

*Court noted Deft. was transported as no oral argument was needed, pointed out the Deft. needed to serve the Attorney General's Office and ORDERED, matter CONTINUED. Clerk to notify the Attorney General. NDC 07-10-17 9:30 AM DEFT'S PRO PER MOTION TO EXTEND PRISON COPYWORK LIMIT CLERK'S NOTE: The above minute order has been distributed via e-mail to: Allison Herr, D.A.G. CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Ely State Prison, P.O. Box 1989, Ely, NV 89301. 06/14/17 kls;*

07/10/2017

**Petition for Writ of Habeas Corpus** (9:30 AM) (Judicial Officer: Miley, Stefany)

Events: 05/03/2017 Order for Petition for Writ of Habeas Corpus

*Defendant's Pro Per Petition for Writ of Habeas Corpus (Post Conviction)*  
Denied;

07/10/2017

**Motion** (9:30 AM) (Judicial Officer: Miley, Stefany)

Events: 04/22/2017 Ex Parte Motion

*Defendant's Pro Per Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing*  
Denied;

07/10/2017



**All Pending Motions** (9:30 AM) (Judicial Officer: Miley, Stefany)

*Defendant's Pro Per Petition for Writ of Habeas Corpus (Post Conviction); Deft's Pro Per Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing; Deft's Pro Per Motion to Extend Prison Copywork Limit*





Denied; Defendant's Pro Per Petition for Writ of Habeas Corpus (Post Conviction); Deft's Pro Per Ex Parte Motion for Appointment of Counsel and Request for Evidentiary Hearing; Deft's Pro Per Motion to Extend Prison Copywork Limit

Journal Entry Details:

*Court noted Deft. was transported as no oral argument is needed. Court ADOPTED the State's Procedural History as it is accurate. COURT ORDERED, Deft's Petition for Writ of Habeas Corpus is DENIED as untimely, FINDS it successive as this is the fourth writ to be filed. Court FURTHER FINDS there being no good cause shown on how to overcome procedural time bar. LASTLY, Court FINDS Laches does apply and would prejudice the State. ADDITIONALLY, there being no legal basis, Deft's Pro Per Motion for Appointment of Counsel and Request for Evidentiary Hearing and Deft's Pro Per Motion to Extend Prison Copywork Limit are DENIED. State to prepare the Order as to the petition and motion for appointment of counsel. Court to prepare Order regarding motion to extend. NDC CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 07/20/17 kls;*

# CASE SUMMARY



CASE NO. 94C120857-2

|            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/10/2017 | <b>CANCELED Petition for Writ of Habeas Corpus</b> (11:00 AM) (Judicial Officer: Miley, Stefany)<br><i>Vacated - Duplicate Entry</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 07/24/2017 | <b>Motion</b> (9:30 AM) (Judicial Officer: Miley, Stefany)<br><i>Defendant's Pro Per Motion for Extension of Time</i><br>Denied;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 07/24/2017 | <b>Motion</b> (9:30 AM) (Judicial Officer: Miley, Stefany)<br><i>Defendant's Pro Per Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference</i><br>Denied;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 07/24/2017 |  <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Miley, Stefany)<br><i>Defendant's Pro Per Motion for Extension of Time; Defendant's Pro Per Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference</i><br>Denied; Defendant's Pro Per Motion for Extension of Time; Defendant's Pro Per Motion and Order for Transportation of Inmate for Court Appearance or, in the Alternative, for Appearance by Telephone or Video Conference<br>Journal Entry Details:<br><i>Court noted Deft. was not transported as no oral argument was needed. COURT ORDERED, motions are DENIED as Moot as there are no pending motions or upcoming court dates. State to prepare the Order. NDC CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 07/28/17 kls;</i>               |
| 09/06/2017 |  <b>Motion to Correct Sentence</b> (9:30 AM) (Judicial Officer: Miley, Stefany)<br><i>Defendant's Pro Per Motion to Correct Illegal Sentence (NRS 176.555)</i><br>Motion Denied; Defendant's Pro Per Motion to Correct Illegal Sentence (NRS 176.555)<br>Journal Entry Details:<br><i>Court noted Deft. was not transported as no oral argument is needed. Court ADOPTED the State's Procedural History and ORDERED, motion DENIED. Court FINDS sentence imposed is not illegal, noted motion is procedurally incorrect as it should have been filed as a Habeas Corpus, pointed out there is no good cause for delay of one year and further noted it had been more than five years since remittitur. State to prepare Findings of Fact/Conclusions of Law. NDC CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis (aka Louis Randolph) #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 09/14/17 kls;</i> |
| 10/25/2017 |  <b>Motion</b> (9:30 AM) (Judicial Officer: Miley, Stefany)<br><i>Defendant's Pro Per Motion for Reconsideration to Denial of Motion to Correct Illegal Sentence Leave of Court</i><br>Motion Denied; Defendant's Pro Per Motion for Reconsideration to Denial of Motion to Correct Illegal Sentence Leave of Court<br>Journal Entry Details:<br><i>Court noted Deft. not transported as no oral argument is needed and inquired whether the State is filing an Opposition. Statement by Mr. LoGrippe advising of notes from Appellant Division. Court agreed with the Appellant Division in regards to matter being time-barred, noted no new issues were present and ORDERED, motion DENIED. State to prepare the Order. NDC CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 11/7/17 kls;</i>                                                        |
| 02/05/2018 |  <b>Motion to Correct Sentence</b> (9:30 AM) (Judicial Officer: Miley, Stefany)<br><b>02/05/2018, 02/25/2019</b><br><i>Defendant's Pro Per Motion to Correct Illegal Sentence NRS 176.555</i><br>Off Calendar; Defendant's Pro Per Motion to Correct Illegal Sentence NRS 176.555<br>Denied;<br>Off Calendar; Defendant's Pro Per Motion to Correct Illegal Sentence NRS 176.555                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. 94C120857-2**

|            | <p>Denied;<br/>Journal Entry Details:<br/><i>Court noted Deft. was not transported as no oral argument was needed. COURT ORDERED, matter OFF CALENDAR due to pending appeal and this Court having no jurisdiction. NDC CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 02/05/18 kls;</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 03/14/2018 | <p> <b>Motion</b> (9:30 AM) (Judicial Officer: Miley, Stefany)<br/><i>Defendant's Pro Per Motion for Extension of Time</i><br/>Motion Granted; Defendant's Pro Per Motion for Extension of Time<br/>Journal Entry Details:<br/><i>Court noted Deft. was not transported as no oral argument was needed. Court pointed out Deft. had filed a Motion to Correct Sentence, however, there is a pending appeal and ORDERED, ruling DEFERRED. Court advised a decision via a minute order will be provided once appeal is concluded. NDC CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 03/19/18 kls;</i></p>                                                                                                                                                                                                                                    |
| 04/18/2018 | <p><b>CANCELED Motion</b> (9:30 AM) (Judicial Officer: Miley, Stefany)<br/><i>Vacated</i><br/><i>Defendant's Motion for Extension of Time</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 02/25/2019 | <p><b>Petition for Writ of Mandamus</b> (9:30 AM) (Judicial Officer: Miley, Stefany)<br/>Denied;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 02/25/2019 | <p> <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Miley, Stefany)<br/><i>Petition for Writ of Mandamus; Defendant's Pro Per Motion to Correct Illegal Sentence NRS 176.555</i><br/>Denied; Petition for Writ of Mandamus; Defendant's Pro Per Motion to Correct Illegal Sentence NRS 176.555<br/>Journal Entry Details:<br/><i>Court noted Deft. was not transported as no oral argument was needed. As to Deft's Pro Per Motion to Correct Illegal Sentence NRS 176.555: COURT ORDERED, motion DENIED as the sentence imposed complies with the statute; and As to Petition for Writ of Mandamus: COURT ORDERED, writ DENIED as Court's jurisdiction had been addressed in Deft's three previous writs of habeas corpus. State to prepare the order(s). NDC CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 03/05/19 kls;</i></p> |
| DATE       | FINANCIAL INFORMATION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

**Defendant** Lewis, Clyde

Total Charges

5,050.00

Total Payments and Credits

1,302.72

**Balance Due as of 3/26/2019**

**3,747.28**

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 20, 1994**

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94C120857-2

The State of Nevada vs Clyde Lewis

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**June 20, 1994****9:00 AM****Initial Arraignment****INITIAL  
ARRAIGNMENT  
Court Clerk: JULIE  
HALL  
Reporter/Recorder:  
CONNIE MILLER  
Heard By: A. William  
Maupin****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Owens, Steven S.

Attorney

**JOURNAL ENTRIES**

- Deft. STRATTON ARRAIGNED, PLED NOT GUILTY TO ALL COUNTS and WAIVED the 60- day rule. COURT ORDERED, matter set for trial.

CUSTODY

9/21/94 9 AM CALENDAR CALL

9/26/94 10 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 29, 1994

94C120857-2

The State of Nevada vs Clyde Lewis

June 29, 1994

9:00 AM

Request

AT REQUEST OF  
DISTRICT  
ATTORNEY  
ANNOUNCE  
INTENTION TO  
SEEK DEATH  
PENALTY Court  
Clerk: JULIE HALL  
Reporter/Recorder:  
CONNIE MILLER  
Heard By: MAUPIN,  
A. WILLIAM

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Noxon, Arthur G.

Attorney

**JOURNAL ENTRIES**

- In absence of Mr. Tilman, COURT ORDERED, matter continued.

CUSTODY

CLERK'S NOTE: The trial date in this case 9/26/94 is currently set for the third week of a criminal stack. If the State is going to be seeking the Death Penalty, parties to consider moving the trial to the first week of the same stack (9/12/94) allowing two full weeks for the trial.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 08, 1994

94C120857-2

The State of Nevada vs Clyde Lewis

July 08, 1994

9:00 AM

Request

**AT REQUEST OF  
DISTRICT  
ATTORNEY  
ANNOUNCE  
INTENTION TO  
SEEK DEATH  
PENALTY Court  
Clerk: JULIE HALL  
Reporter/Recorder:  
PATSY SMITH  
Heard By: MAUPIN,  
A. WILLIAM**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Robinson, Lynn M.

Attorney

**JOURNAL ENTRIES**

- In the absence of the deft. and counsel and due to the nature of the State's intent, Court felt a continuance was in order. Colloquy regarding Mr. Tilman as counsel. Ms. Robinson advised he was appointed in Justice Court. COURT ORDERED, matter continued and APPOINTED Ms. Laura Melia as co-counsel. Both attorneys to be present at the next hearing.

CUSTODY

CLERK'S NOTE: Mr. Tilman and Ms. Melia notified of continuance date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 18, 1994**

94C120857-2

The State of Nevada vs Clyde Lewis

**July 18, 1994****9:00 AM****Request**

**AT REQUEST OF  
DISTRICT  
ATTORNEY  
ANNOUNCE  
INTENTION TO  
SEEK DEATH  
PENALTY Court  
Clerk: JULIE HALL  
Reporter/Recorder:  
PATSY SMITH  
Heard By: MAUPIN,  
A. WILLIAM**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Mr. Mel Harmon present from the D.A.'s office and Ms. Laura Melia present. Conference at the bench. In the absence of Mr. Tilman, COURT ORDERED, matter continued and counsel to be confirmed. LATER: Mr. Tilman appeared and was notified of the continuance date.

CUSTODY

7/20/94 9 AM AT REQUEST OF D.A. ANNOUNCE INTENTION TO SEEK DEATH PENALTY  
AND CONFIRMATION OF COUNSEL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 20, 1994**

94C120857-2

The State of Nevada vs Clyde Lewis

**July 20, 1994****9:00 AM****All Pending Motions****ALL PENDING  
MOTIONS 7-20-94****Court Clerk: JULIE  
HALL****Reporter/Recorder:  
PATSY SMITH****Heard By: A. William  
Maupin****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

**JOURNAL ENTRIES**

- AT REQUEST OF DISTRICT ATTORNEY: ANNOUNCE INTENTION TO SEEK DEATH PENALTY  
.. . CONFIRMATION OF COUNSEL

Conference at the bench. Ms. Melia confirmed as counsel. COURT FOUND Ms. Melia, based on prior experience, to be competent and fully qualified to handle all proceedings in this case. Ms. Melia requested a continuance in the trial date as the State is just announcing to seek the Death Penalty and the trial is schedule for September. COURT ORDERED, trial date vacated and reset.

CUSTODY

11/30/94 9 AM CALENDAR CALL

12/5/94 9 AM JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 31, 1994**

---

94C120857-2

The State of Nevada vs Clyde Lewis

---

**August 31, 1994****9:00 AM****Petition for Writ of Habeas  
Corpus****PETITION FOR  
WRIT OF HABEAS  
CORPUS Court  
Clerk: JULIE HALL  
Relief Clerk: NANCY  
MILLER/nm  
Reporter/Recorder:  
CONNIE MILLER  
Heard By: MAUPIN,  
A. WILLIAM****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Robinson, Lynn M.

Attorney

**JOURNAL ENTRIES**

- Ms. Robinson advised Mr. Roger responded to the Writ of Habeas Corpus and requested a continuance for Mr. Roger to be present. Ms. Melia advised the State did not have a copy of the transcript and she had provided one to him this week. COURT ORDERED, CONTINUED.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 12, 1994**

---

94C120857-2

The State of Nevada vs Clyde Lewis

---

**September 12, 1994 9:00 AM****Petition for Writ of Habeas  
Corpus****PETITION FOR  
WRIT OF HABEAS  
CORPUS Court  
Clerk: JULIE HALL  
Reporter/Recorder:  
PATSY SMITH  
Heard By: A. William  
Maupin****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:** Roger, David J.

Attorney

**JOURNAL ENTRIES**

- Arguments by counsel. COURT ORDERED, Petition is DENIED; FURTHER, Ms. Melia's request to strike portion of the language in the information is DENIED.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 17, 1994**

94C120857-2

The State of Nevada vs Clyde Lewis

**October 17, 1994****9:00 AM****Initial Arraignment****INITIAL  
ARRAIGNMENT  
Court Clerk: JULIE  
HALL  
Reporter/Recorder:  
PATSY SMITH  
Heard By: MAUPIN,  
A. WILLIAM****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Barker, David B.  
Lewis, ClydeAttorney  
Defendant**JOURNAL ENTRIES**

- In absence of Mr. McDonald, COURT ORDERED, matter continued. Clerk to phone counsel.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 19, 1994

94C120857-2

The State of Nevada vs Clyde Lewis

October 19, 1994

9:00 AM

Initial Arraignment

**INITIAL  
ARRAIGNMENT**  
**Court Clerk: JULIE  
HALL**  
**Reporter/Recorder:  
PATSY SMITH**  
**Heard By: A. William  
Maupin**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Barker, David B.  
Lewis, Clyde

Attorney  
Defendant

**JOURNAL ENTRIES**

- Mr. Pat McDonald present. Mr. McDonald advised he was appointed in Justice Court to represent this deft. SO NOTED. DEFT. RANDOLPH ARRAIGNED, PLED NOT GUILTY AS CHARGED. Mr. McDonald advised if the deft. wishes to invoke the 60-day rule, he can no longer represent him due to his current schedule. Colloquy regarding co-deft's trial date. Deft. advised he would like to invoke the 60-day rule. COURT ORDERED, MATTER SET FOR TRIAL WITH CO-DEFT.; FURTHER, MR. CHARLES WATERMAN is APPOINTED as counsel. Matter set for confirmation of counsel. Mr. McDonald to be present also.

CUSTODY

10/26/94 9 AM CONFIRMATION OF COUNSEL

11/30/94 9 AM CALENDAR CALL

12/5/94 10 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 26, 1994**

94C120857-2

The State of Nevada vs Clyde Lewis

**October 26, 1994****9:00 AM****Motion for Confirmation of  
Counsel****CONFIRMATION  
OF COUNSEL Court  
Clerk: JULIE HALL  
Reporter/Recorder:  
PATSY SMITH  
Heard By: A. William  
Maupin****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lewis, Clyde

Defendant

Robinson, Lynn M.

Attorney

Waterman, Charles

Attorney

**JOURNAL ENTRIES**

- Mr. Waterman CONFIRMED as counsel for deft. Randolph. Defense has 21 days from today to file a Writ.

**CUSTODY**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 14, 1994**

94C120857-2

The State of Nevada vs Clyde Lewis

**November 14, 1994****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 11-14-94  
Court Clerk: JULIE  
HALL  
Reporter/Recorder:  
CONNIE MILLER  
Heard By: A. William  
Maupin**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Barker, David B.

Attorney

**JOURNAL ENTRIES**

- THEODORE MANOS AND ASSOCIATES' MOTION TO WITHDRAW AS ATTORNEY OF RECORD ... STATE'S MOTION TO ENDORSE NAMES ON INFORMATION

Mr. Tilman requested he be allowed to withdraw as counsel. Ms. Melia advised she has spoken with Mr. Langford and he would oppose the motion if it means a continuance in the trial. Further, Ms. Melia advised the Court that Mr. Tom Michaelides from her office has been working with her during the preparation and could be ready; therefore, a continuance would not be necessary. COURT ORDERED, Motion to Withdraw is GRANTED; Mr. Michaelides is APPOINTED AND THE TRIAL DATE WILL STAND. FURTHER, Motion to Endorse Names is GRANTED, given the appropriate discovery.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 28, 1994

94C120857-2

The State of Nevada vs Clyde Lewis

November 28, 1994

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 11-28-94  
Court Clerk: JULIE  
HALL  
Reporter/Recorder:  
PATSY SMITH  
Heard By: A. William  
Maupin**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Langford, Robert L.

Attorney

**JOURNAL ENTRIES**

- DEFT'S MOTION CHALLENGING THE COMPOSITION OF THE PETIT JURY FOR UNDER  
REPRESENTATION OF COGNIZABLE GROUPS DEFT'S MOTION TO INTERVIEW STATE'S  
WITNESS DEFT'S MOTION FOR IN-CAMERA REVIEW OF PRESENTENCE REPORTS DEFT'S  
MOTION TO SUPPRESS STATEMENTS DEFT'S MOTION FOR DISCLOSURE OF TIBOR  
LAKICEVIC'S POLIGRAPH TEST QUESTIONS AND THE TEST RESULTS DEFT'S MOTION TO  
SERVER DEFT'S MOTION FOR DISCOVERY OF BRADY AND GIGLIO MATERIALS DEFT'S  
MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES BASED UPON FELONY OF ROBBERY  
AND BURGLARY

Colloquy regarding pending motions. In the absence of Ms. Melia, COURT ORDERED, pre-trial  
Motions are continued. Calendar call date stands.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 30, 1994**

94C120857-2

The State of Nevada vs Clyde Lewis

**November 30, 1994****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 11-30-94  
Court Clerk: JULIE  
HALL  
Reporter/Recorder:  
PATSY SMITH  
Heard By: A. William  
Maupin**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.  
Langford, Robert L.  
Lewis, Clyde  
Waterman, Charles

Attorney  
Attorney  
Defendant  
Attorney

**JOURNAL ENTRIES**

- DEFT'S MOTION CHALLENGING THE COMPOSITION OF THE PETIT JURY FOR UNDER-  
REPRESENTATION OF COGNIZABLE GROUPS DEFT'S MOTION TO INTERVIEW STATE'S  
WITNESS DEFT'S MOTION FOR IN-CAMERA REVIEW OF PRESENTENCE REPORTS DEFT'S  
MOTION TO SUPPRESS STATEMENTS DEFT'S MOTION FOR DISCLOSURE OF TIBOR  
LAKICEVIC'S POLYGRAPH TEST QUESTIONS AND TEST RESULTS DEFT'S MOTION TO SEVER  
DEFT'S MOTION FOR DISCOVERY OF BRADY AND GIGILO MATERIALS DEFT'S MOTION TO  
STRIKE AGGRAVATING CIRCUMSTANCES BASED UPON FELONY OF ROBBERY AND  
BURGLARY DEFT'S MOTION TO COMPEL DISCLOSURE OF DOCUMENTS MAINTAINED BY  
THE LVMPD RECORDS SECTION DEFT'S MOTION FOR JURY QUESTIONNAIRE STATE'S  
MOTION TO ENDORSE NAMES ON INFORMATION CALENDAR CALL



AS TO THE MOTION TO ENDORSE NAMES ON INFORMATION: There being no opposition, COURT ORDERED, Motion to Endorse is GRANTED, given full discovery.

Counsel agreed to the Motion for Jury Questionnaire, therefore, COURT ORDERED, Motion is GRANTED. Ms. Melia advised, once the State reviews the questionnaire, she will provide Jury Services with it.

AS TO THE MOTION TO SEVER: Court took oral argument. Mr. Waterman advised he joins in Ms. Melia Motion. Arguments by all counsel. Mr. Waterman advised he cannot possibly be ready to proceed to trial with deft. RANDOLPH. Opposition by Mr. Langford. Based on Mr. Waterman's position, COURT ORDERED Motion to Sever is GRANTED. Deft. RANDOLPH WAIVED the 60-DAY RULE. Deft. RANDOLPH'S trial will be reset. State's Answer to Motion to Sever FILED IN OPEN COURT.

AS TO THE PETITION FOR WRIT OF HABEAS CORPUS: Return to the Writ FILED IN OPEN COURT. Due to the continuance granted, parties agreed to argue any pre-trial motions for deft. Randolph and the pending Writ at a future time. COURT ORDERED, matter set for oral argument on any pre-trial motions and the Writ of Habeas Corpus. Briefing schedule set.

Colloquy regarding deft's STRATTON'S trial proceedings. With agreement by all parties, COURT ORDERED, further argument on the remaining motions will be held on Monday at 11 AM. The Jury panel will be given the questionnaires Monday morning; then excused. Counsel can review the questionnaires that afternoon and evening. Jury selection will begin on Tuesday at 10:30 AM. Trial will proceed on STRATTON only.

CUSTODY (BOTH)

12/5/94 11 AM PENDING PRE-TRIAL MOTIONS (STRATTON)

12/6/94 10:30 AM JURY TRIAL (STRATTON)

2/3/95 9 AM ORAL ARGUMENT PRE-TRIAL MOTIONS (RANDOLPH) AND WRIT OF HABEAS CORPUS

5/17/95 9 AM CALENDAR CALL (RANDOLPH)

5/22/95 10 AM JURY TRIAL (RANDOLPH)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 05, 1994**

94C120857-2

The State of Nevada vs Clyde Lewis

**December 05, 1994****11:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 12-5-94  
Court Clerk: JULIE  
HALL  
Reporter/Recorder:  
PATSY SMITH  
Heard By: A. William  
Maupin**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.  
Langford, Robert L.

Attorney  
Attorney

**JOURNAL ENTRIES**

- DEFT'S MOTION CHALLENGING THE COMPOSITION OF THE PETIT JURY FOR UNDER-REPRESENTATION OF COGNIZABLE GROUPS DEFT'S MOTION TO INTERVIEW STATE'S WITNESS DEFT'S MOTION FOR IN-CAMERA REVIEW OF PRESENTENCE REPORTS DEFT'S MOTION TO SUPPRESS STATEMENTS DEFT'S MOTION FOR DISCLOSURE OF TIBOR LAKICEVIC'S POLYGRAPH TEST QUESTIONS AND TEST RESULTS DEFT'S MOTION FOR DISCOVERY OF BRADY AND GIGLIO MATERIALS DEFT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES BASED UPON FELONY OF ROBBERY AND BURGLARY DEFT'S MOTION TO COPEL DISCLOSURE OF DOCUMENTS MAINTAINED BY THE LVMPD RECORDS SECTION  
AS TO THE DEFT'S MOTION CHALLENGING THE COMPOSITION OF THE PETIT JURY FOR UNDER-REPRESENTATION OF COGNIZABLE GROUPS: Counsel submitted the matter. COURT ORDERED, Motion is DENIED.

AS TO DEFT'S MOTION TO INTERVIEW STATE'S WITNESS: Arguments by counsel. COURT ORDERED, Motion is GRANTED; interview will take place with the witnesses' attorney, Mr. Archie or Mr. Walton. The State does not need to be present. Additional argument. Ruling stands.

AS TO DEFT'S MOTION FOR IN-CAMERA REVIEW OF PRESENTENCE REPORTS: Arguments by counsel. COURT ORDERED, Motion is GRANTED; the Court will review any PSI records of the co-defendants, if necessary.

AS TO DEFT'S MOTION TO SUPPRESS STATEMENTS: Arguments by counsel. COURT ORDERED, Motion, without further information from the Police Officer is DENIED; however, the COURT WILL ALLOW a 15 minute offer of proof prior to the trial.

AS TO DEFT'S MOTION FOR DISCLOSURE OF TIBOR LAKICEVIC'S POLYGRAPH TEST QUESTIONS AND TEST RESULTS: Arguments by counsel. COURT ORDERED, Motion is GRANTED; the information will come in, but polygraph will not be mentioned.

AS TO DEFT'S MOTION FOR DISCOVERY OF BRADY AND GIGLIO MATERIALS: Counsel submitted the matter with the exception that any other cases which were to be dismissed pursuant to negotiations be provided to Ms. Melia. COURT ORDERED, Motion is MOOT with the exception as stated.

DEFT'S MOTION TO STRIKE AGGRAVATING CIRCUMSTANCES BASED UPON FELONY OF ROBBERY AND BURGLARY: Arguments by counsel. COURT ORDERED, Motion is DENIED WITHOUT PREJUDICE, as the issue may be revisited at the time of jury instructions.

DEFT'S MOTION TO COMPEL DISCLOSURE OF DOCUMENTS MAINTAINED BY THE LVMPD RECORDS SECTION: Counsel advised the motion may be MOOT with the exception of Mr. Bush and a prior conviction. COURT ORDERED, it will allow the material regarding Mr. Bush to be produced in chambers. Court will decide if any briefing is necessary. Ms. Melia advised the DR # is 1228-1493, dated November 28, 1992.

Mr. Harmon advised an Amended Information has been prepared and requested it be filed in open Court. There being no objection, AMENDED INFORMATION FILED IN OPEN COURT. Colloquy regarding the scheduling of the trial and the penalty phase. Court advised it's intention was to try the case in the next two week, through its conclusion. Opposition by Ms. Melia. Court advised Ms. Melia she can raise her objection prior to the penalty phase. Trial date stands.

CUSTODY

12/6/94 10:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 06, 1994

94C120857-2

The State of Nevada vs Clyde Lewis

December 06, 1994

10:30 AM

Jury Trial

**TRIAL BY JURY**Court Clerk: JULIE  
HALLReporter/Recorder:  
PATSY SMITHHeard By: A. William  
Maupin**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Harmon, Melvyn T.  
Langford, Robert L.Attorney  
Attorney**JOURNAL ENTRIES**

- Mr. Tom Michaelides present for the defense. Counsel advised the matter is resolved. SECOND AMENDED INFORMATION AND GUILTY PLEA MEMORANDUM filed in open Court. DEFT. STRATTON ARRAIGNED AND PLED GUILTY TO CT. IV OF THE SECOND AMENDED INFORMATION CHARGING "MURDER OF THE 1ST DEGREE WITH USE OF A DEADLY WEAPON (F). NEGOTIATIONS: Deft. is to enter a plea of guilty to Ct. IV, State will make a recommendation of Life with the Possibility of Parole and recommend the deft. serve his prison time in the State of Oregon. Further, Mr. Harmon advised the request for the death penalty is being dropped, and the remaining counts will be dismissed after sentence is rendered. Deft. advised his true name being FREDRICK LEON STRATTON, COURT AMENDED the Second Amended Information to so reflect. FURTHER ACCEPTED the plea as binding and referred the matter to P&P. Matter set for sentencing.

**CUSTODY**

1/9/95 9 AM SENTENCING CT. IV / DISMISS REMAINING



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 09, 1995

94C120857-2

The State of Nevada vs Clyde Lewis

January 09, 1995

9:00 AM

Sentencing

**SENTENCING**  
**(CT.IV) Court Clerk:**  
**JULIE HALL**  
**Reporter/Recorder:**  
**PATSY SMITH**  
**Heard By: A. William**  
**Maupin**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

**JOURNAL ENTRIES**

- Ms. Joy Mundy Neal present for P&P. Conference at the bench. COURT ADJUDGED DEFT. STRATTON GUILTY TO CT. IV - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F). Statements by Ms. Irene Moden and in mitigation of sentencing by counsel. COURT ORDERED, pursuant to the binding negotiations in this matter and in addition to a \$25 Assessment Fee, deft. STRATTON is SENTENCED to LIFE IN THE NEVADA DEPARTMENT OF PRISONS WITH THE POSSIBILITY OF PAROLE and a CONSECUTIVE LIFE WITH THE POSSIBILITY OF PAROLE for the enhancement. FURTHER ORDERED, deft. to pay \$4,499.90 in restitution and given 252 days credit for time served. Remaining Counts are DISMISSED.  
 CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 10, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

**February 10, 1995****9:00 AM****Hearing**

**ARGUMENT ON  
PRETRIAL  
MOTIONS &  
PETITIONFOR  
WRIT OF HABEAS  
CORPUS  
(RANDOLPH) Court  
Clerk: LARRY  
SNYDER  
Reporter/Recorder:  
PATSY SMITH  
Heard By: MAUPIN,  
A. WILLIAM**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.  
Lewis, Clyde  
Waterman, Charles

Attorney  
Defendant  
Attorney

**JOURNAL ENTRIES**

- Mr. Waterman advised he has talked with Mr. Harmon, and an offer has been made in this matter. Mr. Waterman requested a continuance to review the offer with the Deft. There being no objection from the State, COURT ORDERED, this matter CONTINUED, and also SET for a Status Check on Possible Negotiations.

**CUSTODY**

2/15/95 9:00 AM ARGUMENT ON PRETRIAL MOTIONS AND PETITION FOR WRIT OF HABEAS CORPUS...STATUS CHECK: POSSIBLE NEGOTIATIONS

PRINT DATE: 03/26/2019

Page 20 of 106

Minutes Date: June 20, 1994





**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 15, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

**February 15, 1995****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (2/15/95)  
Court Clerk: LARRY  
SNYDER  
Reporter/Recorder:  
PATSY SMITH  
Heard By: A. William  
Maupin**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.  
Lewis, Clyde  
Waterman, Charles

Attorney  
Defendant  
Attorney

**JOURNAL ENTRIES**

- ARGUMENT ON PRETRIAL MOTIONS AND PETITION FOR WRIT OF HABEAS CORPUS...  
STATUS CHECK: POSSIBLE NEGOTIATIONS

Mr. Waterman advised the Deft. has refused the negotiations offered by the State, and noted he is prepared to go forward at this time and argue the Writ Of Habeas Corpus. Arguments by Counsel. COURT ORDERED, the Court concludes from the transcripts and briefs there is probable cause to bind the Deft. over on all charges, and substantial evidence to prove the Deft. was a principal. COURT FURTHER ORDERED, Petition For Writ Of Habeas Corpus is DENIED, and future Calendar Call date of 5/17/95 and Trial date of 5/22/95 STAND. Mr. Harmon informed Mr. Waterman and the Deft. the State's offer will remain in effect until the date of the Calendar Call.

**CUSTODY**

5/17/95 9:00 AM CALENDAR CALL

**94C120857-2**

5/22/95 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 17, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

**May 17, 1995****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (5/17/95)  
Court Clerk: LARRY  
SNYDER  
Reporter/Recorder:  
PATSY SMITH  
Heard By: A. William  
Maupin**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.  
Lewis, Clyde  
Waterman, Charles

Attorney  
Defendant  
Attorney

**JOURNAL ENTRIES**

- STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...CALENDAR CALL  
Counsel announced ready for Trial; matter should take approximately one week with two or three out of State witnesses. Conference at the Bench between Court and Counsel. COURT ORDERED, Trial will commence at 11:00 AM Monday morning depending on Mr. Waterman's health. COURT FURTHER ORDERED, State's Motion To Endorse Names On Information and the Motion In Limine to be heard at 9:00 AM on the Monday morning Calendar.  
CUSTODY

5/22/95 9:00 AM State's Motion To Endorse Names On Information...Motion In Limine

5/22/95 11:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 22, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

**May 22, 1995****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (5/22/95)  
Court Clerk: LARRY  
SNYDER  
Reporter/Recorder:  
PATSY SMITH  
Heard By: A. William  
Maupin**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.  
Lewis, Clyde

Attorney  
Defendant

**JOURNAL ENTRIES**

- STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...DEFT.'S MOTION IN LIMINE  
Mr. Waterman not present. Court advised Counsel need to address issues applicable to the Guy  
decision, and the issue of flight. Mr. Harmon noted he will be filing a Motion To Amend The  
Information. COURT ORDERED, these matters CONTINUED.

**CUSTODY**

5/23/95 10:45 AM STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...STATE'S  
MOTION TO AMEND INFORMATION...DEFT.'S MOTION IN LIMINE

5/23/95 11:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 23, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

**May 23, 1995****10:45 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (5/23/95)  
Court Clerk: LARRY  
SNYDER Relief  
Clerk: LORI  
BROWN/LB  
Reporter/Recorder:  
PATSY SMITH  
Heard By: A. William  
Maupin**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

|                 |                   |          |
|-----------------|-------------------|----------|
| <b>PRESENT:</b> | Harmon, Melvyn T. | Attorney |
|                 | Mueller, Craig    | Attorney |
|                 | Waterman, Charles | Attorney |

**JOURNAL ENTRIES**

- STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...DEFT'S MOTION IN LIMINE...  
STATE'S MOTION TO AMEND INFORMATION

Upon inquiry of the court, counsel stipulated to waive the presence of Deft. Randolph. Due to health reasons, Mr. Waterman requested that the Calendar Call and Jury Trial be CONTINUED, and there being no opposition, by the COURT, SO ORDERED. The court noted for the record that the State was ready to proceed in this matter.

CUSTODY

6-7-95 9:00 A.M. STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...MOTION IN  
LIMINE...STATE'S MOTION TO AMEND INFORMATION



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 07, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

**June 07, 1995****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (6/06/95)  
Court Clerk: LARRY  
SNYDER  
Reporter/Recorder:  
PATSY SMITH  
Heard By: A. William  
Maupin**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.  
Lewis, Clyde  
Waterman, Charles

Attorney  
Defendant  
Attorney

**JOURNAL ENTRIES**

- STATE'S MOTION TO ENDORSE NAMES ON INFORMATION...DEFT.'S MOTION IN LIMINE...  
STATE'S MOTION TO AMEND INFORMATION

Arguments by Counsel. State's Motion To Endorse Names On Information is GRANTED. COURT FURTHER ORDERED, Weapons portion of the Motion In Limine is MOOT, and noted the Court will DEFER RULING on the Deft.'s Motion In Limine. COURT ADDITIONALLY ORDERED, State's Motion To Amend Information is CONTINUED.

CUSTODY

7/03/95 9:00 AM STATE'S MOTION TO AMEND INFORMATION

8/16/95 9:00 AM CALENDAR CALL

8/21/95 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 03, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

**July 03, 1995****9:00 AM****Motion to Amend**

**STATE'S MOTION  
TO AMEND  
INFORMATION  
Relief Clerk: LORI  
BROWN  
Reporter/Recorder:  
PATSY SMITH  
Heard By: MAUPIN,  
A. WILLIAM**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.  
Lewis, Clyde  
Waterman, Charles

Attorney  
Defendant  
Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, this matter CONTINUED.  
CUSTODY



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 05, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

**July 05, 1995****9:00 AM****Motion to Amend****STATE'S MOTION  
TO AMEND  
INFORMATION  
Relief Clerk: LORI  
BROWN  
Reporter/Recorder:  
PATSY SMITH  
Heard By: A. William  
Maupin****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Harmon, Melvyn T.  
Lewis, Clyde  
Waterman, CharlesAttorney  
Defendant  
Attorney**JOURNAL ENTRIES**

- Arguments of counsel. COURT ORDERED, State's Motion to Amend Information is GRANTED.  
Order signed in open court this date. Amended Information FILED IN OPEN COURT.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 16, 1995**

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94C120857-2

The State of Nevada vs Clyde Lewis

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**August 16, 1995****9:00 AM****Calendar Call****CALENDAR CALL****Court Clerk: LORI  
BROWN****Reporter/Recorder:  
PATSY SMITH****Heard By: A. William  
Maupin****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Harmon, Melvyn T.  
Lewis, Clyde  
Waterman, CharlesAttorney  
Defendant  
Attorney**JOURNAL ENTRIES**

- Counsel advised the court that they were ready to proceed to trial, and expect it to last approximately one week. COURT ORDERED, trial to begin Wednesday.

CUSTODY

8-23-95 11:00 A.M. JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 23, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

**August 23, 1995****11:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: CINDY  
HORTON****Reporter/Recorder:****JANIE OLSEN****Heard By: LOEHRER,  
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Lewis, Clyde

Waterman, Charles

Attorney

Defendant

Attorney

**JOURNAL ENTRIES**

- Outside the presence of the jury, Upon inquiry by the Court, counsel requested that the deft be referred to as Clyde Lewis. COURT ORDERED, WHEN THE INFORMATION IS READ, THE DEFT WILL BE REFERRED TO AS CLYDE LEWIS ONLY. Jury panel administered the Vior Dire oath at 10:30. COURT ORDERED, NOON RECESS AT 12:10. Vior Dire resumed at 1:00. Twelve Jurors and two alternates sworn at 6:00. Court admonished jury and ORDERED, TRIAL CONTINUED TO AUGUST 24, 1995 AT 10:30.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 24, 1995

94C120857-2

The State of Nevada vs Clyde Lewis

August 24, 1995

8:00 AM

Jury Trial

**TRIAL BY JURY**Court Clerk: CINDY  
HORTONReporter/Recorder:  
JANIE OLSENHeard By: LOEHRER,  
SALLY**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

Lewis, Clyde

Defendant

Mueller, Craig

Attorney

Waterman, Charles

Attorney

**JOURNAL ENTRIES**

- Counsel stipulated as to the presense of the jury at 10:40. Court advised the jury of the proceedure the trial will take, information read to the jury. State invoked the exclusionary rule. Opening statement by Mr. Harmon. Opening statement by Mr. Waterman. COURT ORDERED, NOON RECESS AT 12:00, jury admonished and advised to return as 1:30. Counsel stipulated as to the presence of the jury at 1:30, testimony and exhibits per attached worksheet. COURT ORDERED, TRIAL RECESSED FOR THE DAY AT 5:10, jury admonished and advised to return on August 25, 1995 at 8:00 a.m. Outside the presence of the jury, Mr. Waterman requested witness Barker be given a drug test as he believes the witness is under the influence. Response by Mr., Mueller. Court advised does not know if this Court has the authority to order the witness be drug tested. Conference at the bench. Upon inquiry by the Court, Ms. Barker advised she is willing to take a drug test. Mr. Harmon stated for the record that Ms. Barker may be willing to take the test but there is no

basis for this in the record and there is no cause to subject the witness to a drug test because of the defense counsel's opinion and the State objects. Mr. Waterman stipulated that if the test comes back dirty, it will only be held against the witness as to her testimony here today.

CUSTODY

8/28/95 1:30 PM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 25, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

**August 25, 1995****1:30 PM****Jury Trial****TRIAL BY JURY****Court Clerk: CINDY  
HORTON****Reporter/Recorder:  
JANIE OLSEN****Heard By: LOEHRER,  
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

Lewis, Clyde

Defendant

Mueller, Craig

Attorney

Waterman, Charles

Attorney

**JOURNAL ENTRIES**

- Counsel stipulated as to the presence of the jury at 8:05. Testimony and exhibits per attached worksheet. AT 9:00, COURT ORDERED A BRIEF RECESS for Mr. Waterman to make appearance in Dept VIII & XIV, jury admonished and advised to return at 9:15. Counsel stipulated as to the presence of the jury at 9:30, testimony and exhibits per attached worksheet. COURT ORDERED, TRIAL RECESSED FOR THE DAY AT 12:20, jury admonished and advised to return on Monday, August 28, 1995 at 1:30 p.m. Outside the presence of the jury, colloquy between Court and counsel regarding trial schedule.

**CUSTODY**

8/28/95 1:30 PM JURY TRIAL CONTINUED

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 28, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

**August 28, 1995****10:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: CINDY  
HORTON****Reporter/Recorder:  
MARY BETH COOK****Heard By: LOEHRER,  
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

Lewis, Clyde

Defendant

Mueller, Craig

Attorney

Waterman, Charles

Attorney

**JOURNAL ENTRIES**

- Counsel stipulated as to the presence of the jury at 1:35. Testimony and exhibits per attached worksheet. Brief recesses taken at 3:13 p.m. and 5:05 p.m. COURT ORDERED, TRIAL RECESSED FOR THE DAY AT 7:20, jury admonished and advised to return on 8/29/95 at 10:30 a.m.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 29, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

**August 29, 1995****9:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: CINDY  
HORTON****Reporter/Recorder:  
MARY BETH COOK****Heard By: LOEHRER,  
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

Lewis, Clyde

Defendant

Mueller, Craig

Attorney

Waterman, Charles

Attorney

**JOURNAL ENTRIES**

- Counsel stipulated as to the presence of the jury at 10:35, testimony and exhibits per attached worksheet. COURT ORDERED, NOON RECESS AT 11:55, jury admonished and advised to return at 1:30. Counsel stipulated as to the presence of the jury at 1:34, testimony and exhibits per attached worksheet. Jury excused from the Courtroom at 2:30. Outside the presence of the jury, Mr. Waterman presented motion as to testimony of the State's next witness, Bert Gutierrez regarding remoteness in time and prejudicial effects. Response by State. Officer Gutierrez brought into Courtroom and sworn and testified. COURT ORDERED, TESTIMONY AS TO THE GUN BEING STOLEN WILL BE SUPRESSED AND THE BALANCE OF THE TESTIMONY WILL BE ALLOWED. Upon inquiry by the Court, Officer Gutierrez advised when the officer knocked on the deft's door he identified himself as police. Counsel stipulated as to the presence of the jury at 2:50. Outside the presence of the jury, Mr. Waterman moved for a mistrial pursuant to testimony of State's witness Gutierrez.



Response by State. COURT ORDERED, MOTION FOR MISTRIAL DENIED and advised the jury will be instructed to disregard the witnesses comments about the motel. Jury present in Courtroom. Court advised the jury to disregard the discription of the lodge given by the witness. COURT ORDERED, AFTERNOON RECESS AT 3:15, jury admonished and advised to return at 3:30. Outside the presence of the jury, Court advised the Court has been faxed eighteen pages medical documents for the deft at the request of Mr. Waterman. Copies of documents provided to both counsel. Counsel stipulated as to the presence of the jury at 4:00, testimony and exhibits per attached worksheet. COURT ORDERED, TRIAL RECESSED FOR THE DAY AT 5:10, jury admonished and advised to return on 8/30/95 at 10:00 a.m. Outside the presence of the jury, Court advised the deft of his right to testify or not to testify. Court requested counsel be present at 9:45 to go over jury instructions. CUSTODY  
8/30/95 10 AM JURY TRIAL CONTINUED

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 30, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

**August 30, 1995****10:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: CINDY  
HORTON****Reporter/Recorder:  
MARY BETH COOK****Heard By: LOEHRER,  
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

Lewis, Clyde

Defendant

Mueller, Craig

Attorney

Waterman, Charles

Attorney

**JOURNAL ENTRIES**

- Outside the presence of the jury, Mr. Waterman advised he was not able to serve Dr. Seip as he was no able to serve a subpoena. Mr. Waterman further advised he was not advised the the deft's physical affirmaties until the first day of trial. COURT ORDERED, MEDICAL RECORDS ADMITTED AS COURT'S EXHIBIT #1. Counsel stipulated as to the presence of the jury at 10:35. State rest. Testimony and exhibits per attached worksheet. COURT ORDERED, NOON RECESS AT 11:55, jury admonished and advised to return at 1:30. Outside the presence of the jury, jury instructions settled. Counsel stipulated as to the presence of the jury at 2:30. Defense rest. Rebuttal testimony by the State. Jury instructions read to the jury. Closing argument by counsel. Bailiff and Secretary sworn to take charge of the jury and alternates at 5:00. Jury stopped deliberating for the day at 5:30, Deliberation to resume on 8/31/95 at 8:45.

CUSTODY



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 31, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

**August 31, 1995****9:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: CINDY  
HORTON****Reporter/Recorder:  
JANIE OLSEN****Heard By: LOEHRER,  
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

Lewis, Clyde

Defendant

Mueller, Craig

Attorney

Waterman, Charles

Attorney

**JOURNAL ENTRIES**

- Jury resumed deliberating at 8:45. At 4:45, pursuant to a note from the jury, Court, Counsel and all officer of the Court present and the Court reread instructions 24 and 25 to the jury. Court explained the instructions pursuant to conference between Court and counsel in chambers. Mr. Waterman waived the presence of the deft for this proceeding. Jury resumed deliberating at 5:00. Jury left for the day at 5:20, to resume on 9/1/95 at 9:00 a.m.

**CUSTODY**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 01, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

**September 01, 1995****9:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: CINDY  
HORTON****Reporter/Recorder:  
MARY BETH COOK****Heard By: LOEHRER,  
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

Lewis, Clyde

Defendant

Mueller, Craig

Attorney

Waterman, Charles

Attorney

**JOURNAL ENTRIES**

- Jury resumed deliberating at 9:00 a.m. Jury brought into the Courtroom at 4:55, Judge A. Willaim Maupin presiding, all officers of the Court present. Court advised understands the jury has not been able to reach a verdict as to Counts I, II & IV. Court read a new instruction to the jury as to deliberation. COURT ORDERED, JURY EXCUSED FOR THE WEEKEND, Jury admonished and advised to return on Tuesday, September 5 at 9:00 a.m. Outside the presence of the jury, Mr. Waterman objected to the Court bringing the jury back on Tuesday. Court advised counsel with jury will be allowed to continue deliberations until mid-afternoon and if at that time the Jury has not reached a decision as to Counts I, II & IV, the Court will declare a mistrial as to those counts.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 05, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

**September 05, 1995****9:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: CINDY  
HORTON****Reporter/Recorder:  
MARY BETH COOK****Heard By: A. William  
Maupin****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

Lewis, Clyde

Defendant

Waterman, Charles

Attorney

**JOURNAL ENTRIES**

- Jury resumed deliberating at 9:00 a.m. Jury returned into the Courtroom at 2:00, Judge A. William Maupin presiding and all officers of the Court present. Jury Foreperson advised the jury only reach a verdict as to Court III. All members of the jury concurred. COURT ORDERED, MISTRIAL DECLARED AS TO COUNTS I, II & IV AND DEFT FOUND GUILTY OF COUNT III - BATTERY WITH USE OF A DEADLY WEAPON (F). COURT FURTHER ORDERED, MATTER CONTINUED TO RESET TRIAL AS TO COUNTS I, II & III AND MATTER REFERRED TO PAROLE AND PROBATION FOR PSI AND SET OVER FOR SENTENCING AS TO COUNT III. Court thanked and excused the jury.

CUSTODY

9/19/95 9 AM TRIAL SETTING AS TO COUNTS I, II & IV...10/10/95 9 AM SENTENCING COUNT III

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 19, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

|                           |                |                                |                                                                                                                                                              |
|---------------------------|----------------|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>September 19, 1995</b> | <b>9:00 AM</b> | <b>Conversion Hearing Type</b> | <b>TRIAL SETTING AS<br/>TO COUNTS I,II &amp;<br/>IV Court Clerk:<br/>CINDY HORTON<br/>Reporter/Recorder:<br/>JANIE OLSEN<br/>Heard By: Sally<br/>Loehrer</b> |
|---------------------------|----------------|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES**

|                 |                    |           |
|-----------------|--------------------|-----------|
| <b>PRESENT:</b> | Lewis, Clyde       | Defendant |
|                 | Rehfeldt, Laura C. | Attorney  |
|                 | Waterman, Charles  | Attorney  |

**JOURNAL ENTRIES**

- Mr. Waterman requested trial be set in the ordinary course. Deft requested a speedy trial. Mr. Waterman advised since the jury verdict found the deft guilty of one count of battery, the jury did not specify on who the battery was committed and believes it is a lesser included for murder. State requested matter be passed to Thursday to set trial date if there is an issue. COURT ORDERED, MATTER SET FOR TRIAL IN THE ORDINARY COURSE. Mr. Waterman advised he may have a motion prior to sentencing on Count III regarding the deft being adjudged guilty of a felony and being able to take the stand in pending trial. Court advised sentencing date will stand at this time. CUSTODY

1/11/96 9 AM CALENDAR CALL...1/16/96 9:30 AM JURY TRIAL COUNTS I, II &amp; III

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 10, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

**October 10, 1995****9:00 AM****Sentencing****SENTENCING****Court Clerk: CINDY  
HORTON****Reporter/Recorder:  
MARY BETH COOK****Heard By: LOEHRER,  
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Laurent, Christopher J.  
Lewis, ClydeAttorney  
Defendant**JOURNAL ENTRIES**

- Mr. Laurent advised this is Mr. Harmon's case and he requested a continuance and believes Mr. Harmon contacted Mr. Waterman who has no objection to a continuance. COURT ORDERED, SENTENCING CONTINUED FOR ONE WEEK.  
CUSTODY



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 17, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

**October 17, 1995****9:00 AM****Sentencing****SENTENCING****Court Clerk: CINDY  
HORTON****Reporter/Recorder:  
MARY BETH COOK****Heard By: LOEHRER,  
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

Lewis, Clyde

Defendant

Waterman, Charles

Attorney

**JOURNAL ENTRIES**

- Peggy Coleman of Parole and Probation present. DEFT LEWIS ADJUDGED GUILTY OF COUNT III - BATTERY WITH USE OF A DEADLY WEAPON, PURSUANT TO JURY VERDICT. Mr. Waterman requested he be allowed to withdraw from the case as he has developed antipathy for the deft and cannot say one good thing about him. COURT ORDERED, ORAL MOTION TO WITHDRAW IS GRANTED AND THE STATE PUBLIC DEFENDER'S OFFICE IS APPOINTED AS COUNSEL. J. Savage of the SPD'S Office present in Court and advised can confirm as counsel. COURT ORDERED, STATE PUBLIC DEFENDER'S OFFICE CONFIRMED AS COUNSEL, TRIAL DATE ON REMAINING COUNTS STANDS AND SENTENCING AS TO COUNT III CONTINUED FOR TWO WEEKS.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 02, 1995**

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94C120857-2

The State of Nevada vs Clyde Lewis

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**November 02, 1995****9:00 AM****Sentencing****SENTENCING****Court Clerk: LARRY  
SNYDER/LS****Reporter/Recorder:  
KIT MACDONALD****Heard By:  
MCGROARTY,  
JOHN S.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Harmon, Melvyn T.  
Lemcke, Nancy L.  
Lewis, ClydeAttorney  
Attorney  
Defendant**JOURNAL ENTRIES**

- COURT ORDERED, this matter CONTINUED to be heard by Judge Loehrer.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 21, 1995**

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94C120857-2

The State of Nevada vs Clyde Lewis

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**November 21, 1995****9:00 AM****Sentencing****SENTENCING****Court Clerk: CINDY  
HORTON****Reporter/Recorder:  
JANIE OLSEN****Heard By: LOEHRER,  
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lewis, Clyde

Defendant

Mueller, Craig

Attorney

**JOURNAL ENTRIES**

- Officer McKenzie of Parole and Probation present. Upon inquiry by the Court, deft advised the no one from the State Public Defender's Office has been to see him regarding the PSI report. COURT ORDERED, SENTENCING CONTINUED FOR ONE WEEK and requested the Clerk contact the State Public Defender's Office regarding this matter.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 28, 1995**

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94C120857-2

The State of Nevada vs Clyde Lewis

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**November 28, 1995****9:00 AM****Sentencing****SENTENCING****Court Clerk: CINDY  
HORTON****Reporter/Recorder:  
MARY BETH COOK****Heard By: LOEHRER,  
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

LaPorta, Peter R.

Attorney

Lewis, Clyde

Defendant

Porterfield Jr, Owen W.

Attorney

**JOURNAL ENTRIES**

- John Delvillan of Parole and Probation present. Court advised met in chambers with Mr. Jackson and Mr. Rogers and indicated this is the third time the State Public Defender has moved to continue sentencing. Court further advised understands that the SPD just received the debt's file this morning and the debt would like to discuss the PSI with counsel. Mr. LaPorta concurred and advised spoke with Mr. Harmon and he has no objection to a short continuance. COURT ORDERED, SENTENCING CONTINUED ONE LAST TIME TO THURSDAY, NOVEMBER 30 AT 9:00 AM. CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 30, 1995**

94C120857-2

The State of Nevada vs Clyde Lewis

**November 30, 1995****9:00 AM****Sentencing****SENTENCING****Court Clerk: CINDY  
HORTON****Reporter/Recorder:  
MARY BETH COOK****Heard By: Sally  
Loehrer****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

LaPorta, Peter R.

Attorney

Lewis, Clyde

Defendant

Porterfield Jr, Owen W.

Attorney

**JOURNAL ENTRIES**

- Thomas Ely of Parole and Probation present. Pursuant to jury verdict, DEFT LEWIS ADJUDGED GUILTY OF COUNT III- BATTERY WITH USE OF A DEADLY WEAPON (F). Argument by State requesting ten years. Statement by deft stating he would like to appeal this case and inquired when he would be getting appeal counsel. Court advised deft he has counsel, however the appeal process does not begin until the Judgment of Conviction is filed. Mr. LaPorta stated he has advised his client to make no further statement because of pending trial on remaining counts in this case. COURT ORDERED, in addition to the \$25.00 Administrative Assessment Fee, Deft. SENTENCED to Nevada Department of Prisons for EIGHT (8) YEARS with 481 DAYS Credit For Time Served and Deft. is Assessed a \$5,000 FINE. Court advised the deft is not to be released to the State Prison system as trial is scheduled on 1/11/96. Mr. LaPorta advised he has a trial scheduled for 1/16/96 in Dept. V. Court advised will reset trial date, however, Mr. Harmon has to be present with his trial schedule. COURT ORDERED, 1/16/96 TRIAL AND 1/11/96 CALENDAR CALL VACATED AND MATTER

CONTINUED TO TUESDAY TO RESET TRIAL DATE.  
CUSTODY  
12/5/95 9 AM RESET TRIAL DATE

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 07, 1995**

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94C120857-2

The State of Nevada vs Clyde Lewis

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**December 07, 1995****9:00 AM****Motion to Set Trial Date****RESET TRIAL DATE****Court Clerk: CINDY  
HORTON****Reporter/Recorder:  
JANIE OLSEN****Heard By: Sally  
Loehrer****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Harmon, Melvyn T.

Attorney

LaPorta, Peter R.

Attorney

Lewis, Clyde

Defendant

**JOURNAL ENTRIES**

- COURT ORDERED, MATTER SET FOR TRIAL. Deft requested he be allowed to return to the State prison. COURT ORDERED, DEFT ALLOWED TO RETURN TO STATE PRISON PENDING TRIAL, HOWEVER, IT IS COUNSEL'S RESPONSIBILITY TO MAINTAIN COMMUNICATION WITH DEFT.

CUSTODY

6/20/96 9 AM CALENDAR CALL...6/24/96 9:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 20, 1996**

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94C120857-2

The State of Nevada vs Clyde Lewis

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**June 20, 1996****9:00 AM****Calendar Call****CALENDAR CALL****Court Clerk: JUDY  
NORMAN****Reporter/Recorder:  
HELENE KARP****Heard By: Sally  
Loehrer****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Lemcke, Nancy L.  
Lewis, Clyde  
Roger, David J.Attorney  
Defendant  
Attorney**JOURNAL ENTRIES**

- Mr. Roger advised not ready for Trial as three criminologists are not available and moved for an oral Hill Motion to continue. There being no objection, COURT ORDERED, TRIAL DATE VACATED AND RESET.

NDP

9/26/96 9:00 AM CALENDAR CALL

9/30/96 9:30 AM JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 24, 1996

94C120857-2

The State of Nevada vs Clyde Lewis

September 24, 1996

9:00 AM

Motion to Continue

DEFT'S MOTION  
TO CONTINUE  
JURY TRIAL Court  
Clerk: JUDY  
NORMAN  
Reporter/Recorder:  
MARGIE CARLSON  
Heard By: Sally  
Loehrer

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Lemcke, Nancy L.

Attorney

O'Callaghan, Michael N.

Attorney

**JOURNAL ENTRIES**

- The Court noted counsel had indicated ready for Trial. Ms. Lempke advised because of the McKenna Trial, she was not ready at this time and requested a continuance. Further, had spoken with Defendant and, in light of the circumstances, he did not have a problem with it. COURT ORDERED, TRIAL DATE VACATED AND RESET.

NDP

2/27/97 9:00 AM CALENDAR CALL

3/3/97 9:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 27, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

**February 27, 1997**

**9:00 AM**

**All Pending Motions**

**ALL PENDING  
MOTIONS FOR  
2/27/97 Court Clerk:  
CINDY HORTON  
Reporter/Recorder:  
MARGIE CARLSON  
Heard By: Sally  
Loehrer**

**HEARD BY:**

**COURTROOM:** No Location

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

Lemcke, Nancy L.

Attorney

Lewis, Clyde

Defendant

O'Callaghan, Michael N.

Attorney

**JOURNAL ENTRIES**

- CALENDAR CALL...DEFT'S MOTION TO STRIKE DEADLY WEAPON ALLEGATIONS...DEFT'S MOTION TO COMPEL PRODUCTION OF RAP SHEETS...DEFT'S MOTION TO COMPEL DISCLOSURE OF PRESENTENCE REPORTS...DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE OF BENEFITS OF COOPERATION...DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE

Ms. Lemcke filed DEFT'S MOTION TO SUPPRESS IDENTIFICATIONS OF DEFT IN OPEN COURT. State advised has an investigator working on this matter and would request pre-trial motions be continued. COURT ORDERED, ALL PRE-TRIAL MOTIONS AND CALENDAR CONTINUED TO FRIDAY, FEBRUARY 28 AT 3:00 PM. Upon inquiry by the Court, counsel advised trial will take approximately one week, trial counsel will be M. O'Callaghan for the State and Ms. Lemcke and Mr. Palma for the defense. State advised if case comes to a penalty phase would have no problem with

the Court handling that phase. Court advised that is up to the deft if convicted. Ms. Lemcke advised would like the opportunity to discuss this matter with client and co-counsel. Court advised counsel this trial will be #1 to go on Monday. At the request of Ms. Lemcke, COURT ORDERED, DEFT TO BE HELD AT THE CLARK COUNTY DETENTION CENTER THROUGH HIS TRIAL.  
CUSTODY

2/28/97 3:00 PM CALENDAR CALL CONTINUED AND ALL PRE-TRIAL MOTIONS.

3/3/97 9:30 JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 28, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

**February 28, 1997****3:00 PM****All Pending Motions**

**ALL PENDING  
MOTIONS FOR  
2/28/97 Court Clerk:  
CINDY HORTON  
Reporter/Recorder:  
MARGIE CARLSON  
Heard By: Sally  
Loehrer**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lemcke, Nancy L.

Attorney

Lewis, Clyde

Defendant

O'Callaghan, Michael N.

Attorney

Palma, Richard

Attorney

**JOURNAL ENTRIES**

- DEFT'S MOTION TO STRIKE DEADLY WEAPON ALLEGATION...DEFT'S MOTION TO COMPEL PRODUCTION OF RAP SHEETS...DEFT'S MOTION TO COMPEL DISCLOSURE OF PRESENTENCE REPORTS...DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE OF BENEFITS OF COOPERATION. DEFT'S MOTION IN LIMINE TO PRECLUDE EVIDENCE... DEFT'S MOTION TO SUPPRESS IDENTIFICATION OF DEFT...CALENDAR CALL

Upon inquiry by the Court, State advised believes ready for trial, however, Ms. Atkins will be in trial in Reno and believes can pick a jury on Monday. State further advised is having trouble locating the victims spouse and would request if she is not available that the previous deposition be used.

COURT ORDERED, TRIAL STANDS AS #1 ON 3/3/97 AT 9:30 AM. As to DEFT'S MOTION TO STRIKE DEADLY WEAPON ALLEGATION, COURT ORDERED, MOTION GRANTED, THE

WORDS "OR HAMMER" ON LINE 14 WILL BE STRICKEN. Following arugment by counsel, COURT ORDERED, DEFT'S MOTION TO COMPEL PRODUCTION OF RAP SHEETS GRANTED in that the DA's Staff will run NCIC on names provided by defense counsel and the information will be provided by the DA by Tuesday. As to Deft motion to compel disclosure of presentence report, Court inquired how many witnesses in this case have been convicted in this jurisdiction where a PSI is available. State advised does not know if will be calling the co-deft. Case numbers of possible witnesses with cases in the system provided and will be made available to counsel to review if appropriate. COURT ORDERED, DEFT'S MOTION TO COMPEL DISCLOSURE OF PRESENCE REPORTS GRANTED. As to DEFT'S MOTION TO COMPEL DISCLOSURE OF EXISTENCE OF BENEFITS OF COOPERATION, COURT ORDERED, MOTION GRANTED as the PSI report can be reviewed. Argument by counsel regarding the deft's motion in limine to preclude evidence. COURT ORDERED, MOTION TO PRECLUDE EVIDENCE DENIED UNLESS THE DEFT TAKES THE STAND. Response by Ms. Lemcke. Court advised will allow a certified JOC if deft says was not there for impeachment purposes. As to Deft's motion to suppress identification of deft, photo of line-up provided to the Court. Court advised does not find anything suggestive in the photo. Ms. Lemcke requested the State be precluded from bringing up the line-up photo at time of direct. Objection by the State. COURT ORDERED, MOTION TO SUPPRESS IDENTIFICATION OF DEFT DENIED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 03, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

**March 03, 1997****9:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: JUDY  
NORMAN****Reporter/Recorder:****MARY BETH COOK****Heard By: LOEHRER,  
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lemcke, Nancy L.

Attorney

Lewis, Clyde

Defendant

O'Callaghan, Michael N.

Attorney

Palma, Richard

Attorney

**JOURNAL ENTRIES**

- Mr. Palma requested Defendant referred to as Clyde Lewis for purposes of Trial. COURT SO ORDERED. Jury Panel given voir dire oath at 9:45 AM. Noon recess at 12:00 PM. Jury selection resumed at 1:35 PM. Jury excused at 5:10 PM. Outside the presence of the Jury, Mr. Palma moved for mistrial. Arguments by Mr. O'Callaghan. COURT ORDERED, DENIED.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 04, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

**March 04, 1997****9:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: JUDY  
NORMAN****Reporter/Recorder:  
JOANN ORDUNA****Heard By: LOEHRER,  
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lemcke, Nancy L.

Attorney

Lewis, Clyde

Defendant

O'Callaghan, Michael N.

Attorney

Palma, Richard

Attorney

**JOURNAL ENTRIES**

- Outside the presence of the Jury, Mr. O'Callaghan requested witness testify prior to openings as had to leave today at 3:00 PM. Objections by Mr. Palma. Mr. Palma advised would stipulate that bullet was taken from body and given to someone else. Jury sworn to hear the case at 11:20 AM. Opening statement by Mr. O'Callaghan at 11:25 AM. Opening statement by Mr. Palma at 11:40 AM. Witnesses sworn and testified. Exhibits per attached worksheet. Noon recess at 12:10 PM. Counsel stipulated to the presence of the Jury at 1:35 PM. Witnesses sworn and testified. Exhibits per attached worksheet. Exclusionary rule invoked at 1:50 PM. Outside the presence of the Jury, the Court advised Mr. Ford would prepare a new Exhibit I as there are other marks from prior Trial on the exhibit. Arguments by Mr. O'Callaghan. The Court gave Exhibit I to Mr. Ford who will return tomorrow with new diagram. Evening recess at 5:15 PM.

**CUSTODY**





**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 05, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

**March 05, 1997****10:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: JUDY  
NORMAN****Reporter/Recorder:  
MARY BETH COOK****Heard By: LOEHRER,  
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lemcke, Nancy L.

Attorney

Lewis, Clyde

Defendant

O'Callaghan, Michael N.

Attorney

Palma, Richard

Attorney

**JOURNAL ENTRIES**

- Counsel stipulated to the presence of the Jury at 9:55 AM. Witnesses sworn and testified. Exhibits per attached worksheet. Noon recess at 11:50 AM. Counsel stipulated to the presence of the Jury at 1:40 PM. Witnesses sworn and testified. Exhibits per attached worksheet. Outside the presence of the Jury, Ms. Lemcke took witness McIntyre on voir dire. Counsel stipulated to the presence of the Jury at 2:20 PM. Outside the presence of the Jury, Ms. Lemcke moved for mis Trial. COURT FINDS objection was not lodged timely and, ORDERED, MOTION DENIED. Counsel stipulated to the presence of the Jury at 3:25 PM. Witnesses sworn and testified. Exhibits per attached worksheet. Evening recess at 5:05 PM.

**CUSTODY**

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 06, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

**March 06, 1997****9:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: JUDY  
NORMAN****Reporter/Recorder:  
MARGIE CARLSON****Heard By: LOEHRER,  
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lemcke, Nancy L.

Attorney

Lewis, Clyde

Defendant

O'Callaghan, Michael N.

Attorney

Palma, Richard

Attorney

**JOURNAL ENTRIES**

- Counsel stipulated to the presence of the Jury at 10:40 AM. Witnesses sworn and testified. Exhibits per attached worksheet. Noon recess 12:25 PM. Counsel stipulated to the presence of the Jury at 1:50 PM. Witnesses sworn and testified. Exhibits per attached worksheet. Evening recess at 5:10 PM.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 07, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

**March 07, 1997****8:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: JUDY  
NORMAN****Reporter/Recorder:****MARY BETH COOK****Heard By: LOEHRER,  
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lemcke, Nancy L.

Attorney

Lewis, Clyde

Defendant

O'Callaghan, Michael N.

Attorney

Palma, Richard

Attorney

**JOURNAL ENTRIES**

- Counsel stipulated to the presence of the Jury at 9:35 AM. Witnesses sworn and testified. Exhibits per attached worksheet. Noon recess at 12:00 AM. Counsel stipulated to the presence of the Jury at 1:35. Witnesses sworn and testified. Exhibits see attached worksheet. Evening recess at 5:25.

**CUSTODY**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 10, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

**March 10, 1997****8:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: JUDY  
NORMAN****Reporter/Recorder:  
MARGIE CARLSON****Heard By: Sally  
Loehrer****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lemcke, Nancy L.

Attorney

Lewis, Clyde

Defendant

O'Callaghan, Michael N.

Attorney

Palma, Richard

Attorney

**JOURNAL ENTRIES**

- Outside the presence of the Jury, the Court advised Defendant of his right to testify. Counsel stipulated to the presence of the Jury at 9:45 AM. Exhibits see attached worksheet. State rested at 9:50 AM. Defendant rested at 9:55 AM. The Court instructed the Jury at 9:56 AM. Closing arguments by Ms. Lemcke at 10:20 AM. Closing arguments by Mr. Palma at 11:00 AM. Closing arguments by Mr. O'Callaghan at 11:50 AM. Bailiff and Court's secretary sworn to take charge of the Jury at 1:25 PM. The Jury returned with a verdict at 4:45 PM. DEFENDANT, LEWIS FOUND GUILTY OF COUNT I-BURGLARY, COUNT II-ROBBERY WITH USE OF A DEADLY WEAPON, COUNT IV-MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON. The Court thanked and excused the Jury. COURT ORDERED, SET FOR SENTENCING CUSTODY

4/8/97 9:00 AM SENTENCING



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 08, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

**April 08, 1997****9:00 AM****Sentencing****SENTENCING****Court Clerk: CINDY  
HORTON****Reporter/Recorder:  
MARGIE CARLSON****Heard By: LOEHRER,  
SALLY****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lewis, Clyde

Defendant

O'Callaghan, Michael N.

Attorney

Palma, Richard

Attorney

**JOURNAL ENTRIES**

- Mr. Palma advised he and Ms. Lemcke have not been able to go over the PSI with the deft and would request a ten day continuance so Ms. Lemcke could be present. State advised defense has been put on notice that the State has victim speakers present. Court advised will allow speakers to make statements to the Court today and will continue formal sentencing. Irene Moden and Eric Moden sworn and made statements to the Court. COURT ORDERED, SENTENCING CONTINUED. CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 29, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

**April 29, 1997****9:00 AM****Sentencing****SENTENCING****Court Clerk: CINDY  
HORTON****Reporter/Recorder:  
MARY BETH COOK****Heard By: Sally  
Loehrer****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Hehn, William A.

Attorney

Lemcke, Nancy L.

Attorney

Lewis, Clyde

Defendant

Palma, Richard

Attorney

**JOURNAL ENTRIES**

- Angela Lorence of Parole and Probation present. DEFT LEWIS ADJUDGED GUILTY OF COUNT I - BURGLARY (F), COUNT II - ROBBERY WITH USE OF A DEADLY WEAPON (F) AND COUNT IV - MURDER OF THE FIRST DEGREE WITH USE OF A DEADLY WEAPON (F) PURSUANT TO JURY VERDICT. (DEFT FOUND GUILTY OF COUNT III BATTERY WITH USE OF A DEADLY WEAPON ON 9/5/95 AND SENTENCED AS TO TIME TO EIGHT (8) YEARS IN THE NEVADA DEPT OF PRISONS. Statements in mitigation of sentencing. Deft requested counsel for appeal on all counts. Court advised the deft the SPD will be representing him on these convictions and believes the time may have run on the previous conviction of count III and therefore will Order the SPD to represent on post conviction relief as to count III. Conference at the bench. COURT ORDERED, L. MELIA APPOINTED AS COUNSEL TO REPRESENT DEFT ON DIRECT APPEAL AS TO CONVICTIONS ON COUNTS I, II AND IV AND FOR POST CONVICTION RELIEF AS TO COUNT III. Further

statements in mitigation of sentencing. COURT ORDERED, IN ADDITION TO THE \$25 ADMINISTRATIVE ASSESSMENT FEE, DEFT SENTENCED AS TO COUNT I - TEN (10) YEARS IN THE NEVADA DEPT OF PRISONS CONSECUTIVE TO COUNT III, AS TO COUNT II - DEFT SENTENCED TO FIFTEEN (15) YEARS IN THE NEVADA DEPT OF PRISONS PLUS AN EQUAL AND CONSECUTIVE FIFTEEN (15) YEARS PENALTY ENHANCEMENT CONSECUTIVE TO COUNTS I AND III, AS TO COUNT IV - DEFT SENTENCED TO LIFE IN THE NEVADA DEPT OF PRISONS WITH THE POSSIBILITY OF PAROLE PLUS AN EQUAL AND CONSECUTIVE LIFE WITH THE POSSIBILITY OF PAROLE PENALTY ENHANCEMENT CONSECUTIVE TO COUNTS I, II AND III WITH 1023 DAYS CREDIT FOR TIME SERVED. COURT FURTHER ORDERED, MATTER CONTINUED TO THURSDAY FOR L. MELIA TO CONFIRM AS COUNSEL. CUSTODY  
5/1/97 9 AM CONFIRMATION OF COUNSEL (L. MELIA)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 01, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

**May 01, 1997**

**9:00 AM**

**Motion for Confirmation of  
Counsel**

**CONFIRMATION  
OF COUNSEL (L.  
MELIA) Court Clerk:  
CINDY HORTON  
Reporter/Recorder:  
MARY BETH COOK  
Heard By: Sally  
Loehrer**

**HEARD BY:**

**COURTROOM:** No Location

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

Hehn, William A.

Attorney

**JOURNAL ENTRIES**

- C. Oram, Esq. present as the Court's request. Court advised L. Melia was appointed, however previously represented the co-deft in this case, therefore, the Court contacted Mr. Oram and requested he be present today. Upon inquiry by the Court, Mr. Oram advised he can confirm as counsel. COURT ORDERED, C. ORAM APPOINTED AND CONFIRMED AS COUNSEL FOR DEFT LEWIS.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 29, 1997**

94C120857-2

The State of Nevada vs Clyde Lewis

**December 29, 1997****9:00 AM****Motion****DEFT'S MOTION  
FOR  
CLARIFICATION  
OF THE RECORD  
Relief Clerk: LINDA  
SKINNER  
Reporter/Recorder:  
JAMES HELLESO  
Heard By:  
Pavlikowski, Joseph  
S.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Krisko, Susan R.

Attorney

**JOURNAL ENTRIES**

- Since Mr. Oram is not present, COURT ORDERED, matter OFF CALENDAR.

MATTER RECALLED WITH MR. ORAM PRESENT: Mr. Oram advised that he was in Dept. XV as Judge Loehrer heard both of the trials and Mr. Oram needs a transcript from the first trial. Colloquy between Court and counsel. Counsel advised that all of Dept. XV criminal cases were sent to Dept. XVI. COURT ORDERED, matter CONTINUED and SENT TO DEPT. XVI.  
NDP

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 05, 1998**

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94C120857-2

The State of Nevada vs Clyde Lewis

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**January 05, 1998****8:45 AM****Motion****DEFT'S MOTION  
FOR  
CLARIFICATION  
OF THE RECORD  
Court Clerk: DENISE  
TRUJILLO  
Reporter/Recorder:  
KIT MacDONALD  
Heard By:  
McGroarty, John S.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Hartsell, James B.

Attorney

Oram, Christopher R.

Attorney

**JOURNAL ENTRIES**

- Mr. Oram advised of history and requested transcript of deft's first trial. Mr. Hartsell advised he does not have the file as this is a major violator case. COURT ORDERED, matter CONTINUED for DA from the MJ unit to be present.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 07, 1998**

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94C120857-2

The State of Nevada vs Clyde Lewis

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**January 07, 1998****8:45 AM****Motion****DEFT'S MOTION  
FOR  
CLARIFICATION  
OF THE RECORD  
Court Clerk: DENISE  
TRUJILLO  
Reporter/Recorder:  
KIT MacDONALD  
Heard By: John  
McGroarty****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Guymon, Gary L.

Attorney

Lewis, Clyde

Defendant

Oram, Christopher R.

Attorney

**JOURNAL ENTRIES**

- Mr. Oram advised he is requesting transcript from deft's first trial. There being no opposition,  
COURT SO ORDERED. Mr. Oram to prepare the order.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 04, 1998**

94C120857-2

The State of Nevada vs Clyde Lewis

**August 04, 1998****8:30 AM****Petition for Writ of Habeas  
Corpus****DEFT'S PETITION  
FOR WRIT OF  
HABEAS  
CORPUS POST-  
CONVICTION  
Court Clerk: CAROL  
GREEN Relief Clerk:  
ROSA  
ARDESCH/RA  
Reporter/Recorder:  
JAMES HELLESO  
Heard By:  
Pavlikowski, Joseph  
S.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Krisko, Susan R.

Attorney

Lewis, Clyde

Defendant

Oram, Christopher R.

Attorney

**JOURNAL ENTRIES**

- Mr. Oram advised Deft. is in Ely State Penitentiary, and requested 30 days to supplement the petition. COURT ORDERED supplement to be filed by 9/4/98 at 5:00 PM. Ms. Krisko requested 3 weeks to file reply. COURT ORDERED, for status check and to set time for hearing.

NDP

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 18, 1998**

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94C120857-2

The State of Nevada vs Clyde Lewis

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**September 18, 1998****8:30 AM****Request of Court****AT THE REQUEST  
OF THE COURT  
Court Clerk: CAROL  
GREEN/CG Relief  
Clerk: DENISE  
HUSTED  
Reporter/Recorder:  
JAMES HELLESO  
Heard By: Joseph  
Pavlikowski****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Brown, Philip H.

Attorney

**JOURNAL ENTRIES**

- Mr. Brown advised that he has a note requesting one week. COURT ORDERED, matter will be heard next week.

NDP

9/25/98 DEFT'S PETITION FOR WRIT OF HABEAS CORPUS - POST CONVICTION

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 25, 1998**

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94C120857-2

The State of Nevada vs Clyde Lewis

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**September 25, 1998      8:30 AM****Petition for Writ of Habeas  
Corpus****DEFT'S PETITION  
FOR WRIT OF  
HABEAS  
CORPUS POST-  
CONVICTION  
Court Clerk: LINDA  
SKINNER Relief  
Clerk: PAULA  
GOODELL  
Reporter/Recorder:  
JAMES HELLESO  
Heard By: Joseph  
Pavlikowski****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Lalli, Christopher J.

Attorney

Oram, Christopher R.

Attorney

**JOURNAL ENTRIES**

- Court noted Deft. is in Nevada Department of Prisons and ORDERED, matter TRANSFERRED TO DEPARTMENT XV and set for status check.

NDP

10/5/98 9:00 AM STATUS CHECK (DEPT XV)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 05, 1998

94C120857-2

The State of Nevada vs Clyde Lewis

October 05, 1998

9:00 AM

Status Check

**STATUS CHECK  
(DEPT XV) Court  
Clerk: CINDY  
HORTON  
Reporter/Recorder:  
JOY HINCK Heard  
By: Sally Loehrer**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

O'Callaghan, Michael N.  
Oram, Christopher R.

Attorney  
Attorney

**JOURNAL ENTRIES**

- Upon inquiry by the Court, State advised does not believe an evidentiary hearing is necessary as it is a legal argument. Mr. Oram concurred as long as the Court does not establish who should have filed the notice. State advised believes everything should be up on appeal at one time, however, that is now what happened and now there are seperate issues. COURT ORDERED, MATTER CONTINUED TO 10:30 FOR HEARING. MATTER RECALLED, all parties present as before. Mr. Oram presented petition for post conviction relief on the charge of battery with use of a deadly weapon. Response by State referring to 174.015. Reply by Mr. Oram. Court advised as to the charges in count III, Mr. Waterman, the deft's attorney at that time, is very competent trial attorney. Court further finds that 174.015 does apply in this case and was waived as to double jeopardy was only charged with murder as to Molden and therefore would never has been double jeopardy and as to failure to effect appeal time, Mr. Waterman was not responsible for filing appeal. Court further finds there was no ineffective assistance of counsel for not perfecting appeal believes the Supreme Court should look at appealable issue. Mr. Oram requested pursuant to Lazado that his client be



released for the record and moved for dismissal of the case. Court advised believes the remedy would be another trial. State advised believes there should be consolidation. Court advised finds no ineffective assistance of counsel for failure to perfect appeal and DENIED PETITION FOR POST CONVICTION RELIEF because has already been on direct appeal on other charges and does not believe it will effect prison time. Court further advised finds there is nothing wrong with the say count III is pled. At the request of Mr. Oram. COURT ORDERED, C. ORAM APPOINTED COUNSEL FOR THE PURPOSE OF THE APPEAL OF DENIAL OF POST CONVICTION RELIEF. NDP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 09, 2001

94C120857-2

The State of Nevada vs Clyde Lewis

July 09, 2001

8:30 AM

Motion

**DEFT'S MOTION  
TO PLACE ON  
CALENDAR Court  
Clerk: THERESA  
LEE/TL Relief Clerk:  
APRIL WATKINS  
Reporter/Recorder:  
MARCIA HARNESS  
Heard By: Loehrer,  
Sally**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Oram, Christopher R.  
Pace, Barter G.

Attorney  
Attorney

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Oram stated he calendared this matter so that he can get paid on everything. He was appointed to do the second appeal on the second trial. The first trial was not appealed, Deft. was convicted of battery of several people. The Court appointed the Public Defender to do the writ. The Public Defender did not file one. That is why he filed the writ on behalf of the Deft. The Supreme Court ordered him to file an appeal on the second trial, but informed them he needed to consolidate the issues and bring a writ from the first trial. He appealed the writ after the Court denied it, the issues were consolidated, filed a reply brief and everything has now been denied and is being sent back down. Mr. Oram requested to be paid for the entire bill. Mr. Pace stated Art Noxon of his office needs a copy of Mr. Oram's itemized statement. Mr. Oram stated he submitted one. COURT ORDERED, Mr. Oram to submit another statement and ORDERED, matter

**94C120857-2**

CONTINUED one week.  
NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 16, 2001**

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94C120857-2

The State of Nevada vs Clyde Lewis

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**July 16, 2001****8:30 AM****Motion****DEFT'S MOTION  
TO PLACE ON  
CALENDAR Relief  
Clerk: KEITH REED  
Reporter/Recorder:  
MARCIA HARNESS  
Heard By: Sally  
Loehrer****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Oram, Christopher R.  
Pace, Barter G.Attorney  
Attorney**JOURNAL ENTRIES**

- Mr. Oram stated he faxed a copy of the bill to Mr. Noxon has not received any response. COURT ORDERED, bill is APPROVED; counsel to submit order.  
NDP

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 26, 2004**

94C120857-2

The State of Nevada vs Clyde Lewis

**April 26, 2004****8:30 AM****Motion to Modify Sentence**

**DEFT'S PRO PER  
MTN TO  
MODIFY/76 Court  
Clerk: Theresa Lee  
Reporter/Recorder:  
Julie Lever Heard  
By: Loehrer, Sally**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Palmer, Raelene K.

Attorney

**JOURNAL ENTRIES**

- State requested one week to file a response, by 5/3/04. Mr. Erickson present in the courtroom on another matter, advised the Court Ms. Melia moved to California. COURT ORDERED, Laura Melia is allowed to WITHDRAW from this case, and the Court will put deft in PRO PER status. COURT ORDERED, State will have one week to respond by 5/3/04, and send a copy of same to deft in prison, and deft will have until 5/13/04 to file his reply. Upon Court's inquiry, Ms. Palmer stated she does not believe deft's motion has merit. The Court was trying to determine if deft should be transported. The Court will make a decision on 5/26/04 without argument.

NDC

5/26/04 8:30 A.M. (SAME)...DECISION.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 26, 2004

94C120857-2

The State of Nevada vs Clyde Lewis

May 26, 2004

8:30 AM

All Pending Motions

**ALL PENDING  
MOTIONS (5/26/04)**  
**Court Clerk: Theresa  
Lee**  
**Reporter/Recorder:  
Mary Beth Cook**  
**Heard By: Sally  
Loehrer**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Knapp, Gregory D.

Attorney

**JOURNAL ENTRIES**

- Court stated for the record, Deft was found guilty of murder in the first degree in 1995. Deft. received a sentence of Life With the possibility of parole and a consecutive Life With the possibility of parole for Use of a Deadly Weapon. Deft. filed a motion indicating he has an illegal sentence because he believes the Use of a Deadly Weapon was part of the murder, therefore, unlawful to impose an equal and consecutive sentence. Court noted, Deft. misapprehends the Law and Statutes in the State of Nevada. If the deft committed the murder with his hands, by way of strangulation or beating, then he would have received a first degree murder without the enhancement and received one life sentence. The Legislature in the State of Nevada says the use of a deadly weapon is to be discouraged and is not acceptable behavior. The Legislature has stated, the penalty is doubled for the use of a deadly weapon. Therefore, IT IS HEREBY ORDERED, Deft's Pro Per Motion to Correct or Reduce Sentence is DENIED. Mr. Knapp to prepare the Order and Findings.

NDC

CLERK'S NOTE: A copy of this minute order was placed in the U.S. Mail to deft at ID#45193,

**94C120857-2**

Lovelock Correctional Center, P.O. BOX 359, Lovelock, NV 89419

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 03, 2010**

94C120857-2

The State of Nevada vs Clyde Lewis

**March 03, 2010****11:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS (3/3/10)  
Court Clerk: Larry  
Snyder  
Reporter/Recorder:  
Dalyne Easley Heard  
By: Stefany Miley**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Ponticello, Frank M.

Attorney

**JOURNAL ENTRIES**

- PETITION FOR WRIT OF HABEAS CORPUS...STATE'S RESPONSE AND MOTION TO DISMISS  
DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION).

Defendant Stratton not present. Court NOTED, Defendant not transported for the purpose of this  
Hearing. Court FURTHER NOTED, it will not entertain oral argument.

COURT ORDERED, matter taken UNDER ADVISEMENT. Court ADVISED, it will render a written  
Decision, and will provide copies to the Defendant and State.

NDC

UNDER ADVISEMENT



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 04, 2010

94C120857-2

The State of Nevada vs Clyde Lewis

March 04, 2010

9:00 AM

Minute Order

**MINUTE ORDER  
RE: COURT'S  
DECISION Court  
Clerk: Larry Snyder  
Heard By: Stefany  
Miley**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- o1is matter was last before the Court on March 3, 2010 pursuant to Defendant s Petition for Writ of Habeas Corpus or in the Alternative Petition for Writ of Mandamus or in the Alternative Petition for Declaratory Judgment and the State s Response and Motion to Dismiss Defendant s petition for Writ of Habeas Corpus (Post-Conviction). Defendant was not transported for purposes of this hearing as the Court did not entertain oral argument.

On January 9, 1995, Defendant was sentenced by the District Court to a sentence of Life with the Possibility of Parole, plus an equal and consecutive term for Defendant s use of a deadly weapon. The Judgment of Conviction was filed on January 20, 1995. Defendant did not file a direct appeal. Defendant s instant motion was filed on December 16, 2009. Defendant alleged the Nevada Court lacked jurisdiction over him due to the absence of enacting clauses in the Nevada Revised Statutes. Furthermore, Defendant alleged the deadly weapon enhancement was unconstitutional and violated his constitutional rights.

The State disputed the Defendant s contentions alleging his claims were time barred as the Judgment of Conviction was filed over 14 years ago and the Defendant did not take a direct appeal. Additionally, the State alleged the Defendant failed to show good cause for the delay in order to

overcome the strictly construed time bar. The State also alleged the Defendant's arguments regarding the enacting clause were not sufficient to demonstrate good cause. The State argued that while it is well established that the laws of Nevada must include an enacting clause, the Nevada Revised Statutes do not have the same requirement, as they are not laws enacted by the legislature. Rather, the Nevada Revised Statutes consist of previously enacted laws which have been classified, codified, and annotated by the Legislative Counsel. See NRS 220.120. Thus, the lack of an enacting clause in the Nevada Revised Statutes does not render them unconstitutional. Furthermore, the State argued that the deadly weapon enhancement has previously been found constitutional by the Nevada Supreme Court. Lastly, the State alleged laches should apply because of the excessive time delay between the filing of the judgment of conviction and the instant motion.

COURT FINDS, Defendant's Motion is time barred pursuant to NRS 34.726 as it was not filed until nearly fourteen (14) years after the one year deadline. Furthermore, COURT FINDS, Defendant has failed to demonstrate good cause for failing to file his Petition within the required statutory time frame. Also, COURT FINDS, the Nevada Supreme Court has previously addressed the constitutionality of the deadly weapon enhancement per NRS 193.165 thus Defendant's claims are without merit. Lastly, COURT FINDS, Defendant's claims are barred by the doctrine of laches. As discussed above, over fourteen years elapsed between the filing of the Judgment of Conviction and Defendant's instant motion. The extensive time lapse is prejudicial to the State. COURT ORDERS Defendant's Petition DENIED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 30, 2012**

94C120857-2

The State of Nevada vs Clyde Lewis

**January 30, 2012****9:30 AM****Motion**

**Motion and Order for  
Transportation of  
Inmate for Court  
Appearance or, in the  
Alternative, for  
Appearance by  
Telephone or Video  
Conference**

**HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Anntoinette Naumec-Miller  
Christine Erickson

**RECORDER:** Maria Garibay**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Michael Radovcic, Deputy District Attorney, present for State

Deft. not present. Court advised an opposition was filed by State and ORDERED Deft's motion DENIED. Court further stated it is not entertaining oral argument, Deft was not transported, and the post conviction petition is set for February 22, 2012. Court further stated that if oral argument is needed, Deft. will be transported. State to prepare the Order.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 05, 2012**

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94C120857-2

The State of Nevada vs Clyde Lewis

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**March 05, 2012****11:00 AM****Petition for Writ of Habeas  
Corpus****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Anntoinette Naumec-Miller**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Robert Stephens, Deputy District Attorney, present for the State of Nevada.

Deft. not present. Court noted this is post conviction and Deft. was not transported as it is not entertaining oral argument. Upon Court's inquiry, Mr. Stephens advised the State's response was filed 1/27/12. COURT ORDERED, Motion DENIED as time barred advising Deft. was sentenced on 4/29/97, District Court filed the Judgment of Conviction (JOC) on 5/23/97 and the Deft. didn't file a direct appeal. Court further advised Deft. filed a post conviction Writ on 7/10/98 saying he was denied the right to timely and direct appeal and the Court doesn't show anything after that. COURT FINDS it is time barred in as more than one year after the JOC and the Doctrine of Laches, as pled by the State, applies; there is a presumption of prejudice given the number of years that have passed. State to prepare an order consistent with the Court's findings.

NDC

CLERK'S NOTE: A copy of this Minute Order was mailed to: Clyde Lewis #48875, P.O. Box 650 [HDSP], Indian Springs, NV 89018. anm/3/8/12

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****August 19, 2013**

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94C120857-2

The State of Nevada vs Clyde Lewis

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**August 19, 2013****9:30 AM****All Pending Motions****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Ying Pan**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**State of Nevada  
Wiborg, Erika L.Plaintiff  
Attorney**JOURNAL ENTRIES**

- DEFENDANT'S PRO PER ACCUSED MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION ... DEFENDANT'S PRO PER NOTICE OF MOTION AND MOTION TO APPOINT COUNSEL

Defendant not present.

Court NOTED, it is not entertaining oral arguments and it is adopting the judicial history filed by the State. COURT STATED ITS FINDINGS, and ORDERED, Motions DENIED as they are without merit. State to prepare a proposed Order including finding of facts and conclusion of law.

NDC

CLERK'S NOTE: The above minute order has been distributed via U.S. Mail to Defendant:

Louis Randolph, aka, Clyde Lewis #48875

Southern Desert Correctional Center

20825 Cold Creek Rd.

P.O. Box 208

Indian Springs, NV 89070

- YP 8/19/13



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 30, 2013**

94C120857-2

The State of Nevada vs Clyde Lewis

**September 30, 2013 9:30 AM**

**All Pending Motions**

**HEARD BY:** Miley, Stefany

**COURTROOM:** RJC Courtroom 12C

**COURT CLERK:** Anntoinette Naumec-Miller

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Leah Beverly, Deputy District Attorney, present for the State of Nevada.

DEFT'S PRO PER NOTICE OF MOTION ON MOTION FOR REHEARING ON MOTION TO DISMISS LACK OF SUBJECT MATTER JURISDICTION (ERRATA) SHOW OF CAUSE HEARING DISCOVERY MOTION...DEFT'S PRO PER NOTICE OF MOTION ON REQUEST FOR LEAVE OF THE COURT TO FILE MOTION FOR REHEARING

Deft. not present. Court noted Deft. wasn't transported as it is not entertaining oral argument. COURT ADOPTED the procedural history as set forth in the State's Opposition, stated its FINDINGS, and ORDERED, Motions DENIED. State to prepare the order with findings of fact and conclusions of law.

NDC

CLERK'S NOTE: A copy of this Minute Order was mailed to:

Louis Randolph #48875

S.D.C.C.

P.O. Box 208

Indian Springs, NV 89070. anm/10/1/13

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 10, 2014**

94C120857-2

The State of Nevada vs Clyde Lewis

**February 10, 2014****9:30 AM****All Pending Motions****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Anntoinette Naumec-Miller**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Giancarlo Pesci, Deputy District Attorney, present for the State of Nevada.

DEFT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)...DEFT'S PRO PER MOTION TO APPOINT COUNSEL...STATE'S RESPONSE AND MOTION TO DISMISS DEFENDANT'S PRO PER PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION), OPPOSITION TO DEFT'S PRO PER MOTION TO APPOINT COUNSEL AND OPPOSITION TO DEFT'S PRO PER REQUEST FOR AN EVIDENTIARY HEARING

Deft. not present. Court noted Deft. wasn't transported as it is not entertaining oral argument. COURT ADOPTED the Procedural History as set forth by the State FINDING it is an accurate recitation of the case. COURT stated its FINDINGS and ORDERED, Motions DENIED. State to prepare the order.

NDC

CLERK'S NOTE: A copy of this Minute Order was mailed to:  
Louis Randolph #1356378  
SDCC  
P.O. Box 208  
Indian Springs, NV 89070. anm/2/13/14





**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 18, 2017**

94C120857-2

The State of Nevada vs Clyde Lewis

**January 18, 2017****9:30 AM****All Pending Motions**

**Defendant's Motion  
for Leave to Proceed  
in Forma Pauperis;  
Defendant's Pro Per  
Motion for the  
Appointment of  
Counsel; Defendant's  
Pro Per Motion to  
Correct an Illegal  
Sentence NRS  
176.555**

**HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

**PRESENT:**      Burton, Chris      Attorney  
                         State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Court noted Deft. was not transported as no oral argument was needed. As to Deft's Motion to Correct an Illegal Sentence: Court FINDS no legal basis and noted if seen as a Habeas Corpus it would be time-barred and ORDERED, motion DENIED as no good cause provided to get past procedural time bars and noted more than five years since filing of remittitur; As to Deft's Motion for the Appointment of Counsel: COURT ORDERED, motion DENIED as there is no merit; and as to Deft's Motion for Leave to Proceed in Forma Pauperis (original scheduled to be heard on January 23, 2017): COURT ORDERED, motion GRANTED. State to prepare the Order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Ely State Prison, P.O. Box 1989, Ely, NV 89301. 02/07/17 kls

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 31, 2017**

94C120857-2

The State of Nevada vs Clyde Lewis

**May 31, 2017****9:30 AM****Motion**

**Defendant's Pro Per  
Motion to Extend  
Prison Copywork  
Limit**

**HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Court noted Deft. was transported as no oral argument was needed, pointed out the Deft. needed to serve the Attorney General's Office and ORDERED, matter CONTINUED. Clerk to notify the Attorney General.

NDC

07-10-17 9:30 AM DEFT'S PRO PER MOTION TO EXTEND PRISON COPYWORK LIMIT

CLERK'S NOTE: The above minute order has been distributed via e-mail to: Allison Herr, D.A.G.

CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Ely State Prison, P.O. Box 1989, Ely, NV 89301. 06/14/17 kls

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 10, 2017**

94C120857-2

The State of Nevada vs Clyde Lewis

**July 10, 2017****9:30 AM****All Pending Motions**

**Defendant's Pro Per  
Petition for Writ of  
Habeas Corpus (Post  
Conviction); Deft's  
Pro Per Ex Parte  
Motion for  
Appointment of  
Counsel and Request  
for Evidentiary  
Hearing; Deft's Pro  
Per Motion to Extend  
Prison Copywork  
Limit**

**HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**

Graham, Elana L.  
State of Nevada

Attorney  
Plaintiff

**JOURNAL ENTRIES**

- Court noted Deft. was transported as no oral argument is needed. Court ADOPTED the State's Procedural History as it is accurate. COURT ORDERED, Deft's Petition for Writ of Habeas Corpus is DENIED as untimely, FINDS it successive as this is the fourth writ to be filed. Court FURTHER FINDS there being no good cause shown on how to overcome procedural time bar. LASTLY, Court FINDS Laches does apply and would prejudice the State. ADDITIONALLY, there being no legal basis, Deft's Pro Per Motion for Appointment of Counsel and Request for Evidentiary Hearing and Deft's Pro Per Motion to Extend Prison Copywork Limit are DENIED. State to prepare the Order as to the petition and motion for appointment of counsel. Court to prepare Order regarding motion to

PRINT DATE: 03/26/2019

Page 98 of 106

Minutes Date: June 20, 1994

extend.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 07/20/17 kls

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 24, 2017**

94C120857-2

The State of Nevada vs Clyde Lewis

**July 24, 2017****9:30 AM****All Pending Motions**

**Defendant's Pro Per  
Motion for Extension  
of Time; Defendant's  
Pro Per Motion and  
Order for  
Transportation of  
Inmate for Court  
Appearance or, in the  
Alternative, for  
Appearance by  
Telephone or Video  
Conference**

**HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**

Smith, Tyler D.

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Court noted Deft. was not transported as no oral argument was needed. COURT ORDERED, motions are DENIED as Moot as there are no pending motions or upcoming court dates. State to prepare the Order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 07/28/17 kls





**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 06, 2017**

94C120857-2

The State of Nevada vs Clyde Lewis

**September 06, 2017      9:30 AM      Motion to Correct Sentence      Defendant's Pro Per  
Motion to Correct  
Illegal Sentence  
(NRS 176.555)**

**HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

**PRESENT:**      State of Nevada      Plaintiff  
                         Turner, Robert B.      Attorney

**JOURNAL ENTRIES**

- Court noted Deft. was not transported as no oral argument is needed. Court ADOPTED the State's Procedural History and ORDERED, motion DENIED. Court FINDS sentence imposed is not illegal, noted motion is procedurally incorrect as it should have been filed as a Habeas Corpus, pointed out there is no good cause for delay of one year and further noted it had been more than five years since remittitur. State to prepare Findings of Fact/Conclusions of Law.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis (aka Louis Randolph) #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070.  
09/14/17 kls

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****October 25, 2017**

94C120857-2

The State of Nevada vs Clyde Lewis

**October 25, 2017****9:30 AM****Motion**

**Defendant's Pro Per  
Motion for  
Reconsideration to  
Denial of Motion to  
Correct Illegal  
Sentence Leave of  
Court**

**HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**

LoGrippo, Frank R.  
State of Nevada

Attorney  
Plaintiff

**JOURNAL ENTRIES**

- Court noted Deft. not transported as no oral argument is needed and inquired whether the State is filing an Opposition. Statement by Mr. LoGrippo advising of notes from Appellant Division. Court agreed with the Appellant Division in regards to matter being time-barred, noted no new issues were present and ORDERED, motion DENIED. State to prepare the Order.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 11/7/17 kls

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 05, 2018**

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94C120857-2

The State of Nevada vs Clyde Lewis

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**February 05, 2018****9:30 AM****Motion to Correct Sentence****Defendant's Pro Per  
Motion to Correct  
Illegal Sentence NRS  
176.555****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**Smith, Tyler D.  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- Court noted Deft. was not transported as no oral argument was needed. COURT ORDERED, matter OFF CALENDAR due to pending appeal and this Court having no jurisdiction.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 02/05/18 kls

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 14, 2018**

94C120857-2

The State of Nevada vs Clyde Lewis

**March 14, 2018****9:30 AM****Motion****Defendant's Pro Per  
Motion for Extension  
of Time****HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**

State of Nevada

Plaintiff

Turner, Robert B.

Attorney

**JOURNAL ENTRIES**

- Court noted Deft. was not transported as no oral argument was needed. Court pointed out Deft. had filed a Motion to Correct Sentence, however, there is a pending appeal and ORDERED, ruling DEFERRED. Court advised a decision via a minute order will be provided once appeal is concluded.

NDC

CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 03/19/18 kls

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 25, 2019**

94C120857-2

The State of Nevada vs Clyde Lewis

**February 25, 2019****9:30 AM****All Pending Motions**

**Petition for Writ of  
Mandamus;  
Defendant's Pro Per  
Motion to Correct  
Illegal Sentence NRS  
176.555**

**HEARD BY:** Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES****PRESENT:**

Albright, Brandon B.  
State of Nevada

Attorney  
Plaintiff

**JOURNAL ENTRIES**

- Court noted Deft. was not transported as no oral argument was needed. As to Deft's Pro Per Motion to Correct Illegal Sentence NRS 176.555: COURT ORDERED, motion DENIED as the sentence imposed complies with the statute; and As to Petition for Writ of Mandamus: COURT ORDERED, writ DENIED as Court's jurisdiction had been addressed in Deft's three previous writs of habeas corpus. State to prepare the order(s).

NDC

CLERK'S NOTE: The above minute order has been distributed to: Clyde Lewis #48875 c/o Southern Desert Correctional Center, P.O. Box 208, Indian Springs, NV 89070. 03/05/19 kls

[illegible]

|    |       |         | OFFERED                             | ADMITTED                            |
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| 26 | Photo | Victim  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 27 | "     | Gun     | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 28 | "     | Victim  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 29 | "     |         | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 30 | "     |         | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 31 | "     |         | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 32 | "     | Victim  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 33 | "     |         | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 34 | "     |         | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 35 | "     | Dresser | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 36 | "     | Gun     | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 37 | "     | Bed.    | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 38 | "     | Scene   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 39 | "     | Scene   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 40 | "     | Scene   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 41 | "     | Gun     | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 42 | "     | Gun     | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 43 | "     | Scene   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
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8-28

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| ✓ 52 - " Keyp             | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>      |
| ✓ 53 - " Keyp             | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>      |
| ✓ 54 - " }                | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>      |
| ✓ 55 - " } Car.           | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>      |
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| ✓ 58 - " }                | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> 8-28 |
| ✓ 59 - " } Danny Bush     | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>      |
| ✓ 60 - " }                | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>      |
| ✓ 61 - " }                | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> 8-28 |
| ✓ 62 - " } Warren Johnson | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>      |
| ✓ 63 - " }                | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>      |
| ✓ 64 - " }                | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> 8-28 |
| ✓ 65 - " }                | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>      |
| ✓ 66 - " }                | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>      |
| ✓ 67 - " } Car            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>      |
| ✓ 68 - " }                | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>      |
| ✓ 69 - " }                | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>      |
| ✓ 70 - " }                | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>      |
| ✓ 71 - " }                | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>      |
| ✓ 72 - " Car interior     | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>      |
| ✓ 73 - " }                | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> 8-28 |
| ✓ 74 - " } Victim         | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>      |
| ✓ 75 - " }                | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>      |



OFFERED ADMITTED

|                                                    |                                     |                                     |
|----------------------------------------------------|-------------------------------------|-------------------------------------|
| ✓76- Photo                                         | <input checked="" type="checkbox"/> | ✓8-28                               |
| ✓77- Photo                                         | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ✓78- Photo                                         | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ✓79- UMC records DANIEL BUSH                       | <input checked="" type="checkbox"/> | ✓8-24                               |
| ✓80- UMC records Heather Barker                    | <input checked="" type="checkbox"/> | ✓8-24                               |
| ✓81- UMC records Warren Johnson                    | <input checked="" type="checkbox"/> | ✓8-25                               |
| ✓82- Diagram (Street Location)                     | <input checked="" type="checkbox"/> | ✓8-29                               |
| ✓83- Carriage Car Corp Purchase Order              | <input checked="" type="checkbox"/> | ✓8-29                               |
| ✓84- Copy Bay View Check \$6,169                   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ✓85- Impound Report 931207-1476 <sup>5 pages</sup> | <input checked="" type="checkbox"/> | ✓8-28                               |
| ✓86- Impound Report 931207-1476 <sup>1 page</sup>  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| ✓87- Vehicle Registration                          | <input checked="" type="checkbox"/> | ✓8-29                               |
| ✓88- Line-up Schedule                              | <input checked="" type="checkbox"/> | ✓8-25                               |
| ✓88-A - Lineup Photo                               | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ✓88-B - Lineup Photo                               | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ✓88-C - Lineup Photo                               | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ✓88-D - Lineup Photo                               | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ✓89- Photo Display Folder                          | <input type="checkbox"/>            | <input type="checkbox"/>            |
| ✓90- Photo lineup record 12-15-93                  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| ✓91- Photo lineup record 12-14-93                  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| ✓92- Photo Display Folder (Copy) #1                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| ✓93- Photo Display Folder lineup #2                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| ✓94- Evidence Envelope                             | <input checked="" type="checkbox"/> | ✓8-28                               |
| ✓94-A 45 auto Case                                 | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| ✓95- Evidence Envelope                             | <input checked="" type="checkbox"/> | ✓8-28                               |
| ✓95-A Vial Containing Bullet                       | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

OFFERED ADMITTED

|                                                                          |                                     |            |                                     |      |
|--------------------------------------------------------------------------|-------------------------------------|------------|-------------------------------------|------|
| ✓96- Evidence Bag                                                        | <input checked="" type="checkbox"/> | 100<br>OBT | <input checked="" type="checkbox"/> | 8-28 |
| 96-A- Hammer                                                             | <input checked="" type="checkbox"/> | 1          | <input checked="" type="checkbox"/> | 1    |
| ✓97- Evidence Box                                                        | <input checked="" type="checkbox"/> | 100<br>OBT | <input checked="" type="checkbox"/> | 8-28 |
| 97 A- Evidence Bag                                                       | <input checked="" type="checkbox"/> |            | <input checked="" type="checkbox"/> |      |
| ✓97-B- Lorciv Pistol                                                     | <input checked="" type="checkbox"/> |            | <input checked="" type="checkbox"/> |      |
| 97-B- Magazine                                                           | <input checked="" type="checkbox"/> |            | <input checked="" type="checkbox"/> |      |
| <del>97-D-</del>                                                         | <input type="checkbox"/>            |            | <input type="checkbox"/>            |      |
| ✓98- Evidence Box                                                        | <input checked="" type="checkbox"/> | 100<br>OBT | <input checked="" type="checkbox"/> | 8-28 |
| ✓98-A - Evidence Bag                                                     | <input checked="" type="checkbox"/> |            | <input checked="" type="checkbox"/> |      |
| ✓98-B- Revolver                                                          | <input checked="" type="checkbox"/> | 1          | <input checked="" type="checkbox"/> |      |
| ✓99- Evidence Box                                                        | <input checked="" type="checkbox"/> | 100<br>OBT | <input checked="" type="checkbox"/> | 8-28 |
| 99 A Evidence Bag                                                        | <input checked="" type="checkbox"/> |            | <input checked="" type="checkbox"/> |      |
| 99 B- 380 Auto (Gun)                                                     | <input checked="" type="checkbox"/> |            | <input checked="" type="checkbox"/> |      |
| 99 <del>A</del> <sup>B</sup> - 380 Auto Cartridge                        | <input checked="" type="checkbox"/> |            | <input checked="" type="checkbox"/> |      |
| 99 <del>D</del> <sup>B-2</sup> - 380 Auto Cartridge                      | <input checked="" type="checkbox"/> |            | <input checked="" type="checkbox"/> |      |
| ✓100- Evidence Bag                                                       | <input type="checkbox"/>            |            | <input type="checkbox"/>            |      |
| ✓100-A - Black Knit Hat                                                  | <input type="checkbox"/>            |            | <input type="checkbox"/>            |      |
| ✓101- Evidence Bag                                                       | <input type="checkbox"/>            |            | <input type="checkbox"/>            |      |
| ✓101-A Black Ballcap                                                     | <input type="checkbox"/>            |            | <input type="checkbox"/>            |      |
| ✓102- Evidence Envelope                                                  | <input checked="" type="checkbox"/> | 100        | <input checked="" type="checkbox"/> | 8-28 |
| 102 A-Sm Envelope <small>Ct= Jacket<br/>projectile<br/>fragments</small> | <input checked="" type="checkbox"/> | OBT<br>1   | <input checked="" type="checkbox"/> | 1    |
| ✓103- Evidence Box                                                       | <input checked="" type="checkbox"/> | 100<br>OBT | <input checked="" type="checkbox"/> | 8-28 |
| ✓103-A Evidence Envelope                                                 | <input checked="" type="checkbox"/> |            | <input checked="" type="checkbox"/> |      |
| 103 A-1 - 2 empty Bags                                                   | <input checked="" type="checkbox"/> | 103A-1     | <input checked="" type="checkbox"/> |      |
| 103 A-2- Gun                                                             | <input checked="" type="checkbox"/> | 103A-2     | <input checked="" type="checkbox"/> |      |
| 103 A-2-A- Clip                                                          | <input checked="" type="checkbox"/> | 103A-2A    | <input checked="" type="checkbox"/> |      |
| 103 A-2-B- Baggie w/5 Bullets                                            | <input checked="" type="checkbox"/> | 103A-2B    | <input checked="" type="checkbox"/> |      |

## PLAINTIFF'S EXHIBITS

CASE NO. C120857

OFFERED ADMITTED

|                            |                                                                             |                                         |
|----------------------------|-----------------------------------------------------------------------------|-----------------------------------------|
| 01) Diagrams - Apt         | <input checked="" type="checkbox"/>                                         | <input type="checkbox"/>                |
| 02) Booking Photo 20-18-14 | 3/7 <input checked="" type="checkbox"/> <sup>no</sup> obj                   | <input checked="" type="checkbox"/> 3/7 |
| 03) " " 19-28-97           | " <input checked="" type="checkbox"/> " <input checked="" type="checkbox"/> | " <input checked="" type="checkbox"/> " |
| 04) " " 11-97-04           | 3/7 <input checked="" type="checkbox"/> <sup>no</sup> obj                   | <input checked="" type="checkbox"/> 3/7 |
| 05) Photo                  | 3/4 <input checked="" type="checkbox"/> <sup>no</sup> obj                   | <input checked="" type="checkbox"/> 3/4 |
| 06) "                      | <input checked="" type="checkbox"/>                                         | <input checked="" type="checkbox"/>     |
| 07) "                      | <input checked="" type="checkbox"/>                                         | <input checked="" type="checkbox"/>     |
| 08) "                      | <input checked="" type="checkbox"/>                                         | <input checked="" type="checkbox"/>     |
| 09) "                      | <input checked="" type="checkbox"/>                                         | <input checked="" type="checkbox"/>     |
| 010) "                     | <input checked="" type="checkbox"/>                                         | <input checked="" type="checkbox"/>     |
| 011) "                     | <input checked="" type="checkbox"/>                                         | <input checked="" type="checkbox"/>     |
| 012) " SCENE               | <input checked="" type="checkbox"/>                                         | <input checked="" type="checkbox"/>     |
| 013) "                     | <input checked="" type="checkbox"/>                                         | <input checked="" type="checkbox"/>     |
| 014) "                     | <input checked="" type="checkbox"/>                                         | <input checked="" type="checkbox"/>     |
| 015) "                     | <input checked="" type="checkbox"/>                                         | <input checked="" type="checkbox"/>     |
| 016) "                     | <input checked="" type="checkbox"/>                                         | <input checked="" type="checkbox"/>     |
| 017) "                     | <input checked="" type="checkbox"/>                                         | <input checked="" type="checkbox"/>     |
| 018) "                     | <input checked="" type="checkbox"/>                                         | <input checked="" type="checkbox"/>     |
| 019) "                     | <input checked="" type="checkbox"/>                                         | <input checked="" type="checkbox"/>     |
| 020) "                     | <input checked="" type="checkbox"/>                                         | <input checked="" type="checkbox"/>     |
| 021) " casing              | <input checked="" type="checkbox"/>                                         | <input checked="" type="checkbox"/>     |
| 022) " Ring                | <input checked="" type="checkbox"/>                                         | <input checked="" type="checkbox"/>     |
| 023) " Hammer              | <input checked="" type="checkbox"/>                                         | <input checked="" type="checkbox"/>     |
| 024) " } Victim            | <input checked="" type="checkbox"/>                                         | <input checked="" type="checkbox"/>     |
| 025) " }                   | <input checked="" type="checkbox"/>                                         | <input checked="" type="checkbox"/>     |

PLAINTIFF'S EXHIBITS

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|      |       |         |     |                                     |           |                                     |     |
|------|-------|---------|-----|-------------------------------------|-----------|-------------------------------------|-----|
| 026) | Photo | victim  | 2/4 | <input checked="" type="checkbox"/> | NO<br>obj | <input checked="" type="checkbox"/> | 3/4 |
| 027) |       | Gun     |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 028) |       | victim  |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 029) |       | }       |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 030) |       |         |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 031) |       |         |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 032) |       |         |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 033) |       |         |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 034) |       | DRESSER |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 035) |       | Gun     |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 036) |       | BED     |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 037) |       | }       |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 038) |       |         |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 039) |       |         |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 040) |       | }       |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 041) |       |         |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 042) |       | }       |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 043) |       |         |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 044) |       |         |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 045) |       |         |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 046) |       | }       |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 047) |       |         |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 048) |       |         |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 049) |       |         |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 050) |       |         |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |

## PLAINTIFF'S EXHIBITS

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|      |       |                |     |                                     |           |                                     |     |
|------|-------|----------------|-----|-------------------------------------|-----------|-------------------------------------|-----|
| 051) | Photo | Scene          | 3/4 | <input checked="" type="checkbox"/> | No<br>obj | <input checked="" type="checkbox"/> | 3/4 |
| 052) | "     | Keys           |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 053) | "     | Keys           |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 054) | "     |                |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 055) | "     |                | 3/4 | <input checked="" type="checkbox"/> | No<br>obj | <input checked="" type="checkbox"/> | 3/4 |
| 056) | "     | car            | "   | <input checked="" type="checkbox"/> | "         | <input checked="" type="checkbox"/> | "   |
| 057) | "     |                | "   | <input checked="" type="checkbox"/> | "         | <input checked="" type="checkbox"/> | "   |
| 058) | "     |                | 3/4 | <input checked="" type="checkbox"/> | No<br>obj | <input checked="" type="checkbox"/> | 3/4 |
| 059) |       | Danny Bush     |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 060) |       |                |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 061) |       |                |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 062) |       | Warren Johnson |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 063) |       |                |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 064) |       |                | 3/4 | <input checked="" type="checkbox"/> | No<br>obj | <input checked="" type="checkbox"/> | 3/4 |
| 065) |       |                |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 066) |       |                |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 067) |       | car            |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 068) |       |                |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 069) |       |                |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 070) |       |                |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 071) |       |                |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 072) |       | car interior   |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 073) | "     |                | 3/4 | <input checked="" type="checkbox"/> | No<br>obj | <input checked="" type="checkbox"/> | 3/4 |
| 074) | "     | victim         |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 075) | "     |                |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |

## PLAINTIFF'S EXHIBITS

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|                                         |      |                                     |           |                                     |      |
|-----------------------------------------|------|-------------------------------------|-----------|-------------------------------------|------|
| 076) Photo                              | 3/4  | <input checked="" type="checkbox"/> | No<br>obj | <input checked="" type="checkbox"/> | 3/4  |
| 077) " }                                | 1    | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> | 1    |
| 078) " }                                | 1    | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> | 1    |
| 079) UMC RECORDS DANIEL BUSH            | 3/7  | <input checked="" type="checkbox"/> | No<br>obj | <input checked="" type="checkbox"/> | 3/7  |
| 080) " " HEATHER BARKER                 | 3/7  | <input checked="" type="checkbox"/> | "         | <input checked="" type="checkbox"/> | "    |
| 081) " " WARREN JOHNSON                 | 3/7  | <input checked="" type="checkbox"/> | "         | <input checked="" type="checkbox"/> | "    |
| 082) Diagram (Street Location)          | 3/6  | <input checked="" type="checkbox"/> | No<br>obj | <input type="checkbox"/>            |      |
| 083) Carriage Car Corp Purchase ORDER   | 3/7  | <input checked="" type="checkbox"/> | No<br>obj | <input checked="" type="checkbox"/> | 3/7  |
| 084) Copy Bay View Check \$6,169        | 3/7  | <input checked="" type="checkbox"/> | No<br>obj | <input checked="" type="checkbox"/> | 3/7  |
| 085) Impound Report 5 pages 931207-1476 | 3/4  | <input checked="" type="checkbox"/> | No<br>obj | <input checked="" type="checkbox"/> | 3/4  |
| 086) " " 1 page 931207-1476             |      | <input type="checkbox"/>            |           | <input type="checkbox"/>            |      |
| 087) Vehicle Registration               | 3/10 | <input checked="" type="checkbox"/> | No<br>obj | <input checked="" type="checkbox"/> | 3/10 |
| 088) Line Up Schedule                   | 3/7  | <input checked="" type="checkbox"/> | No<br>obj | <input checked="" type="checkbox"/> | 3/7  |
| o 88A - Line Up Photo                   | 1    | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> | 1    |
| o 88B - " " "                           | 1    | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> | 1    |
| o 88C - " " "                           | 1    | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> | 1    |
| o 88D - " " "                           | 1    | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> | 1    |
| 089) Photo Display Folder               |      | <input type="checkbox"/>            |           | <input type="checkbox"/>            |      |
| 090) Photo Line Up Record 12/15/93      |      | <input type="checkbox"/>            |           | <input type="checkbox"/>            |      |
| 091) " " " " 12/14/93                   |      | <input type="checkbox"/>            |           | <input type="checkbox"/>            |      |
| 092) Photo Display Folder (copy) #      |      | <input type="checkbox"/>            |           | <input type="checkbox"/>            |      |
| 093) " " " Lineup #2                    |      | <input type="checkbox"/>            |           | <input type="checkbox"/>            |      |
| 094) Evidence Envelope                  | 3/4  | <input checked="" type="checkbox"/> | No<br>obj | <input checked="" type="checkbox"/> | 3/4  |
| o 94A 45 auto case                      | 1    | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> | 1    |
| 095) Evidence Envelope                  | 1    | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> | 1    |
| o 95A Vial containing Bullet            | 1    | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> | 1    |

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|                                                              |     |                                     |           |                                     |     |
|--------------------------------------------------------------|-----|-------------------------------------|-----------|-------------------------------------|-----|
| 96) EVIDENCE Bag                                             | 3/4 | <input checked="" type="checkbox"/> | NO<br>obj | <input checked="" type="checkbox"/> | 3/4 |
| 96A - Hammer                                                 | "   | <input checked="" type="checkbox"/> | "         | <input checked="" type="checkbox"/> | "   |
| 97) EVIDENCE Box                                             | 3/4 | <input checked="" type="checkbox"/> | NO<br>obj | <input checked="" type="checkbox"/> | 3/4 |
| 97A - EVIDENCE Bag                                           |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 97B - LORAIN Pistol                                          |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 97B(1) - MAGAZINE                                            |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 98) EVIDENCE Box                                             |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 98A - EVIDENCE Bag                                           |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 98B - REVOLVER                                               |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 99) EVIDENCE Box                                             |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 99A - EVIDENCE Bag                                           |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 99B - 380 Auto (Gun)                                         |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 99B(1) - 380 Auto Cartridge                                  |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 99B(2) - " " "                                               |     | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> |     |
| 100) EVIDENCE Bag                                            |     | <input type="checkbox"/>            |           | <input type="checkbox"/>            |     |
| 100A - Black knit Hat                                        |     | <input type="checkbox"/>            |           | <input type="checkbox"/>            |     |
| 101) EVIDENCE Bag                                            |     | <input type="checkbox"/>            |           | <input type="checkbox"/>            |     |
| 101A - Black Ballcap                                         |     | <input type="checkbox"/>            |           | <input type="checkbox"/>            |     |
| 102) EVIDENCE ENVELOPE                                       | 3/4 | <input checked="" type="checkbox"/> | NO<br>obj | <input checked="" type="checkbox"/> | 3/4 |
| 102A - Sm Envelope <sup>cl-Jacket</sup> PROJECTIVE FRAGMENTS | "   | <input checked="" type="checkbox"/> | "         | <input checked="" type="checkbox"/> | "   |
| 103) EVIDENCE Box                                            | 3/4 | <input checked="" type="checkbox"/> | obj       | <input checked="" type="checkbox"/> | 3/5 |
| 103A - EVIDENCE Envelope                                     | 3/5 | <input checked="" type="checkbox"/> | "         | <input checked="" type="checkbox"/> | "   |
| 103A(1) - 2 empty Bags                                       | "   | <input checked="" type="checkbox"/> | "         | <input checked="" type="checkbox"/> | "   |
| 103A(2) - Gun                                                | 3/5 | <input checked="" type="checkbox"/> | NO<br>obj | <input checked="" type="checkbox"/> | 3/5 |
| 103A(2)A - Clip                                              | "   | <input checked="" type="checkbox"/> | "         | <input checked="" type="checkbox"/> | "   |
| 103A(2)B - Baggie w/5 Bullets                                | "   | <input checked="" type="checkbox"/> | "         | <input checked="" type="checkbox"/> | "   |

## PLAINTIFF'S EXHIBITS

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|                |                 |
|----------------|-----------------|
| <b>OFFERED</b> | <b>ADMITTED</b> |
|----------------|-----------------|

□ 104) EVIDENCE ENVELOPE

□ 104A - Keys on Ring

□ 105) Diagram of Scene 4-20-94

□ 10/6 Report by Officer Hamley

0107) Transcript of Warren Johnson

108) Photo (MARIJUANA)

9108A) " victim

0108B) " "

0108C) " "

0108D) " BED

0108E) " "

0108/F " DRESSER

01086)" closet

$^{108}\text{H}) \quad \text{BED}$

R



DEFENDANT'S EXHIBITS:

CASE NO. C120857

OFFERED ADMITTED

|                                            |                                                                                                     |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------|
| 0 A. <u>Tox Report of Heather Barker</u>   | 3/10 <input checked="" type="checkbox"/> <sup>no</sup> obj <input checked="" type="checkbox"/> 3/10 |
| 0 B. <u>Photo Line Up</u>                  | 3/3 <input checked="" type="checkbox"/> <sup>no</sup> obj <input checked="" type="checkbox"/> 3/3   |
| 0 C. <u>Photo Line Up (close Up)</u>       | 3/3 <input checked="" type="checkbox"/> " <input checked="" type="checkbox"/> 3/3                   |
| 0 D. <u>Copies from D. Bush's Daytimer</u> | <input type="checkbox"/> <input type="checkbox"/>                                                   |
| E. _____                                   | <input type="checkbox"/> <input type="checkbox"/>                                                   |
| F. _____                                   | <input type="checkbox"/> <input type="checkbox"/>                                                   |
| G. _____                                   | <input type="checkbox"/> <input type="checkbox"/>                                                   |
| H. _____                                   | <input type="checkbox"/> <input type="checkbox"/>                                                   |
| I. _____                                   | <input type="checkbox"/> <input type="checkbox"/>                                                   |
| J. _____                                   | <input type="checkbox"/> <input type="checkbox"/>                                                   |
| K. _____                                   | <input type="checkbox"/> <input type="checkbox"/>                                                   |
| L. _____                                   | <input type="checkbox"/> <input type="checkbox"/>                                                   |
| M. _____                                   | <input type="checkbox"/> <input type="checkbox"/>                                                   |
| N. _____                                   | <input type="checkbox"/> <input type="checkbox"/>                                                   |
| O. _____                                   | <input type="checkbox"/> <input type="checkbox"/>                                                   |
| P. _____                                   | <input type="checkbox"/> <input type="checkbox"/>                                                   |
| Q. _____                                   | <input type="checkbox"/> <input type="checkbox"/>                                                   |
| R. _____                                   | <input type="checkbox"/> <input type="checkbox"/>                                                   |
| S. _____                                   | <input type="checkbox"/> <input type="checkbox"/>                                                   |
| T. _____                                   | <input type="checkbox"/> <input type="checkbox"/>                                                   |
| U. _____                                   | <input type="checkbox"/> <input type="checkbox"/>                                                   |
| V. _____                                   | <input type="checkbox"/> <input type="checkbox"/>                                                   |
| W. _____                                   | <input type="checkbox"/> <input type="checkbox"/>                                                   |
| X. _____                                   | <input type="checkbox"/> <input type="checkbox"/>                                                   |
| Y. _____                                   | <input type="checkbox"/> <input type="checkbox"/>                                                   |
| Z. _____                                   | <input type="checkbox"/> <input type="checkbox"/>                                                   |

DEFENDANT'S EXHIBITS:

CASE NO. 0120857

OFFERED    ADMITTED

|    |                                    |                                                 |                                                 |
|----|------------------------------------|-------------------------------------------------|-------------------------------------------------|
| A. | <u>Tox Rept of Heather Barker.</u> | <input checked="" type="checkbox"/> <u>Stip</u> | <input checked="" type="checkbox"/> <u>8-30</u> |
| B. | _____                              | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| C. | _____                              | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| D. | _____                              | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| E. | _____                              | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| F. | _____                              | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| G. | <u>Count's Exhibits</u>            | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| H. | <u>#1 - Medical Records of</u>     | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| I. | <u>Clyde News.</u>                 | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| J. | <u>#2 - Note from Jury.</u>        | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| K. | _____                              | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| L. | _____                              | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| M. | _____                              | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| N. | _____                              | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| O. | _____                              | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| P. | _____                              | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| Q. | _____                              | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| R. | _____                              | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| S. | _____                              | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| T. | _____                              | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| U. | _____                              | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| V. | _____                              | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| W. | _____                              | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| X. | _____                              | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| Y. | _____                              | <input type="checkbox"/>                        | <input type="checkbox"/>                        |
| Z. | _____                              | <input type="checkbox"/>                        | <input type="checkbox"/>                        |



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

LOUIS RANDOLPH #48875  
P.O. BOX 208  
INDIAN SPRINGS, NV 89070

DATE: March 26, 2019  
CASE: 94C120857-2

**RE CASE:** STATE OF NEVADA vs. CLYDE LEWIS aka LOUIS RANDOLPH

NOTICE OF APPEAL FILED: March 25, 2019

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

☐

Case Appeal Statement

- NRAP 3 (a)(1), Form 2

☒

Order

☒

Notice of Entry of Order

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NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

# 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; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

CLYDE LEWIS aka LOUIS RANDOLPH,

Defendant(s).

Case No: 94C120857-2

Dept No: XXIII

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 26 day of March 2019.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

