

*Steven D. Grierson*

TONEY ANTHONY WHITE 8270790  
CCDC  
330 S. CASINO CENTER BLVD  
LAS VEGAS, NV, 89101

DEFENDANT

Electronically Filed  
Apr 04 2019 09:58 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

COUNTY OF CLARK DISTRICT COURT  
STATE OF NEVADA  
EIGHTH JUDICIAL DISTRICT

PEOPLE OF THE STATE OF  
NEVADA,

PLAINTIFF,

VS.

TONEY ANTHONY WHITE,

DEFENDANT.

CASE NO. C-16-313216-2

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT DEFENDANT  
SEEKS TO APPEAL THE RENDITION OF JUDGMENT IN  
THIS ACTION AND FURTHER SEEKS THAT A COMPLETE  
COPY OF THE CLERK AND REPORTERS TRANSCRIPTS BE  
PROVIDED FOR SUCH.

RESPECTFULLY

MARCH 28 2019  
CLERK OF THE COURT

*Toney A. White*  
(TONEY A. WHITE)  
DEFENDANT/APPELLANT



T. WHITE 8270790

CODE

330 S. CASINO STR. BLVD  
LAS VEGAS, NV, 89101

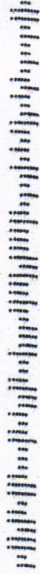
SENT FROM CODEC  
LAS VEGAS, NV, 89101

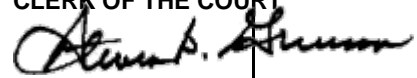


Barn Swallow

CERK OF THE DISTRICT COURT  
200 LEWIS AVE, 3RD FLOOR  
LAS VEGAS, NV, 89101

89101-630000





1 ASTA

2  
3  
4  
5  
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 TONEY ANTHONY WHITE,

13 Defendant(s),

Case No: C-16-313216-2

Dept No: XII

14  
15  
16 **CASE APPEAL STATEMENT**

17 1. Appellant(s): Tony Antony White

18 2. Judge: Michelle Leavitt

19 3. Appellant(s): Tony Antony White

20 Counsel:

21 Tony Antony White #1214172  
22 P.O. Box 650  
23 Indian Springs, NV 89070

24 4. Respondent: The State of Nevada

25 Counsel:

26 Steven B. Wolfson, District Attorney  
27 200 Lewis Ave.  
28 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: March 9, 2016

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

Type of Judgment or Order Being Appealed: Judgment of Conviction

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

Dated This 1 day of April 2019.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

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

cc: Tony Antony White

## EIGHTH JUDICIAL DISTRICT COURT

# CASE SUMMARY

## CASE NO. C-16-313216-2

State of Nevada  
vs  
Toney White

§  
§  
§  
§  
§  
§  
§  
§

Location: **Department 12**  
Judicial Officer: **Leavitt, Michelle**  
Filed on: **03/09/2016**  
Cross-Reference Case Number: **C313216**  
Defendant's Scope ID #: **8270790**  
Grand Jury Case Number: **15AGJ129B**  
ITAG Case ID: **1764700**

### CASE INFORMATION

Offense	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. CONSPIRACY TO COMMIT ROBBERY	F	01/20/2016		
2. BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON	F	01/20/2016	Case Status:	<b>03/25/2019 Closed</b>
3. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON	F	01/20/2016		
4. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON	F	01/20/2016		
5. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON	F	01/20/2016		
6. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON	F	01/20/2016		
7. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM	F	01/20/2016		
8. IMPERSONATION OF AN OFFICER	G	01/20/2016		

#### Related Cases

C-16-313216-1 (Multi-Defendant Case)  
C-16-313216-3 (Multi-Defendant Case)  
C-16-313216-4 (Multi-Defendant Case)

#### Statistical Closures

03/25/2019 Guilty Plea with Sentence (before trial) (CR)

#### Warrants

Indictment Warrant - White, Toney Anthony (Judicial Officer: Barker, David )

03/17/2016 4:15 PM Returned - Served

03/09/2016 11:45 AM Active

Fine: \$0

Bond: **\$195,000.00** Any

### DATE

### CASE ASSIGNMENT

#### Current Case Assignment

Case Number	C-16-313216-2
Court	Department 12
Date Assigned	03/09/2016
Judicial Officer	Leavitt, Michelle

### PARTY INFORMATION

**Defendant** **White, Toney Anthony**

#### Lead Attorneys

**Sanft, Michael W.**  
*Retained*  
702-497-8008(W)

**Plaintiff** **State of Nevada**

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


### DATE

### EVENTS & ORDERS OF THE COURT


### INDEX

**CASE SUMMARY**  
**CASE NO. C-16-313216-2**

**EVENTS**

03/09/2016	 Warrant <i>Indictment Warrant</i>
03/09/2016	 Indictment <i>Indictment</i>
03/11/2016	 Indictment Warrant Return
03/25/2016	 Transcript of Proceedings <i>Reporter's Transcript of Proceedings, Grand Jury Hearing, March 8, 2016</i>
05/18/2016	 Application <i>Defendant White's Application to Recuse Counsel and for Appointment for Alternative Counsel; Memorandum of Points and Authorities</i>
06/15/2016	 Application <i>Defendant White's Application to Recuse Counsel and for Appointment of Alternative Counsel; Memorandum of Points and Authorities</i>
10/11/2016	 Notice of Witnesses and/or Expert Witnesses <i>State's Notice of Expert Witnesses (NRS 174.234(2))</i>
10/18/2016	 Notice <i>Notice of Intent to Seek Punishment as a Habitual Criminal</i>
10/21/2016	 Order to Release Medical Records <i>Ex Parte Motion and Order Releasing All Medical Records</i>
11/22/2016	 Motion <i>Motion to Withdraw as Counsel of Record</i>
12/06/2016	 Petition for Writ of Habeas Corpus <i>Pretrial Petition for Writ of Habeas Corpus</i>
12/28/2016	 Motion <i>Defendants Motion TO Recuse Counsel And Proceed In Pro Pria Personam In Light Of Counsels Demonstrated Ineffectiveness And Case Neglect And In Light Of Existing Conflict</i>
03/27/2017	 Motion <i>Defendant White's Motion for Trial Extension for 180 Days; Motion to Recuse Counsel and Application to Proceed in Propria Personam</i>
05/03/2017	 Objection <i>Defendant White's Objection to Courts Denial of Motion Filed 03/27/17</i>
05/03/2017	 Petition for Writ of Habeas Corpus <i>Petition for Writ of Habeas Corpus</i>
05/08/2017	 Supplemental Witness List <i>State's Supplemental Notice of Expert Witnesses(NRS 174.234(2))</i>

**CASE SUMMARY**  
**CASE NO. C-16-313216-2**

10/19/2017	 Guilty Plea Agreement
12/01/2017	 PSI
01/09/2018	 Motion for Withdrawal Filed By: Defendant White, Toney Anthony <i>Motion for Withdrawal of Guilty Plea and for Appointment of New Counsel or Alternatively to Proceed in Pro Per</i>
01/09/2018	 Statement Filed by: Defendant White, Toney Anthony <i>Statement of Facts</i>
01/12/2018	 Motion for Withdrawal Filed By: Defendant White, Toney Anthony <i>Defendant White's Motion for Withdrawal of Guilty Plea and for Appointment of New Counsel or Alternatively to Proceed in Pro Per</i>
05/17/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript Re: DA Request Re: Entry of Plea, Thursday, October 19, 2017</i>
09/05/2018	 Motion to Withdraw Plea Filed By: Defendant White, Toney Anthony <i>Motion to Withdraw Guilty Plea</i>
10/12/2018	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling Hearing</i>
02/12/2019	 Notice of Witnesses and/or Expert Witnesses <i>State's Notice of Witnesses</i>
02/20/2019	 Jury List
02/20/2019	 Amended Indictment
03/11/2019	 PSI - Supplemental PSI
03/15/2019	 Memorandum <i>Sentencing Memorandum</i>
03/25/2019	 Criminal Order to Statistically Close Case <i>Criminal Order to Statistically Close Case</i>
03/27/2019	 Judgment of Conviction <i>Judgment of Conviction (Plea of Guilty)</i>
03/28/2019	 Notice of Appeal (criminal) Party: Defendant White, Toney Anthony <i>Notice of Appeal</i>
04/01/2019	 Case Appeal Statement

**CASE SUMMARY**

**CASE NO. C-16-313216-2**

Filed By: Defendant White, Toney Anthony  
*Case Appeal Statement*

**DISPOSITIONS**

10/20/2017

**Disposition** (Judicial Officer: Leavitt, Michelle)

3. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON  
Amended Information Filed/Charges Not Addressed  
PCN: Sequence:
4. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON  
Amended Information Filed/Charges Not Addressed  
PCN: Sequence:
5. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON  
Amended Information Filed/Charges Not Addressed  
PCN: Sequence:
6. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON  
Amended Information Filed/Charges Not Addressed  
PCN: Sequence:
7. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL  
BODILY HARM  
Amended Information Filed/Charges Not Addressed  
PCN: Sequence:
8. IMPERSONATION OF AN OFFICER  
Amended Information Filed/Charges Not Addressed  
PCN: Sequence:

12/20/2018

**Amended Disposition** (Judicial Officer: Leavitt, Michelle) Reason: Plea Withdrawn Charge(s)  
Reinstated

3. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON  
Charge Reinstated  
PCN: Sequence:
4. FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON  
Charge Reinstated  
PCN: Sequence:
5. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON  
Charge Reinstated  
PCN: Sequence:
6. ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON  
Charge Reinstated  
PCN: Sequence:
7. BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL  
BODILY HARM  
Charge Reinstated  
PCN: Sequence:
8. IMPERSONATION OF AN OFFICER  
Charge Reinstated  
PCN: Sequence:

**HEARINGS**

03/09/2016



**Grand Jury Indictment** (11:45 AM) (Judicial Officer: Barker, David)



**CASE SUMMARY**  
**CASE NO. C-16-313216-2**

**MINUTES**

**CANCELED Initial Arraignment** (03/17/2016 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)

*Vacated - On in Error*

**Warrant**

03/09/2016 Inactive Indictment Warrant

Matter Heard;

Journal Entry Details:

*Ann Kling, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 15AGJ129B to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C313216-2, Department 12. Mr. Schwartzer requested a warrant and argued bail. COURT ORDERED, WARRANT TO BE ISSUED, \$195,000.00 BAIL and matter SET for initial arraignment. Exhibits 1-35 lodged with Clerk of District Court. I.W. (CUSTODY) 3/17/16 8:30 AM INITIAL ARRAIGNMENT (DEPT 12);*

**SCHEDULED HEARINGS**

**CANCELED Initial Arraignment** (03/17/2016 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)


*Vacated - On in Error*


03/17/2016 **CANCELED Initial Arraignment** (8:30 AM) (Judicial Officer: Leavitt, Michelle)  
*Vacated - On in Error*


03/17/2016 **Initial Arraignment** (8:30 AM) (Judicial Officer: Leavitt, Michelle)  
Plea Entered;

03/17/2016 **Indictment Warrant Return** (8:30 AM) (Judicial Officer: Leavitt, Michelle)  
Trial Date Set;

03/17/2016 **CANCELED All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)  
*Vacated - On In Error*

03/17/2016  **All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)  
Matter Heard;  
Journal Entry Details:  
*INITIAL ARRAIGNMENT...INDICTMENT WARRANT RETURN DEFT. WHITE ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter SET for trial. CUSTODY 10/25/16 8:30 A.M. CALENDAR CALL 11/01/16 1:30 P.M. TRIAL BY JURY;*

06/09/2016  **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)  
*Defendant's Application to Recuse Counsel and for Appointment for Alternative Counsel; Memorandum of Points and Authorities*  
Denied;  
Journal Entry Details:  
*Court advised Deft. it read his Motion, he did not provide a legal basis for Court to grant his Motion, it appears he is well aware of the facts, and it was made clear in the Motion that he read the discovery and knows the facts of the case. COURT ORDERED, Deft's Motion to dismiss counsel DENIED. Court further advised Deft. he cannot assert other people's constitutional rights, as he does not get the benefit of this; and it appears he wants his attorney in conjunction with another person to somehow suppress evidence, because someone else's constitutional rights were violated. Court further advised Deft. this was probably why his attorney did not file the motion, and his attorney is not permitted to file frivolous motions or motions that have no basis in law. Deft. acknowledged. COURT ORDERED, Motion DENIED. CUSTODY 10/25/16 8:30 A.M. CALENDAR CALL 11/01/16 1:30 P.M. TRIAL BY JURY ;*


07/07/2016  **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)  
*Defendant's Defendant White's Application to Recuse Counsel and for Appointment of Alternative Counsel; Memorandum of Points and Authorities*

# CASE SUMMARY


CASE NO. C-16-313216-2

Off Calendar;  
Journal Entry Details:  
*COURT ORDERED, motion OFF CALENDAR as previously denied. ;*

10/25/2016

 **Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

## MINUTES

 **Calendar Call** (03/14/2017 at 8:00 AM) (Judicial Officer: Leavitt, Michelle)

Vacated and Reset;  
Journal Entry Details:

*Based on representations made in Cases C-16-313216-3 & 4, and there being no objection by State, COURT ORDERED, Deft's motion to continue trial date GRANTED; trial date VACATED AND RESET. CUSTODY 3/14/17 8:30 A.M. CALENDAR CALL 3/20/17 1:30 P.M. TRIAL BY JURY;*


## SCHEDULED HEARINGS

 **Calendar Call** (03/14/2017 at 8:00 AM) (Judicial Officer: Leavitt, Michelle)

11/01/2016

**CANCELED Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)  
*Vacated - per Judge*

12/13/2016

 **Motion to Withdraw as Counsel** (8:30 AM) (Judicial Officer: Leavitt, Michelle)


*Harvey Gruber's, Esq, Motion to Withdraw as Counsel of Record*

*Motion Denied; Harvey Gruber's, Esq, Motion to Withdraw as Counsel of Record*

Journal Entry Details:

*Mr. Gruber stated that his relationship with Defendant has become adversarial; that he has been unable to communicate with his client and will not be able to represent him to the best of his ability. Submitted by the State. Court stated if it were to allow counsel to withdraw that this happened it, there would be no attorneys. COURT ORDERED, Motion DENIED. CUSTODY CLERK'S NOTE: The minutes for this hearing have been prepared by a review of the JAVS recording. (tmj:12/22/16);*

01/19/2017

 **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)


*Defendants Pro Per Motion to Recuse Counsel and Proceed In Pro Pria Personam In Light of Counsels Demonstrated Ineffectiveness, and Case Neglect, and In Light of Existing Conflict*

*Off Calendar;*

Journal Entry Details:

*Deft. stated he will withdraw the motion, as Mr. Gruber and himself have been talking. Upon Court's inquiry, Mr. Gruber advised it is what it is. COURT ORDERED, Matter OFF CALENDAR. CUSTODY 3/14/17 8:30 A.M. CALENDAR CALL 3/20/17 1:30 P.M. TRIAL BY JURY;*

03/14/2017

 **Calendar Call** (8:00 AM) (Judicial Officer: Leavitt, Michelle)

## MINUTES

 **Calendar Call** (06/06/2017 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)

**CANCELED Jury Trial** (06/13/2017 at 1:30 PM) (Judicial Officer: Leavitt, Michelle)

*Vacated - per Judge*

Vacated and Reset;

Journal Entry Details:

*Court TRAILED and RECALLED matter for Mr. Schwartz and Co-Deft's attorney Mr. Shetler to appear. State announced ready for trial. Mr. Gruber advised he and Co-Deft's counsel are announcing not ready for different reasons, his client was trying to remove him from the case the past two months, a bar complaint was filed, to which defense had stopped working on the case, however, his investigator met with Deft; therefore, defense needs more time for trial, and Mr. Shetler also needs more time. Additionally, an offer was made to Deft, and defense will be requesting a status check hearing be set on possible negotiations; and for trial to be vacated. State objected to trial continuance; and argued it has been over a year and a half, both Defts. are filing motions to dismiss their counsels to purposely manipulate the system and not go to trial, and no real motions were done. Court stated if the case is not Overflow eligible, the Court has to continue this case. Mr. Schwartz added State wants a*

# CASE SUMMARY

## CASE NO. C-16-313216-2

firm trial setting, and he does not mind a status check hearing set in two weeks. Mr. Schwartzer added he just made an offer to Mr. Shelter's client, and if the offers are not accepted by both Defts. during these two weeks, State will revoke all offers and not make any more offers. Due to Court's schedule, COURT ORDERED, trial date VACATED; and status check is SET in two weeks. Court noted it is in a capital case, and its schedule will not allow this trial to go forward next week. Court reminded Deft. if he chooses not to accept the offer, State will revoke the offers and no longer make any more offers; further noting the status check will be set, including the new trial date. Deft. acknowledged. CUSTODY 3/30/17 8:30 A.M. STATUS CHECK: NEGOTIATIONS 6/06/17 8:30 A.M. CALENDAR CALL 6/13/17 1:30 P.M. TRIAL BY JURY ;

### SCHEDULED HEARINGS



**Calendar Call** (06/06/2017 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)  
**CANCELED Jury Trial** (06/13/2017 at 1:30 PM) (Judicial Officer: Leavitt, Michelle)  
 Vacated - per Judge

03/20/2017 **CANCELED Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)  
 Vacated - per Judge

03/30/2017 **Status Check: Negotiations/Trial Setting** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Status Check: Negotiations

Not Settled;

Journal Entry Details:

Mr. Gruber advised Deft. made the decision not to take State's offer, and he acknowledged this to defense. Court canvassed Deft. on his decision, and Deft. confirmed he rejected the offer. Mr. Schwartzer advised there will be no further offers, all current offers are revoked for both Deft. and Co-Def, and State will be ready for trial. COURT ORDERED, trial date STANDS. CUSTODY 6/06/17 8:30 A.M. CALENDAR CALL 6/13/17 1:30 P.M. TRIAL BY JURY;

04/18/2017 **Motion** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Defendant White's Pro Per Motion for Trial Extension For 180 Days; Motion to Recuse Counsel and Application to Proceed In Propria Personam

Denied;


Journal Entry Details:

Court advised Deft. it read his pro per motion, and Court does not believe there is any legal basis. Court further advised Deft. this was discussed, about him filing these motions, his attorney cannot raise somebody else's Fourth Amendment right, and he cannot raise that issue. Deft. stated that is not right. Court advised Deft. that does not matter, he has no standing, and his attorney cannot raise issues that are frivolous. Deft. stated it is more than just the motion, he has been incarcerated for over a year, and he does not have all the discovery. Court asked Deft. what discovery does he think his attorney is not giving him. Mr. Schwartzer noted for the record State turned over everything to defense counsel. Mr. Gruber advised he went through the file with Deft, and had also forwarded items to Deft. Deft. stated all evidence from Grand Jury was not provided to him. Mr. Schwartzer confirmed the Marcum notice was served. Deft. stated there are 24 pictures not in his possession. Mr. Gruber advised he will re-check his file for the third time. Deft. stated there is a recorded statement to police, he is not sure what is going on, he has transcripts of the victims and Co-Defts, but not his transcripts. Mr. Gruber advised the case file is four inches thick, and he will endeavor and give the information to him again. Court advised Deft. even if his attorney had provided it, Mr. Gruber will provide the information to him. Court asked Deft. if there was anything else. Deft. stated he has no copies of reports. Court advised Deft. he has to be more specific than that. Deft. stated there are reports from 7 officers, which are missing from his report. Court stated generally, there is one report, and not separate ones. Court advised Deft. it does not know, however, just because he thinks there are reports, does not mean there are. Mr. Schwartzer confirmed there are a lot of reports in the case, including one from the Crime Scene Analyst. Deft. stated he is concerned about the officer's report. Court advised Deft. multiple reports for one report are unusual, however, the Court will read the report, and if 7 reports exist, he is entitled to them. Court reminded Deft. just because the reports are not available, does not mean the reports exist. COURT ORDERED, Motion DENIED. Mr. Gruber advised he will send his Investigator over to Deft. again, to see what is missing, and make sure Deft. gets the stuff in two weeks. Deft. stated he asked his attorney to get all the material and the file. Court advised Deft. his attorney is not required to do that, and the District Attorney has the obligation to turn information over without a request. Deft. stated he asked why evidence is not turned over, and he was told there is only evidence that is going to be used against him at trial. Court told Deft. that is true,

**CASE SUMMARY**  
**CASE NO. C-16-313216-2**

however, State is required to turn over any exculpatory evidence; and his argument that he wants to build his defense on State's evidence is unusual. Deft. stated he does not know the strengths and weaknesses of the case. Court advised Deft. his attorney will know. Deft. argued there has been no communication with his attorney. Mr. Gruber noted for the record he spoke with Deft. on the phone after the bar Complaint was filed, and Deft. has spoken with his staff about the case. CUSTODY 6/06/17 8:30 A.M. CALENDAR CALL 6/13/17 1:30 P.M. TRIAL BY JURY ;

06/06/2017

 **Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

**MINUTES**

**CANCELED Calendar Call** (10/31/2017 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)

*Vacated - per Judge*

**CANCELED Jury Trial** (11/07/2017 at 1:30 PM) (Judicial Officer: Leavitt, Michelle)

*Vacated - per Judge*

Vacated and Reset;

Journal Entry Details:

Mr. Gruber advised he sent copies of reports to Deft, Deft. is saying he is missing some, further noting defense also mailed 400 pictures, and Deft. still has not received them. Additionally, the investigator met with Deft, and defense is not ready to go to trial next week due to further investigation needed. Mr. Schwartzer objected. Discussions as to Deft. and Mr. Gruber having had a contentious relationship previously, and there having been difficulties with communication. Mr. Gruber stated he does not know why the information was provided yesterday at the meeting, but defense needs to look into it further. Mr. Schwartzer argued State is ready, Deft. had discovery all this time, and trial has been continued a few times. COURT ORDERED, Deft's Motion GRANTED; trial date VACATED AND RESET. Court noted parties need to be ready to go on the next trial date. CUSTODY 10/31/17 8:30 A.M. CALENDAR CALL 11/07/17 1:30 P.M. TRIAL BY JURY;

**SCHEDULED HEARINGS**

**CANCELED Calendar Call** (10/31/2017 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)

*Vacated - per Judge*

**CANCELED Jury Trial** (11/07/2017 at 1:30 PM) (Judicial Officer: Leavitt, Michelle)


*Vacated - per Judge*

06/13/2017

**CANCELED Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)

*Vacated - per Judge*

10/19/2017

 **Request** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

DA Request Re: Entry of Plea

Plea Entered;

Journal Entry Details:

AMENDED INDICTMENT FILED IN OPEN COURT. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. WHITE ARRAIGNED AND PLED GUILTY TO COUNT 1- CONSPIRACY TO COMMIT ROBBERY (F) and COUNT 2 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (F). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing. FURTHER ORDERED, TRIAL VACATED. CUSTODY 12-14-17 8:30 AM SENTENCING (DEPT. XII);

10/31/2017

**CANCELED Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)


*Vacated - per Judge*

11/07/2017

**CANCELED Jury Trial** (1:30 PM) (Judicial Officer: Leavitt, Michelle)

*Vacated - per Judge*

12/14/2017

 **Sentencing** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

12/14/2017, 01/18/2018, 01/30/2018, 02/06/2018, 02/15/2018, 03/29/2018, 04/05/2018, 04/24/2018, 05/10/2018, 06/05/2018

Sentencing

Continued;

Continued;

**CASE SUMMARY**

**CASE NO. C-16-313216-2**

Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Hearing Set;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Hearing Set;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Hearing Set;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Hearing Set;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Hearing Set;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Continued;  
Hearing Set;  
Continued;  
Continued;  
Continued;  
Continued;



**CASE SUMMARY**  
**CASE NO. C-16-313216-2**

*Def't. not present; refused to be transported. Mr. Gruber not present. At request of defense counsel, which was made to Chambers prior to today's hearing, COURT ORDERED, matter CONTINUED. CUSTODY 1/18/18 8:30 A.M. SENTENCING CLERK'S NOTE: After Court, Clerk notified Mr. Gruber and State regarding continuance date, as Court had granted Co-Def't's attorney's request for sentencing to be heard on or after January 18, 2018, due to scheduling conflicts. /// sb;*

Continued;  
Set Status Check;  
Continued;  
Set Status Check;

*Defendant's Motion for Withdrawal of Guilty Plea and for Appointment of New Counsel, or Alternatively, to Proceed In Pro Per*

**CASE SUMMARY**  
**CASE NO. C-16-313216-2**

Continued;  
Set Status Check;  
Continued;  
Set Status Check;

01/30/2018



**All Pending Motions (8:30 AM)** (Judicial Officer: Leavitt, Michelle)

*All Pending Motions (1/30/2018)*

Matter Heard;

Journal Entry Details:

*DEFENDANT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...DEFENDANT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...SENTENCING Mr. Gruber not present. COURT ORDERED, matters CONTINUED. CUSTODY 2/06/18 8:30 A.M. DEFENDANT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...DEFENDANT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...SENTENCING CLERK'S NOTE: Mr. Gruber appeared after Court recessed, and was informed by Clerk regarding continuance date. /// sb;*

02/06/2018



**All Pending Motions (8:30 AM)** (Judicial Officer: Leavitt, Michelle)

Matter Heard;

Journal Entry Details:

*DEFT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...DEFT'S MOTION TO WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...SENTENCING Court advised Deft. it received all of his letters and Motions after his entry of plea. Upon Court's inquiry, Deft. confirmed he wants to move to withdraw his plea. Court noted based on allegations that were made by Deft, the Court will appoint independent counsel to review the case. COURT ORDERED, Attorney Michael Sanft, Esq., APPOINTED as counsel for limited purpose of reviewing the record and making a determination as to whether or not there is a legal basis for Deft. to withdraw his plea. FURTHER, matter SET for confirmation of independent counsel. Mr. Gruber to provide a copy of the case file to Deft. Mr. Gruber noted the case file is rather large. Court advised Deft. if his independent attorney thinks there is a legal basis, the attorney will file a motion; and if there is no legal basis found, Mr. Gruber will remain on the case to handle sentencing, and Deft. can file an appeal or anything else deemed appropriate. Discussion between Court and Deft. regarding his hand and arm being bandaged. CASE RECALLED. Mr. Schwartzer is not present. Mr. Sanft is now present in Court. Court informed Mr. Sanft regarding the appointment and this case being continued to February 15, 2018 for him to confirm. Court added Mr. Gruber is going to provide him the file, and Mr. Gruber had indicated the case file is quite large. Court inquired to Mr. Sanft if he needs more time to review the case. Mr. Sanft stated no; and advised this Court did the plea canvass, and he would request a copy of the JAVS recording of this plea canvass, or the transcript. Court advised Mr. Sanft Deft. had written few documents since the plea canvass, that does not appear to be the issue, and he contends there were outside forces. Mr. Sanft stated he understands there may have been some other party that had forced Deft. into taking the negotiation, and maybe the pauses in the canvass would help to determine whether Deft. actually had a problem. Court stated Deft. had told Court nobody had coerced him into entering his plea, during the plea canvass. Court offered to provide a transcript of the plea canvass and the JAVS recording. Mr. Sanft requested only the JAVS CD, and one week to review the record. COURT SO ORDERED. Court advised Mr. Sanft it is warning him that the file is voluminous. COURT ORDERED, sentencing CONTINUED; matter SET for status check. Mr. Sanft advised he thinks the issue is whether or not Deft. enters the plea knowingly and voluntarily, without the issue of coercion, he does not believe reading the entire file is going to be the issue, as that is a fact pattern that goes to something else, and he is only focusing on Deft's entry of plea. Court thanked Mr. Sanft for taking this case; and advised Mr. Sanft to let the Court know if he needs more time. CUSTODY 2/15/18 8:30 A.M. STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA / CONFIRMATION OF APPOINTED COUNSEL MICHAEL SANFT...SENTENCING ;*

02/15/2018

**Status Check (8:30 AM)** (Judicial Officer: Leavitt, Michelle)

*Status Check: Deft's Motion To Withdraw Guilty Plea / Confirmation of Appointed Counsel*

**CASE SUMMARY**  
**CASE NO. C-16-313216-2**

*Michael Sanft*  
Briefing Schedule Set;

02/15/2018



**All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Matter Heard;

Journal Entry Details:

*STATUS CHECK: DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA/  
CONFIRMATION OF COUNSEL MICHAEL SANFT... SENTENCING Mr. Sanft  
CONFIRMED as Counsel and requested a briefing schedule be set. COURT ORDERED Deft's  
Supplemental Brief DUE 03/01/18, State's Response DUE 03/15/18, Deft's Reply DUE  
03/22/18, Status Check date SET. CUSTODY 03/29/18 8:30 A.M. STATUS CHECK:  
DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA... SENTENCING ;*

03/29/2018

**Status Check** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

**03/29/2018, 04/05/2018, 04/24/2018, 05/10/2018, 06/05/2018, 06/28/2018**

*Status Check: Defendant's Motion to Withdraw Guilty Plea*

**MINUTES**

**CANCELED Motion to Withdraw Plea** (09/06/2018 at 10:30 AM) (Judicial Officer: Leavitt, Michelle)

*Vacated - Duplicate Entry*

*Defendant's Motion to Withdraw Plea*

Continued;

Continued;

Continued;

Continued;

Briefing Schedule Set;

Briefing Schedule Set;

**MINUTES**

**Evidentiary Hearing** (06/28/2018 at 10:30 AM) (Judicial Officer: Leavitt, Michelle)

**06/28/2018, 09/06/2018, 12/20/2018**

Continued;

Continued;

Continued;

Continued;

Briefing Schedule Set;

Briefing Schedule Set;

Continued;

Continued;

Continued;

Continued;

Briefing Schedule Set;

Briefing Schedule Set;

Continued;

Continued;

Continued;

Continued;

Briefing Schedule Set;

Briefing Schedule Set;

Continued;

Continued;

Continued;

Continued;

Briefing Schedule Set;

Briefing Schedule Set;

**MINUTES**



**All Pending Motions** (03/29/2018 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)

Continued;

Continued;

Continued;

Continued;

**CASE SUMMARY**  
**CASE NO. C-16-313216-2**

Briefing Schedule Set;  
Briefing Schedule Set;

**SCHEDULED HEARINGS**



**All Pending Motions** (03/29/2018 at 8:30 AM) (Judicial Officer: Leavitt, Michelle)

**SCHEDULED HEARINGS**

**Evidentiary Hearing** (06/28/2018 at 10:30 AM) (Judicial Officer: Leavitt, Michelle)  
**06/28/2018, 09/06/2018, 12/20/2018**

**SCHEDULED HEARINGS**

**CANCELED Motion to Withdraw Plea** (09/06/2018 at 10:30 AM) (Judicial Officer: Leavitt, Michelle)

*Vacated - Duplicate Entry*

*Defendant's Motion to Withdraw Plea*

03/29/2018



**All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Matter Heard;

Journal Entry Details:

**STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING Mr. Sanft appeared for limited purpose regarding Deft's motion to withdraw guilty plea; and informed Court he is seeking more time, he reviewed Deft's issues as to why he wants to file the motion, there is a basis, and a requirement is also getting an affidavit from a person in custody. Deft. provided the name of the person in custody to Mr. Sanft, in open Court. Mr. Sanft stated he needs this person to sign an affidavit, he does not know where the person is housed at, documents were sent to the person, and no response was received. At request of counsel, COURT ORDERED, matters CONTINUED one week for Mr. Sanft to try to locate the person again. CUSTODY 4/05/18 8:30 A.M. STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING ;**

04/05/2018



**All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

*All Pending Motions (4/05/2018)*

Matter Heard;

Journal Entry Details:

**STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING Mr. Sanft informed Court the person was located, he drafted the affidavit for the person, however, he needs permission from the person's Public Defender first, who is out on vacation. At request of defense counsel, COURT ORDERED, matters CONTINUED two weeks. CUSTODY 4/24/18 8:30 A.M. STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING;**

04/24/2018



**All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

Matter Heard;

Journal Entry Details:

**STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING Mr. Sanft informed Court he was granted one week to get the affidavit signed by the witness, however, the witness is refusing to sign it, the affidavit was reviewed by the witness, and the witness is afraid to be labeled as a snitch. Additionally, Deft's sister is in custody, and defense is having the investigator come sit down with Deft's sister to get more information about the alleged threat. Mr. Sanft requested one more continuance. Court asked if defense was going to file the motion to withdraw guilty plea. Mr. Sanft advised he has evidence from Deft, however, he wanted an affidavit and declaration signed, further noting Deft's sister may know about the alleged threat, and defense wants to verify it. Ms. Derjavina advised State is fine with the continuance, she does not have the file, and this is Mr. Schwartz's case. COURT ORDERED, matters CONTINUED. CUSTODY 5/10/18 8:30 A.M. STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING;**

05/10/2018



**All Pending Motions** (8:30 AM) (Judicial Officer: Bixler, James)

*All Pending Motions (5/10/2018)*

Continued;

Journal Entry Details:

**STATUS CHECK: DEFENDANT'S MOTION TO WITHDRAW GUILTY**

# CASE SUMMARY

CASE NO. C-16-313216-2

PLEA...SENTENCING Mr. Sanft requested another continuance of two weeks. Court stated a copy of the plea canvass or transcript will need to be provided to defense counsel. Mr. Sanft requested thirty days for the transcript to be provided. COURT SO ORDERED; matters CONTINUED. CUSTODY 6/05/18 8:30 A.M. STATUS CHECK: DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING;

06/05/2018



**All Pending Motions** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

All Pending Motions (6/05/2018)

Matter Heard;

Journal Entry Details:

STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING Mr. Sanft informed Court he provided a copy of the plea canvass and transcript to Deft, his basis before was basis of coercion, the attorney for the individual said no on signing an affidavit, as the individual does not want to sign an affidavit anymore. Mr. Sanft requested an evidentiary hearing to have a witness come in and provide testimony; and argued in support of relief requested. Court told Mr. Sanft he can file a motion on the issue, the Court would give him an opportunity to bring the witness in, and with everything he is telling the Court, the Court would be inclined to grant an evidentiary hearing. Discussions. Mr. Sanft anticipated the evidentiary hearing will be short. Mr. Kern requested Court to trail the matter for Mr. Schwartzer to appear. Further discussion. COURT ORDERED, status check CONTINUED; matter SET for evidentiary hearing; and briefing schedule is SET as follows: Deft's brief due June 14, 2018, and State's response is due June 21, 2018. CUSTODY 6/28/18 10:30 A.M. EVIDENTIARY HEARING...STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA;

06/28/2018

**Evidentiary Hearing** (10:30 AM) (Judicial Officer: Leavitt, Michelle)

06/28/2018, 09/06/2018, 12/20/2018

Continued;

Continued;

Off Calendar;

Continued;

Continued;

Off Calendar;

Continued;

Continued;

Off Calendar;

06/28/2018



**All Pending Motions** (10:30 AM) (Judicial Officer: Leavitt, Michelle)

Matter Heard;

Journal Entry Details:

EVIDENTIARY HEARING...STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA Mr. Sanft informed Court a briefing schedule was set at the last hearing, and he had received a written letter by the Clerk, two days after the last hearing, to which the letter was from Deft, which caused him concern about filing any type of motion in regards to a motion to withdraw guilty plea. Thereafter, Mr. Sanft provided Deft's written letter, which was reviewed by Court. Discussions regarding Deft's handwriting in the letter being exceptionally gifted, clear, and to the point, plus what Deft. wrote in the letter. Mr. Sanft stated the person who allegedly overheard the threats made to Deft, refused to cooperate. Further discussions regarding defense counsel's reasonings of not filing the motion, and defense counsel believing there is a legal basis to file a motion on Deft's behalf. Court reminded defense counsel Deft. does not direct what the strategy is. Mr. Sanft stated the concern was about what Deft. wrote in the letter, Deft's basis was well founded, what he laid out in the letter may set the record for something else, defense wanted to let the Court know what was going on and what Deft's position was, before defense moves forward; and he did not want this to be an issue later on post conviction relief. Court advised Deft. it will make the letter a part of the record, Mr. Sanft is going to continue to represent him, he needs to discuss everything with Mr. Sanft, Mr. Sanft gets to determine what the legal strategy is, he cannot keep stalling the case from going forward, by claiming every attorney Court gives him does not do what he thinks they are supposed to do, the Court has a Guilty Plea Agreement in front of the Court, if he wants to move to withdraw his plea, that is fine, and he can talk to Mr. Sanft about it, however, he does not get to direct legal strategy, Mr. Sanft directs the strategy and is the lawyer, and he is not. Deft. made statements to Court regarding names of witnesses having been given to the investigator. Mr. Sanft stated the investigator followed up with the main person involved, being a witness regarding the alleged threat, and based upon the letter, defense can follow up




# CASE SUMMARY


CASE NO. C-16-313216-2

with the individuals in the letter, if Court wants him to do so. Court stated it is not going to direct Mr. Sanft either, that is not appropriate for Court to do, the Court has faith in him, and he is a competent attorney. Further discussions. Court reminded Deft. again the legal strategy is Mr. Sanft's decision and he needs to speak with Mr. Sanft about the case. At request of Mr. Sanft, COURT ORDERED, CASE CONTINUED; briefing schedule SET as follows: Deft's Motion to withdraw guilty plea due July 19, 2018; State's response due August 9, 2018; and Deft's reply is due August 23, 2018. Hearing SET. Court's Exhibit ADMITTED (See Worksheets.). Mr. Sanft stated the motion is already done, and he held off on filing it, due to Deft's letter. CUSTODY 9/06/18 10:30 A.M. EVIDENTIARY HEARING...DEFT'S MOTION TO WITHDRAW GUILTY PLEA ;


09/06/2018 **CANCELED Motion to Withdraw Plea** (10:30 AM) (Judicial Officer: Leavitt, Michelle)  
Vacated - Duplicate Entry  
Defendant's Motion to Withdraw Plea

09/06/2018 **Motion to Withdraw Plea** (10:30 AM) (Judicial Officer: Leavitt, Michelle)  
**09/06/2018, 12/20/2018**  
Events: 09/05/2018 Motion to Withdraw Plea  
Continued;  
Granted;  
Continued;  
Granted;


09/06/2018  **All Pending Motions** (10:30 AM) (Judicial Officer: Leavitt, Michelle)  
All Pending Motions (9/06/2018)  
Matter Heard;  
Journal Entry Details:  
EVIDENTIARY HEARING...DEFT'S MOTION TO WITHDRAW PLEA Case called during the 8:30 A.M. criminal calendar. Discussions as to Mr. Sanft having filed the written motion yesterday afternoon, being September 5, 2018. At request of State, COURT ORDERED, State to file written response by October 25, 2018. FURTHER, matters CONTINUED. CUSTODY 10/30/18 10:30 A.M. EVIDENTIARY HEARING...DEFT'S MOTION TO WITHDRAW PLEA;

12/20/2018  **All Pending Motions** (10:30 AM) (Judicial Officer: Leavitt, Michelle)  
All Pending Motions (12/20/2018)  
Matter Heard;  
Journal Entry Details:  
Court TRAILED and RECALLED matter for Deft. and counsel to appear. Deft. is present in custody. Mr. Nadig appeared for Mr. Sanft; on behalf of Deft. EVIDENTIARY HEARING...DEFT'S MOTION TO WITHDRAW GUILTY PLEA There being no objection by State, COURT ORDERED, Motion GRANTED; Deft's guilty plea WITHDRAWN. FURTHER, the original charges in the original Indictment filed March 9, 2016 are REINSTATED; Amended Indictment filed on October 19, 2017 is STRICKEN. Mr. Nadig requested Court to set the trial date on a date as soon as possible. COURT ADDITIONALLY ORDERED, trial date SET. CUSTODY 2/12/19 8:30 A.M. CALENDAR CALL 2/19/19 1:30 P.M. TRIAL BY JURY;

01/29/2019 **CANCELED Status Check: Trial Setting** (8:30 AM) (Judicial Officer: Leavitt, Michelle)  
Vacated - per Attorney or Pro Per

02/12/2019  **Calendar Call** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

## MINUTES

 **Jury Trial** (02/19/2019 at 10:30 AM) (Judicial Officer: Leavitt, Michelle)  
**02/19/2019-02/21/2019**

Trial Date Set;  
Journal Entry Details:  
Mr. Sanft advised ready for trial. State indicated 18 - 20 witnesses, 5 - 6 days, and two out of state witnesses. TRIAL DATE STANDS. CUSTODY 2/19/19 10:30 AM JURY TRIAL;

## SCHEDULED HEARINGS

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. C-16-313216-2**



**Jury Trial** (02/19/2019 at 10:30 AM) (Judicial Officer: Leavitt, Michelle)

**02/19/2019-02/21/2019**

02/19/2019



**Jury Trial** (10:30 AM) (Judicial Officer: Leavitt, Michelle)

**02/19/2019-02/21/2019**

Trial Continues;

Trial Continues;

Plea Entered;

Journal Entry Details:

*OUTSIDE THE PRESENCE OF THE JURY: DEFT. WHITE ARRAIGNED AND PLED GUILTY TO COUNT 1 - CONSPIRACY TO COMMIT ROBBERY (F), COUNT 2 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F), COUNTS 3-4 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F), COUNTS 5-6 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (F) COUNT 7 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F) and COUNT 8 - IMPERSONATION OF AN OFFICER (GM). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing. JURY PRESENT: Court thanked and excused the jury. CUSTODY 03/14/19 8:30 AM SENTENCING;*

Trial Continues;

Trial Continues;

Plea Entered;

Journal Entry Details:

*OUTSIDE THE PRESENCE OF THE JURY: Amended Indictment FILED IN OPEN COURT. Mr. Schwartz advised they attempted to transport the Co-Defendant, Marland Dean, and the prison stated they cannot do so until 03/01/19. Mr. Sanft confirmed they are still requesting he be transported. Court stated the Department will contact the prison for transport. Parties stipulated to exhibits #1-233 JURY PRESENT: Jury sworn. Clerk read the Amended Indictment. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY: Pursuant to NRS 50.215 and NRS 50.215(4)(b), COURT STATED the Court is not permitted to Order the Co-Defendant be transported from the prison. JURY PRESENT: Testimony and exhibits presented. (See worksheets);*

Trial Continues;

Trial Continues;

Plea Entered;

Journal Entry Details:

*PROSPECTIVE JURORS PRESENT: Voir Dire. OUTSIDE THE PRESENCE OF THE JURY: Mr. Sanft requested the Co-Defendant, Marlan Dean, be transported as a potential witness for the Defense. COURT ORDERED, Co-Defendant, Marlan Dean, is to be transported on 02/25/19; State to prepare the Transport Order. PROSPECTIVE JURORS PRESENT: Voir Dire. Court Clerk, Teri Berkshire, now present. INSIDE THE PRESENCE OF THE PROSPECTIVE JURY:continued Voir Dire. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY Inquiry regarding named Juror as to whether or not he is a felon. INSIDE THE PRESENCE OF THE PROSPECTIVE JURY Court noted named juror is not a felon. Continued Voir Dire. Following Voir dire, 12 Jurors selected. Court thanked and excused the remaining prospective panel. INSIDE THE PRESENCE OF THE JURY: Court admonished the Jury and instructed them to return tomorrow at the given time. OUTSIDE THE PRESENCE OF THE JURY: Mr. Sanft advised he did not see a reason to not waive the challenges as noted. Court so noted. Court adjourned for the evening. ;*

03/14/2019



**Sentencing** (8:30 AM) (Judicial Officer: Leavitt, Michelle)

**03/14/2019, 03/19/2019**

Matter Continued;

Defendant Sentenced;

Journal Entry Details:

*DEFT WHITE ADJUDGED GUILTY of COUNT 1 - CONSPIRACY TO COMMIT ROBBERY (F), COUNT 2 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F), COUNTS 3-4 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F), COUNTS 5-6 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (F), COUNT 7 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F) and COUNT 8 - IMPERSONATION OF AN OFFICER (GM). Statement by Defendant. Arguments by counsel. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$8,831.62 restitution to be paid jointly and severally with Co-*

# CASE SUMMARY

CASE NO. C-16-313216-2

*Defendant, \$150.00 DNA Analysis fee including testing to determine genetic markers and \$3.00 DNA Collection fee, Deft. SENTENCED as follows: on COUNT 1 - to a MAXIMUM of SEVENTY- TWO (72) MONTHS with a MINIMUM Parole Eligibility of TWENTY-EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC); on COUNT 2 - to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of SIXTY-SIX (66) MONTHS, CONCURRENT with COUNT 1 in the NDC; on COUNT 3 - to LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS plus a CONSECUTIVE term of TWENTY (20) YEARS MAXIMUM with a parole eligibility of FIVE (5) YEARS for the Use of a Deadly Weapon, CONCURRENT TO COUNT 2 in the NDC; on COUNT 4 - to LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS plus a CONSECUTIVE term of TWENTY (20) YEARS MAXIMUM with a parole eligibility of FIVE (5) YEARS for the Use of a Deadly Weapon, CONSECUTIVE with COUNT 3 in the NDC; COUNT 5 - to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS plus a CONSECUTIVE term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly Weapon, CONCURRENT with COUNT 4 in the NDC; COUNT 6 - to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS plus a CONSECUTIVE term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly Weapon, CONCURRENT with COUNT 5 in the NDC; COUNT 7 - to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of SIXTY-SIX (66) MONTHS, CONCURRENT with COUNT 6 in the NDC; and COUNT 8 - to THREE HUNDRED SIXTY-FOUR (364) DAYS in the Clark County Detention Center (CCDC), CONCURRENT with COUNT 7 for and AGGREGATE TOTAL of LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS with ONE THOUSAND ONE HUNDRED THIRTY-FOUR (1,134) DAYS credit for time served. BOND, if any, EXONERATED. NDC CLERK'S NOTE: Subsequent to Court, COURT ORDERED, COUNT 3 CONCURRENT TO COUNT 2. hyp/3/22/19;*

Matter Continued;

Defendant Sentenced;

Journal Entry Details:

*COURT ORDERED, matter CONTINUED. Pre-Sentence Investigation Report provide to Mr. Sanft in open court. CUSTODY CONTINUED TO: 03/19/19 8:30 AM;*



JOCP

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

TONEY ANTHONY WHITE  
#8270790

Defendant.

CASE NO. C-16-313216-2

DEPT. NO. XII

JUDGMENT OF CONVICTION  
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crimes of **COUNT 1 - CONSPIRACY TO COMMIT ROBBERY** (Category B Felony) in violation of NRS 200.380, 199.480; **COUNT 2 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON** (Category B Felony) in violation of NRS 205.060; **COUNT 3 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON** (Category A Felony) in violation of NRS 200.310, 200.320, 193.165; **COUNT 4 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON** (Category A Felony) in violation of NRS 200.310, 200.320, 193.165; **COUNT 5 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON** (Category B Felony) in violation of NRS 200.380, 193.330, 193.165; **COUNT 6 - ATTEMPT ROBBERY WITH USE OF A**

RECEIVED  
MAR 25 2019  
DEPT. 12

1 DEADLY WEAPON (Category B Felony) in violation of NRS 200.380, 193.330, 193.165;

2 **COUNT 7 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN**

3 SUBSTANTIAL BODILY HARM (Category B Felony) in violation of NRS 200.481; and

4 **COUNT 8 - IMPERSONATION OF AN OFFICER (Gross Misdemeanor) in violation of**

5 NRS 199.430; thereafter, on the 19<sup>th</sup> day of March, 2019, the Defendant was present in

6 court for sentencing with counsel MICHAEL SANFT, ESQ., and good cause appearing,

7 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in

8 addition to the \$25.00 Administrative Assessment, \$8,831.62 Restitution to be paid

9 Jointly and Severally with Co-Defendants, and \$150.00 DNA Analysis Fee including

10 testing to determine genetic markers plus \$3.00 DNA Collection Fee, the Defendant is

11 sentenced to the Nevada Department of Corrections (NDC) as follows: **COUNT 1 - a**

12 MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM Parole Eligibility of

13 TWENTY-EIGHT (28) MONTHS, CONCURRENT with COUNTS 2 & 4; **COUNT 2 – a**

14 MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole

15 Eligibility of SIXTY-SIX (66) MONTHS, CONCURRENT with COUNT 1; **COUNT 3 –**

16 LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS plus a CONSECUTIVE

17 term of TWENTY (20) YEARS MAXIMUM with a parole eligibility of FIVE (5) YEARS

18 for the Use of a Deadly Weapon, CONCURRENT with COUNT 2; **COUNT 4 – LIFE**

19 with a MINIMUM Parole Eligibility of FIVE (5) YEARS plus a CONSECUTIVE term of

20 TWENTY (20) YEARS MAXIMUM with a parole eligibility of FIVE (5) YEARS for the

21 Use of a Deadly Weapon, CONSECUTIVE with COUNT 3; **COUNT 5 – a MAXIMUM**

22 of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of

23 FORTY-EIGHT (48) MONTHS plus a CONSECUTIVE term of ONE HUNDRED



1 TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48)  
2 MONTHS for the Use of a Deadly Weapon, CONCURRENT with COUNT 4; **COUNT 6**  
3 - a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole  
4 Eligibility of FORTY-EIGHT (48) MONTHS plus a CONSECUTIVE term of ONE  
5 HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-  
6 EIGHT (48) MONTHS for the Use of a Deadly Weapon, CONCURRENT with COUNT  
7 5; **COUNT 7** - a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a  
8 MINIMUM Parole Eligibility of SIXTY-SIX (66) MONTHS, CONCURRENT with  
9 COUNT 6; and **COUNT 8** - THREE HUNDRED SIXTY-FOUR (364) DAYS IN CLARK  
10 COUNTY DETENTION CENTER (CCDC), CONCURRENT with COUNT 7; with ONE  
11 THOUSAND ONE HUNDRED THIRTY-FOUR (1,134) DAYS credit for time served.  
12 The AGGREGATE TOTAL sentence is LIFE with a MINIMUM Parole Eligibility of  
13 TWENTY (20) YEARS.  
14

15  
16 DATED this 25 day of March, 2019.

17  
18  
19  
20   
21 MICHELLE LEAVITT  
22 DISTRICT COURT JUDGE   
23  
24  
25  
26  
27  
28

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 09, 2016**

---

C-16-313216-2      State of Nevada  
vs  
Toney White

---

**March 09, 2016      11:45 AM      Grand Jury Indictment**

**HEARD BY:** Barker, David

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Louisa Garcia

**RECORDER:** Cynthia Georgilas

**REPORTER:**

**PARTIES**

**PRESENT:**      Schwartzer, Michael J.      Attorney  
State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Ann Kling, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 15AGJ129B to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C313216-2, Department 12. Mr. Schwartzer requested a warrant and argued bail. COURT ORDERED, WARRANT TO BE ISSUED, \$195,000.00 BAIL and matter SET for initial arraignment. Exhibits 1-35 lodged with Clerk of District Court.

I.W. (CUSTODY)

3/17/16 8:30 AM INITIAL ARRAIGNMENT (DEPT 12)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 17, 2016**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**March 17, 2016      8:30 AM      All Pending Motions**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**      Gruber, Harvey      Attorney  
                                 Schwartzer, Michael J.      Attorney  
                                 State of Nevada      Plaintiff  
                                 White, Toney Anthony      Defendant

**JOURNAL ENTRIES**

- INITIAL ARRAIGNMENT...INDICTMENT WARRANT RETURN

DEFT. WHITE ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter SET for trial.

CUSTODY

10/25/16 8:30 A.M. CALENDAR CALL

11/01/16 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 09, 2016**

C-16-313216-2      State of Nevada  
vs  
Toney White

**June 09, 2016****8:30 AM****Motion****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

<b>PRESENT:</b>	Gruber, Harvey	Attorney
	O'Halloran, Rachel	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- Court advised Deft. it read his Motion, he did not provide a legal basis for Court to grant his Motion, it appears he is well aware of the facts, and it was made clear in the Motion that he read the discovery and knows the facts of the case. COURT ORDERED, Deft's Motion to dismiss counsel DENIED. Court further advised Deft. he cannot assert other people's constitutional rights, as he does not get the benefit of this; and it appears he wants his attorney in conjunction with another person to somehow suppress evidence, because someone else's constitutional rights were violated. Court further advised Deft. this was probably why his attorney did not file the motion, and his attorney is not permitted to file frivolous motions or motions that have no basis in law. Deft. acknowledged. COURT ORDERED, Motion DENIED.

**CUSTODY**

10/25/16 8:30 A.M. CALENDAR CALL

11/01/16 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 07, 2016**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**July 07, 2016**

**8:30 AM**

**Motion**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Tia Everett

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gruber, Harvey	Attorney
	O'Halloran, Rachel	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- COURT ORDERED, motion OFF CALENDAR as previously denied.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 25, 2016**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**October 25, 2016      8:30 AM      Calendar Call**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Debbie Winn

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gruber, Harvey	Attorney
	Schwartzner, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- Based on representations made in Cases C-16-313216-3 & 4, and there being no objection by State, COURT ORDERED, Deft's motion to continue trial date GRANTED; trial date VACATED AND RESET.

CUSTODY

3/14/17 8:30 A.M. CALENDAR CALL

3/20/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 13, 2016**

---

C-16-313216-2      State of Nevada  
vs  
Toney White

---

**December 13, 2016      8:30 AM      Motion to Withdraw as  
Counsel      Harvey Gruber's, Esq,  
Motion to Withdraw  
as Counsel of Record**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Carole D'Aloia

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Demonte, Noreen C.	Attorney
	Gruber, Harvey	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- Mr. Gruber stated that his relationship with Defendant has become adversarial; that he has been unable to communicate with his client and will not be able to represent him to the best of his ability. Submitted by the State. Court stated if it were to allow counsel to withdraw that this happened it, there would be no attorneys. COURT ORDERED, Motion DENIED.

CUSTODY

CLERK'S NOTE: The minutes for this hearing have been prepared by a review of the JAVS recording. (tmj:12/22/16)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 19, 2017**

C-16-313216-2      State of Nevada  
vs  
Toney White

**January 19, 2017      8:30 AM      Motion**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gruber, Harvey	Attorney
	Schwartzner, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- Deft. stated he will withdraw the motion, as Mr. Gruber and himself have been talking. Upon Court's inquiry, Mr. Gruber advised it is what it is. COURT ORDERED, Matter OFF CALENDAR.

CUSTODY

3/14/17 8:30 A.M. CALENDAR CALL

3/20/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 14, 2017**

C-16-313216-2      State of Nevada  
vs  
Toney White

**March 14, 2017      8:00 AM      Calendar Call**

**HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

<b>PRESENT:</b>	Clowers, Shanon	Attorney
	Gruber, Harvey	Attorney
	Schwartz, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- Court TRAILED and RECALLED matter for Mr. Schwartz and Co-Deft's attorney Mr. Shetler to appear. State announced ready for trial. Mr. Gruber advised he and Co-Deft's counsel are announcing not ready for different reasons, his client was trying to remove him from the case the past two months, a bar complaint was filed, to which defense had stopped working on the case, however, his investigator met with Deft; therefore, defense needs more time for trial, and Mr. Shetler also needs more time. Additionally, an offer was made to Deft, and defense will be requesting a status check hearing be set on possible negotiations; and for trial to be vacated. State objected to trial continuance; and argued it has been over a year and a half, both Defts. are filing motions to dismiss their counsels to purposely manipulate the system and not go to trial, and no real motions were done. Court stated if the case is not Overflow eligible, the Court has to continue this case. Mr. Schwartz added State wants a firm trial setting, and he does not mind a status check hearing set in two weeks. Mr. Schwartz added he just made an offer to Mr. Shelter's client, and if the offers are not accepted by both Defts. during these two weeks, State will revoke all offers and not make any more offers. Due to Court's schedule, COURT ORDERED, trial date VACATED; and status check is SET in two weeks.

Court noted it is in a capital case, and its schedule will not allow this trial to go forward next week. Court reminded Deft. if he chooses not to accept the offer, State will revoke the offers and no longer make any more offers; further noting the status check will be set, including the new trial date. Deft. acknowledged.

CUSTODY

3/30/17 8:30 A.M. STATUS CHECK: NEGOTIATIONS

6/06/17 8:30 A.M. CALENDAR CALL

6/13/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 30, 2017**

C-16-313216-2      State of Nevada  
vs  
Toney White

**March 30, 2017****8:30 AM**

**Status Check:**  
**Negotiations/Trial Setting**

**HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

<b>PRESENT:</b>	Beverly, Leah C	Attorney
	Gruber, Harvey	Attorney
	Schwartzter, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- Mr. Gruber advised Deft. made the decision not to take State's offer, and he acknowledged this to defense. Court canvassed Deft. on his decision, and Deft. confirmed he rejected the offer. Mr. Schwartzter advised there will be no further offers, all current offers are revoked for both Deft. and Co-Deft, and State will be ready for trial. COURT ORDERED, trial date STANDS.

**CUSTODY**

6/06/17 8:30 A.M. CALENDAR CALL

6/13/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

C-16-313216-2      State of Nevada  
vs  
Toney White

**April 18, 2017      8:30 AM      Motion**

**HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

<b>PRESENT:</b>	Gruber, Harvey	Attorney
	Schwartzter, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- Court advised Deft. it read his pro per motion, and Court does not believe there is any legal basis. Court further advised Deft. this was discussed, about him filing these motions, his attorney cannot raise somebody else's Fourth Amendment right, and he cannot raise that issue. Deft. stated that is not right. Court advised Deft. that does not matter, he has no standing, and his attorney cannot raise issues that are frivolous. Deft. stated it is more than just the motion, he has been incarcerated for over a year, and he does not have all the discovery. Court asked Deft. what discovery does he think his attorney is not giving him. Mr. Schwartzter noted for the record State turned over everything to defense counsel. Mr. Gruber advised he went through the file with Deft, and had also forwarded items to Deft. Deft. stated all evidence from Grand Jury was not provided to him. Mr. Schwartzter confirmed the Marcum notice was served. Deft. stated there are 24 pictures not in his possession. Mr. Gruber advised he will re-check his file for the third time. Deft. stated there is a recorded statement to police, he is not sure what is going on, he has transcripts of the victims and Co-Defts, but not his transcripts. Mr. Gruber advised the case file is four inches thick, and he will endeavor and give the information to him again. Court advised Deft. even if his attorney had provided it, Mr. Gruber will provide the information to him. Court asked Deft. if there was anything else. Deft.



stated he has no copies of reports. Court advised Deft. he has to be more specific than that. Deft. stated there are reports from 7 officers, which are missing from his report. Court stated generally, there is one report, and not separate ones. Court advised Deft. it does not know, however, just because he thinks there are reports, does not mean there are. Mr. Schwartzer confirmed there are a lot of reports in the case, including one from the Crime Scene Analyst. Deft. stated he is concerned about the officer's report. Court advised Deft. multiple reports for one report are unusual, however, the Court will read the report, and if 7 reports exist, he is entitled to them. Court reminded Deft. just because the reports are not available, does not mean the reports exist. COURT ORDERED, Motion DENIED.

Mr. Gruber advised he will send his Investigator over to Deft. again, to see what is missing, and make sure Deft. gets the stuff in two weeks. Deft. stated he asked his attorney to get all the material and the file. Court advised Deft. his attorney is not required to do that, and the District Attorney has the obligation to turn information over without a request. Deft. stated he asked why evidence is not turned over, and he was told there is only evidence that is going to be used against him at trial. Court told Deft. that is true, however, State is required to turn over any exculpatory evidence; and his argument that he wants to build his defense on State's evidence is unusual. Deft. stated he does not know the strengths and weaknesses of the case. Court advised Deft. his attorney will know. Deft. argued there has been no communication with his attorney. Mr. Gruber noted for the record he spoke with Deft. on the phone after the bar Complaint was filed, and Deft. has spoken with his staff about the case.

CUSTODY

6/06/17 8:30 A.M. CALENDAR CALL

6/13/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

C-16-313216-2      State of Nevada  
vs  
Toney White

**June 06, 2017      8:30 AM      Calendar Call**

**HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

<b>PRESENT:</b>	Gruber, Harvey	Attorney
	Schwartzter, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- Mr. Gruber advised he sent copies of reports to Deft, Deft. is saying he is missing some, further noting defense also mailed 400 pictures, and Deft. still has not received them. Additionally, the investigator met with Deft, and defense is not ready to go to trial next week due to further investigation needed. Mr. Schwartzter objected. Discussions as to Deft. and Mr. Gruber having had a contentious relationship previously, and there having been difficulties with communication. Mr. Gruber stated he does not know why the information was provided yesterday at the meeting, but defense needs to look into it further. Mr. Schwartzter argued State is ready, Deft. had discovery all this time, and trial has been continued a few times. COURT ORDERED, Deft's Motion GRANTED; trial date VACATED AND RESET. Court noted parties need to be ready to go on the next trial date.

**CUSTODY**

10/31/17 8:30 A.M. CALENDAR CALL

11/07/17 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 19, 2017**

---

C-16-313216-2      State of Nevada  
vs  
Toney White

---

**October 19, 2017      8:30 AM      Request**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Phyllis Irby

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Gruber, Harvey	Attorney
	Schwartzner, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- AMENDED INDICTMENT FILED IN OPEN COURT. NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. WHITE ARRAIGNED AND PLED GUILTY TO COUNT 1- CONSPIRACY TO COMMIT ROBBERY (F) and COUNT 2 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (F). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing. FURTHER ORDERED, TRIAL VACATED.

CUSTODY

12-14-17 8:30 AM SENTENCING (DEPT. XII)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 14, 2017**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**December 14, 2017      8:30 AM      Sentencing**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Mendoza, Erika	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- Deft. not present; refused to be transported. Mr. Gruber not present. At request of defense counsel, which was made to Chambers prior to today's hearing, COURT ORDERED, matter CONTINUED.

CUSTODY

1/18/18 8:30 A.M. SENTENCING

CLERK'S NOTE: After Court, Clerk notified Mr. Gruber and State regarding continuance date, as Court had granted Co-Deft's attorney's request for sentencing to be heard on or after January 18, 2018, due to scheduling conflicts. /// sb

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 18, 2018**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**January 18, 2018      8:30 AM      Sentencing**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**      Gruber, Harvey      Attorney  
                                 Schwartzer, Michael J.      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Deft. not present; refused to appear. CONFERENCE AT BENCH. COURT ORDERED, sentencing CONTINUED, and hearing on Deft's pro per motion for withdrawal of guilty plea STANDS.

**CUSTODY**

1/30/18 8:30 A.M. DEFT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 30, 2018**

---

C-16-313216-2      State of Nevada  
vs  
Toney White

---

**January 30, 2018      8:30 AM      All Pending Motions**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**      Derjavina, Ekaterina      Attorney  
                         State of Nevada      Plaintiff  
                         White, Toney Anthony      Defendant

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...DEFENDANT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...SENTENCING

Mr. Gruber not present. COURT ORDERED, matters CONTINUED.

**CUSTODY**

2/06/18 8:30 A.M. DEFENDANT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...DEFENDANT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...SENTENCING

**CLERK'S NOTE:** Mr. Gruber appeared after Court recessed, and was informed by Clerk regarding

continuance date. /// sb



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 06, 2018**

C-16-313216-2      State of Nevada  
vs  
Toney White

**February 06, 2018      8:30 AM      All Pending Motions**

**HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Patti Slattery**REPORTER:****PARTIES**

<b>PRESENT:</b>	Gruber, Harvey	Attorney
	Schwartz, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant
	Zadrowski, Bernard B.	Attorney

**JOURNAL ENTRIES**

- DEFT'S MOTION FOR WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...DEFT'S MOTION TO WITHDRAWAL OF GUILTY PLEA AND FOR APPOINTMENT OF NEW COUNSEL, OR ALTERNATIVELY, TO PROCEED IN PRO PER...SENTENCING

Court advised Deft. it received all of his letters and Motions after his entry of plea. Upon Court's inquiry, Deft. confirmed he wants to move to withdraw his plea. Court noted based on allegations that were made by Deft, the Court will appoint independent counsel to review the case. COURT ORDERED, Attorney Michael Sanft, Esq., APPOINTED as counsel for limited purpose of reviewing the record and making a determination as to whether or not there is a legal basis for Deft. to withdraw his plea. FURTHER, matter SET for confirmation of independent counsel. Mr. Gruber to provide a copy of the case file to Deft. Mr. Gruber noted the case file is rather large. Court advised Deft. if his independent attorney thinks there is a legal basis, the attorney will file a motion; and if there is no legal basis found, Mr. Gruber will remain on the case to handle sentencing, and Deft. can

file an appeal or anything else deemed appropriate. Discussion between Court and Deft. regarding his hand and arm being bandaged.

CASE RECALLED. Mr. Schwartzer is not present. Mr. Sanft is now present in Court. Court informed Mr. Sanft regarding the appointment and this case being continued to February 15, 2018 for him to confirm. Court added Mr. Gruber is going to provide him the file, and Mr. Gruber had indicated the case file is quite large. Court inquired to Mr. Sanft if he needs more time to review the case. Mr. Sanft stated no; and advised this Court did the plea canvass, and he would request a copy of the JAVS recording of this plea canvass, or the transcript. Court advised Mr. Sanft Deft. had written few documents since the plea canvass, that does not appear to be the issue, and he contends there were outside forces. Mr. Sanft stated he understands there may have been some other party that had forced Deft. into taking the negotiation, and maybe the pauses in the canvass would help to determine whether Deft. actually had a problem. Court stated Deft. had told Court nobody had coerced him into entering his plea, during the plea canvass. Court offered to provide a transcript of the plea canvass and the JAVS recording. Mr. Sanft requested only the JAVS CD, and one week to review the record. COURT SO ORDERED. Court advised Mr. Sanft it is warning him that the file is voluminous. COURT ORDERED, sentencing CONTINUED; matter SET for status check. Mr. Sanft advised he thinks the issue is whether or not Deft. enters the plea knowingly and voluntarily, without the issue of coercion, he does not believe reading the entire file is going to be the issue, as that is a fact pattern that goes to something else, and he is only focusing on Deft's entry of plea.

Court thanked Mr. Sanft for taking this case; and advised Mr. Sanft to let the Court know if he needs more time.

CUSTODY

2/15/18 8:30 A.M. STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA /  
CONFIRMATION OF APPOINTED COUNSEL MICHAEL SANFT...SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 15, 2018**

---

C-16-313216-2      State of Nevada  
   vs  
   Toney White

---

**February 15, 2018      8:30 AM      All Pending Motions**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart  
   Kimberly Estala

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Demonte, Noreen C.	Attorney
	Gruber, Harvey	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- STATUS CHECK: DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA/ CONFIRMATION OF COUNSEL MICHAEL SANFT... SENTENCING

Mr. Sanft CONFIRMED as Counsel and requested a briefing schedule be set. COURT ORDERED Deft's Supplemental Brief DUE 03/01/18, State's Response DUE 03/15/18, Deft's Reply DUE 03/22/18, Status Check date SET.

CUSTODY

03/29/18 8:30 A.M. STATUS CHECK: DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA... SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 29, 2018**

C-16-313216-2      State of Nevada  
vs  
Toney White

**March 29, 2018      8:30 AM      All Pending Motions**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Osman, Adam B.	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING

Mr. Sanft appeared for limited purpose regarding Deft's motion to withdraw guilty plea; and informed Court he is seeking more time, he reviewed Deft's issues as to why he wants to file the motion, there is a basis, and a requirement is also getting an affidavit from a person in custody. Deft. provided the name of the person in custody to Mr. Sanft, in open Court. Mr. Sanft stated he needs this person to sign an affidavit, he does not know where the person is housed at, documents were sent to the person, and no response was received. At request of counsel, COURT ORDERED, matters CONTINUED one week for Mr. Sanft to try to locate the person again.

**CUSTODY**

4/05/18 8:30 A.M. STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 05, 2018**

C-16-313216-2      State of Nevada  
vs  
Toney White

**April 05, 2018**

**8:30 AM**

**All Pending Motions**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Clowers, Shanon	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING

Mr. Sanft informed Court the person was located, he drafted the affidavit for the person, however, he needs permission from the person's Public Defender first, who is out on vacation. At request of defense counsel, COURT ORDERED, matters CONTINUED two weeks.

CUSTODY

4/24/18 8:30 A.M. STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 24, 2018**

C-16-313216-2      State of Nevada  
vs  
Toney White

**April 24, 2018****8:30 AM****All Pending Motions****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

<b>PRESENT:</b>	Derjavina, Ekaterina	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES****- STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING**

Mr. Sanft informed Court he was granted one week to get the affidavit signed by the witness, however, the witness is refusing to sign it, the affidavit was reviewed by the witness, and the witness is afraid to be labeled as a snitch. Additionally, Deft's sister is in custody, and defense is having the investigator come sit down with Deft's sister to get more information about the alleged threat. Mr. Sanft requested one more continuance. Court asked if defense was going to file the motion to withdraw guilty plea. Mr. Sanft advised he has evidence from Deft, however, he wanted an affidavit and declaration signed, further noting Deft's sister may know about the alleged threat, and defense wants to verify it. Ms. Derjavina advised State is fine with the continuance, she does not have the file, and this is Mr. Schwartzer's case. COURT ORDERED, matters CONTINUED.

**CUSTODY****5/10/18 8:30 A.M. STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY**

PLEA...SENTENCING



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 10, 2018**

---

C-16-313216-2      State of Nevada  
vs  
Toney White

---

**May 10, 2018**

**8:30 AM**

**All Pending Motions**

**HEARD BY:** Bixler, James

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Beverly, Leah C	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- STATUS CHECK: DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING

Mr. Sanft requested another continuance of two weeks. Court stated a copy of the plea canvass or transcript will need to be provided to defense counsel. Mr. Sanft requested thirty days for the transcript to be provided. COURT SO ORDERED; matters CONTINUED.

CUSTODY

6/05/18 8:30 A.M. STATUS CHECK: DEFENDANT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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

C-16-313216-2      State of Nevada  
vs  
Toney White

**June 05, 2018****8:30 AM****All Pending Motions****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

<b>PRESENT:</b>	Kern, Samuel R.	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA...SENTENCING

Mr. Sanft informed Court he provided a copy of the plea canvass and transcript to Deft, his basis before was basis of coercion, the attorney for the individual said no on signing an affidavit, as the individual does not want to sign an affidavit anymore. Mr. Sanft requested an evidentiary hearing to have a witness come in and provide testimony; and argued in support of relief requested. Court told Mr. Sanft he can file a motion on the issue, the Court would give him an opportunity to bring the witness in, and with everything he is telling the Court, the Court would be inclined to grant an evidentiary hearing. Discussions. Mr. Sanft anticipated the evidentiary hearing will be short. Mr. Kern requested Court to trail the matter for Mr. Schwartzer to appear. Further discussion. COURT ORDERED, status check CONTINUED; matter SET for evidentiary hearing; and briefing schedule is SET as follows: Deft's brief due June 14, 2018, and State's response is due June 21, 2018.

CUSTODY

6/28/18 10:30 A.M. EVIDENTIARY HEARING...STATUS CHECK: DEFT'S MOTION TO  
WITHDRAW GUILTY PLEA

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****June 28, 2018**

C-16-313216-2      State of Nevada  
vs  
Toney White

**June 28, 2018****10:30 AM****All Pending Motions****HEARD BY:** Leavitt, Michelle**COURTROOM:** RJC Courtroom 14D**COURT CLERK:** Susan Botzenhart**RECORDER:** Kristine Santi**REPORTER:****PARTIES**

<b>PRESENT:</b>	Dickerson, Michael	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- EVIDENTIARY HEARING...STATUS CHECK: DEFT'S MOTION TO WITHDRAW GUILTY PLEA

Mr. Sanft informed Court a briefing schedule was set at the last hearing, and he had received a written letter by the Clerk, two days after the last hearing, to which the letter was from Deft, which caused him concern about filing any type of motion in regards to a motion to withdraw guilty plea. Thereafter, Mr. Sanft provided Deft's written letter, which was reviewed by Court. Discussions regarding Deft's handwriting in the letter being exceptionally gifted, clear, and to the point, plus what Deft. wrote in the letter. Mr. Sanft stated the person who allegedly overheard the threats made to Deft, refused to cooperate. Further discussions regarding defense counsel's reasonings of not filing the motion, and defense counsel believing there is a legal basis to file a motion on Deft's behalf. Court reminded defense counsel Deft. does not direct what the strategy is. Mr. Sanft stated the concern was about what Deft. wrote in the letter, Deft's basis was well founded, what he laid out in the letter may set the record for something else, defense wanted to let the Court know what was going on and what Deft's position was, before defense moves forward; and he did not want this to be an issue later on post conviction relief. Court advised Deft. it will make the letter a part of the

record, Mr. Sanft is going to continue to represent him, he needs to discuss everything with Mr. Sanft, Mr. Sanft gets to determine what the legal strategy is, he cannot keep stalling the case from going forward, by claiming every attorney Court gives him does not do what he thinks they are supposed to do, the Court has a Guilty Plea Agreement in front of the Court, if he wants to move to withdraw his plea, that is fine, and he can talk to Mr. Sanft about it, however, he does not get to direct legal strategy, Mr. Sanft directs the strategy and is the lawyer, and he is not. Deft. made statements to Court regarding names of witnesses having been given to the investigator. Mr. Sanft stated the investigator followed up with the main person involved, being a witness regarding the alleged threat, and based upon the letter, defense can follow up with the individuals in the letter, if Court wants him to do so. Court stated it is not going to direct Mr. Sanft either, that is not appropriate for Court to do, the Court has faith in him, and he is a competent attorney. Further discussions. Court reminded Deft. again the legal strategy is Mr. Sanft's decision and he needs to speak with Mr. Sanft about the case. At request of Mr. Sanft, COURT ORDERED, CASE CONTINUED; briefing schedule SET as follows: Deft's Motion to withdraw guilty plea due July 19, 2018; State's response due August 9, 2018; and Deft's reply is due August 23, 2018. Hearing SET. Court's Exhibit ADMITTED (See Worksheets.). Mr. Sanft stated the motion is already done, and he held off on filing it, due to Deft's letter.

CUSTODY

9/06/18 10:30 A.M. EVIDENTIARY HEARING...DEFT'S MOTION TO WITHDRAW GUILTY PLEA

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 06, 2018**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**September 06, 2018      10:30 AM      All Pending Motions**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Sanft, Michael W.	Attorney
	Schwartzner, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- EVIDENTIARY HEARING...DEFT'S MOTION TO WITHDRAW PLEA

Case called during the 8:30 A.M. criminal calendar. Discussions as to Mr. Sanft having filed the written motion yesterday afternoon, being September 5, 2018. At request of State, COURT ORDERED, State to file written response by October 25, 2018. FURTHER, matters CONTINUED.

CUSTODY

10/30/18 10:30 A.M. EVIDENTIARY HEARING...DEFT'S MOTION TO WITHDRAW PLEA

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 20, 2018**

C-16-313216-2      State of Nevada  
vs  
Toney White

**December 20, 2018      10:30 AM      All Pending Motions**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Susan Botzenhart

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Dickerson, Michael	Attorney
	Nadig, Benjamin J.	Attorney
	Schwartzner, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- Court TRAILED and RECALLED matter for Deft. and counsel to appear. Deft. is present in custody. Mr. Nadig appeared for Mr. Sanft; on behalf of Deft.

**EVIDENTIARY HEARING...DEFT'S MOTION TO WITHDRAW GUILTY PLEA**

There being no objection by State, COURT ORDERED, Motion GRANTED; Deft's guilty plea WITHDRAWN. FURTHER, the original charges in the original Indictment filed March 9, 2016 are REINSTATED; Amended Indictment filed on October 19, 2017 is STRICKEN. Mr. Nadig requested Court to set the trial date on a date as soon as possible. COURT ADDITIONALLY ORDERED, trial date SET.

**CUSTODY**

2/12/19 8:30 A.M. CALENDAR CALL



2/19/19 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 12, 2019**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**February 12, 2019      8:30 AM      Calendar Call**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Michaela Tapia

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Moskal, Thomas J.	Attorney
	Osman, Adam B.	Attorney
	Sanft, Michael W.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- Mr. Sanft advised ready for trial. State indicated 18 - 20 witnesses, 5 - 6 days, and two out of state witnesses. TRIAL DATE STANDS.

**CUSTODY**

2/19/19 10:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 19, 2019**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**February 19, 2019      10:30 AM      Jury Trial**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Teri Berkshire  
                         Haly Pannullo

**RECORDER:** Trisha Garcia

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Luong, Vivian	Attorney
	Sanft, Michael W.	Attorney
	Schwartzter, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- PROSPECTIVE JURORS PRESENT:

Voir Dire.

OUTSIDE THE PRESENCE OF THE JURY:

Mr. Sanft requested the Co-Defendant, Marlan Dean, be transported as a potential witness for the Defense. COURT ORDERED, Co-Defendant, Marlan Dean, is to be transported on 02/25/19; State to prepare the Transport Order.

PROSPECTIVE JURORS PRESENT:

Voir Dire.

Court Clerk, Teri Berkshire, now present.

INSIDE THE PRESENCE OF THE PROSPECTIVE JURY:continued Voir Dire.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY Inquiry regarding named Juror as to whether or not he is a felon.

INSIDE THE PRESENCE OF THE PROSPECTIVE JURY Court noted named juror is not a felon. Continued Voir Dire. Following Voir dire, 12 Jurors selected. Court thanked and excused the remaining prospective panel.

INSIDE THE PRESENCE OF THE JURY: Court admonished the Jury and instructed them to return tomorrow at the given time.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Sanft advised he did not see a reason to not waive the challenges as noted. Court so noted. Court adjourned for the evening.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 20, 2019**

---

C-16-313216-2      State of Nevada  
                                 vs  
                                 Toney White

---

**February 20, 2019      10:30 AM      Jury Trial**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:**

Haly Pannullo

**RECORDER:** Trisha Garcia

**REPORTER:**

**PARTIES**

**PRESENT:**

Luong, Vivian	Attorney
Sanft, Michael W.	Attorney
Schwartzter, Michael J.	Attorney
State of Nevada	Plaintiff
White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY:

Amended Indictment FILED IN OPEN COURT.

Mr. Schwartzter advised they attempted to transport the Co-Defendant, Marland Dean, and the prison stated they cannot do so until 03/01/19. Mr. Sanft confirmed they are still requesting he be transported. Court stated the Department will contact the prison for transport.

Parties stipulated to exhibits #1-233

**JURY PRESENT:**

Jury sworn.

Clerk read the Amended Indictment.

Testimony and exhibits presented. (See worksheets)

OUTSIDE THE PRESENCE OF THE JURY:

Pursuant to NRS 50.215 and NRS 50.215(4)(b), COURT STATED the Court is not permitted to Order the Co-Defendant be transported from the prison.

JURY PRESENT:

Testimony and exhibits presented. (See worksheets)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 21, 2019**

C-16-313216-2      State of Nevada  
vs  
Toney White

**February 21, 2019      10:30 AM      Jury Trial**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:**

Haly Pannullo

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**

Luong, Vivian	Attorney
Sanft, Michael W.	Attorney
Schwartzter, Michael J.	Attorney
State of Nevada	Plaintiff
White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY:

DEFT. WHITE ARRAIGNED AND PLED GUILTY TO COUNT 1 - CONSPIRACY TO COMMIT ROBBERY (F), COUNT 2 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F), COUNTS 3-4 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F), COUNTS 5-6 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (F) COUNT 7 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F) and COUNT 8 - IMPERSONATION OF AN OFFICER (GM). Court ACCEPTED plea, and, ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for sentencing.

JURY PRESENT:

Court thanked and excused the jury.

CUSTODY

03/14/19 8:30 AM SENTENCING



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 14, 2019**

---

C-16-313216-2      State of Nevada  
vs  
Toney White

---

**March 14, 2019      8:30 AM      Sentencing**

**HEARD BY:** Leavitt, Michelle

**COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Haly Pannullo

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Sanft, Michael W.	Attorney
	Schwartzner, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- COURT ORDERED, matter CONTINUED. Pre-Sentence Investigation Report provide to Mr. Sanft in open court.

CUSTODY

CONTINUED TO: 03/19/19 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 19, 2019**

C-16-313216-2      State of Nevada  
vs  
Toney White

**March 19, 2019      8:30 AM      Sentencing**

**HEARD BY:** Leavitt, Michelle      **COURTROOM:** RJC Courtroom 14D

**COURT CLERK:** Haly Pannullo

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Sanft, Michael W.	Attorney
	Schwartzner, Michael J.	Attorney
	State of Nevada	Plaintiff
	White, Toney Anthony	Defendant

**JOURNAL ENTRIES**

- DEFT WHITE ADJUDGED GUILTY of COUNT 1 - CONSPIRACY TO COMMIT ROBBERY (F), COUNT 2 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON (F), COUNTS 3-4 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (F), COUNTS 5-6 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (F), COUNT 7 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (F) and COUNT 8 - IMPERSONATION OF AN OFFICER (GM). Statement by Defendant. Arguments by counsel. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$8,831.62 restitution to be paid jointly and severally with Co-Defendant, \$150.00 DNA Analysis fee including testing to determine genetic markers and \$3.00 DNA Collection fee, Deft. SENTENCED as follows:

on COUNT 1 - to a MAXIMUM of SEVENTY- TWO (72) MONTHS with a MINIMUM Parole Eligibility of TWENTY-EIGHT (28) MONTHS in the Nevada Department of Corrections (NDC);

on COUNT 2 - to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of SIXTY-SIX (66) MONTHS, CONCURRENT with COUNT 1 in the NDC;

on COUNT 3 - to LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS plus a CONSECUTIVE term of TWENTY (20) YEARS MAXIMUM with a parole eligibility of FIVE (5) YEARS for the Use of a Deadly Weapon, CONCURRENT TO COUNT 2 in the NDC;

on COUNT 4 - to LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS plus a CONSECUTIVE term of TWENTY (20) YEARS MAXIMUM with a parole eligibility of FIVE (5) YEARS for the Use of a Deadly Weapon, CONSECUTIVE with COUNT 3 in the NDC;

COUNT 5 - to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS plus a CONSECUTIVE term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly Weapon, CONCURRENT with COUNT 4 in the NDC;

COUNT 6 - to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS plus a CONSECUTIVE term of ONE HUNDRED TWENTY (120) MONTHS with a MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS for the Use of a Deadly Weapon, CONCURRENT with COUNT 5 in the NDC;

COUNT 7 - to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of SIXTY-SIX (66) MONTHS, CONCURRENT with COUNT 6 in the NDC;

and COUNT 8 - to THREE HUNDRED SIXTY-FOUR (364) DAYS in the Clark County Detention Center (CCDC), CONCURRENT with COUNT 7 for and AGGREGATE TOTAL of LIFE with a MINIMUM Parole Eligibility of TWENTY (20) YEARS with ONE THOUSAND ONE HUNDRED THIRTY-FOUR (1,134) DAYS credit for time served.

BOND, if any, EXONERATED.

NDC

CLERK'S NOTE: Subsequent to Court, COURT ORDERED, COUNT 3 CONCURRENT TO COUNT 2.  
hvp/3/22/19

CASE NO. C-17-328203-1  
DEPT. NO. IV  
CCDA ELIZABETH MERCER (GCU)

Defendant(s): DELBERT GREENE, aka, Delbert Marshall Greene, #0886262

Case No(s): 17AGJ128X (RANDOMLY TRACKS TO DC IV OR XXIII)

Charge(s): (8) CTS - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON  
(Category B Felony - NRS 205.060 - NOC 50426);  
(16) CTS - ROBBERY WITH USE OF A DEADLY WEAPON (Category B  
Felony - NRS 200.380, 193.165 - NOC 50138);  
(1) CT - CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS  
200.380, 199.480 - NOC 50147);  
(1) CT - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN  
SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC  
50226); and  
(1) CT - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON  
(Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031)

Def. Counsel(s): PUBLIC DEFENDER

WARRANT (1 WEEK): \$20,000 12/7 @ 9 AM DC 4

DEFT IS IN CUSTODY @ CCDC (17F18233X PH 12/4)

LVJC CASE TO BE DISM'D: 17F18233X

Exhibits:

- |                        |           |
|------------------------|-----------|
| 1. Proposed Indictment | 19. Photo |
| 2. Jury Instructions   | 20. Photo |
| 3. Photo               | 21. Photo |
| 4. Photo               | 22. Photo |
| 5. Photo               | 23. Photo |
| 6. Photo               | 24. Photo |
| 7. Photo               | 25. Photo |
| 8. Photo               | 26. Photo |
| 9. Misnumbered         | 27. Photo |
| 10. Photo              | 28. Photo |
| 11. Photo              | 29. Photo |
| 12. Photo              | 30. Photo |
| 13. Photo              | 31. Photo |
| 14. Photo              | 32. Photo |
| 15. Photo              | 33. Photo |
| 16. Photo              | 34. Photo |
| 17. Photo              | 35. Photo |
| 18. Photo              |           |

Exhibits 1 - 35 to be lodged with the Clerk of the Court.

--	--	--	--	--	--	--	--	--

# EXHIBIT(S) LIST

Case No.: C328203

Hearing / Trial Date: 03/04/2019

Dept. No.: XXX

Judge: Jerry Wiese

Court Clerk:

Plaintiff: The State of Nevada

Recorder / Reporter:

Counsel for Plaintiff: Elizabeth Mercer/Rachel O'Halloran

vs.

Defendant: Delbert Greene

Counsel for Defendant:

John Parris

## HEARING / TRIAL BEFORE THE COURT

### STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1	Aerial Image -- All locations	3-7-19	NO	3-7-19
2	Aerial Image -- Subway 3030 W. Ann Rd	3-5-19	NO	3-5-19
3	Aerial Image -- Subway 6125 W. Tropicana Ave	3-8-19	NO	3-8-19
4	Aerial Image -- Subway 5061 E. Sahara Ave	3-8-19	NO	3-8-19
5	Aerial Image -- Subway 3395 E. Tropicana Ave	3-6-19	NO	3-6-19
6	Aerial Image -- Jack in the Box 4595 W. Ann Rd	3-5-19	NO	3-5-19
7	Aerial Image -- Subway 7377 S. Jones Blvd	3-8-19	NO	3-8-19
8	Aerial Image -- Subway 2620 N. Green Valley Pkwy			
9	Aerial Image -- Arby's 725 N. Nellis Blvd			
10	Aerial Image -- 4562 Baby Bird Ln -- Major Streets			
11	Aerial Image -- 4562 Baby Bird Ln -- Close up			
12	Aerial Image -- 3851 Twinkle Star & 4562 Baby Bird Ln			
13	Aerial Image -- 733 Veteran's Memorial Dr.	3-7-19	NO	3-7-19
14	Surveillance Still -- Pic 1 (overhead #1)	3-8-19	NO	3-8-19
15	Surveillance Still -- Pic 2 (overhead #2)			
16	Surveillance Still -- Pic 3 (overhead #3)			

# EXHIBIT(S) LIST

Case No: \_\_\_\_\_

The State of Nevada

VS.

Delbert Greene

## STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
17	Surveillance Still – Pic 4 (shoes)	3-8-19	NC	3-8-19
18	Surveillance Still – Pic 5 (Right front)			
19	Surveillance Still – Pic 6 (Right rear)			
20	Surveillance Still – Pic 7 (Walking to counter)			
21	Surveillance Still – Pic 8 (Left rear)			
22	CD – 911 Call: Subway 3030 W. Ann Rd (170916-16113)	3-5-19	NO	3-5-19
23	CD - Surveillance Footage: Subway 3030 W. Ann Rd (170916-16113)	3-5-19	NC	3-5-19
24	Photo – Exterior of Subway 6125 E. Tropicana)	3-5-19	NC	3-5-19
25	Photo – Subway Interior (Looking at front door from interior)			
26	Photo – Subway Interior (Right side of order counter)			
27	Photo -- Subway Interior (Facing restroom)			
28	Photo – Subway Interior (Register counter from customer side)			
29	Photo – Subway Interior (Behind counter)			
30	Photo – Subway Interior (Register)			
31	Photo – Subway Interior (Counter w/ Latent Prints 1&2)	3-8-19	NC	3-8-19
32	Photo – Subway Interior (Close-up of Latent Prints 1&2)			
33	Photo – Subway Interior (Chip bags after fingerprint processing)			
34	Photo – Subway Interior (Door handle)			
35	Surveillance Still (walking to counter)			
36	Surveillance Still (standing at counter)			
37	Surveillance Still (Close-up looking at chips)			
38	Surveillance Still (Close-up facing chips)			
39	Surveillance Still (Overhead holding knife)			

# EXHIBIT(S) LIST

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
40	Surveillance Still (Overhead close-up w/ knife)	3-8-19	NC	3-8-19
41	Surveillance Still (Overhead close-up w/ knife #2)	3-8-19	NC	3-8-19
42	CSI Report – Subway 6125 W. Tropicana (170918-3788)	3-8-19	NO	3-8-19
43	Latent Print Report - Subway 6125 W. Tropicana (170918-3788)	3-7-19	STP	3-7-19
44	CD – 911 Call: Subway 6125 W. Tropicana (170918-3788)	3-5-19	NC	3-5-19
45	CD – Surveillance: Subway 6125 W. Tropicana (170918-3788)	3-5-19	NC	3-5-19
46	Photo - Exterior of Subway 5061 E. Sahara Ave #1D	3-5-19	NC	3-5-19
47	Photo – Subway Interior (Overall)			
48	Photo – Subway Interior (Garbage can)			
49	Photo – Subway Interior (Looking at front door from interior)			
50	Photo – Subway Interior (Drink Station/Refrigerator)			
51	Photo – Subway Interior (Behind Counter)			
52	Photo – Subway Interior (Cash Register)			
53	CSI Report – Subway 5061 W. Sahara Ave (170922-3585)	3-8-19	NC	3-8-19
54	CD – 911 Call: Subway 5061 W. Sahara Ave (170922-3585)	3-5-19	NO	3-5-19
55	Photo - Exterior of Subway 3395 E. Tropicana #101	3-6-19	NO	3-6-19
56	Photo – Interior of Subway (Overall of counter)			
57	Photo – Interior of Subway (Facing register and refrigerator)			
58	Photo – Interior of Subway (Facing register and refrigerator – close-up)			
59	Photo – Interior of Subway (Looking at front door from interior)			
60	Photo – Subway Interior (Counter w/ Latent Prints 1&2)			
61	Surveillance Still (Dominos) - Pic 1 (Def. walking #1)	3-6-19	NO	3-6-19
62	Surveillance Still (Dominos) - Pic 2 (Def. walking #2)			
63	Surveillance Still (Dominos) - Pic 3 (Def. walking – looking left)			
64	Surveillance Still (Dominos) - Pic 4 (Def. walking – right profile)			
65	Surveillance Still (Dominos) - Pic 5 (Def.'s upper body)	3-8-19	NO	3-8-19
66	Surveillance Still (Dominos) - Pic 6 (Def. overall)	3-8-19	NC	3-8-19

# EXHIBIT(S) LIST

67	Surveillance Still (Dominos) - Pic 7 (Shoes)	3-8-19	NC	3-8-19
68	Surveillance Still (Dominos) - Pic 8 (Shoes #2)			
69	Surveillance Still (Dominos) - Pic 9 (Def. entering business)			
70	CSI Report - Subway 3395 E. Tropicana (170928-3050)	3-8-19	NC	3-8-19
71	Latent Print Report - Subway 3395 E. Tropicana (170928-3050)	3-7-19	STIP	3-7-19
72	CD - 911 Call: Subway 3395 E. Tropicana (170928-3050)	3-6-19	NO	3-6-19
73	CD - Surveillance: Subway 3395 E. Tropicana (Dominos) (170928-3050)	3-8-19	NC	3-8-19
74	Photo - Exterior of Jack-in-the-Box 4595 W. Ann Rd	3-5-19	NO	3-5-19
75	Photo - Exterior of Jack-in-the-Box w/ Crime Scene Tape			
76	Photo - Interior of Jack-in-the-Box (Cash Registers at angle)			
77	Photo - Interior of Jack-in-the-Box (Registers from customer side)			
78	Photo - Interior of Jack-in-the-Box (Swinging Door)			
79	Photo - Interior of Jack-in-the-Box (Office from door)			
80	Photo - Interior of Jack-in-the-Box (Office - facing safe)			
81	Photo - Interior of Jack-in-the-Box (Office - facing computer)			
82	Photo - Interior of Jack-in-the-Box (Registers from behind counter)			
83	Photo - Interior of Jack-in-the-Box (Facing drive-thru window)			
84	Photo - Interior of Jack-in-the-Box (Fryers)			
85	Photo - Interior of Jack-in-the-Box (Prep counter)			
86	Photo - Interior of Jack-in-the-Box (Grill and Bread Rack)			
87	Photo - Interior of Jack-in-the-Box (Office door handle)	3-7-19	NC	3-7-19
88	Photo - Interior of Jack-in-the-Box (Door handle DNA swab)			
89	Photo - Interior of Jack-in-the-Box (Register drawer)			
90	Photo - Exterior Door (Latent Print #1)			
91	Photo - Exterior Door (Latent Print #1 - close-up)			
92	Photo - Interior of Jack-in-the-Box (Office door w/ Latent Prints 2-5)			
93	Photo - Interior of Jack-in-the-Box (Office door w/ Latent Print #6)			
94	Photo - Inside of Exterior Door (Latent Print #7)			



# EXHIBIT(S) LIST

95	Photo – Exterior of Jack-in-the-Box (Overall of Rocks with watch)	3-7-19	NC	3-7-19
96	Photo – Exterior of Jack-in-the-Box (Overall of Rocks with watch – close-up)			
97	Photo – Exterior of Jack-in-the-Box (Watch)			
98	Surveillance Still – Defendant entering store	3-5-19	NC	3-5-19
99	Surveillance Still – Defendant crossing threshold	3-8-19	NC	3-8-19
100	Surveillance Still – Defendant holding jacket: co-conspirator at door			
101	Surveillance Still – Top of Defendant's head: co-conspirator at door			
102	Surveillance Still – Co-conspirator			
103	Surveillance Still – Def. w/ knife to Phillip's neck			
104	Surveillance Still – Co-conspirator w/ gun to Phillip's chest			
105	Surveillance Still – Phillip grabbing gun			
106	Surveillance Still – Phillip on phone			
107	Surveillance Still – Def. swinging knife at Phillip			
108	Surveillance Still – Def.'s shoe (close-up)			
109	Surveillance Still – Def. holding knife (close-up)			
110	CSI Report / Follow-up Report – Jack-in-the-Box 4595 W. Ann Rd (170928-16916)	3-7-19	NO	3-7-19
111	CD – 911 call: Jack-in-the-Box 4595 W. Ann Rd (170928-16916)	3-5-19	NC	3-5-19
112	CD – surveillance: Jack-in-the-Box 4595 W. Ann Rd (170928-16916)	3-5-19	NC	3-5-19
113	Photo - Exterior of Subway 7377 S. Jones Blvd. #104	3-6-19	NO	3-6-19
114	Photo – Interior of Subway (Overall)			
115	Photo – Interior of Subway (Looking at front door from interior)			
116	Photo – Interior of Subway (Register from customer side)			
117	Photo – Interior of Subway (Behind counter)			
118	Photo – Interior of Subway (Register from left side)			
119	Photo – Interior of Subway (Register)			
120	Surveillance Still – Def. from behind standing at wall	3-8-19	NC	3-8-19
121	Surveillance Still – Def. from above facing Giovanni			
122	Surveillance Still – Def. from above (close-up)			
123	Surveillance Still – Def.'s car			

# EXHIBIT(S) LIST

PH	124	Surveillance Still – Def.'s car (close-up)	3-7-19	NO	3-7-19
PH	125	CSI Report – Subway 7377 S. Jones Blvd (170930-4170)	3-8-19	NO	3-8-19
PH	126	CD – 911 call: Subway 7377 S. Jones Blvd (170930-4170)	3-6-19	NO	3-6-19
PH	127	CD – Surveillance: Subway 7377 S. Jones Blvd (170930-4170)	3-6-19	NO	3-6-19
PH	128	Photo – Exterior of Subway 2620 N. Green Valley Pkwy (17-19008)	3-8-19	NO	3-8-19
PH	129	Photo – Interior of Subway (Overall facing counter)			
PH	130	Photo – Interior of Subway (Tables and entrance)			
PH	131	Photo – Interior of Subway (Counter from left/drink station/drink refrigerator)			
PH	132	Photo – Interior of Subway (Counter from left/drink refrigerator)			
PH	133	Photo – Interior of Subway (Drink refrigerator and tables)			
PH	134	Photo – Interior of Subway (Facing restroom)			
PH	135	Photo – Interior of Subway (Behind counter from swinging door)			
PH	136	Photo – Interior of Subway (Behind counter facing swinging door)			
PH	137	Photo – Interior of Subway (Register from customer side)			
PH	138	Photo – Interior of Subway (Register drawer)			
PH	139	Photo – Interior of Subway (Bag of chips after processing)			
PH	140	Photo – Exterior Door with Latent Prints 1&2	3-8-19	NO	3-8-19
PH	141	Surveillance Still – Defendant in front of register	3-8-19	NO	3-8-19
PH	142	Surveillance Still – Defendant by entrance			
PH	143	Stealth Monitoring Affidavit			
PH	144	Surveillance Still (Green Valley Grocery) (Def. walking – left foot forward)	3-7-19	NO	3-7-19
PH	145	Surveillance Still (Green Valley Grocery) (Def. walking – right foot forward)	3-7-19	NO	3-7-19
PH	146	Surveillance Still (Green Valley Grocery) (Def. walking – right foot forward – close-up)	3-8-19	NO	3-8-19
PH	147	CSI Report – Subway 2620 N. Green Valley Pkwy (17-19008)	3-8-19	NO	3-8-19
PH	148	Latent Print Report – Subway 2620 N. Green Valley Pkwy (17-19008)	3-8-19	NO	3-8-19
PH	149	CD – 911 call: Subway 2620 N. Green Valley Pkwy (17-19008)	3-8-19	NO	3-8-19
PH	150	CD – surveillance: Subway 2620 N. Green Valley Pkwy (17-19008)	3-6-19	NO	3-6-19

# EXHIBIT(S) LIST

151	Photo – Exterior of Arby's 725 N. Nellis Blvd. (171009-1607)	3-6-19	NO	3-6-19
152	Photo – Exterior of Arby's (front door)			
153	Photo – Interior of Arby's (Door to kitchen)			
154	Photo – Interior of Arby's (Door to kitchen – close-up)			
155	Photo – Interior of Arby's (Facing drive-thru window)			
156	Photo – Interior of Arby's (Behind register facing door to kitchen)			
157	Photo – Interior of Arby's (Facing office)			
158	Photo – Interior of Arby's (Safe)			
159	Photo – Interior of Arby's (Inside of Safe)			
160	Photo – Interior of Arby's (Register drawers on floor)			
161	Surveillance Still – Def's from right side (glasses)	3-8-19	NO	3-8-19
162	Surveillance Still – Def. from front			
163	Surveillance Still – Back of Def. behind counter			
164	Surveillance Still – Def. in office pointing gun at Diane			
165	Surveillance Still – Def. in office pointing gun at Diane (close-up)			
166	Surveillance Still – Def. leaving w/ gun in right hand			
167	Surveillance Still – Def. leaving behind counter			
168	Photo Line-up – Diane McKinney	3-6-19	NO	3-6-19
169	Photo Line-up – Zachary Hernandez	3-6-19	NO	3-6-19
170	CD – 911 call: Arby's 725 N. Nellis Blvd. (171009-1607)	3-6-19	NO	3-6-19
171	CD – Surveillance: Arby's 725 N. Nellis Blvd. (171009-1607)	3-6-19	NO	3-6-19
172	Photo – Body cam still from 9/22/17 (Def. with hands at side)	3-8-19	NO	3-8-19
173	Photo – Body cam still from 9/22/17 (Def. leaning slightly forward)	3-8-19	NO	3-8-19
174	Photo - Facebook (Def. standing in front of blue truck)	3-8-19	NO	3-8-19
175	Photo – Surveillance from 4562 Baby Bird (Def. standing in front of car)	3-7-19	NO	3-7-19
176	Photo – Surveillance from 4562 Baby Bird (Def. standing in front of car looking to the right)			
177	Photo – Surveillance from 4562 Baby Bird (Def. standing on sidewalk looking behind him)			
178	Photo – Surveillance from 4562 Baby Bird (Def. standing in driveway w/ hand on belly)			

# EXHIBIT(S) LIST

179	Photo – 733 Veteran's Memorial (front of pinch)	3-7-19	NC	3-7-19
180	Photo – 733 Veteran's Memorial (left side of Def.'s car)			
181	Photo – 733 Veteran's Memorial (front of Def.'s car w/ trunk open)			
182	Photo – 733 Veteran's Memorial (right of Def.'s car with trunk open)	3-7-19	NC	3-7-19
183	Photo – 733 Veteran's Memorial (license plate 201-YSN)	3-7-19	NC	3-7-19
184	Photo – 733 Veteran's Memorial (Def.'s car w/ front pax door open)			
185	Photo – 733 Veteran's Memorial (Pax seat – sunglasses/phone/glove box)			
186	Photo – 733 Veteran's Memorial (Center console with knife)			
187	Photo – 733 Veteran's Memorial (Center console with knife - close-up)			
188	Photo – 733 Veteran's Memorial (Def.'s car with front driver's door open)			
189	Photo – 733 Veteran's Memorial (Front seats from driver's side)			
190	Photo – 733 Veteran's Memorial (Back seats)			
191	Photo – 733 Veteran's Memorial (Trunk)			
192	Photo – 733 Veteran's Memorial (Citation)			
193	Photo – 733 Veteran's Memorial (Knife – closed; emblem side up)			
194	Photo – 733 Veteran's Memorial (Knife – closed; emblem side down)			
195	Photo – 733 Veteran's Memorial (Knife – open; emblem side up)			
196	Photo – 733 Veteran's Memorial (Phones on hood of car)			
197	Photo – 733 Veteran's Memorial (Def.'s driver's license inside wallet)			
198	Photo – 733 Veteran's Memorial (Defendant)	3-7-19	NC	3-7-19
199	Photo – 733 Veteran's Memorial (Defendant – close-up)			
200	Photo – 733 Veteran's Memorial (Ebony Mahone)			
201	Photo – Exterior of 4562 Baby Bird Lane (Overall)	3-7-19	NO	3-7-19
202	Photo – Exterior of 4562 Baby Bird Lane (Address)			
203	Photo – Exterior of 4562 Baby Bird Lane (Exterior Door)			
204	Photo – Interior of 4562 Baby Bird Lane (Stairs)			
205	Photo – Interior of 4562 Baby Bird Lane (BB3)			
206	Photo – Interior of 4562 Baby Bird Lane (BB3 – Key in Deadbolt)			

# EXHIBIT(S) LIST

207	Photo - Interior of 4562 Baby Bird Lane (Bed)	3-7-19	NO	3-7-19
208	Photo - Interior of 4562 Baby Bird Lane (Window/TV/Microwave/Cut-out with Guns)			
209	Photo - Interior of 4562 Baby Bird Lane (Microwave and cut-out with Guns)			
210	Photo - Interior of 4562 Baby Bird Lane (Gun on left side of cutout - BB gun w/ painted tip)			
211	Photo - Interior of 4562 Baby Bird Lane (Gun on right side of cutout - Pellet gun w/ tape on grip)			
212	Photo - Interior of 4562 Baby Bird Lane (Window/TV/Microwave/Cubby below microwave)			
213	Photo - Interior of 4562 Baby Bird Lane (Brown Hoodie)			
214	Photo - Interior of 4562 Baby Bird Lane (BB gun w/ painted tip - on chair)			
215	Photo - Interior of 4562 Baby Bird Lane (Pellet gun w/ tape on grip - on chair)			
216	Photo - Interior of 4562 Baby Bird Lane (Laundry bag)			
217	Photo - Interior of 4562 Baby Bird Lane (Blue shoes behind chair)			
218	Photo - Interior of 4562 Baby Bird Lane (Grey/white shoes on bed)			
219	Photo - Interior of 4562 Baby Bird Lane (Blue shoes on bed)			
220	Photo - Interior of 4562 Baby Bird Lane (Purple shirt on bed)			
221	Photo - Interior of 4562 Baby Bird Lane Photo (Blue t-shirt on bed)			
222	Photo - Interior of 4562 Baby Bird Lane (Gray sweats on bed)			
223	Photo - Interior of 4562 Baby Bird Lane (Brown hoodie on bed)			
224	Photo - Interior of 4562 Baby Bird Lane (Brown sweats on bed)			
225	Photo - Interior of 4562 Baby Bird Lane (Striped shirt on bed)			
226	Photo - Interior of 4562 Baby Bird Lane (SW Return)			
227	CD - body cam traffic stop 9/22/17	3-8-19	NO	3-8-19
228	PHOTO - BROWN MALE	3-8-19	NO	3-8-19
229/230A	SECRET - 177 CAL PELLET GUN	3-5-19	NO	3-5-19
230/231	SECRET - 6MM CAL BBGUN W/ MAG.	3-5-19	NO	3-5-19
231	LVMPD VOLUNTARY STATEMENT	3-7-19	NO	3-7-19
232	LVMPD VOLUNTARY STATEMENT	3-7-19	NO	3-7-19
233	PHOTO - WHITE CAR	3-7-19	NO	3-7-19
234	BOX OF CLOTHING	3-7-19	NO	3-7-19
234A	BOX OF CLOTHING	3-7-19	NO	3-7-19
235/235A	FOLDING KNIFE W/ WHITE HANDLE	3-7-19	NO	3-7-19

COURT'S

EXHIBITS

CASE NO.

2028203

Exhibit Number		Date	Offered	OBJ	Admitted	Date	
1	JUROR QUESTION	3/5/19			3/5/19		WA
2	JUROR QUESTION	3/5/19			3/5/19		WA
3	JUROR QUESTION	3/5/19			3/5/19		WA
4	JUROR QUESTION	3/5/19			3/5/19		WA
5	JUROR QUESTION	3/5/19			3/5/19		WA
6	JUROR QUESTION	3/5/19			3/5/19		WA
7	JUROR QUESTION	3/5/19			3/5/19		WA
8	JUROR QUESTION	3/6/19			3/6/19		WA
9	JUROR QUESTION	3/6/19			3/6/19		WA
10	JUROR QUESTION	3/7/19			3/7/19		WA
11	JUROR QUESTION	3/7/19			3/7/19		WA
12	JUROR QUESTION	3/7/19			3/7/19		WA
13	JUROR QUESTION	3/7/19			3/7/19		WA
14	JUROR QUESTION	3/7/19			3/7/19		WA
15	JUROR QUESTION	3/8/19			3/8/19		WA
16	JUROR QUESTION	3/8/19			3/8/19		WA
17	JUROR QUESTION	3/8/19			3/8/19		WA
18	CHIEF OF POLICE REPORT	3/12/19			3/12/19		WA
19	CHIEF OF POLICE REPORT	3/12/19			3/12/19		WA
20	PROSECUTIVE JUROR LIST	3/12/19			3/12/19		WA
21	SEATING CHART	3/12/19			3/12/19		WA
22	PERJURY COMPLAINT FORM	3/12/19			3/12/19		WA
23	GRAND JURY INDICTMENT	3/12/19			3/12/19		WA
24	GRAND JURY LIST	3/12/19			3/12/19		WA

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

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

STATE OF NEVADA,

Plaintiff(s),

vs.

TONEY ANTHONY WHITE,

Defendant(s).

Case No: C-16-313216-2

Dept No: XII

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 1 day of April 2019.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk