

IN THE SUPREME COURT OF THE STATE OF NEVADA

TONY A. WHITE,)	Electronically Filed
#1214172,)	Sep 19 2019 12:21 p.m.
Appellant,)	Elizabeth A. Brown
)	Clerk of Supreme Court
)	CASE NO.: 78483
)	D.C. Case No.: C-16-313216-2
vs.)	
)	E-FILE
STATE OF NEVADA,)	
)	
Respondent.)	
)	

APPELLANT'S APPENDIX VOLUME I

Appeal from the Eighth Judicial District Court
Clark County, Nevada

TERRENCE M. JACKSON, ESQ.
Nevada Bar No. 000854
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steven.wolfson@clarkcountynvda.com

AARON D. FORD
Nevada Bar No. 007704
Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701

...

Counsel for Appellant

Counsel for Respondent

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...

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CERTIFICATE OF SERVICE

I hereby certify that I am an assistant to Terrence M. Jackson, Esquire, am a person competent to serve papers and not a party to the above-entitled action and on the 19th day of September, 2019, I served copy of the foregoing: Appellant, Toney A. White's Opening Brief as well as Volumes I - III of the Appendix, as follows:

- [X] Via Electronic Service to the Nevada Supreme Court, to the Eighth Judicial District Court, and to the Petitioner/Appellant as well as the Nevada Attorney General by U.S. mail with first class postage affixed as follows:

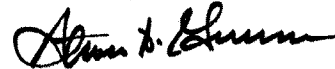
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Steven.Owens@clarkcountyda.com

Toney A. White, #1214172
E. S. P., P.O. Box 1989
Ely, Nevada 89301

By: /s/ Ila C. Wills
Assistant to Terrence M. Jackson, Esq.



CLERK OF THE COURT

1 IND
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MICHAEL SCHWARTZER
6 Chief Deputy District Attorney
7 Nevada Bar #010747
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

CASE NO: C-16-313216-2

DEPT NO: XII

12 KEVIN KEKOA WONG, JR., #5410495
13 TONEY ANTHONY WHITE, #8270790
14 AMANDA SEXTON, #8270791
15 MARLAND DEAN, aka,
16 Marland Neal Dean, #7024742

Defendant(s).

INDICTMENT

17 STATE OF NEVADA }
18 COUNTY OF CLARK } ss.

19 The Defendant(s) above named, KEVIN KEKOA WONG, JR., TONEY ANTHONY
20 WHITE, AMANDA SEXTON, MARLAND DEAN, aka, Marland Neal Dean, accused by the
21 Clark County Grand Jury of the crime(s) of CONSPIRACY TO COMMIT ROBBERY
22 (Category B Felony - NRS 200.380, 199.480 - NOC 50147); BURGLARY WHILE IN
23 POSSESSION OF A DEADLY WEAPON (Category B Felony - NRS 205.060 - NOC 50426);
24 FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Category A Felony
25 - NRS 200.310, 200.320, 193.165 - NOC 50055); ATTEMPT ROBBERY WITH USE OF A
26 DEADLY WEAPON (Category B Felony - NRS 200.380, 193.330, 193.165 - NOC 50145);
27 BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL
28 BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226) and IMPERSONATION

1 OF AN OFFICER (Gross Misdemeanor – NRS 199.430 – NOC 53013), committed at and
2 within the County of Clark, State of Nevada, on or between January 20, 2016 and January 21,
3 2016, as follows:

4 COUNT 1 - CONSPIRACY TO COMMIT ROBBERY

5 did willfully, unlawfully, and feloniously conspire with each other to commit a
6 robbery, by the defendants and/or conspirators committing the acts as set forth in Counts 2
7 through 7, said acts being incorporated by this reference as though fully set forth herein.

8 COUNT 2 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

9 did then and there willfully, unlawfully, and feloniously enter, with intent to commit
10 robbery, that certain residence occupied by MARLENE BURKHALTER and/or JASON
11 CLIFF, located at 950 Seven Hills Drive, Henderson, Clark County, Nevada, said Defendant
12 did possess and/or gain possession of a firearm and/or a baton during the commission of the
13 crime and/or before leaving the structure; the Defendant(s) being criminally liable under one
14 or more of the following principles of criminal liability, to-wit: (1) by directly committing this
15 crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this
16 crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or
17 otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to
18 commit this crime, with the intent that this crime be committed, Defendants aiding or abetting
19 and/or conspiring by Defendants acting in concert throughout.

20 COUNT 3 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

21 did willfully, unlawfully, and feloniously, seize, confine, inveigle, entice, decoy,
22 abduct, conceal, kidnap, or carry away MARLENE BURKHALTER, a human being, with the
23 intent to hold or detain the said MARLENE BURKHALTER against her will, and without her
24 consent, for the purpose of committing robbery, with use of a deadly weapon, to-wit: a baton
25 and/or a firearm; the Defendant(s) being criminally liable under one or more of the following
26 principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by
27 aiding or abetting in the commission of this crime, with the intent that this crime be committed,
28 by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the

other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendants aiding or abetting and/or conspiring by Defendants acting in concert throughout.

COUNT 4 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, and feloniously, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away JASON CLIFF, a human being, with the intent to hold or detain the said JASON CLIFF against his will, and without his consent, for the purpose of committing robbery, with use of a deadly weapon, to-wit: a baton and/or a firearm; the Defendant(s) being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendants aiding or abetting and/or conspiring by Defendants acting in concert throughout.

COUNT 5 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, and feloniously attempt to take personal property, from the person of MARLENE BURKHALTER, or in her presence, by means of force or violence, or fear of injury to, and without the consent and against the will of MARLENE BURKHALTER, by striking and/or handcuffing the said MARLENE BURKHALTER, but not gaining any property, with use of a deadly weapon, to-wit: a baton and/or a firearm; the Defendant(s) being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendants aiding or abetting and/or conspiring by Defendants acting in concert throughout.

1 COUNT 6 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

2 did willfully, unlawfully, and feloniously attempt to take personal property, from the
3 person of JASON CLIFF, or in his presence, by means of force or violence, or fear of injury
4 to, and without the consent and against the will of JASON CLIFF, by striking and/or
5 handcuffing the said JASON CLIFF, but not gaining any property, with use of a deadly
6 weapon, to-wit: a baton and/or a firearm; the Defendant(s) being criminally liable under one
7 or more of the following principles of criminal liability, to-wit: (1) by directly committing this
8 crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this
9 crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or
10 otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to
11 commit this crime, with the intent that this crime be committed, Defendants aiding or abetting
12 and/or conspiring by Defendants acting in concert throughout.

13 COUNT 7 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
14 SUBSTANTIAL BODILY HARM

15 did willfully, unlawfully, and feloniously use force or violence upon the person of
16 another, to-wit: JASON CLIFF, with use of a deadly weapon, to-wit: a baton, by striking the
17 said JASON CLIFF about the head and/or body with said baton, resulting in substantial bodily
18 harm to JASON CLIFF; the Defendant(s) being criminally liable under one or more of the
19 following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or
20 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be
21 committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise
22 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this
23 crime, with the intent that this crime be committed, Defendants aiding or abetting and/or
24 conspiring by Defendants acting in concert throughout.

25 COUNT 8 - IMPERSONATION OF AN OFFICER


26 did willfully, unlawfully, and falsely personate themselves as a public officer or
27 policeman or a private individual with the special authority by law to perform an act affecting
28 the rights of another to JASON CLIFF and/or MARLENE BURKHALTER, thereby

1 performing an act affecting the rights or interests of another, to-wit: by presenting themselves
2 as "United States Marshalls" to JASON CLIFF and/or MARLENE BURKHALTER and/or
3 presenting said individuals with a false search warrant in order to gain access to their residence
4 in an attempt to commit a robbery upon said individuals; the Defendant(s) being criminally
5 liable under one or more of the following principles of criminal liability, to-wit: (1) by directly
6 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with
7 the intent that this crime be committed, by counseling, encouraging, hiring, commanding,
8 inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a
9 conspiracy to commit this crime, with the intent that this crime be committed, Defendants
10 aiding or abetting and/or conspiring by Defendants acting in concert throughout.

11 DATED this 8th day of March, 2016.

12 STEVEN B. WOLFSON
13 Clark County District Attorney
14 Nevada Bar #001565

15 BY


16 MICHAEL SCHWARTZER
17 Chief Deputy District Attorney
18 Nevada Bar #010747

19
20 ENDORSEMENT: A True Bill

21 
22 Foreperson, Clark County Grand Jury
23
24
25
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1 Names of Witnesses and testifying before the Grand Jury:

2 ADAMS, RYAN, HPD# 1198

3 BURKHALTER, MARLENE, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

4 CLIFF, JASON, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

5 COUSERT, GLEN, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

6 ENGEL, MATTHEW, HPD# 1254

7 LAPEER, KEVIN, HPD# 1446

8
9 Additional Witnesses known to the District Attorney at time of filing the Indictment:

10 CUSTODIAN OF RECORDS, HDC

11 CUSTODIAN OF RECORDS, HPD COMMUNICATIONS

12 CUSTODIAN OF RECORDS, HPD RECORDS

13 LEINAN, JEREMY, HPD# 1298

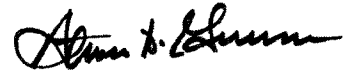
14 NISWONGER, ANTHONY, HPD# 1003

15 WATFORD, PHILLIP, HPD# 1155

16 WHITE, ANN, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

17 YANNIS, CHARLES, LVMPD# 6024

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26 15AGJ129A-D/16FH0191A-D/ed-GJ
27 HPD EV# 1601201
28 (TK)



CLERK OF THE COURT

1 **MOT**
2 HARVEY GRUBER, ESQ.
3 Nevada Bar No. 6329
4 MAYFIELD, GRUBER & SHEETS
5 223 Water Street, Suite C
6 Henderson, NV 89015
7 (702) 566-4099

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 STATE OF NEVADA

11 Plaintiff,

12 vs.

13 WHITE, TONEY ANTHONY,

14 Defendant.

CASE NO. C-16-313216-2
DEPT. NO. 12

MOTION TO WITHDRAW AS
COUNSEL OF RECORD

HEARING DATE: _____
HEARING TIME: _____

15 COMES NOW, HARVEY GRUBER, ESQ., of the Law Offices of MAYFIELD,
16 GRUBER & SHEETS, and moves this Honorable Court for its Order allowing his withdrawal as
17 attorney of record for Defendant, TONEY A. WHITE, in the above-entitled matter.
18

19 ...

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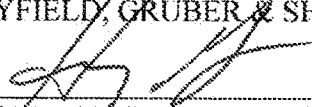
27 ...

28 ...

1 This Motion is made and based upon the pleadings and papers on file herein, the attached
2 Memorandum of Points and Authorities and the attached Affidavit of HARVEY GRUBER, ESQ.

3 DATED this 21 day of November, 2016.

4
5 Respectfully submitted,
6 MAYFIELD, GRUBER & SHEETS

7 BY 
8 HARVEY GRUBER, ESQ.
9 Nevada Bar No. 6329
223 Water Street, Suite C
Henderson, Nevada 89015

10
11 **NOTICE OF MOTION**

12 TO: THE STATE OF NEVADA, Plaintiff; and


13 TO: DEPUTY DISTRICT ATTORNEY;

14 TO: TONEY A. WHITE, Defendant.

15
16 PLEASE TAKE NOTICE that the undersigned will bring the foregoing MOTION TO
17 **WITHDRAW AS COUNSEL OF RECORD** on for hearing on this ^{DEC} 13 day of ~~November~~
18 2016, at 8 : 30 A .M., or as soon thereafter as counsel may be heard in the above-entitled
19 Court.
20

21 DATED this 21 day of November, 2016.

22 MAYFIELD, GRUBER & SHEETS

23
24 BY 
25 HARVEY GRUBER, ESQ.
26 Nevada Bar No. 6329
27
28

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**AFFIDAVIT OF HARVEY GRUBER, ESQ.,
IN SUPPORT OF MOTION TO WITHDRAW**

STATE OF NEVADA,)
)ss:
COUNTY OF CLARK)

HARVEY GRUBER, ESQ., being first duly sworn, deposes and states:

1. I am an attorney at law duly licensed to practice before all of the courts of the State of Nevada. I am presently counsel of record for Defendant TONEY A. WHITE in the above-entitled action. I offer this Affidavit in support of my request to withdraw as attorney of record on behalf of Defendant. On or about January 2, 2016 I was appointed by Henderson Justice Court to represent TONEY A. WHITE. I have personal knowledge of the facts stated in this Affidavit except as to those matters which are stated on information and belief and as to such matters; I believe them to be true. I would be competent to testify as to these matters if called upon to do so by the Court.

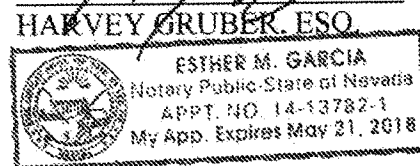
2. On or about November 18, 2016, Counsel received a phone call from the Nevada State Bar informing me that Toney White had filed a Bar Complaint against me. Based on the fact that the Defendant wants the State Bar to discipline me, I no longer can represent Mr. White in the instant matter.

3. Due to the circumstances set forth in this Affidavit, your affiant respectfully requests that he be allowed to withdraw as counsel for Defendant, TONEY A. WHITE.

4. FURTHER YOUR AFFIANT SAITH NAUGHT.

SUBSCRIBED and SWORN to before me
this 21st day of November, 2016.

Esther M. Garcia
NOTARY PUBLIC



ORIGINAL

Electronically Filed
5/3/2017 11:15 AM
Steven D. Grierson
CLERK OF THE COURT

27

Steven D. Grierson

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

PETITIONER

DISTRICT COURT
CLARK COUNTY, NEVADA

PROW
ME
OF
PP
FOR - Graham

IN THE MATTER OF THE
APPLICATION OF

CASE NO: C-16-313216-2
DEPT. NO: XII

TONEY ANTHONY WHITE,
ID NO. 8270790

FOR A WRIT OF HABEAS CORPUS.

PETITION FOR WRIT OF HABEAS CORPUS

TO: THE HONORABLE MICHELLE LEAVITT, DISTRICT JUDGE,
DEPARTMENT XII, EIGHTH JUDICIAL DISTRICT COURT, CLARK
COUNTY, NEVADA

THE PETITIONER, TONEY ANTHONY WHITE, AFFIRMS:

1. THAT HE IS THE PETITIONER AND DEFENDANT IN THE ABOVE
ENTITLED CAUSE OF ACTION.
2. THAT PETITIONER MAKES APPLICATION FOR A WRIT OF HABEAS
CORPUS, THAT THE PLACE WHERE THE PETITIONER IS IMPRISONED ACTUALLY OR
CONSTRUCTIVELY IMPRISONED AND RESTRAINED OF HIS LIBERTY IS THE
CLARK COUNTY DETENTION CENTER; THAT THE OFFICER BY WHOM HE IS
IMPRISONED AND RESTRAINED IS SHERIFF JOSEPH LOMBARDO, SHERIFF OF CLARK COUNTY.

RECEIVED

APR 28 2017

CLERK OF THE COURT

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MAY 03 2017 #53

CLERK OF THE COURT

0005

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3. THAT A BULK OF EVIDENCE POSSESSED BY THE STATE AND SOUGHT FOR INTRODUCTION AND UTILIZATION AT TRIAL IN THIS MATTER WAS SEIZED PURSUANT TO AN UNLAWFUL SEARCH AND WARRANT AFFIDAVIT REDULED WITH INACCURATE, MISLEADING AND PATENTLY FALSE FACTUAL STATEMENTS WARRANTING SUPPRESSION.

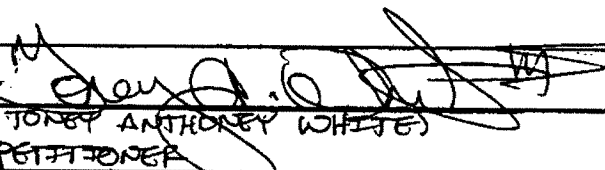
4. THAT A INITIAL BUT UNPERATED PETITION FOR WRIT OF HABEAS CORPUS HAS PREVIOUSLY BEEN FILED DECEMBER 06, 2016, ON BEHALF OF PETITIONER.

5. THAT PETITIONER CONSENTS THAT IF PETITION IS NOT DECIDED WITHIN 15 DAYS BEFORE THE DATE SET FOR TRIAL, THE COURT MAY, WITHOUT NOTICE OF HEARING, CONTINUE THE TRIAL INDEFINITELY TO A DATE DESIGNATED BY THE COURT. MOREOVER, IF THIS COURT SHOULD GRANT THE WRIT AND IN THE EVENT OF AN APPEAL BY THE STATE, PETITIONER CONSENTS THAT THE TRIAL DATE MAY BE AUTOMATICALLY VACATED AND THE TRIAL POSTPONED UNLESS THE COURT DIRECTS OTHERWISE.

6. THIS PETITION IS BASED ON THE GROUNDS SET FORTH HEREIN, THE RECORDS AND PLEADINGS ON FILE, THE MEMORANDUM OF POINTS AND AUTHORITIES, AND UPON SUCH OTHER GROUNDS, TESTIMONY, ARGUMENT AND DOCUMENTATION EVIDENCE WHEREBY MAY BE ADDUCED AT THE HEARING OF THIS WRIT.

WHEREFORE, PETITIONER REQUESTS THAT THE COURT ISSUE AN ORDER DIRECTING THE CLERK OF THE COURT TO ISSUE A WRIT OF HABEAS CORPUS DIRECTED TO JOSEPH LOMBARDO, SHERIFF OF CLARK COUNTY, COMMANDING HIM TO APPEAR BY AND THROUGH HIS REPRESENTATIVE BEFORE THIS COURT AND RETURN THE CAUSE OF RESTRAINT OF PETITIONER, GRANT THE WRIT, SUPPRESS ALL FRUITS OF THE POISONOUS TREE AND GRANT SUCH OTHER EQUITTABLE RELIEF.

DATED THIS 25 DAY OF APRIL, 2017.

BY: 
(JOSEPH ANTHONY WHITE)
PETITIONER

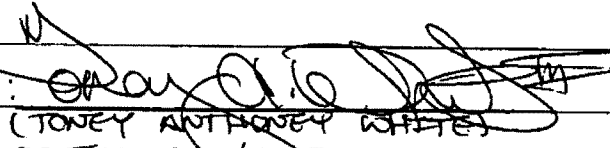
NOTICE OF HEARING

TO: THE STATE OF NEVADA, PLAINTIFF;

PLEASE TAKE NOTICE THAT UNDERSIGNED PETITIONER
WILL BRING THE PETITIONER/DEFENDANTS PETITION FOR WRIT OF
HABEAS CORPUS ON FOR HEARING BEFORE THE ABOVE ENTITLED COURT
ON THE DAY OF , 2017, AT A.M. OR
AS SOON THEREAFTER AS PETITIONER CAN BE HEARD.

DATED THIS 25 DAY OF APRIL , 2017.

BY:


(TONEY ANTHONY WHITE)
PETITIONER/DEFENDANT

POINTS AND AUTHORITIES IN SUPPORT OF
PETITION FOR WRIT OF HABEAS CORPUS

STATEMENT OF FACTS 11.

ON JANUARY 20, 2016, OFFICERS DISPATCHED TO 950 SEVEN HILLS DRIVE, HENDERSON, NV, OBSERVED KEVIN WONG BEHIND 2 VEHICLES "KEEPING LOOKOUT" AS THEY RESPONDED TO NUMBER 2511. OFFICER ENGEL TALKED TO WONG AS LEANAN ENTERED THE APARTMENT. ENGEL RESPONDED TO A SIGHTING OF A SUSPECT WHEN WONG ENTERED THE JEEP OWNED BY TONEY WHITE (DEFENDANT) AND WITHOUT WHITE OR DEFENDANT SEJONS'S CONSENT EXITED THE COMPLEX WITH DEFENDANT WHITE'S VEHICLE.²¹

RADIO CALLS WERE DISPATCHED BY OFFICER ENGEL ON THE JEEP DUE TO "UNKNOWN PROBLEMS" AND ON SAINT ROSE PARKWAY AND JEFFERIES INTERSECTION SOME 6+ MARKED VEHICLES (POLICE PATROL UNITS) CONDUCTED A FELONY³¹. STOP OF THE JEEP DEMANDING WONG'S EXIT HANDS UP BACKING INTO OFFICER HANSON. WONG WAS ORDERED TO KNEEL, CROSS HIS LEGS AND LIE FACE-DOWN WITH BOTH ARMS EXTENDED. HE WAS SECURED IN HANDCUFFS AND PLACED IN THE BACK SEAT OF HANSON'S PATROL UNIT. UPON INSPECTING THE JEEP FURTHER IT WAS CLARIFIED AS WONG WAS THE SOLE PASSENGER. PURPORTEDLY WONG WAS STOPPED DUE TO SEVERAL UNSPECIFIED DRIVING INFRACTIONS. HANSON AT THAT TIME DISCOVERED WHITE TO BE THE VEHICLE'S OWNER.

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11. THESE FACTS ARE BASED SOLELY ON REPORTS PRODUCED TO PETITIONER. PETITIONER LACKS ALL REPORTS DUE TO NON-DISCLOSURE BY THE STATE.

DETECTIVE RYAN ADAMS WAS DISPATCHED TO THE FELONY STOP FROM AN UNKNOWN LOCATION AND AFTER HANSON DISCOVERED WHITE'S OWNERSHIP OF THE VEHICLE. UPON ADAMS' ARRIVAL, PURPORTEDLY THENCE WONG "CONSENTED" TO A VEHICLE SEARCH ^{4/}. DURING ADAM'S SEARCH WHITE'S FRANCE AMANDA SEKTON'S IDENTIFICATION WAS DISCOVERED ^{5/}. SPARKING THE SERIES OF EVENTS THAT ATTACHED TO THAT DISCOVERY ^{6/}. WONG CONTINUED TO DIALOG WITH ADAMS FOR "SEVERAL MINUTES" BEFORE BEING PLACED INTO CUSTODY ^{7/}.

DURING BUSINESS HOURS ON JANUARY 21, 2016, DETECTIVE EBERT SUCCESSFULLY OBTAINED SEARCH WARRANTS FOR WHITE'S JEEP AND HIS AND SEKTON'S APARTMENT. BOTH RELEVANT AFFIDAVITS SUBMITTED UNDER OATH TO JUSTIFY PROBABLE CAUSE CONTAINED KNOWINGLY FALSE, SPECULATIVE AND INACCURATE INFORMATION. THEY FURTHER CONTAINED TAINTED INFORMATION WHICH WAS THE FRUITS OF THE UNCONSTITUTIONAL SEARCH AND SEIZURE OF WHITE'S VEHICLE. THE RETURN ON THE JEEP LISTED 9 SEIZED ITEMS WHEREAS THE APARTMENT'S RETURN LISTED 11.

MEMORANDUM OF POINTS AND AUTHORITIES

A. THE WARRANTLESS SEARCH

THE FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION PROVIDES:

"THE RIGHT OF THE PEOPLE TO BE SECURED IN THEIR PERSONS, HOUSE, PAPERS AND EFFECTS, AGAINST UNREASONABLE SEARCHES AND SEIZURES, SHALL NOT BE VIOLATED, AND NO WARRANTS SHALL ISSUE, BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION, AND PARTICULARLY DESCRIBING THE PLACE TO BE SEARCHED AND THE PERSON OR THINGS TO BE SEIZED."

NEVADA CONSTITUTION ARTICLE 1, SECTION 18 CONTAINS A SIMILAR COMPONENT. SAID PROTECTIONS, AS FUNDAMENTAL AS THEY ARE, ONLY PERMIT SEARCHES AND SEIZURES BASED ON PROBABLE CAUSE AND SUPPORTED BY OATH OR AFFIRMATION.

2. WONG'S MANY ACCOUNTS INITIALLY REMAINED UNCLEAR AS TO WHO DROVE WHITE'S JEEP TO THE CRIME SCENE LOCATION. FINALLY HE ADMITTED THAT WHITE'S FRANCE MS. SEKTON DROVE THE JEEP TO THE LOCATION WITH WONG AS A PASSENGER. LEAVING THE KEY IN THE IGNITION FOR HER RETURN WHEN ENTERING APARTMENT 2511 SHE INSTRUCTED WONG TO LOOK OUT.
3. ALTHOUGH LAPEER AND ADAMS DESCRIBE THE EVENT AS A "TRAFFIC STOP" OFFICERS McDERMED, HANSON AND ENGEL DESCRIBE A "FELONY STOP."
4. ALTHOUGH ADAMS CONTENTS THIS "CONSENT" WAS COMMUNICATED IN THE PRESENCE OF HANSON, INTERESTINGLY THIS CRUCIAL FACT APPEARS NOWHERE IN HANSON'S REPORT. ALTHOUGH HPD FORM 0037 IS TO BE SIGNED BY THE INDIVIDUAL GIVING CONSENT FOR SEARCH AT THE TIME OF CONSENT, INTERESTINGLY WONG WAS NEVER PRESENTED SUCH FOR SIGNING.

FOR AN INDIVIDUAL TO CHALLENGE THE ILLEGALITY OF A SEARCH, THE PARTY MUST HAVE "STANDING" TO ASSERT THE CONTENTION. ONE ASPECT OF "STANDING" IS THAT THE PARTY SEEKING RELIEF MUST HAVE AN ADVERSE INTEREST AND PERSONAL STAKE IN THE OUTCOME OF THE CONTROVERSY. BAKER V. CARR, (1962) 369 U.S. 182, 82 S. CT. 691, 7 L. ED. 2D 663. WHEN A PERSON HAS NO PRIVACY INTERESTS WHATSOEVER IN A PARTICULAR PLACE, FOURTH AMENDMENT ANALYSIS IS STRAIGHT FORWARD. THE PERSON LACKS STANDING TO SUPPRESS THE EVIDENCE. RAWLINGS V. KENTUCKY, (1980) 448 U.S. 98, 100 S. CT. 2556, 65 L. ED. 2D 633.

FOR THAT MATTER, ANY DEFENDANT IN A CRIMINAL CASE AGAINST WHOM EVIDENCE ALLEGED TO HAD BEEN SEIZED ILLEGALLY IS BEING OFFERED QUALIFIES. IN MOST AREAS OF CONSTITUTIONAL LAW, HOWEVER, IT IS ALSO NECESSARY THAT THE ADVERSE INTEREST BE BASED UPON A VIOLATION OF THE RIGHTS OF THE INDIVIDUAL RAISING THE CLAIM RATHER THAN THE VIOLATION OF THE RIGHTS OF SOME THIRD PARTY. THE CHALLENGING PARTY "MUST HAVE BEEN A VICTIM OF A SEARCH OR SEIZURE." THIS IS BECAUSE RIGHTS ASSURED BY THE FOURTH AMENDMENT ARE PERSONAL RIGHTS AND MAY BE ENFORCED BY EXCLUSION OF EVIDENCE ONLY AT THE INSTANCE OF ONE WHO'S OWN PROTECTION WAS INFRINGED BY THE SEARCH AND SEIZURE. JONES V. UNITED STATES, (1960) 362 U.S. 257, 80 S. CT. 725, 41 L. ED. 2D 697.

JUST WHO SHOULD BE DEEMED A "VICTIM OF THE SEARCH" UNDER THIS LINE OF REASONING HAS PROVED OVER THE YEARS TO BE A DIFFICULT AND PROVOCATIVE QUESTION. THE CURRENT VIEW OF THE HIGH COURT HOWEVER IS THAT THE FUNDAMENTAL INQUIRY TO BE MADE IN ASCERTAINING WHETHER THE DEFENDANT HAS FOURTH AMENDMENT STANDING IS WHETHER THE CONDUCT THAT THE DEFENDANT WANTS TO PUT IN ISSUE INVOLVED AN INTRUSION INTO HIS REASONABLE EXPECTATION OF PRIVACY. RAWLINGS, SUPRA. NAMELY THE QUESTION IS "DID THE POLICE INTRUDE UPON THE DEFENDANT'S JUSTIFIED EXPECTATION OF PRIVACY?"

5. ADAMS CONTENTIONS OF SEXTON'S ID BEING VISIBLE ON TOP OF HER PURSE IS FALSE AS IT WAS CONTAINED IN A CREDIT CARD SLOT INSIDE SEXTON'S PURSE WALLET. THERE ARE FURTHER DISCREPANCIES AS TO THE ACTUAL LOCATION OF THE PURSE UPON THE STOP. LAPEER REPORTED IT AS IN THE PASSENGER SEAT WHEREAS ADAMS STATES IT WAS IN THE CENTER OF THE REAR PASSENGER SEAT.

6. ALTHOUGH WONG INSISTED THAT HE BORROWED THE VEHICLE FROM HIS "FRIEND" JASON, JARED OR DUSTIN, HANSON AND ADAMS KNEW OTHERWISE AFTER FUNNING THE VEHICLE.
7. SEVERAL REPORTS STATE WONG WAS "DETAINED" SEE HANSON AND ADAMS REPORTS. LAPEER AND ADAMS CONVERSELY STATE HE WAS PLACED INTO CUSTODY.
8. IT IS UNCLEAR AS TO THE NECESSITY OF A, AFTER THE FACT CONSENT, WARRANT TO SEARCH THE Jeep. IF OFFICERS PERCEIVED WONG'S CONSENT TO BE GENUINE AND LEGITIMATE THERE WAS NO PURPOSE FOR A WARRANT WHICH MAKES SUSPECT ADAMS CLAIMS OF 3 CONSENTS FROM WONG. IT IS FURTHER BOLSTERED BY THE FACT THAT BOTH GLEN COUSERT AND ANON WHITE ALSO GAVE CONSENT FOR SEARCH OF THEIR PREMISES AND PROPERTY AND NO AFTER THE FACT WARRANT WAS SOUGHT.

ANOTHER RELATIVELY EASY CASE ARISES WHEN 2 PEOPLE SHARE IDENTICAL, OVERLAPPING PRIVACY INTERESTS IN A PARTICULAR PLACE... BOTH SHARE THE POWER TO SURRENDER EACH OTHERS PRIVACY TO A THIRD PARTY. PERSONS WHO SHARE ACCESS ALSO SHARE THE POWER TO CONSENT TO A SEARCH. ONLY IF NEITHER CONSENTS DO BOTH RETAIN THE RIGHT AND STANDING TO OBJECT TO THE FRUITS OF AN UNLAWFUL SEARCH. KATZ V. UNITED STATES, (1967) 389 U.S. 374; UNITED STATES V. WHITE, (1971) 401 U.S. 745.

IF THE POLICE MAKE AN UNWARRANTED SEARCH OF A HOUSE AND SEIZE TANGIBLE ITEMS BELONGING TO THIRD PARTIES, THE HOMEOWNER MAY OBJECT TO ITS USE AGAINST HIM, NOT BECAUSE HE HAS AN INTEREST IN THE SEIZED ITEMS AS "EFFECTS" PROTECTED BY THE FOURTH AMENDMENT, BUT BECAUSE THEY WERE THE FRUITS OF AN UNAUTHORIZED SEARCH OF HIS HOUSE, WHICH IS ITSELF EXPRESSLY PROTECTED BY THE FOURTH AMENDMENT. UNITED STATES V. KARO, (1984) 468 U.S. 705, 104 S. CT 3296, 82 L. ED 2D 530. THIS SAME CONCEPT APPLIES IN A VEHICLE CONTEXT AS WELL. ONE CANNOT HAVE A LEGITIMATE EXPECTATION OF PRIVACY FOR STANDING PURPOSES WITHOUT HAVING A "RIGHT TO EXCLUDE OTHER PEOPLE FROM ACCESS TO" THE PLACE IN QUESTION. RAWLENGS, SUPRA. THE OWNER OF PROPERTY OF COURSE, HAS A RIGHT TO EXCLUDE FROM IT, ALL THE WORLD, INCLUDING GOVERNMENT AND A CONCOMITANT RIGHT TO USE IT EXCLUSIVELY FOR HIS OWN PURPOSE. ANY SUCH INVASION BY GOVERNMENT IS A INTERFERENCE WITH POSSESSORY RIGHTS.

ANOTHER WAY BY WHICH ONE COULD ACQUIRE STANDING WAS RECOGNIZED IN JONES V. UNITED STATES, SUPRA, IN WHICH THE COURT CONCLUDED ANYONE LEGITIMATELY ON PROPERTY AT THE TIME OF A SEARCH HAS STANDING. STILL ANOTHER TYPE OF CASE IS THAT IN WHICH THE DEFENDANT CLAIMS STANDING WITH RESPECT TO SEARCH OF HIS PERSONAL PROPERTY AT A PLACE THAT WASN'T HIS AND AT A TIME HE WASN'T PRESENT. STANDING HAS FREQUENTLY BEEN RECOGNIZED IN SUCH INSTANCES OFTEN BY RELIANCE ON UNITED STATES V. JEFFERS, (1951) 342 U.S. 48, 72 S. CT. 93, 96 L. ED. 59.

AS TO WHETHER STANDING CAN BE ESTABLISHED UNDER THE JEFFERS RULE WHEN THE ITEMS IN QUESTION ARE STOLEN PROPERTY IS UNCLEAR. COMPARE COMBS V. UNITED STATES, (1972) 408 U.S. 224, 92 S. CT. 2284, 33 L. ED. 2D 308 WITH BROWN V. UNITED STATES, (1973) 411 U.S. 223, 93 S. CT 1565, 34 L. ED. 2D 208. A BAILOR'S RIGHT TO EXCLUDE OTHERS IS IMPORTANT IN FOURTH AMENDMENT LAW, BUT FOR OTHER PURPOSES, DECIDING THE LAWFULNESS OF A SEARCH CONSENTED TO BY THE BAILLEE.

THE HOLDING IN JONES THAT STANDING COULD BE FOUNDED UPON BEING "LEGITIMATELY ON PREMISES WHERE A SEARCH OCCURS" PROMPTED OTHER COURTS TO RULE THAT A PERSON DRIVING A VEHICLE, WITH THE OWNERS CONSENT, AND THE PASSENGER HAVING PERMISSION TO BE IN THE CAR, HAVE STANDING TO OBJECT TO A SEARCH OF THAT VEHICLE. CONVENTIONAL STANDING REQUIREMENTS REQUIRE THE DEFENDANT TO CLAIM EITHER TO HAVE OWNED OR POSSESSED THE SEIZED PROPERTY OR TO HAVE HAD A SUBSTANTIAL INTEREST IN THE PREMISES SEARCHED.

THEN CAME PAKAS V. ILL, (1976) 439 U.S. 128, 99 S. CT. 421, 58 L. ED. 2D 387 WHERE POLICE STOPPED A CAR THEY BELIEVED TO BE A ROBBERY GET AWAY CAR, ORDERED THE OCCUPANTS OUT OF THE VEHICLE AND THEN SEARCHED THE VEHICLE FINDING CONTRABAND. THE COURT RULED THAT THE PASSENGERS CLAIMING NO OWNERSHIP LACKED STANDING TO CHALLENGE THE SEARCH AND SEIZURE.

COURTS AGREE THAT A OCCUPANT OF A VEHICLE CANNOT BE SAID TO HAVE STANDING BY VIRTUE OF HIS PRESENCE IF HE IS IN POSSESSION OF A STOLEN OR OTHERWISE ILLEGALLY POSSESSED OR CONTROLLED VEHICLE. A THIEF DRIVING A STOLEN VEHICLE THUS CANNOT GAIN STANDING AS TO THE CAR BY HIS WRONGFUL POSSESSION OF IT. UNITED STATES V. THOMAS, F.3D | (9TH CIR. 2006). A CONSENT TO SEARCH A ILLEGALLY POSSESSED OR CONTROLLED VEHICLE BY A UNAUTHORIZED DRIVER IS SUPPLY A TATUTED CONSENT. IN KATZ V. UNITED STATES, 389 U.S. 358 AND MORE RECENTLY IN VALE V. LOUISIANA, 399 U.S. 30, 35 THE HIGH COURT RECOGNIZED THAT A SEARCH AUTHORIZED BY CONSENT IS WHOLLY VALED IF THE PERSON CONSENTING HAS LAWFUL AUTHORITY TO DO SO. SEE ALSO, DAVIS V. UNITED STATES, 328 U.S. 593-594. A PARTY ILLEGALLY POSSESSING AND CONTROLLING A VEHICLE WITHOUT OWNERS CONSENT HAS NO STANDING TO CHALLENGE NOR IS HE IN ANY BETTER POSITION OF AUTHORITY TO CONSENT TO A SEARCH THAN THE GOVERNMENT OFFICIAL CONDUCTING THE SEARCH. CONSENT IS A WAIVER OF A PERSON'S RIGHTS UNDER THE 4TH AND 14TH AMENDMENTS. BY ALLOWING GOVERNMENT TO CONDUCT A SEARCH, A PERSON WAIVES WHATEVER RIGHT HE HAD TO PREVENT THE POLICE FROM SEARCHING. JOHNSON V. ZERBST, 308 U.S. 458, 464.

THE MERE FACT THAT A SEARCH APPEARS AT FACE VALUE TO BE VOLUNTARY BASED ON CONSENT DOES NOT IMPLY THAT IT IS UNTAUTED. BROWN V. ILLINOIS, (1975) 422 U.S. 590, 95 S. CT. 2254, 45 L. ED. 2D 416.

THERE IS NO WAR BETWEEN THE CONSTITUTION, LAWS OF THE UNITED STATES AND COMMON SENSE. THE CONCEPT OF "STANDING" IS TWO-FOLD, DOUBLE-EDGED AND CUTS BOTH WAYS. BY VIRTUE OF HIS ILLEGAL POSSESSION OF AND OPERATING THE VEHICLE WITHOUT MS. SEXTON OR WHITE'S CONSENT, WONG WOULD LAWFULLY HAVE NO STANDING TO CHALLENGE A SEARCH OF THE VEHICLE HE HAD NO RIGHT TO POSSESS. COMMON SENSE DICTATES THAT HE SURELY WOULDN'T HAVE AUTHORITY TO WAIVE FUNDAMENTAL RIGHTS OF WHITE AS THE OWNER AND WHITE'S REASONABLE EXPECTATION OF PRIVACY IN THE CONTENTS AND EFFECTS IN THE VEHICLE WHETHER OWNED BY WHITE'S FIANCE OR OTHERWISE. ALDERMAN V. UNITED STATES, (1969) 394 U.S. 165, 176-177. WHITE RETAINS STANDING TO OBJECT TO ANY USE AGAINST HIM AS THE ITEMS AND INFORMATION WERE THE PRODUCT AND FRUIT OF AN UNCONSTITUTIONAL SEARCH OF HIS VEHICLE. WONG TOOK THE VEHICLE ON HIS OWN VOLITION WITHOUT WHITE OR SEXTON'S PERMISSION OR CONSENT. THEY DISCOVERED ITS ABSENCE WHEN ATTEMPTING TO EFFECT A GET AWAY.

IF PLACEMENT OF ITEMS IN A FOOTLOCKER WOULD ENTITLE WHITE AS THE OWNER TO CONCEAL ITS LOCATION FROM OFFICIAL INSPECTION, SURELY A VEHICLE SUFFICES AS WELL. UNITED STATES V. CHADWICK, (1977) 433 U.S. 1; UNITED STATES V. KARO, (1984) 468 U.S. 705.

UNLIKE THE PETITIONER IN RAWLINGS, SUPRA, WHITE HAS STANDING TO CONTEST THE SEARCH OF MS. SEXTON'S PURSE AS IT REGULARLY CONTAINED HIS AND HER BELONGINGS AND EFFECTS AND HE RETAINED A LEGITIMATE EXPECTATION OF PRIVACY FROM GOVERNMENT INTRUSION INTO HIS CAR LESS ALONE MS. SEXTON'S PURSE WHICH HE REGULARLY HAD ACCESS TO. THEY EACH WERE IN A DATING RELATIONSHIP.

THERE WAS NO RENTMENT OF THE PURSE OR THE CAR. IT IS OBVIOUS THAT WHITE AND SEXTON ENTRUSTED EACH OTHER WITH THE OTHER'S PRIVACY AS THEY JOINTLY LEASED AN APARTMENT, SHARING AND OCCUPYING THE SAME ROOM AND CLEARLY BOTH OF THEM RETAINED THE RIGHT TO EXCLUDE OTHERS FROM THE VEHICLE AND PURSE.

SEXTON "CONSENTED" TO WHITE'S BELONGING/EFFECTS IN HER PURSE JUST AS WHITE "CONSENTED" TO HER PURSE AND OTHER BELONGINGS IN THE VEHICLE OWNED BY WHITE. BOTH HAVE A ADVERSE INTEREST AND PERSONAL STAKE IN THE OUTCOME OF A SUPPRESSION HEARING AND WHITE RETAINED A SUBSTANTIAL INTEREST IN A SEARCH OF HIS VEHICLE AS THE OWNER.

WONG WAS NOT LEGITIMATELY OPERATING WHITE'S VEHICLE WITH CONSENT AND HAD NO 4TH AMENDMENT RIGHT/INTEREST IN THE VEHICLE IN WHICH TO CONSENT TO A SEARCH.

BASED UPON THE ABOVE, THE SEARCH AND SEIZURE OF WHITE'S VEHICLE WAS UNCONSTITUTIONAL AND ALL ITEMS AND INFORMATION ASSOCIATED WITH AND/OR IN THE DISCOVERY LINK OF THOSE INFORMATIONS AND EFFECTS MUST BE SUPPRESSED AS FRUITS OF THE POISONOUS TREE. SEE ATTACHED DIAGRAM. ATTACHMENT 1.

B. OATH OR AFFIRMATION

THE FOURTH AMENDMENT COMMAND THAT "NO WARRANTS SHALL ISSUE BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION", HAS PROMPTED LITIGATION CONCERNING WHAT INFORMATION TRANSMITTED IN WHAT FASHION AND UNDER WHAT CIRCUMSTANCES, MAY BE TAKEN INTO ACCOUNT LATER IN DECIDING WHETHER A WARRANT WAS ISSUED ON PROBABLE CAUSE.

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IN WHITELEY V. WARDEN, (1971) 401 U.S. 560, 91 S. CT. 1031, 38 L. ED 2D 306, THE HIGH COURT DETERMINED "AN OTHERWISE INSUFFICIENT AFFIDAVIT CANNOT BE REHABILITATED BY TESTIMONY CONCERNING INFORMATION POSSESSED BY THE AFFILIANT WHEN HE SOUGHT THE WARRANT BUT NOT DISCLOSED TO THE ISSUING MAGISTRATE," REASONING THAT A CONTRARY RULE WOULD "RENDER THE WARRANT REQUIREMENT OF THE 4TH AMENDMENT, MEANINGLESS." DESPITE WHAT METHOD OATH OR AFFIRMATION IS MADE OR HOW INFORMATION UNDERLYING A WARRANT IS TRANSMITTED, THE END RESULT REQUIRES THAT THE INFORMATION BE SWORN TO. THE TRUE TEST IS WHETHER THE PROCEDURES FOLLOWED WERE SUCH "THAT PERJURY COULD BE CHARGED THEREIN IF ANY MATERIAL ALLEGATION CONTAINED THEREIN IS FALSE." SEMON V. STATE, 515 P.2D 1161 (OKLA. CRIM. APP. 1973).

THE OATH AFFIRMATION REQUISITE PROTECTS THE TARGET OF A SEARCH FROM IMPERMISSIBLE STATE ACTION BY CREATING LIABILITY FOR PERJURY OR FALSE SWEARING FOR THOSE WHO ABUSE THE WARRANT PROCESS BY GIVING FALSE OR FRAUDULENT INFORMATION

UNTEL FRANKS V. DELAWARE, (1978) 438 U.S. 154, 98 S. CT. 2674, 57 L. ED 2D 667, COURTS WERE SPLIT AS TO WHETHER A DEFENDANT WAS AT LIBERTY TO INTRODUCE ADDITIONAL EVIDENCE AT A SUPPRESSION HEARING FOR THE PURPOSE OF PROVING THAT SOME OF THE ALLEGATIONS IN A FACTUALLY-SUFFICIENT SEARCH WARRANT AFFIDAVIT WERE FALSE. THE FALSELY DISCOVERED INFORMATION INCLUDED IN THE AFFIDAVIT FOR THE WARRANT ALSO INVALIDATES THE WARRANT IF SAID FACT WAS CRITICAL TO ESTABLISHING PROBABLE CAUSE FOR ISSUING THE WARRANT AS SUCH ARE FRUITS OF THE POISONOUS TREE.

AS FOR WHAT INACCURACIES JEOPARDIZE THE WARRANT, THE COURT IN FRANKS HELD IT MUST BE ESTABLISHED THAT A FALSE KNOWINGLY AND INTENTIONALLY, OR WITH RECKLESS DISREGARD FOR THE TRUTH WAS INCLUDED BY THE AFFILIANT IN THE WARRANT APPLICATION/AFFIDAVIT. RECKLESS DISREGARD COVERS THE CASE IN WHICH THE AFFILIANT "IN FACT ENTERTAINS SERIOUS DOUBT AS TO THE TRUTH OF HIS ALLEGATIONS." UNITED STATES V. WILLIAMS, 737 F.2D 594 (7TH CIR. 1984). FRANKS EMPHASIZES THAT THE DELIBERATE FALSY OR RECKLESS DISREGARD MUST BE THAT OF THE AFFILIANT NOT ANY GOVERNMENT WITNESS.

FRANKS LEAVES NO DOUBT AS TO WHAT CONSEQUENCES ARE TO FOLLOW FROM THE REQUISITE INACCURACIES. A NUMBER OF LOWER COURTS HAVE ADOPTED THE APPROACH THAT INTENTIONAL FALSEHOODS "RENDER THE WARRANT INVALID REGARDLESS OF WHETHER SUCH STATEMENTS ARE MATERIAL TO ESTABLISHING PROBABLE CAUSE." UNITED STATES V. HUNT, 496 F.2D 888 (5TH CIR. 1974).

TO OBTAIN A FRANKS HEARING, THE DEFENDANT MUST "POINT OUT SPECIFICALLY THE PORTION OF THE WARRANT AFFIDAVIT THAT IS CLAIMED TO BE FALSE" AND GIVE A STATEMENT OF SUPPORTING REASONS. THE STANDARD OF PROOF AT THE HEARING IS A PREPONDERANCE OF THE EVIDENCE.

FRANKS ALSO APPLIES WHERE THE AFFIDAVIT FAILED TO NOTE THAT INFORMANT WAS AN ADMITTED LIAR AND HAD CONFESSED TO BEING INVOLVED IN A FORGERY, A CRIME OF MORAL TURPITUDE.

THE WARRANT AFFIDAVIT CONTENTS IN DISPUTE ARE CONTAINED HEREIN AT ATTACHMENT 2 AND CONTAIN THE FOLLOWING MISREPRESENTATIONS, OMISSIONS, INACCURACIES AND/OR FALSITIES:

1. NOWHERE ON DISPATCH RECORDS WAS "HOME INVASION" MENTIONED;
2. NOWHERE ON DISPATCH WAS A MALE HEARD TELLING A FEMALE "SHUT THE FUCK UP;"
3. AT THE TIME OFFICER LEINAW ENTERED THE APARTMENT OBSERVING A BLACK MALE WITH A TACTICAL VEST ENGEL COULDN'T HAD OBSERVED A SECOND BLACK MALE RUNNING THRU THE PARKING LOT WITH A SIMILAR BLACK TACTICAL VEST ON;
4. NOT A SINGLE PERSON OBSERVED THE BLACK MALE AND WHITE FEMALE JUMP OUT OF THE MASTER BEDROOM WINDOW AND BEGIN TO RUN TOWARD 7 HILLS;
5. NOT A SINGLE PERSON OBSERVED THE MALE AND FEMALE DROP A ASP AND 2 SETS OF GLOVES;
6. THE BLACK MALE DID NOT EVADE OFFICERS "WHILE OFFICERS" WERE LOOKING FOR THE "SUSPECTS" WHO RAN AWAY NOR DID HE DISAPPEAR IN A "UNKNOWN" DIRECTION;
7. WONG WAS NOT STOPPED NOR CITED FOR "SEVERAL DRIVING INFRACTIONS;"
8. NO PERSON REPORTED SEEING ALL SUSPECTS IN BLUE LATEX GLOVES;
9. NOONE REPORTED OR OBSERVED THE FEMALE HOLDING PAPERS IN HER HANDS WHEN SHE PLACED MARLENE IN HANDCUFFS;

10. KEVIN WAS NOT WEARING SIMILAR CLOTHES AS SUSPECTS;
11. KEVIN NEVER GAVE ADAMS CONSENT TO SEARCH THE VEHICLE;
12. THE STOP ADAMS RESPONDED TO WAS A FELONY STOP AND NOT A TRAFFIC STOP.
13. KEVIN NEVER ADVISED/AGREED "TO DRIVE AMANDA TO THE "HOME INVASION" NOR STATE SUCH TO OFFICERS;
14. KEVIN NEVER STATED THAT 2 BLACK MALES GOT OUT OF THE MUSTANG AND FORCED THEIR WAY INTO APARTMENT 2511 WITH AMANDA;
15. KEVIN NEVER STATED THAT HE OBSERVED AMANDA AND THE BLACK MALES FLEE BEFORE HE DECIDED TO LEAVE IN THE JEEP.
16. KEVIN NEVER STATED HE SAW THE BLACK MALES "RUNNING DOWN THE STREET" BEFORE HE "PASSED THEM" PRIOR TO BEING STOPPED BY PATROL OFFICERS;
17. DETECTIVES LAPEER AND ADAMS NEVER "CONFIRMED" THAT 2 BLACK MALES EXITED THE RED MUSTANG;
18. KEVIN WAS PLACED UNDER ARREST FAR PRIOR TO ADAMS' ARRIVAL;
19. DURING THE CONVERSATION WITH KEVIN HE ADMITTED TO BEING AN ADDICT;
20. DURING THE CONVERSATIONS WITH MARLENE AND JASON THEY BOTH ADMITTED BEING CONVICTED OF CRIMES OF MORAL TURPITUDE (I.E., CREDIT CARD FRAUD/THEFT, EMBEZZLEMENT, ETC.);
21. DURING THE CONVERSATION WITH GLEN COUSERT HE ADMITTED BEING CONVICTED OF THE CRIME OF MORAL TURPITUDE (FRAUD, FORGERY, ECT.);
22. UPON OFFICERS ARRIVAL AT JASON AND MARLENE'S RESIDENCE THEY DISCOVERED AN ACTIVE COMPLEX FORGERY LAB; AND,
23. ANN WHITE NEVER CONFIRMED WHITE AND SEXTON WERE IN A DATING RELATIONSHIP NOR DID SHE CONVEY WHITE'S BIRTHDAY AND SOCIAL SECURITY NUMBER.

24. OTHER EFFECTS OUT OF MS. SEXTON'S PURSE WERE REMOVED AND HANDLED BY ADAMS IN ADDITION TO MS. SEXTON'S IDENTIFICATION CARD.

1. PORTION OF AFFIDAVIT FALSITIES

A). RECKLESS DISREGARD FOR TRUTH

PARAGRAPHS 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16-23

B). SERIOUS DOUBT AS TO PROOF

PARAGRAPHS 1, 2, 4-7, 9-11, 13-18 AND 23

C). KNOWING AND INTENTIONAL FALSEHOODS

PARAGRAPHS 2, 3, 6, 7, 9, 10, 11, 13-17 AND 23

D). OMISSIONS

PARAGRAPHS 7, 8, 12, 18-22 AND 24.



2. STATEMENT OF SUPPORTING REASONS

WITH RESPECT TO PARAGRAPHS 1-9, 12, 17, 18, 22 AND 24, REPORTS CONFIRM OR CONTRADICT THESE FACTUAL ASSERTIONS AND CONCLUSIONS.

WITH RESPECT TO PARAGRAPHS 10, 11, 13-16, 19 AND 23 DIRECT ASSERTIONS FROM HIM/HER NEGATE AND REFUTE THESE ASSERTIONS.

WITH RESPECT TO PARAGRAPHS 10, 13, 14, 15, 16, 19, 20, 21 AND 22 TRANSCRIPTS SUPPORT OR REFUTE THESE ASSERTIONS.

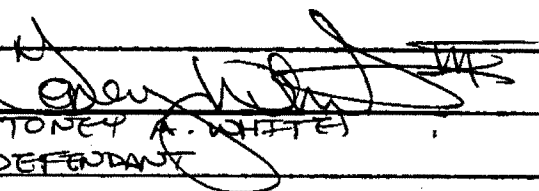
WITH RESPECT TO PARAGRAPH 10, OFFICIAL BOOKING PHOTOS AND PATROL CAR VIDEO FOOTAGE SUPPORTS THIS ASSERTION.

CONCLUSION

BASED UPON THE FOREGOING FACTUAL ALLEGATIONS, DEFENDANT WHITE RESPECTFULLY REQUESTS A FRANKS HEARING AND TO UTILIZE THE COMPULSORY PROCESS OF THE COURT TO SUBPOENA ALL RELEVANT PARTIES TO PROVE UP HIS ASSERTIONS AND ENSURE THAT FAIRNESS AND JUSTICE PREVAILS.

RESPECTFULLY SUBMITTED,

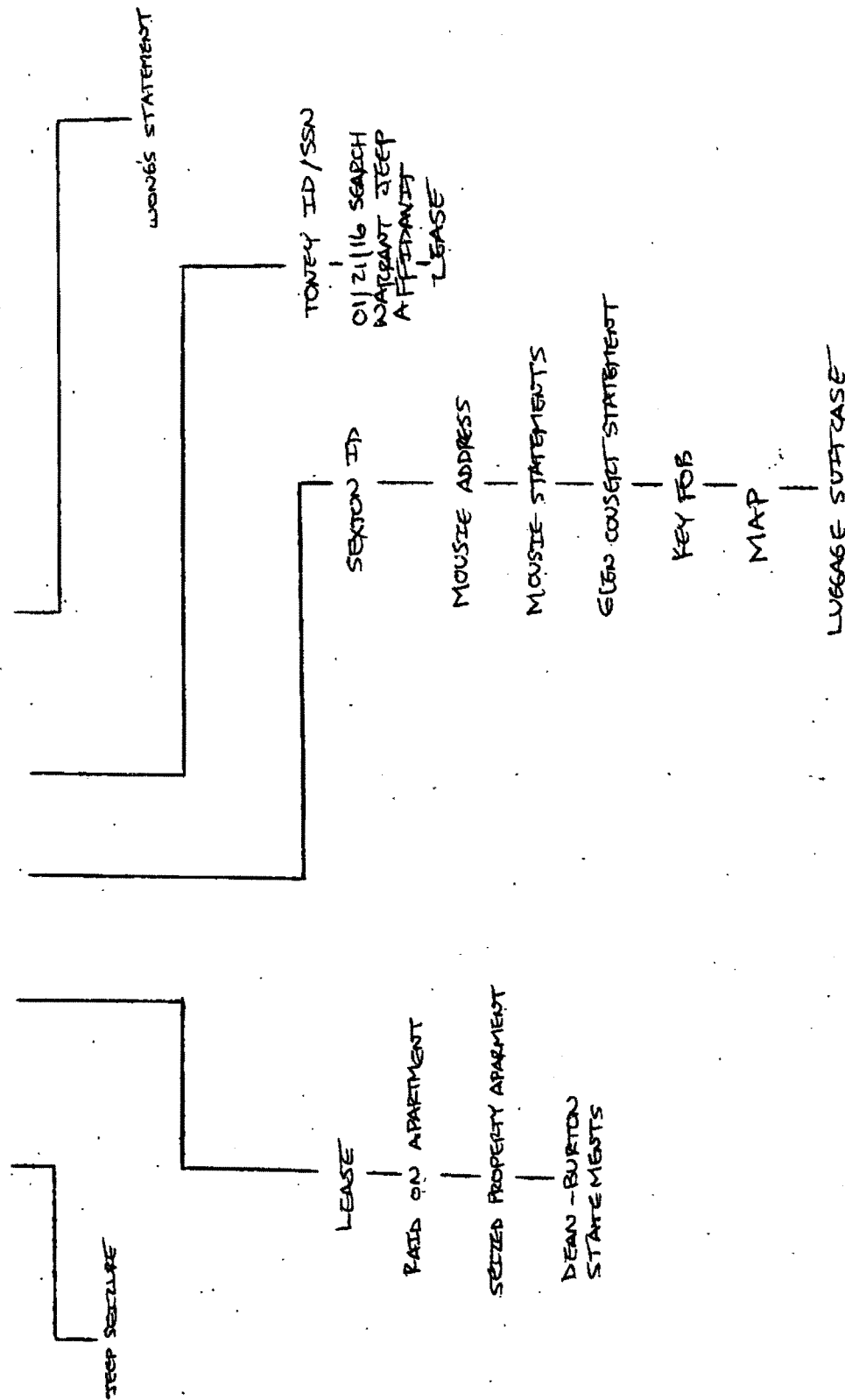
DATED: APRIL 25, 2017

BY: 
(TONEY A. WHITE)
DEFENDANT

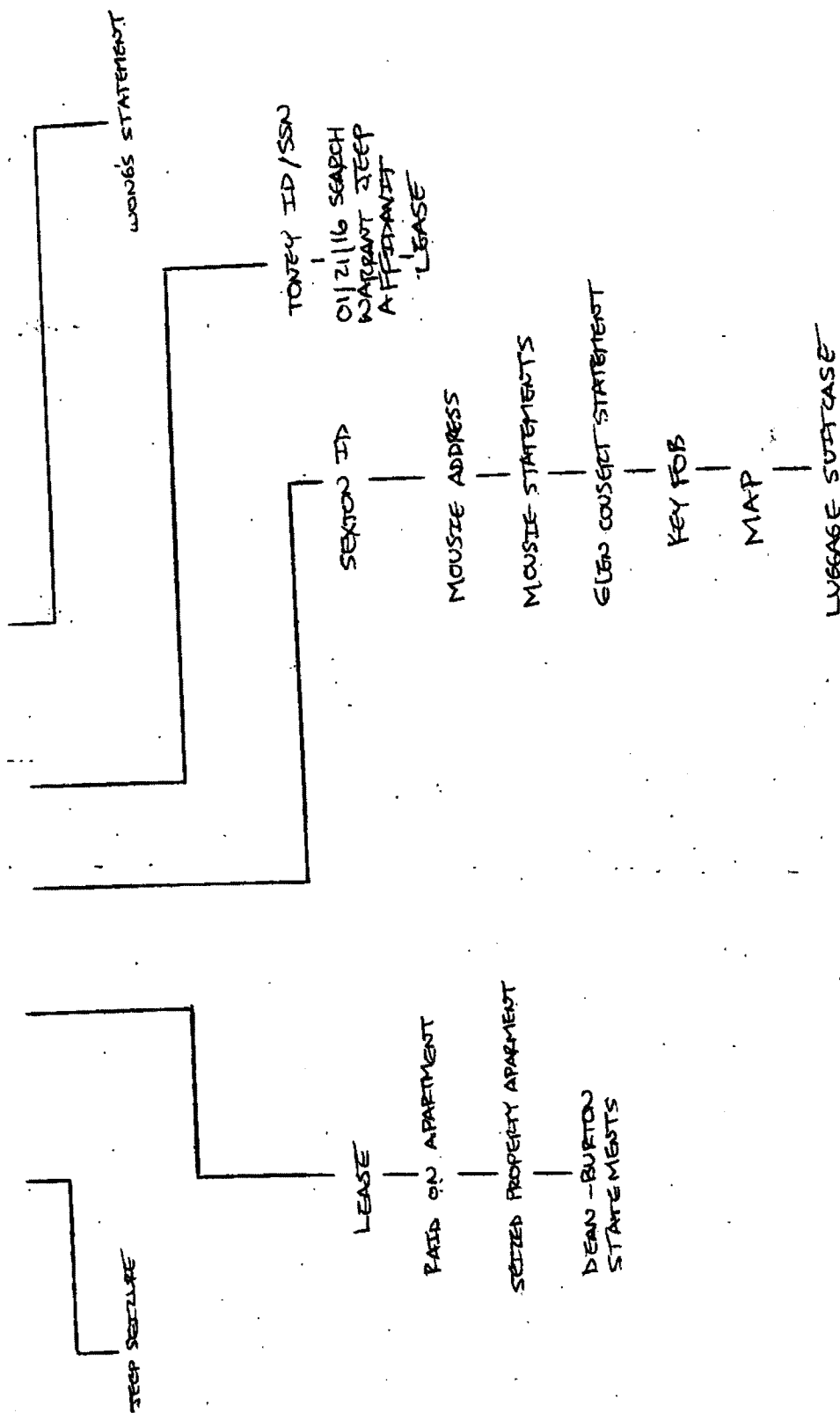
ATTACHMENT

1

FOURTH AMENDMENT VIOLATION *FRUITS OF THE POISONOUS TREE*



FOURTH AMENDMENT VIOLATION * FRUITS OF THE POISONOUS TREE *



ATTACHMENT

2



**APPLICATION AND AFFIDAVIT
for
SEARCH WARRANT**

Detective Joseph Ebert #1358, being first sworn deposes and states that he is the Affiant herein and is a Police Officer with the City of Henderson Police Department currently assigned to the investigations division and that Affiant has been employed with the Henderson Police Department since 03/20/06.

There is probable cause to believe that certain property hereinafter described will be found at the following described premises, to wit:

Black Jeep Cherokee bearing Washington plate ASW5060 VIN
#1J4GW68NXC672487

The property referred to and sought to be seized consists of the following:

Any and all firearms and/or ammunition to include but not limited to an unknown brand black semi-auto handgun real or imitation.

Any and all illegal controlled substances such as cocaine, marijuana, methamphetamine, heroin, prescription drugs without a prescription etc.

Any and all illegal narcotic paraphernalia commonly associated with the ingestion and distribution of the controlled substances such as cocaine, methamphetamine and marijuana is scales, packaging materials, customer and source lists, records of purchases and sales, including "owe sheets" reflecting transactions in the controlled substance cocaine, to include, but not limited to, hand written documents, printed documents, encrypted codes, recorded information and any computerized device capable of storing information.

Any and all two way hand held walkie-talkie radios

Any and all blue in color latex gloves

Any and all Police style "ASP Baton"

Any and all items marked with the insignia or label identifying the organization of the "US Marshalls"

Any and all Tactical Vests or tactical clothing believed to be worn and or used during this incident.

Any and all US currency believed to be proceeds from the robbery.

Any and all papers, writings, electronic documents, identification cards, photographs, or other documents which will assist investigators to clarify and/or establish the identity of the deceased and those persons injured in the event as well as all current and former occupants, owners, residents, or frequent visitors of the location listed who may have either have a possessor interest in the location listed or have information necessary to the investigation related to why the incident may have taken place, i.e. love/hate letters, threatening letters, documents, diaries or journals written by victims of the event detailing fears in general or fear of a particular persons and/or groups etc.

Computer Hardware:

Computer hardware is described as any and all computer equipment, including any electronic devices, which are capable of collecting, analyzing, creating, displaying, converting, storing, concealing, or transmitting electronic, magnetic, optical, or similar computer impulses or data. These devices include but are not limited to any data-processing hardware (such as central processing units, memory typewriters, and self-contained "laptop" or "notebook" computers); internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, optical storage devices, and other media / memory storage devices); peripheral input/output devices (such as keyboards, printer(s), scanners, plotters, video display monitors, and optical readers); and related communication devices (such as modems, wireless routers, recording

equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signal devices, and electronic tone-generating devices); as well as any devices mechanisms, or parts that can be used to restrict access to such hardware (such as physical keys or locks). All mp3 / media players. All advanced gaming systems, i.e., Playstation 3, Xbox 360, PSP.

Computer Software and Documentation:

Computer software is described as any and all information, including instructions, programs, or program code, stored in any form of media which is capable of being interpreted by a computer or its related components. Associated documentation includes any written or printed material, which explains or illustrates the configuration or use of any seized hardware, software, or related item. Such software or documentation could be used to assist in accessing computer hardware, software, data, records, documents or materials within the scope of this application that have user restricted access (encryption) or user enabled concealment within the device.

Cellular Phones:

Cellular phones, "Smart Phones" and/or PDA devices including inserted media cards regardless of the devices' activation or connection status, to include any power cord(s).

Any peripheral devices located such as keyboards, monitors, and data sending devices needed to control such above aforementioned computer hardware or software.

Digital cameras, scanners or other devices used to import images into a computer or otherwise for the purpose of manipulation which will assist investigators to clarify and/or establish the identity of the deceased and those persons injured in the event as well as all current and former occupants, owners, residents, or frequent visitors of the location listed who may have either have a possessor interest in the location listed or have information necessary to the investigation

The property herein before described constitutes evidence which tends to demonstrate the criminal offense of: Home Invasion a felony violation of NRS 205.067, Robbery with a Deadly Weapon a felony violation of NRS 200.380, Burglary with Use of Firearm, a felony violation of NRS 205.060, Assault with a Deadly Weapon a felony violation of NRS 200.471-2B, Kidnapping a felony violation of NRS 200.310-1 and Battery with Deadly Weapon Substantial Bodily Harm a felony violation of NRS 2

In support of your Affiant's assertion to constitute the existence of probable cause, the following facts are offered:

On 01/20/2016, at approximately 2259 hours, HPD Patrol Officers were dispatched to 950 Seven Hills Drive Apartment 2511 Henderson, Nevada 89052 in reference to Home Invasion Call.

That a witness from another apartment called the Henderson Police stating that she heard screaming from her neighboring apartment (Apt. #2511.)

☞ That dispatch advised that a male could be heard telling a female, "Shut the Fuck Up."

That Officer Engel observed a white male standing behind a Black Jeep Cherokee bearing Washington plate ASW5060 and a red Ford Mustang bearing California plate 7MUR703.

That Officer Engel briefly spoke with the male later identified as Kevin Wong (DOB 2/19/85) as Officer Leinan approached the door to the apartment.

That Officer Leinan could hear screaming from the apartment and observed Jason Cliff (DOB 10/29/1977) lying on the floor handcuffed and bleeding from his face and head.

That Officer Leinan entered the apartment and observed a black male wearing a tactical police style vest standing over Cliff. At this time Officer

Engel observed a second black male running through the parking lot with a similar black tactical vest on.

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As Officer Leinan began to talk to the black male in the residence, a black male and a white female jumped out of the master bedroom window and began to run towards Seven Hills.

That during the course of running the suspects dropped an ASP as well as two sets of rubber gloves. The ASP was soaked in blood and bent.

That Officer Engel believed the black male standing over Cliff was a Law Enforcement Officer or Ball Agent so he attempted to look for the second suspect.

That while officers were looking for the suspects who had ran away the black male standing over Cliff exited the apartment and disappeared in an unknown direction.

That one of the black tactical vests worn by the suspects had the words "US Marshalls."

That Officer Leinan took the handcuffs off of Jason and his wife Marlene Burkhalter, DOB 4/22/1977 and secured the scene.

That at about that same time Kevin entered the black Jeep and fled the scene eventually being stopped by patrol units for several driving infractions.

That Marlene and her husband Jason Cliff confirmed they live inside Apartment 2511.

That while Officers were speaking with Marlene, other HPD Officers began to check the area and attempted to locate suspects of the crime.

That Marlene gave the following statements to officers that one white female and two black males forcibly entered her apartment at gun point.

That the suspects were wearing black tactical style vests that had the

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words "US Marshalls" written on the vest and blue latex gloves.

That Marlene stated the suspects handcuffed her and her husband Jason.

That one of the suspects struck Jason numerous times with what Marlene and Jason described as a black police ASP Baton.

That Jason received multiple injuries to include numerous lacerations to his skull, multiple fractured teeth and multiple missing teeth.

That Jason was transported by Henderson Paramedics to Saint Rose Siena Hospital where Jason received multiple staples for the lacerations to his head, and medical treatment for his fractured and missing teeth.

That Detectives R. Adams P#1198 and K. Lapeer P#1446 were contacted and called out to handle the investigation.

That Detective Lapeer arrived and conducted a brief walk through of the residence and noticed that the apartment was in shambles and observed obvious signs of a struggle.

That Detective Lapeer observed several medium sized pools of blood on the TV stand and floor in the living room. Two sets of handcuffs placed on the TV stand as well as blue latex gloves near the coffee table.

That under the coffee table an empty black handgun magazine was located as well as two flashlights that are believed to have fallen off the tactical vests worn by the suspects during the struggle.

Detective Lapeer then spoke with Marlene and she gave the following statements.

That she was sitting on the couch and heard someone knocking at the door.

That Marlene answered the door and saw white female standing there.

That as she opened the door for the female, two black males pushed open

DR #16-01201
the door and forcibly entered the residence drawing and aiming firearms at Marlene and her husband Jason Cliff.

(That the female was holding a paper in her hands when she placed Marlene in handcuffs as the males began to yell at Cliff, stating "get on the ground, they have a search warrant and US Marshals."

That Cliff questioned their authority and asked to see the search warrant.

(That the two males began to beat Cliff with ASP's and brutally struck him about the head and face.

(That Marlene stated the tactical vest had the words US Marshals on the back.

That during the conversations with Marlene and Jason. Jason admitted to being addicted to Heroin.

That Detective R. Adams #1198 respond to the traffic stop location involving Kevin.

(That Kevin was wearing similar all black clothing as the other suspects and was also observed standing behind the two vehicles watching Marlene's apartment during the home invasion.

(That Kevin gave Detective Adams consent to search the black Jeep Cherokee he was the sole occupant of.

- That Detective Adams observed a purse on the passenger seat and located a Nevada identification card in the name of Amanda Sexton (DOB 4/14/92).

- That Detective Adams asked Kevin about the ID and Kevin was evasive and stated that he didn't know.

- That after several minutes of speaking with Kevin, Kevin advised Det. Adams that he met Amanda in the area of Southpoint Casino last night.

- That Kevin further advised that he was homeless and down on his luck and agreed to drive Amanda to the home invasion.
- That Kevin agreed to act as a lookout for Amanda during the crime.
- That Kevin advised that as they arrived in the parking lot he parked next to the red Ford Mustang that was occupied by the two black males.
- That Kevin stated Amanda exited the Jeep and the two black males exited the Mustang and forced their way into the apartment 2511.
- Kevin advised that he could hear yelling and observed the blinds moving in the apartment due to the struggle and fight occurring inside.
- That Kevin advised that he observed Officers arriving and when he observed Amanda and the black males flee the residence he decided to leave in his Jeep.
- That Kevin stated that he observed the black males running down the street but he passed them prior to being stopped by patrol officers.

That Detective Adams placed Kevin under arrest for the felony violation of NRS 200.380, Conspiracy to commit Robbery.

That the Black Jeep Cherokee bearing Washington plate ASW5060 operated by Kevin was impounded and towed to the Henderson Police Department crime scene laboratory east station pending a search warrant.

That Detective Lapeer and Detective Adams confirmed the red Ford Mustang bearing California plate 7MUR703 parked in front of apartment 2511 was the same red Ford mustang the two black males exited prior to committing the Home Invasion Robbery.

That Detective Lapeer observed in plain view a black hand held walkie talkie two way radio on the center console inside the red Ford Mustang.

That the red Ford Mustang bearing California 7MUR703 was also towed to the Henderson Police Department crime scene laboratory east station

pending a search warrant.

DR #16-01201

That a registration check on the license plate CA 7MUR703 revealed the plate belonged on a 2015 Chevrolet passenger vehicle to Hertz vehicles.

That a check of the VIN #2G1FD3D31F9299297 on the Ford Mustang revealed it is a 2015 Ford Mustang and belonged to Hertz Vehicles.

That as of this search warrant the two black male suspects and the white female suspect have not been located.

- That the identification of Amanda Sexton located inside the vehicle Kevin Wong was operating revealed an address of 9457 Las Vegas Boulevard, Apartment building #23, Unit #145, Las Vegas, Nevada, 89123.
- That detectives responded to that address and contacted Ann Marie White DOB 03/24/1971 who confirmed that Amanda is dating her brother Toney Anthony White, 7/19/72 social security #623464774.
- That according to Ann Marie White, Amanda does not live there anymore and Toney owns the black Jeep Cherokee that Kevin was driving.
- That the black Jeep Cherokee's registration returned to Toney A. White.III. out of Oak Harbor Washington.

That the investigation continues into identifying the two black males involved in this robbery.

That Affiant believes that if a search warrant is authorized evidence may be found inside the vehicle that may help identify who the two black males are.

That based on Affiant's training and experience perpetrators who commit home invasion robberies and similar crimes such as burglary have an underlying reason for committing such crimes. The underlying reason in the majority of the cases is typically because the suspect is addicted to illegal narcotics and sometimes prescription medication. Affiant has seen other cases that involve the suspect being in a financial bind for example, a gambling addiction. In the majority of the cases Affiant experienced while investigating these crimes involve the suspect having an

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DR #16-01201

addiction to specific illegal narcotics such as Methamphetamine, Cocaine and/or Heroin which leads to the suspect being in a financial bind.

That based on Affiant's training and experience perpetrators who commit robbery and similar crimes such as burglary are known to write notes about their plans to commit those crimes and review maps and different images on the internet to plan their arrival and departure routes. These writings and images are often in the form of electronic media, whether via text message or e-mail and/or often times on notepads with pen/pencil and paper.

That furthermore, Affiant requests permission to seize and later search the aforementioned electronic storage devices that the investigator believes must be searched to permit them to locate any records, documents, particular file types (as relevant to the case) and materials described in the warrant at an off-site location. Namely affiant requests that a bit by bit image of all data storage devices be made by a forensic examiner within a controlled laboratory environment that the examiner or investigator may look through at a later date. All of the components will be seized and taken into the custody of the Henderson Police Department. If evidence relating to a felony is located the equipment may be seized as per the NRS.

That with the advancing technology of gaming systems and cellular phones, the aforementioned devices have abilities matching that of computers to include accessing the internet, categorizing content and storing an array of media. Affiant would further request those items be treated comparably to computers and be forensically examined as well. Furthermore, Affiant knows that regardless of the connection status, cellular phones can maintain and preserve information to include call logs, text logs and an array of media.

That Affiant requests permission to conduct a search of all emails located within storage devices capable of sending, receiving or storing emails. Such searches could include searching by name, date, email recipient and or key words and phrases relevant to the case. Affiant also requests to search for these emails regardless of their status on the storage device (unread, read, sent, deleted, etc).

That searching the electronic storage device(s) for the evidence described in this affidavit may require a range of data analysis techniques, therefore Affiant requests permission to use whatever data analysis techniques appear necessary to

DR #16-01201
locate and retrieve the evidence described in this affidavit. These techniques include previewing devices applying forensic principles.

That based upon your Affiant's knowledge, training and experience searching and seizing information from electronic storage devices often requires a significant amount of time. This is true because of the following:

The volume of evidence. Given the amount of memory (which is increasing drastically), electronic storage devices can store a significant amount of information. Additionally, a suspect may try to conceal evidence with numerous methods to include encryption, deceptive file names, file types and extensions. This may require an examination of all the stored data to determine which particular files are evidence or case related. This sorting process can take weeks or months depending on the volume of data stored.

Technical requirements. Searching computer systems for criminal evidence is a highly technical process requiring expert skill and a properly controlled environment. The vast array of computer hardware and software available requires even computer experts to specialize in some systems and applications, so it is difficult to know before a search which expert is qualified to analyze the system and its data. In any event, however, data search protocols are exacting scientific procedures designed to protect the integrity of the evidence and to recover even "hidden," erased, compressed, password-protected, or encrypted files. Since computer evidence is extremely vulnerable to inadvertent or intentional modification or destruction (both from external sources and or from destructive code sequences imbedded in the system as a "booby trap"), a controlled environment is essential to its complete and accurate analysis.

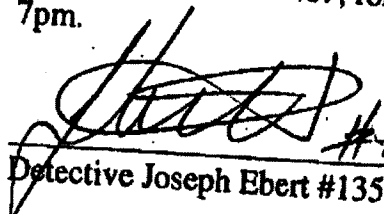
It is further requested that if any password-protected or encrypted files are encountered during the digital forensic examination that forensic principles and methods be allowed to be used to unlock and/or decrypt the files to allow them to be viewed.

That this affidavit does not contain each and every fact known to your affiant related to this investigation but rather includes that information related to the probable cause pertaining to the search of the location referred to above.

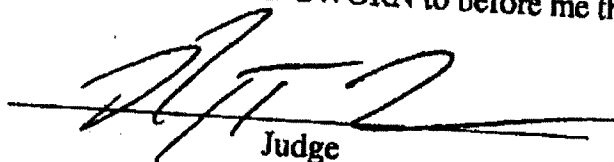
That, to preserve the integrity of this investigation, and the actual facts surrounding

DR #16-01201
the event, until such time as the release of these facts will not hinder or impede the investigation your Affiant request this Affidavit be sealed until ordered unsealed by a competent court with jurisdiction with respect to the District Attorney's Office needs for their investigation or release in reference to discovery.

Wherefore Affiant is requesting the authorization based off the above statements to search Black Jeep Cherokee bearing Washington plate ASW5060 VIN #1J4GW68NXXC672487, for the above listed items between the hours of 7am and 7pm.

 #1358
Detective Joseph Ebert #1358/ Affiant

SUBSCRIBED AND SWORN to before me this 21st day of January, 2016.


Judge

ORIGINAL

SEARCH WARRANT

DR #16-01201

STATE OF NEVADA)

) ss:

COUNTY OF CLARK)

COPY

Detective Joseph Ebert #1358, being first sworn deposes and states that he is the Affiant herein and is a Police Officer with the City of Henderson Police Department currently assigned to the investigations division and that Affiant has been employed with the Henderson Police Department since 03/20/06.

There is probable cause to believe that certain property hereinafter described will be found at the following described premises, to wit:

Black Jeep Cherokee bearing Washington plate ASW5060 VIN #U4GW68NXXC672487

The property referred to and sought to be seized consists of the following:

Any and all firearms and/or ammunition to include but not limited to an unknown brand black semi-auto handgun real or imitation.

Any and all illegal controlled substances such as cocaine, marijuana, methamphetamine, heroin, prescription drugs without a prescription etc.

Any and all illegal narcotic paraphernalia commonly associated with the ingestion and distribution of the controlled substances such as cocaine, methamphetamine and marijuana is scales, packaging materials, customer and source lists, records of purchases and sales, including "owe sheets" reflecting transactions in the controlled substance cocaine, to include, but not limited to, hand written documents, printed documents, encrypted codes, recorded information and any computerized device capable of storing information.

Any and all two way hand held walkie-talkie radios

Any and all blue in color latex gloves

Any and all Police style "ASP Baton"

Any and all items marked with the insignia or label identifying the organization of the "US Marshalls"

Any and all Tactical Vests or tactical clothing believed to be worn and/or used during this incident.

Any and all US currency believed to be proceeds from the robbery.

Any and all papers, writings, electronic documents, identification cards, photographs, or other documents which will assist investigators to clarify and/or establish the identity of the deceased and those persons injured in the event as well as all current and former occupants, owners, residents, or frequent visitors of the location listed who may have either have a possessor interest in the location listed or have information necessary to the investigation related to why the incident may have taken place, i.e. love/hate letters, threatening letters, documents, diaries or journals written by victims of the event detailing fears in general or fear of a particular persons and/or groups etc.

Computer Hardware:

Computer hardware is described as any and all computer equipment, including any electronic devices, which are capable of collecting, analyzing, creating, displaying, converting, storing, concealing, or transmitting electronic, magnetic, optical, or similar computer impulses or data. These devices include but are not limited to any data-processing hardware (such as central processing units, memory typewriters, and self-contained "laptop" or "notebook" computers); internal and peripheral storage devices (such as fixed disks, external hard disks, floppy disk drives and diskettes, tape drives and tapes, optical storage devices, and other media / memory storage devices); peripheral input/output devices (such as keyboards, printer(s), scanners, plotters, video display monitors, and optical readers); and related communication devices (such as modems, wireless routers, recording

equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signal devices, and electronic tone-generating devices); as well as any devices mechanisms, or parts that can be used to restrict access to such hardware (such as physical keys or locks). All mp3 / media players. All advanced gaming systems, i.e.. Playstation 3, Xbox 360, PSP.

Computer Software and Documentation:

Computer software is described as any and all information, including instructions, programs, or program code, stored in any form of media which is capable of being interpreted by a computer or its related components. Associated documentation includes any written or printed material, which explains or illustrates the configuration or use of any seized hardware, software, or related item. Such software or documentation could be used to assist in accessing computer hardware, software, data, records, documents or materials within the scope of this application that have user restricted access (encryption) or user enabled concealment within the device.

Cellular Phones:

Cellular phones, "Smart Phones" and/or PDA devices including inserted media cards regardless of the devices' activation or connection status, to include any power cord(s).

Any peripheral devices located such as keyboards, monitors, and data sending devices needed to control such above aforementioned computer hardware or software.

Digital cameras, scanners or other devices used to import images into a computer or otherwise for the purpose of manipulation which will assist investigators to clarify and/or establish the identity of the deceased and those persons injured in the event as well as all current and former occupants, owners, residents, or frequent visitors of the location listed who may have either have a possessor interest in the location listed or have information necessary to the investigation

DR #16-01201

And as I am satisfied that there is probable cause to believe that the said property is located as set forth above and that based upon the Affidavit attached hereto there are sufficient grounds for the issuance of the Search Warrant. You are hereby commanded to search forthwith said premises for said property, serving this warrant between the hours of 7am and 7pm and if the property is there to seize it, prepare a written inventory of the property seized and make a return for me within ten days. You are further authorized to transport any seized electronic equipment or related items to Henderson Police Department for future forensic examination.

DATED THIS 21st DAY OF January, 2016.


HONORABLE JUDGE

Page 1 of 2

DR# 16-01201

HENDERSON POLICE DEPARTMENT
SEARCH WARRANT RETURN
(Must be made within 10 days of issuance of Warrant)

The Search and Seizure Warrant authorizing a search and seizure at the following described location(s):
BLACK JEEP CHEROKEE WASHINGTON ASW5060

VIN# 1J4GW68NXXC672487

was executed on 11/21/2016

(month, day, year)

A copy of this inventory was left with PLACE OF SEARCH

(name of person or "at the place of search")

The following is an inventory of property taken pursuant to the warrant:

1. TONEY WHITE NV. DL# 1605281065 A Social CARD 623-46-4744
2. NV. LICENSE PLATE 827 LVM
3. BLACK SAMSUNG S-4 CELL PHONE
4. BLACK LG FLIP PHONE
5. PRESCRIPTION PAPER WORK FOR AMANDA SEXTON
6. BLACK NEXT BOOK
7. BLACK & RED NOTE BOOK
8. RED AND BLUE POLICE LIGHTS (6) WITH MEGAPHONE

This inventory was made by: [Signature] J. EBERT #1353

(at least two officers including affiant if present. If person from whom property is taken is present include that person)

**HENDERSON POLICE DEPARTMENT
SEARCH WARRANT RETURN (continued)**

Location: BLACK JEEP CHEROKEE WASHINGTON ASW 5060

1. UNIDEN HANDHELD WALKIE-TALKIE (CHANNEL 9)

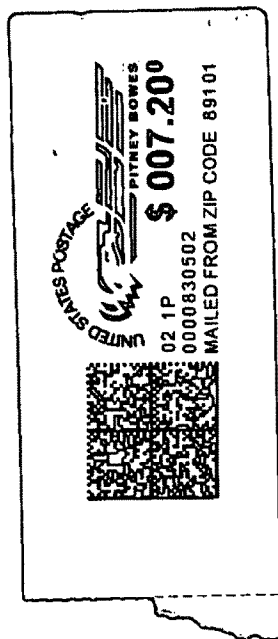
JE 1357 AT 11:46
Officers Initials

ORIGINAL - Return to Issuing Court YELLOW - With HPD Report PINK - With Suspect or Place of Search

T. WHITE-82707910

CCDC

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



CLERK OF THE COURT, 3RD FLOOR
CLARK COUNTY DISTRICT COURT
200 LEWIS AVENUE
LAS VEGAS, NV, 89155

LEGAL

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

1 **GPA**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MICHAEL SCHWARTZER
6 Chief Deputy District Attorney
7 Nevada Bar #010747
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

BY: 

PHYLIS IRBY DEPUTY

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 TONEY ANTHONY WHITE,
13 #8270790

14 Defendant.

CASE NO: C-16-313216-2

DEPT NO: XII

C-16-313216-2
GPA
Guilty Plea Agreement
4691276



15 **GUILTY PLEA AGREEMENT**

16 I hereby agree to plead guilty to: COUNT 1 - CONSPIRACY TO COMMIT
17 ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147) and COUNT 2 -
18 ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS
19 200.380, 193.330, 193.165 - NOC 50145), as more fully alleged in the charging document
20 attached hereto as Exhibit "1".

21 My decision to plead guilty is based upon the plea agreement in this case which is as
22 follows:

23 Parties stipulate to a term of incarceration of four (4) to ten (10) years for the Attempt
24 Robbery count with a consecutive term of four (4) to ten (10) years for the use of a deadly
25 weapon. Moreover, the Parties further stipulate to a term of incarceration of one (1) to five
26 (5) years for the Conspiracy to Commit Robbery count to run consecutive to all other counts
27 for an aggregate total of nine (9) to twenty-five (25) years in the Nevada Department of
28 Corrections. *State agrees to file no new charges from this*

incident. HB/MD

0043

1 I agree to the forfeiture of any and all weapons or any interest in any weapons seized
2 and/or impounded in connection with the instant case and/or any other case negotiated in
3 whole or in part in conjunction with this plea agreement.

4 I understand and agree that, if I fail to interview with the Department of Parole and
5 Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,
6 by affidavit review, confirms probable cause against me for new criminal charges including
7 reckless driving or DUI, but excluding minor traffic violations, the State will have the
8 unqualified right to argue for any legal sentence and term of confinement allowable for the
9 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
10 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without
11 the possibility of parole, life with the possibility of parole after ten (10) years, or a definite
12 twenty-five (25) year term with the possibility of parole after ten (10) years.

13 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
14 plea agreement.

15 CONSEQUENCES OF THE PLEA

16 I understand that by pleading guilty I admit the facts which support all the elements of
17 the offense(s) to which I now plead as set forth in Exhibit "1".

18 As to Count 1 - I understand that as a consequence of my plea of guilty the Court must
19 sentence me to imprisonment in the Nevada Department of Corrections for a minimum term
20 of not less than one (1) year and a maximum term of not more than six (6) years. The
21 minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of
22 imprisonment. I understand that I may also be fined up to \$5,000.00.

23 As to Count 2 - I understand that as a consequence of my plea of guilty the Court must
24 sentence me to imprisonment in the Nevada Department of Corrections for a minimum term
25 of not less than one (1) year and a maximum term of not more than ten (10) years, plus a
26 consecutive one (1) to ten (10) for the use of a deadly weapon. The minimum term of
27 imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment.

28 I understand that the law requires me to pay an Administrative Assessment Fee.

1 I understand that, if appropriate, I will be ordered to make restitution to the victim of
2 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
3 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
4 reimburse the State of Nevada for any expenses related to my extradition, if any.

5 I understand that I am eligible for probation for the offense to which I am pleading
6 guilty. I understand that, except as otherwise provided by statute, the question of whether I
7 receive probation is in the discretion of the sentencing judge.

8 I understand that I must submit to blood and/or saliva tests under the Direction of the
9 Division of Parole and Probation to determine genetic markers and/or secretor status.

10 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,
11 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or
12 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation
13 and may receive a higher sentencing range.

14 I understand that if more than one sentence of imprisonment is imposed and I am
15 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order
16 the sentences served concurrently or consecutively.

17 I understand that information regarding charges not filed, dismissed charges, or charges
18 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

19 I have not been promised or guaranteed any particular sentence by anyone. I know that
20 my sentence is to be determined by the Court within the limits prescribed by statute.

21 I understand that if my attorney or the State of Nevada or both recommend any specific
22 punishment to the Court, the Court is not obligated to accept the recommendation.

23 I understand that if the offense(s) to which I am pleading guilty was committed while I
24 was incarcerated on another charge or while I was on probation or parole that I am not eligible
25 for credit for time served toward the instant offense(s).

26 I understand that if I am not a United States citizen, any criminal conviction will likely
27 result in serious negative immigration consequences including but not limited to:

28 //

1. The removal from the United States through deportation;
2. An inability to reenter the United States;
3. The inability to gain United States citizenship or legal residency;
4. An inability to renew and/or retain any legal residency status; and/or
5. An indeterminate term of confinement, with the United States Federal Government based on my conviction and immigration status.

Regardless of what I have been told by any attorney, no one can promise me that this conviction will not result in negative immigration consequences and/or impact my ability to become a United States citizen and/or a legal resident.

I understand that the Division of Parole and Probation will prepare a report for the sentencing judge prior to sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. This report may contain hearsay information regarding my background and criminal history. My attorney and I will each have the opportunity to comment on the information contained in the report at the time of sentencing. Unless the District Attorney has specifically agreed otherwise, the District Attorney may also comment on this report.

WAIVER OF RIGHTS

By entering my plea of guilty, I understand that I am waiving and forever giving up the following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.
2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense(s) charged.
3. The constitutional right to confront and cross-examine any witnesses who would testify against me.
4. The constitutional right to subpoena witnesses to testify on my behalf.
5. The constitutional right to testify in my own defense.

- 1 6. The right to appeal the conviction with the assistance of an attorney,
2 either appointed or retained, unless specifically reserved in writing and
3 agreed upon as provided in NRS 174.035(3). I understand this means I
4 am unconditionally waiving my right to a direct appeal of this conviction,
5 including any challenge based upon reasonable constitutional,
6 jurisdictional or other grounds that challenge the legality of the
7 proceedings as stated in NRS 177.015(4). However, I remain free to
8 challenge my conviction through other post-conviction remedies
9 including a habeas corpus petition pursuant to NRS Chapter 34.

10 VOLUNTARINESS OF PLEA

11 I have discussed the elements of all of the original charge(s) against me with my
12 attorney and I understand the nature of the charge(s) against me.

13 I understand that the State would have to prove each element of the charge(s) against
14 me at trial.

15 I have discussed with my attorney any possible defenses, defense strategies and
16 circumstances which might be in my favor.

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

19 I believe that pleading guilty and accepting this plea bargain is in my best interest, and
20 that a trial would be contrary to my best interest.

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

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

27 //

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1 My attorney has answered all my questions regarding this guilty plea agreement and its
2 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

3 DATED this 19 day of ~~March~~, 2017.

4 OCTOBER

5 
6 TONEY ANTHONY WHITE
7 Defendant

8 AGREED TO BY:

9 
10 MICHAEL SCHWARTZER
11 Chief Deputy District Attorney
12 Nevada Bar #010747
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1 CERTIFICATE OF COUNSEL:

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

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.
8 3. I have inquired of Defendant facts concerning Defendant's immigration status
9 and explained to Defendant that if Defendant is not a United States citizen any
10 criminal conviction will most likely result in serious negative immigration
11 consequences including but not limited to:
12 a. The removal from the United States through deportation;
13 b. An inability to reenter the United States;
14 c. The inability to gain United States citizenship or legal residency;
15 d. An inability to renew and/or retain any legal residency status; and/or
16 e. An indeterminate term of confinement, by with United States Federal
17 Government based on the conviction and immigration status.

18 Moreover, I have explained that regardless of what Defendant may have been
19 told by any attorney, no one can promise Defendant that this conviction will not
20 result in negative immigration consequences and/or impact Defendant's ability
21 to become a United States citizen and/or legal resident.

- 22 4. All pleas of guilty offered by the Defendant pursuant to this agreement are
23 consistent with the facts known to me and are made with my advice to the
24 Defendant.
25 5. To the best of my knowledge and belief, the Defendant:
26 a. Is competent and understands the charges and the consequences of
27 pleading guilty as provided in this agreement,
28 b. Executed this agreement and will enter all guilty pleas pursuant hereto
voluntarily, and
c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant as
certified in paragraphs 1 and 2 above.

Dated: This 19 day of ~~March~~, 2017.
act.


ATTORNEY FOR DEFENDANT

mno/GANG

1 **IND**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MICHAEL SCHWARTZER
6 Chief Deputy District Attorney
7 Nevada Bar #010747
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 TONEY ANTHONY WHITE, #8270790

13 Defendant.
14

CASE NO: C-16-313216-2

DEPT NO: XII

A M E N D E D
I N D I C T M E N T

15 STATE OF NEVADA }
16 COUNTY OF CLARK } ss.

17 The Defendant(s) above named, KEVIN KEKOA WONG, JR., TONEY ANTHONY
18 WHITE, AMANDA SEXTON, MARLAND DEAN, aka, Marland Neal Dean, accused by the
19 Clark County Grand Jury of the crime(s) of **CONSPIRACY TO COMMIT ROBBERY**
20 **(Category B Felony - NRS 200.380, 199.480 - NOC 50147)** and **ATTEMPT ROBBERY**
21 **WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.330,**
22 **193.165 - NOC 50145),** committed at and within the County of Clark, State of Nevada, on or
23 between January 20, 2016 and January 21, 2016, as follows:

24 COUNT 1 - CONSPIRACY TO COMMIT ROBBERY

25 did willfully, unlawfully, and feloniously conspire with each other to commit a
26 robbery, by the defendant and/or KEVIN KEKOA WONG, JR., and/or AMANDA SEXTON
27 and/or MARLAND NEAL DEAN committing the acts as set forth in Count 2, said acts being
28 incorporated by this reference as though fully set forth herein.

0050

EXHIBIT "1"

1 COUNT 2 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

2 did willfully, unlawfully, and feloniously attempt to take personal property, from the
3 person of MARLENE BURKHALTER and/or JASON CLIFF, or in their presence, by means
4 of force or violence, or fear of injury to, and without the consent and against the will of
5 MARLENE BURKHALTER and/or JASON CLIFF, by striking and/or handcuffing the said
6 MARLENE BURKHALTER and/or JASON CLIFF, but not gaining any property, with use
7 of a deadly weapon, to-wit: a baton and/or a firearm; the Defendant being criminally liable
8 under one or more of the following principles of criminal liability, to-wit: (1) by directly
9 committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with
10 the intent that this crime be committed, by counseling, encouraging, hiring, commanding,
11 inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a
12 conspiracy to commit this crime, with the intent that this crime be committed, Defendant
13 and/or KEVIN KEKOA WONG, JR., and/or AMANDA SEXTON and/or MARLAND NEAL
14 DEAN aiding or abetting and/or conspiring by Defendant and/or KEVIN KEKOA WONG,
15 JR., and/or AMANDA SEXTON and/or MARLAND NEAL DEAN acting in concert
16 throughout.

17 DATED this 13th day of March, 2017.

18 STEVEN B. WOLFSON
19 Clark County District Attorney
20 Nevada Bar #001565

21 BY /s//MICHAEL SCHWARTZER
22 MICHAEL SCHWARTZER
23 Chief Deputy District Attorney
24 Nevada Bar #010747
25

26 15AGJ129A-D/16FH0191A-D/mmo/GANG
27 HPD EV# 1601201
28 (TK)

0051

Steven D. Grierson

DA
AOR
Harvey
Grierson
PP

TONEY A. WHITE B270790
CCDC
380 S. CASINO CENTER BLVD.
LAS VEGAS, NV, 89101

DEFENDANT

STATE OF NEVADA, COUNTY OF CLARK

DISTRICT COURT

8TH JUDICIAL DISTRICT

PEOPLE OF THE STATE OF
NEVADA,

PLAINTIFF,

VS.

TONEY ANTHONY WHITE,

DEFENDANT

CASE NO. C-16-313216-2

DEPT. NO. XII

DEFENDANT WHITE'S
MOTION FOR WITH-
DRAWAL OF GUILTY
PLEA AND FOR APPOINT-
MENT OF NEW COUNSEL
OR ALTERNATIVELY TO
PROCEED IN PRO PER.

STATEMENT OF FACTS

DATE: 1/30/18

TIME: 8:30 AM

ON JANUARY 20, 2016, OFFICERS DISPATCHED TO 950
SEVEN HILLS DRIVE, HENDERSON, NEVADA OBSERVED KEVIN WONG
BEHIND 2 VEHICLES KEEPING LOOKOUT AS THEY REPORTED TO APART-
MENT NO. 2511. OFFICER M. ENGEL TALKED TO WONG WHILE OFFI-
CEE KEVIN ENTERED APARTMENT 2511. ENGEL RESPONDED TO
A SIGHTING OF A SUSPECT AT WHICH TIME WONG ENTERED THE
JEEP AND EXITED THE COMPLEX. APPARENTLY RADIO CALLS WENT
OUT RELATING TO THE BLACK JEEP CHEROKEE. (LICENSE NO. WASHING-
TON ASW 5060 (VEN 1J468NXXC672487) AND ON ST. ROSE
PARWAY AND JEFFREY'S INTERSECTION NUMEROUS MARKED
PATROL VEHICLES CONVERGED ON WONG AND THE JEEP LIGHTING
HIM UP AND DEMANDING THAT HE EXIT THE VEHICLE HANDS
UP AND BACK TOWARD THE OFFICERS.

CLERK OF THE COURT

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CLERK OF THE COURT

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0052

WONG WAS INSTRUCTED TO KNEEL TO HIS KNEES, CROSS HIS LEGS AND LIE FLAT WITH BOTH HANDS STRAIGHT OUT. HE WAS APPROACHED, HANDCUFFED AND SEARCHED BY OFFICERS BEFORE BEING PLACED INTO A PATROL CAR. OFFICERS THEN ENSURED THAT NO OTHER PASSENGERS WERE IN THE VEHICLE BY VIEWING AND CLEARING IT. WONG WAS PURPORTEDLY STOPPED DUE TO SEVERAL "UNSPECIFIED" DRIVING INFRACTIONS. FROM AN UNKNOWN LOCATION DETECTIVE RYAN ADAMS WAS ADVISED OF THE TRAFFIC STOP WITH WONG AND WAS DIRECTED TO RESPOND TO THAT LOCATION. ADAMS RESPONDED AND ASKED ANY MIRANDA ADMONITIONS GIVEN, WAS ALLEGEDLY THREE GRANTED PERMISSION TO SEARCH THE VEHICLE.

DURING THE SEARCH AMANDA SEXTON AND DEFENDANT WHITE'S IDENTIFICATIONS WERE DISCOVERED LEADING TO THE SERIES OF EVENTS THAT ATTACHED TO THOSE DISCOVERIES. ACCORDING TO REPORTS, WONG CONTINUED TO TALK WITH ADAMS FOR "SEVERAL MINUTES" BEFORE BEING PLACED INTO CUSTODY.

ON JANUARY 21, 2016, IN THE EARLY MORNING HOURS DEFENDANT WHITE (NOT ON HIS ANTI-PSYCHOTIC MEDICATIONS AND STILL HEAVILY INTOXICATED), SEXTON AND DEAN WERE PROVIDED A RIDE TO 7-11 ON CHARLESTON BLVD BY GLEN COUSERT, NEAR SEXTON AND WHITE'S APARTMENT. DURING THIS TIME DEAN LEFT, RETRIEVED A SUITCASE AND PLACED IT INTO COUSERT'S VEHICLE TRUNK. THE BRIEF CASE CONTAINED SEVERAL ITEMS AND WAS TAKEN TO 9457 S. LAS VEGAS BLVD, LAS VEGAS, NV, BUT NOT TO OR REMOTELY NEAR APARTMENT 145.

FOLLOWING THESE EVENTS AND DURING BUSINESS HOURS ON JANUARY 21, 2016, DETECTIVE JOSEPH EBERT SUCCESSFULLY OBTAINED SEARCH WARRANTS TO SEARCH THE BLACK JEEP CHEROKEE AND APARTMENT 2085 ON EAST CHARLESTON BELONGING TO DEFENDANTS WHITE AND SEXTON. THE SEARCH WARRANT RETURN ON THE BLACK JEEP PURPORTED TO LIST 9 ITEMS SEIZED FROM THE JEEP. THE RETURN ON APARTMENT 2085 PURPORTED TO LIST 11 ITEMS SEIZED FROM THE APARTMENT. PROBABLE CAUSE UPON WHICH THE 2 SEARCH WARRANTS WERE BASED INCLUDED INFORMATION OBTAINED IN VIOLATION OF WONG'S MIRANDA ADMONITIONS AS WELL AS 4TH AMENDMENT PROTECTIONS OF WONG, WHITE AND SEXTON'S AGAINST UNREASONABLE AND ILLEGAL SEARCH EXECUTED ON THE BLACK JEEP AND SEXTON'S PURSE.

1. IT IS QUESTIONABLE AS TO WHETHER WONG, WHO DID NOT OWN THE VEHICLE, HAD ANY LEGAL AUTHORITY TO CONSENT TO ITS SEARCH LESS ALONE THE BELONGINGS OF AND IN MS. SEXTON'S PURSE. HPD AND AS KNOWLEDGEABLE TO ADAMS PRIOR TO THE SEARCH, RETAINED FORM HPD 0037 (REV. 01/01/04) TITLED "HPD VOLUNTARY CONSENT TO SEARCH" WHICH EXPRESSLY AUTHORIZES VOLUNTARY SEARCHES OF PREMISES, VEHICLES OR OTHER PROPERTIES THAT ADAMS FAILED TO MAKE ACCESSIBLE TO WONG FOR SIGNING PRIOR TO THE VEHICLE SEARCH.

STATEMENTS OF WITNESSES BURTON, DEAN, ANN WHITE AND GLEN COUSET AS WELL AS ANY EVIDENCE RETRIEVED AS A RESULT OF CONTACT WITH THESE WITNESSES WERE THE PRODUCT OF THE UNLAWFUL SEARCH WHICH INCLUDED, BUT IS NOT LIMITED TO WRITTEN STATEMENTS, THE RETURNING OF A KEY FOB, THE HAND DRAWN MAP AND OTHER ITEMS.

HISTORY OF THE CASE

DEFENDANT JONAS ANTHONY WHITE WAS ARRESTED JANUARY 22, 2016, AND CHARGED JOINTLY WITH 3 CO-DEFENDANTS WITH 2 COUNTS OF ATTEMPTED ROBBERY W/ USE OF A DW, 2 COUNTS OF 1ST DEGREE KIDNAPPING W/ USE OF A DW, 1 COUNT OF CONSPIRACY TO COMMIT ROBBERY, 1 COUNT OF BATTERY W/ USE OF A DW RESULTING IN SUBSTANTIAL BODILY HARM, 1 COUNT OF BURGLARY W/ A DW AND 1 COUNT OF IMPERSONATING A PEACE OFFICER BY INDICTMENT OF THE CLARK COUNTY GRAND JURY IN CASE NO. 15AGS129 A-D. THEY EACH WERE APPEARED IN HENDERSON JUSTICE COURT ON OR ABOUT FEBRUARY 01, 2016. ACKNOWLEDGING INDIGENCY OF ALL 4 DEFENDANTS, THE COURT OFFICIATED ITS APPOINTMENT OF COUNSEL. DEFENDANT WHITE WAS APPOINTED COUNSEL HARVEY GRUBER OF HENDERSON. COUNSEL HAS REMAINED UNDER APPOINTMENT THE DURATION OF THIS CASE TILL THE CURRENT DATE.

ON MARCH 09, 2016, CLARK COUNTY GRAND JURY CONVENED RESULTING IN THE ISSUANCE OF A CRIMINAL INDICTMENT WARRANT 21. ON MARCH 17, 2016, DEFENDANTS WERE APPEARED IN 6TH JUDICIAL DISTRICT COURT DEPARTMENT 12. ON ADVISE OF COUNSEL, DEFENDANTS RIGHT TO SPEEDY TRIAL WAS WAIVED 31. PRE-TRIAL CALENDAR CALL WAS SET FOR OCTOBER 25, 2016 AND TRIAL FOR NOVEMBER 01, 2016. ON JUNE 02, 2016, DEFENDANT WHITE MOTIONED TO DISMISS AND REPLACE COUNSEL ON SEVERAL BASIS INCLUDING FAILURE TO INVESTIGATE, FAILURE TO DISCLOSE TO DEFENDANT ALL DISCOVERY, FAILURE TO COMMUNICATE ALL CASE FACTS AND STRATEGIES WITH DEFENDANT AND DUE TO THE EXISTENCE OF A CONFLICT OF INTEREST CAUSED BY COUNSEL'S TELEPHONIC DISRESPECT AND DISPARAGING OF DEFENDANT'S MOTHER.

2. AS REFLECTED BY THE GRAND JURY TRANSCRIPT FILED MARCH 25, 2015, EXHIBITS SUBMITTED WERE 1 HANDDRAWN MAP AND 24 PHOTOS.

3. THE WAIVER OF SPEEDY TRIAL WAS ARBITRARY AND UNWARRANTED AS WITH THE BENEFIT OF THIS EXTRA TIME COUNSEL HAS STILL NOT PERFORMED ADVOCATION AND EFFECTIVE REPRESENTATION OF WHITE.

WHEN THE INITIAL MOTION CAME ON FOR HEARING, USING DECEPTION AND MISREPRESENTATION COUNSEL VOWED AND ASSURED DEFENDANT THAT HE WOULD COMPLETE AND FILE CERTAIN MOTIONS. THESE FALSE REPRESENTATIONS WERE MERELY TO INDUCE DEFENDANT'S NON-PURSUIT AND WITHDRAWAL OF THE MOTION.

ON OCTOBER 25, 2016, ALL DEFENDANTS APPEARED WITH COUNSEL. A CALENDAR CALL WAS SET FOR MARCH 14, 2017 AND TRIAL FOR MARCH 20, 2017. THE TRIAL DATE OF NOVEMBER 01, 2016, WAS VACATED.

BY NOVEMBER 18, 2016, A BAR COMPLAINT WAS FILED BY WHITE IN NEVADA STATE BAR CASE NO. C313216 SEEKING DISCIPLINARY MEASURES BE TAKEN AGAINST COUNSEL. THIS WAS BASED UPON COUNSEL'S UNPROFESSIONALISM AND MISCONDUCT REPORTED BY DEFENDANT'S MOTHER, TO WHICH COUNSEL EXTENSIVELY REFUTED, DISPARAGED AND DISRESPECTED WHITE'S MOTHER WHO MERELY CALLED TO INQUIRE AS TO COUNSEL'S PROGRESS IN THE CASE WHICH OBVIOUSLY WAS NONE AT THAT TIME.

ON NOVEMBER 22, 2016, COUNSEL, ON NOTICE OF THE BAR COMPLAINT AGAINST HIM, FILED A MOTION TO WITHDRAWAL BASED ON A NOTARIZED NOVEMBER 21, 2016, AFFIDAVIT ATTESTING UNDER OATH THAT HE COULD NO LONGER REPRESENT DEFENDANT WHITE DUE TO CONFLICT.

ON DECEMBER 28, 2016, DEFENDANT FILED A SECOND MOTION TO REUSE COUNSEL, IT WAS ON FOR HEARING JANUARY 19, 2017. THE SECOND HEARING RESULTED IN ANOTHER WITHDRAWAL BY WHITE BASED AGAIN ON VERBAL DECEPTION OF COUNSEL TO TAKE CERTAIN ACTION ON THE CASE. AGAIN DEFENDANT GAVE COUNSEL THE BENEFIT OF ALL DOUBT. WHEN JUDICIAL INQUIRY WAS DIRECTED AT COUNSEL HIS RESPONSE WAS "IT IS WHAT IT IS JUDGE."

A THIRD MOTION TO REUSE COUNSEL AND PROCEED IN PRO PER WAS FILED MARCH 27, 2017. IN THAT MOTION DEFENDANT ARTICULATED HIS LEGAL BASIS EMPHASIZING COUNSEL'S CONTINUING DECEPTION, MISREPRESENTATIONS AND REFUSAL TO FILE CERTAIN PLEADINGS, ADVOCATE DEFENDANTS BEHALF AND SUBJECT THE STATE TO ADVERSARIAL TESTING. COUNSEL'S FAILURE TO INVESTIGATE THE CASE WAS FURTHER CONCERNING TO DEFENDANT. THE MOTION CAME ON FOR HEARING APRIL 18, 2017, AND WITHOUT CITING ANY REASON OR CONDUCTING A FARETTA CANVAS THE COURT SIMPLY DENIED DEFENDANT'S MOTION.

SINCE HIS APPOINTMENT, IN SUBSEQUENT CONTACTS WITH COUNSEL, WHITE ADVISED COUNSEL OF A EXTENDED HISTORY OF MENTAL HEALTH AND LACK OF STRONG ANTI-PSYCHOTIC MEDICATIONS ON JANUARY 21, 2016, COMBINED WITH A SEPTEMBER 03, 2015, SUBSTANTIAL HEAD TRAUMA INCIDENT WHICH CAUSES MENTAL BLACK OUTS, MEMORY LAPSES SLOW THINKING AND SUSCEPTABILITY TO MANIPULATION. COUNSEL WAS FURTHER ADVISED OF DEFENDANT'S MEDICAL NEED FOR HIS PRESCRIPTION GLASSES TO PREVENT EXTREME EXCRUCIATING HEADACHES AND OF THE FACT OF THE EXCESSIVE INTOXICATION.

DEFENDANT SOUGHT THAT COUNSEL IN CONJUNCTION WITH WONG'S COUNSEL 41. FILE A MOTION TO SUPPRESS EVIDENCE OBTAINED IN VIOLATION OF MIRANDA AND THE FOURTH AMENDMENT TO THE U.S. CONSTITUTION. SINCE CLOSE TO SOME 2 YEARS OF APPOINTMENT, COUNSEL HAS TAKEN ABSOLUTELY NO ACTION WITH EXCEPTION TO A 4 PAGE MOTION TO WITHDRAWAL. IN ADDITION, COUNSEL HAS FAILED TO OBTAIN AND RETURN WITH ALL DISCOVERIES. IN HIS POSSESSION OR AVAILABLE ON REQUEST, HAS FAILED TO COMMUNICATE ALL ANTICIPATED TACTICS/STRATEGIES RELATED TO THE CASE OR PURSUE DEFENDANT'S MENTAL HEALTH, HEAD TRAUMA AND INTOXICATION CLAIMS AND HAS FAILED TO COMMUNICATE HIS INTENT OF OR ATTEMPT TO OBTAIN OR APPLY FOR ANY EXPERTS TO EVALUATE DEFENDANT. COUNSEL HAS NOT MERELY EXPLORED THE POSSIBILITY OF SUGGESTING IDENTIFICATION OF DEFENDANT BOTH AT THE CRIME SCENE AND BEFORE THE GRAND JURY. AS OF THE CURRENT DATE NO CASE INVESTIGATION PREPARATORY TO TRIAL HAS ENTAILED NOR CONCLUDED.

THE SOLE REPRESENTATION PROVIDED BY COUNSEL IS COUNSEL'S CONTINUING PRESSURE ON WHITE TO PLEA GUILTY TO THE ALLEGATIONS AS A TRIAL LOSE WAS GUARANTEED. DUE TO MOUNTING PRESSURES FROM COUNSEL, HIS REFUSAL TO PREPARE FOR TRIAL AND HIS CONSISTENT DECEPTIONS AND MISREPRESENTATIONS (IE, DEFENDANT'S CREDIT EARNING QUALIFICATIONS ON HIS SENTENCE) AND IN LIGHT OF DIRECT THREATS TO WHITE'S SAFETY AND GANG ATTACKS (IE, THE TORCHING OF HIS SISTERS RESIDENCE BY ASSOCIATES OF DEAN FOR "SWITCHING" ON HIM), WHITE WAS FORCED AGAINST HIS WILL TO PLEA GUILTY DESPITE HIS INNOCENCE. THESE CONCERNS AND WHITE'S DESIRE TO WITHDRAWAL HIS PLEA WERE DISCUSSED TO COUNSEL WHO HAS NOT CONVEYED SUCH TO THE COURTS.

4. WONG HAS LONG AGO ENTERED A PLEA AGREEMENT AND HAS BEEN SENTENCED AND TRANSPORTED TO NDOC. THE OPPORTUNITY TO JOINTLY MOVE FOR SUPPRESSION THIS WAS TIME-SENSITIVE BUT FOR COUNSEL'S INEFFECTIVENESS AND TARDINESS. SAID TARDINESS AND INEFFECTIVENESS WAS FURTHER INSTRUMENTAL IN PROVIDING THE PROSECUTION UNFAIR ADVANTAGE TO PREVENT SUPPRESSION BY VIRTUE OF DISPOSING OF WONG AND SEVERAL PORTIONS OF THE CASE.

5. OF DISCOVERY POSSESSED OR ACCESSIBLE TO COUNSEL NOT YET PROVIDED TO WHITE ARE THE MARCUM NOTICE, PHOTOGRAPHIC EVIDENCE, NARRATIVE REPORTS OF SOME 7 OFFICERS (NEELSEN, NICHOLSON, NICHOLS, EBERT, WATFORD, LEONAN AND CHRISTOPHER, THE CRIME SCENE LOG, DNA ANALYST, VICTIM MEDICAL RECORDS AND TOXICOLOGY, ETC.)

AS OF APPROXIMATE DATE OF FEBRUARY 02, 2016, AND CLOSE TO 2 YEARS LATER, COUNSEL'S PURPORTED REPRESENTATION OF WHITE HAS UNDOUBTEDLY REVEALED TO BE A FARSE AND PRETENSE. SECONDLY, COUNSEL'S CONTINUED REPRESENTATION IN LIGHT OF FACTS UNDERLYING COUNSEL'S MOTION TO WITHDRAWAL OBVIOUSLY CONTINUES TO PERSEIST AND CREATE A CONFLICT OF INTEREST. DESPITE REPEATED URGEENCE OF COUNSEL TO CHALLENGE GRAND JURY VIOLATIONS, ADDRESS THE COERCED PLEA INDUCED BY THREATS AND GANG VIOLENCE, CONDUCT CAREFUL FACTUAL AND LEGAL INVESTIGATION AND INQUIRIES WITH VIEWS TO DEVELOPING MATTERS OF DEFENSE IN ORDER TO MAKE ESSENTIAL INFORMED DECISIONS ON WHITE'S BEHALF AT BOTH THE PLEADING STAGES AND PREPARATORY TO TRIAL, COUNSEL HAS AS OF TODATE MADE NO PRE-TRIAL INVESTIGATION PREPARATORY TO THE NOVEMBER 01, 2016 AND MARCH 20, 2017 TRIAL DATES LESS ALONE THE RESCHEDULED TRIAL DATE OF OCTOBER 31, 2017 (I.E., INTERVIEW WITNESSES AND VICTIMS, OBTAINING ADDITIONAL RELEVANT EVIDENCE AND REPORTS TO HENDERSON AND THE STATES POSSESSION ⁶¹ ECT). COUNSEL HAS FURTHER FAILED TO APPRAISE DEFENDANT OF CASE PROGRESS AND PROVIDE COMPLETE DISCOVERY HAS CREATED SUBSTANTIAL DISTRUST AND HAS FURTHER, AMONG OTHER THINGS, COMPELLED DEFENDANT TO INVOKE HIS RIGHT TO SELF REPRESENTATION. MORESO IN LIGHT OF THE CONTINUING MISREPRESENTATIONS AND DECEPTIONS OF COUNSEL.

IN CLOSE TO A 2 YEAR PERIOD THE SOLE PLEADING FILED WAS COUNSEL'S NOVEMBER 22, 2016, 4 PAGE MOTION TO WITHDRAWAL. NO DISCOVERY RELATED OR PRE-TRIAL MOTIONS HAVE BEEN FILED ON DEFENDANT'S BEHALF. OCTOBER 31, 2017, WAS THE PRE-TRIAL DATE AND SOME 7 DAYS BEFORE TRIAL WAS SCHEDULED TO COMMENCE COUNSEL FILED NOTHING. RATHER THAN ADVOCATE AND FIGHT FOR DEFENDANT COUNSEL JOINED IN ON PRESSURES TO INDUCE DEFENDANTS GUILTY PLEA WHILE DECEIVING AND MISREPRESENTING. ~~CONFIDENTIAL~~

SUCH OMISSIONS AND EVASIONS COMBINED WITH COUNSEL'S CONTINUED DECEPTION AND MISREPRESENTATIONS TO DEFENDANT PROMPTS THE INSTANT MOTION AND MORE PARTICULARLY DEFENDANT'S MOTION TO WITHDRAWAL HIS GUILTY PLEA AND HIS INVOCATION OF HIS RIGHT TO SELF REPRESENTATION.

6. BY COUNSEL'S ACCOUNT AND ACCORDANCE, UPON DEFENDANT'S INQUIRY, THE PROSECUTION IS SOLELY REQUIRED TO DISCLOSE SELECTIVE EVIDENCE THEY'RE GONNA USE AND NOT THE REMAINDER WHICH MAY BE FAVORABLE TO DEFENDANT OR ANY DEFENSE HE MAY MOUNT TO THE SERIOUS ALLEGATIONS.

I. SELF REPRESENTATION.

IN FARETTA V. CALIFORNIA, (1975) 422 U.S. 806, 821, THE SUPREME COURT HELD THAT AN ACCUSED HAS A SIXTH AMENDMENT RIGHT TO CONDUCT HIS OWN DEFENSE IN A CRIMINAL CASE. SEE ALSO, NEV. CONST. ART. I, § 8, SPAVES V. STATE, (1996) 112 NEV. 118, 124.

A DEFENDANT'S SIXTH AMENDMENT RIGHT TO COUNSEL IMPLICITLY EMBODIES A "CORRELATIVE RIGHT TO DISPENSE WITH A LAWYER'S HELP." ADAMS V. U.S. EX-REL. MCMAHON, (1942) 317 U.S. 269, 279. THE 6TH AMENDMENT DOES NOT REQUIRE THAT A COUNSEL BE FORCED UPON A DEFENDANT. CARTER V. ILLINOIS, 329 U.S. 173, 174-175; MOORE V. MICHEAU, 355 U.S. 155, 161.

THE RIGHT TO ASSISTANCE OF COUNSEL IS "THE RIGHT OF THE ACCUSED PERSONALLY TO MANAGE AND CONDUCT HIS OWN DEFENSE IN A CRIMINAL CASE." McKASKLE V. WIGGINS, (1984) 465 U.S. 168, 174; HASLAM V. U.S., 431 F.2D 362, 365 (9TH CIR.). A DEFENDANT'S PRO PER INVOCATION AND RIGHT MUST BE HONOURED OUT OF "THAT RESPECT FOR THE INDIVIDUAL WHICH IS THE LIFE-BLOOD OF THE LAW." ILLINOIS V. ALLEN, 397 U.S. 337, 350-351 (1970).

IN ORDER FOR A DEFENDANT TO REPRESENT HIMSELF HE MUST "KNOWINGLY AND INTELLIGENTLY" FOREGO THE BENEFITS ASSOCIATED WITH A SKILLED AND EXPERIENCED ATTORNEY. FARETTA, 422 U.S. AT 835; JOHNSON V. ZERBST, (1938) 304 U.S. 464, 465; MOLTKE V. GILLIES, 332 U.S. 708, 723-24; ALSO SEE ADAMS, SUPRA.

TO ENSURE A VALID WAIVER OF COUNSEL, A JUDGE SHOULD MAKE A "SEARCHING OR FORMAL" INQUIRY INTO BOTH THE DEFENDANT'S UNDERSTANDING OF THE 6TH AMENDMENT WAIVER AND AWARENESS OF THE DISADVANTAGES OF SELF-REPRESENTATION. IOWA V. TOVAR, 541 U.S. 77, 89 (2004) (QUOTING JOHNSON V. ZERBST 304 U.S. AT 458, 464). IN DOING SO, THE COURT LOOKS AT THE CIRCUMSTANCES OF THE CASE INCLUDING A DEFENDANT'S BACKGROUND, EDUCATION AND EXPERIENCE IN ASSESSING THE WAIVER. HOOKS V. STATE, (2008) 124 NEV. 48.

II. COUNSEL'S AFFIRMATIVE DUTIES.

A CRIMINAL DEFENDANT HAS A GUARANTEE OF COUNSEL WHICH "CANNOT BE SATISFIED BY MERE FORMAL APPOINTMENT." EVERY V. ALABAMA, (1940) 308 U.S. 414, 446. THE FACT THAT THE PERSON WHO HAPPENS TO BE A LAWYER IS PRESENT ALONGSIDE THE ACCUSED, HOWEVER, IS NOT ENOUGH TO SATISFY THE CONSTITUTIONAL COMMAND... AN ACCUSED IS ENTITLED TO BE ASSISTED BY AN ATTORNEY WHETHER RETAINED OR APPOINTED, WHO PLAYS THE ROLE NECESSARY TO ENSURE THAT THE TRIAL IS FAIR." STEEGRAD V. WASHINGTON, (1984) 466 U.S. 655; MCMAHON V. RICHARDSON, (1970) 397 U.S. 759, 771.

A DEFENDANT MAY WITHDRAW A PLEA OF GUILTY OR NOLO CONTENDERE "FOR ANY REASON OR NO REASON" BEFORE THE COURT ACCEPTS THE PLEA. AFTER THE COURT ACCEPTS THE PLEA BUT BEFORE SENTENCING A DEFENDANT MAY WITHDRAW HIS PLEA ONLY IF IT IS REJECTED BY THE COURT OR THE DEFENDANT PROVIDES A FAIR AND JUST REASON FOR REQUESTING THE WITHDRAWAL. U.S. V. DAVIS, 428 F.3D 802, 808 (9TH CIR. 2005) (FAIR AND JUST REASON EXISTED TO WITHDRAW PLEA BECAUSE DEFENSE COUNSEL GROSSLY MISCHARACTERIZED DEFENDANT'S POSSIBLE SENTENCE).

PERMITTING A DEFENDANT TO WITHDRAW A GUILTY PLEA IS AT THE COURT'S DISCRETION. STATE V. ADAMS, (1978) 94 NEV. 503 (1978). WHEN A DEFENDANT BRINGS A MOTION TO WITHDRAW A GUILTY PLEA, THE COURT HAS A DUTY TO REVIEW THE ENTIRE RECORD TO DETERMINE WHETHER THE GUILTY PLEA WAS VALID. A COURT MAY NOT SIMPLY REVIEW THE PLEA CANVASS IN A VACUUM, CONCLUDE THAT IT INDICATES THAT THE DEFENDANT UNDERSTOOD WHAT HE WAS DOING, USE THAT CONCLUSION AS THE SOLE BASIS FOR DENYING A MOTION TO WITHDRAW A GUILTY PLEA. MITCHELL V. STATE, (1993) 109 NEV. 137.

IN DETERMINING WHETHER A "FAIR AND JUST REASON" EXISTS, COURTS CONSIDER SEVERAL FACTORS, INCLUDING (1) WHETHER THERE HAS BEEN AN ASSERTION OF LEGAL INNOCENCE; (2) THE AMOUNT OF TIME BETWEEN THE PLEA AND MOTION TO WITHDRAW; AND (3) WHETHER THE GOVERNMENT WOULD BE PREJUDICED BY WITHDRAWAL OF THE PLEA. U.S. V. DAVIS, 428 F.3D AT 805 (FACTORS INCLUDE SUBSTANCE OF PLEA COLLOQUY, ADDITIONAL EVIDENCE, INTERVENING CIRCUMSTANCES AND REASONS FOR WITHDRAWAL OF PLEA THAT DID NOT EXIST WHEN PLEA WAS ENTERED).

ALL 3 "FAIR AND JUST REASON" FACTORS TIP IN DEFENDANTS FAVOR, NAMELY (1) AT ALL STAGES OF THE PROCEEDING PRIOR TO HIS INDUCED PLEA DEFENDANT VEHEMENTLY MAINTAINED HIS INNOCENCE TO THE CRIMINAL ALLEGATIONS AND CONTINUES TO DO SO; (2) THE AMOUNT OF TIME BETWEEN THE PLEA AND MOTION TO WITHDRAW ARE MINISCULE. I.E., THE PLEA WAS INDUCED OCTOBER 19, 2017 AND COUNSEL HAS REMAINED KNOWLEDGEABLE OF DEFENDANT'S DESIRE TO WITHDRAW THE PLEA FOR SOME TIME NOW. (3) THERE COULD BE NOR IS THERE ANY PERCEIVABLE PREJUDICE TO BE CAUSED TO THE STATES CASE. ALL WITNESSES AND EVIDENCE STILL REMAINS AVAILABLE AND INTACT. THE STATE CANNOT DEMONSTRATE THAT A MERE 2 MONTH DELAY HAS BEEN INSTRUMENTAL IN CAUSING ANY HARM TO IT'S CASE. IT'S CASE REMAINS JUST AS BEPE FOR PROSECUTION AS IT DID AND WAS PRIOR TO OCTOBER 19, 2017.

DISCUSSION

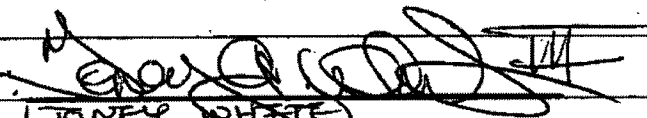
AFTER SOME 10 MONTHS OF REPRESENTATION AND COUNSEL'S FAILURE TO ACT AND ENTIRELY UNJUST RESULTS AS A RESULT OF COUNSEL'S INEFFECTIVENESS, DEFENDANT SOUGHT TO PROCEED PRO PER TO GAIN PERSONAL CONTROL OVER AND THE ABILITY TO MANAGE HIS OWN DEFENSE AS EARLY AS DECEMBER 28, 2016. THE DENIAL OF SUCH AND THE COURTS FORCING INCOMPETENT COUNSEL UPON DEFENDANT WHO FAILED TO DEFEND AND INVESTIGATE SUBSTANTIALLY LEVERAGED DEFENDANT AND WAS 1 OF SEVERAL CRITICAL FACTORS INSTRUMENTAL IN THE OCTOBER 19, 2017 GUILTY PLEA EFFECTIVELY COMPROMISING DEFENDANT WITH SOLELY 2 REMAINING OPTIONS: (1) TAKE THE 9 TO 25 YEAR DEAL WITH INEFFECTIVE AND INCOMPETENT COUNSEL UNWILLINGLY FORCED UPON DEFENDANT BY THE COURT AND WITH WHOM WAS DISTRUSTED AND OPERATED UNDER CONFLICT; OR (2) PROCEED TO TRIAL WITHOUT A DEFENSE, ILL EQUIPPED AND UNPREPARED WITHOUT ANY ABILITY TO DEFEND OR DEMONSTRATE HIS INNOCENCE DUE TO COUNSEL'S IAC AND FAILURE OF TRIAL PREPARATION. AT TRIAL DEFENDANT FACED 9 SERIOUS COUNTS IN ADDITION TO SEVERAL HABITUAL OFFENDER ALLEGATIONS WHICH COULD HAVE RENDERED SEVERAL LIFE SENTENCES.

DESPITE DISCOVERING THE FACT THAT DEFENDANT'S GUILTY PLEA WAS ALSO INDUCED BY IMMINENT THREATS OF SERIOUS BODILY HARM AGAINST DEFENDANT AND HIS FAMILY (IE., SISTER WHO SWITCHED ON CO-DEFENDANT DEAN AND DEFENDANT'S DISABLED WHEELCHAIR CONFINED MOTHER) AND OF DEFENDANT'S DESIRE TO WITHDRAW HIS GUILTY PLEA, INVOKE HIS RIGHT TO SELF REPRESENTATION AND TRIAL, COUNSEL HAS FAILED TO ENLIGHTEN THE COURT, OR ACT IN DEFENDANT'S BEST INTEREST IN MOTIONING FOR RELIEF.

FOR EACH OF THE FOREGOING REASONS AND THOSE ARTICULATED IN DEFENDANT'S DECEMBER 14, 2017 CORRESPONDENCE TO THE COURT, DEFENDANT MOVES TO WITHDRAW HIS OCTOBER 19, 2017 GUILTY PLEA AND FOR RECUSAL OF COUNSEL, APPOINTMENT OF NEW COUNSEL OR ALTERNATIVE TO PROCEED PRO SE.

RESPECTFULLY SUBMITTED,

DATE: DECEMBER 23, 2017

BY: 
(TONY WHITE)
DEFENDANT

T. WHITE-8270790

CDC

330 S. CASTRO CTR BLVD

LAS VEGAS, NV, 89101

LAS VEGAS, NV 890

FOREVER
DEC 2017 FAN 2

SENT FROM CCBE

Barn Swallow

CLERKS OFFICE
DISTRICT COURT, 8TH JUDICIAL DISTRICT
3RD FLOOR
200 LEWIS AVENUE
LAS VEGAS, NV, 89101

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

TONY ANTHONY WHITE,

Defendant.

CASE NO. C313216-2

DEPT. XII

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE

THURSDAY, OCTOBER 19, 2017

**RECORDER'S TRANSCRIPT RE:
DA REQUEST RE: ENTRY OF PLEA**

APPEARANCES:

For the Plaintiff:

MICHAEL J. SCHWARTZER, ESQ.
Chief Deputy District Attorney

For the Defendant:

HARVEY GRUBER, ESQ.

RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 LAS VEGAS, NEVADA, THURSDAY, OCTOBER 19, 2017, 9:03 A.M.

2 * * * * *

3 THE COURT: State versus Toney White, C313216.

4 Good morning, Mr. White.

5 THE DEFENDANT: Good morning.

6 MR. GRUBER: Harvey Gruber, 6329, on behalf of Mr. White.

7 If I may approach with an Amended Indictment and a GPA?

8 THE COURT: He's going to enter a plea?

9 MR. GRUBER: He is.

10 THE COURT: Okay.

11 [Off-record colloquy between the Court and clerk]

12 THE COURT: Okay. Do you want to state the negotiations?

13 MR. GRUBER: Thank you. He's going to be pleading guilty to one
14 count of Attempt Robbery with Use of a Deadly Weapon and one count of
15 Conspiracy to Commit Robbery. The parties are stipulating to a 4 to 10, plus an
16 equal and consecutive 4 to 10 on the Attempt Robbery with Use, and a 1 to 5 on the
17 Conspiracy to Commit Robbery. All of those are to run consecutive, Judge.

18 THE COURT: So he's agreeing to an aggregate sentence of 9 to 25
19 years?

20 MR. GRUBER: Correct, Judge.

21 MR. SCHWARTZER: That's correct, Your Honor. And then further the
22 State agrees not to file any charges regarding the – for any additional charges
23 regarding this incident, specifically charges regarding a letter.

24 THE COURT: Specifically what?

25 MR. SCHWARTZER: Charges regarding a letter sent by Mr. White.

1 MR. GRUBER: That is correct, Judge.

2 THE COURT: Okay. Mr. White, did you have an opportunity to hear

3 those negotiations?

4 THE DEFENDANT: Yeah.

5 THE COURT: And you're in agreement with that?

6 THE DEFENDANT: Yeah.

7 THE COURT: And that's what you want to do today?

8 THE DEFENDANT: Yeah.

9 THE COURT: Okay. Your true and full name for the record.

10 THE DEFENDANT: Toney Anthony White.

11 THE COURT: How old are you?

12 THE DEFENDANT: Forty-five.

13 THE COURT: How far did you go in school?

14 THE DEFENDANT: GED.

15 THE COURT: You do read, write and understand the English

16 language?

17 THE DEFENDANT: Yeah.

18 THE COURT: Is that a yes?

19 THE DEFENDANT: Yes.

20 THE COURT: And you received a copy of the Amended Indictment in

21 this case charging you in Count 1 with Conspiracy to Commit Robbery, Count 2,

22 Attempt Robbery with Use of a Deadly Weapon?

23 THE DEFENDANT: Yeah.

24 THE COURT: Do you understand those charges?

25 THE DEFENDANT: Yes.

1 THE COURT: You had a chance to discuss those charges with your
2 lawyer?

3 THE DEFENDANT: Yes.

4 THE COURT: How do you plead to the charges in the Amended
5 Indictment?

6 THE DEFENDANT: Guilty.

7 THE COURT: Are you entering into this plea today freely and
8 voluntarily?

9 THE DEFENDANT: Yes.

10 THE COURT: Did anyone threaten or coerce you into entering into this
11 plea?

12 THE DEFENDANT: No.

13 THE COURT: Other than what's contained in this Guilty Plea
14 Agreement, did anyone make you any promises to get you to enter into this
15 agreement?

16 THE DEFENDANT: No. No.

17 THE COURT: I'm sorry?

18 THE DEFENDANT: No.

19 THE COURT: Okay. I have before me a Guilty Plea Agreement. Is
20 that your signature on Page 6?

21 THE DEFENDANT: Yeah.

22 THE COURT: You signed it today, correct?

23 THE DEFENDANT: Yes.

24 THE COURT: Did you read it before you signed it?

25 THE DEFENDANT: Yes.

1 THE COURT: Did you fully understand it prior to signing it?

2 THE DEFENDANT: Yes.

3 THE COURT: You had a chance to discuss it with your lawyer prior to
4 signing it?

5 THE DEFENDANT: Yes.

6 THE COURT: Any Mr. Gruber answered all of your questions prior to
7 you signing this Guilty Plea Agreement; is that correct?

8 THE DEFENDANT: Yes.

9 THE COURT: Do you have any questions about the Guilty Plea
10 Agreement of the Court?

11 THE DEFENDANT: No.

12 THE COURT: Okay. You understand as to Count 1 you're facing 1 to
13 6 years in the Nevada Department of Corrections, as well as a \$5,000 fine?

14 THE DEFENDANT: Yes.

15 THE COURT: You understand as to Count 2 you're facing 1 to 10
16 years in the Nevada Department of Corrections, plus a consecutive 1 to 10 years for
17 the Deadly Weapon enhancement?

18 THE DEFENDANT: Yes.

19 THE COURT: And you understand that sentencing is completely within
20 the discretion of the Court?

21 THE DEFENDANT: Yes.

22 THE COURT: You understand that no one can make you any promises
23 regarding what will happen at the time of sentencing?

24 THE DEFENDANT: Yes.

25 THE COURT: Anyone make you any promises?

1 THE DEFENDANT: No.

2 THE COURT: Okay. And although you have entered into a stipulation
3 with the State –

4 Is there a problem?

5 UNIDENTIFIED SPEAKER: No. I need to speak –

6 THE COURT: Well, what do you – who do you need?

7 UNIDENTIFIED SPEAKER: I need to speak with my public defender.

8 THE COURT: Okay. All right, you understand –

9 UNIDENTIFIED SPEAKER: Sorry about that, Your Honor.

10 THE COURT: That's okay.

11 You understand that although you have stipulated to do on the Attempt
12 Robbery –

13 Well, I guess, he stipulated to do the max on the Attempt Robbery.

14 MR. SCHWARTZER: He did, Your Honor.

15 THE COURT: Right, you've stipulated to do the maximum amount
16 possible under the statute, a 4 to 10, plus a consecutive 4 to 10. Do you understand
17 that?

18 THE DEFENDANT: Yes.

19 THE COURT: Okay. And then on Count 2 you've agreed – on Count 2
20 you're facing – no, Count 2 is the – Count 1 is the Conspiracy to Commit Robbery.
21 You're facing 1 to 6 years and Count 2, 1 to 10 years, plus a consecutive 1 to 10
22 years. But you understand that you've stipulated to do an aggregate sentence of 9
23 to 25 years in the Nevada Department of Corrections?

24 THE DEFENDANT: Yeah.

25 THE COURT: Do you understand that?

1 THE DEFENDANT: Yeah.

2 THE COURT: And you've discussed that with your lawyer?

3 THE DEFENDANT: Yes.

4 THE COURT: Okay. So you understand at the time of sentencing you
5 can't come in here and ask me to give you a sentence shorter than that?

6 THE DEFENDANT: Yeah. I understand.

7 THE COURT: Okay. That although the Court is entitled to sentence
8 you to any lawful sentence, you made an agreement with the State of Nevada in –
9 you made an agreement to do 9 to 25 years aggregate. Do you understand that?

10 THE DEFENDANT: Yeah.

11 THE COURT: Do you have any questions about that?

12 THE DEFENDANT: No.

13 THE COURT: You also understand that you will be giving up all of your
14 trial rights by entering into this plea today?

15 THE DEFENDANT: Yes.

16 THE COURT: That you do have a right to a speedy and public trial;
17 that if this matter went to trial the State would be required to prove each of the
18 elements as alleged in their charging document by proof beyond a reasonable
19 doubt. Did Mr. Gruber tell you what the State would have to prove if this matter
20 went to trial?

21 THE DEFENDANT: Yes.

22 THE COURT: You had a chance to discuss any defenses that you may
23 have to these charges?

24 THE DEFENDANT: Yes.

25 THE COURT: Including all of the defenses you've thought you've had

1 for –

2 THE DEFENDANT: Yeah.

3 THE COURT: – the last couple of years, because you've written me
4 letters about all of the defenses you believe you have to these charges.

5 THE DEFENDANT: Yeah.

6 THE COURT: Is that correct?

7 THE DEFENDANT: Yeah.

8 THE COURT: And you had a chance to fully explore these defenses
9 with Mr. Gruber?

10 THE DEFENDANT: Yeah.

11 THE COURT: And you understand you're waiving all of those issues –

12 THE DEFENDANT: Yeah.

13 THE COURT: – pursuant to entering into this guilty plea?

14 THE DEFENDANT: Yeah.

15 THE COURT: Do you have any questions about that?

16 THE DEFENDANT: No.

17 THE COURT: You understand at the time of trial you'd have the right to
18 testify, to remain silent, to have others come in and testify for you, to be confronted
19 by the witnesses against you and cross-examine them, to appeal any conviction and
20 to be represented by counsel throughout all critical stages of the proceedings. Do
21 you understand all of these trial rights?

22 THE DEFENDANT: Yes.

23 THE COURT: And you understand that you will be giving them up by
24 entering into this plea today?

25 THE DEFENDANT: Yes.

1 THE COURT: Okay. And so you understand that you can't enter into
2 this plea and then appeal all of the issues that you've been writing me letters about.

3 THE DEFENDANT: Yes.

4 THE COURT: You understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: You know you're waiving your right to appeal –

7 THE DEFENDANT: Yeah.

8 THE COURT: – except in very limited circumstances. Do you
9 understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: And you had a chance to discuss all of that with Mr.
12 Gruber, correct?

13 THE DEFENDANT: Yes.

14 THE COURT: And he answered all of your questions?

15 THE DEFENDANT: Yes.

16 THE COURT: Do you have any questions of the Court?

17 THE DEFENDANT: No.

18 THE COURT: Okay. In Clark County, Nevada, on or between January
19 20th and January 21st, 2016, did you willfully, unlawfully and feloniously conspire with
20 each other to commit a robbery, by Mr. Wong and Amanda Sexton and/or Marland
21 Allen, and did you in furtherance of that agreement actually commit the robbery in
22 Count 2?

23 THE DEFENDANT: Yes.

24 THE COURT: Okay. On or about January 20th and 21st, 2016, did you
25 willfully, unlawfully and feloniously attempt to take personal property, from the

1 person of Marlene Burkhalter and/or Jason Cliff, in their presence, by means of
2 force or violence, or fear of injury to, and without their consent and against their will?

3 THE DEFENDANT: Yes.

4 THE COURT: And did you strike and/or handcuff Marlene Burkhalter
5 and/or Jason Cliff by not – but not gaining any property – with the use of a deadly
6 weapon?

7 THE DEFENDANT: Yes.

8 THE COURT: And what was the deadly weapon?

9 THE DEFENDANT: Baton.

10 THE COURT: Okay. And you'll stipulate that it was a deadly weapon?

11 THE DEFENDANT: Yeah.

12 THE COURT: Okay. Is the State satisfied with that?

13 MR. SCHWARTZER: Yes, Your Honor.

14 THE COURT: Okay. Before I accept your plea, do you have any
15 questions about this Guilty Plea Agreement?

16 THE DEFENDANT: No.

17 THE COURT: And you've had a full opportunity to ask your attorney or
18 myself any questions about this Guilty Plea Agreement.

19 THE DEFENDANT: Yeah.

20 THE COURT: Is that correct?

21 THE DEFENDANT: Yeah.

22 THE COURT: Is that a yes?

23 THE DEFENDANT: Yeah.

24 THE COURT: And you understand you're giving up all of your trial
25 rights?

1 THE DEFENDANT: I understand.

2 THE COURT: Okay. And most of your appellate rights, except in
3 limited circumstances, do you understand that?

4 THE DEFENDANT: Yeah.

5 THE COURT: Do you have any questions before I accept your plea?

6 THE DEFENDANT: No.

7 THE COURT: And you understand you've agreed to do 9 to 25 years in
8 the Nevada Department of Corrections?

9 THE DEFENDANT: Yeah.

10 THE COURT: And you've had a full and fair opportunity to discuss with
11 Mr. Gruber what that means?

12 THE DEFENDANT: Yeah.

13 THE COURT: And you understand what that means?

14 THE DEFENDANT: Yeah.

15 THE COURT: Okay. At this time the Court is going to accept your
16 plea, make a finding you've entered into freely and voluntarily, that you understand
17 the nature of the charges and the consequences of your plea. The matter will be
18 referred to Parole & Probation and it will be set for sentencing.

19 THE CLERK: December 14th, 8:30 a.m.

20 MR. SCHWARTZER: Your Honor, the D Defendant – I don't know if we
21 can do this – but the D Defendant, Marland Dean, recently filed a Motion to Sever.
22 Now that Mr. White pled, all defendants have pled except for Mr. Dean, so I think
23 now that Motion to Sever is moot.

24 THE COURT: Sure.

25 MR. SCHWARTZER: So I'm wondering if we can take that off calendar.

1 THE COURT: Right, everybody has pled except – who – remind me
2 who represents Mr. Dean.

3 MR. SCWHARTZER: Travis –

4 MR. GRUBER: Shetler, Mr. Shetler does.

5 THE COURT: Shetler, okay. When is that on?

6 MR. SCHWARTZER: I don't know when the motion is on. I know our
7 Calendar Call is coming up on the 31st.

8 THE COURT: Okay.

9 MR. SCHWARTZER: I just got the motion yesterday, so I didn't note
10 the time. Actually, no, I can find out right now, if you want me to.

11 THE COURT: All right.

12 MR. GRUBER: I believe it's set for the same day.

13 THE COURT: So I don't – I'll vacate Mr. White's trial date, but the trial
14 date as to Mr. Dean will stand and Mr. –

15 MR. SCHWARTZER: Do you want me to just check real fast to see if I
16 can see the motion?

17 THE COURT: Sure.

18 Thank you very much, Mr. Gruber.

19 MR. GRUBER: Thank you, Judge.

20 THE COURT: Apparently Mr. Dean has a motion on. Can you tell me
21 when Dean's Motion to Sever is on?

22 THE CLERK: December 5th.

23 THE COURT: It's December 5th?

24 THE CLERK: I believe so.

25 THE COURT: So it's set for after the trial date?

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MR. SCHWARTZER: Yeah. And I'm sure he's going to file an Order

Shortening Time.

THE COURT: Okay. Well, it's probably – all right, it's moot.

MR. SCHWARTZER: It's moot.

THE COURT: Not probably, it's moot.

MR. SCHWARTZER: Right.

THE COURT: So no harm.

MR. SCHWARTZER: Thank you, Your Honor.

THE COURT: All right, thank you.

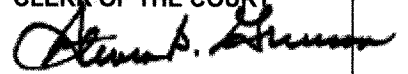
[Proceedings concluded at 9:14 a.m.]

* * * * *

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case to the best of my ability.



KRISTINE SANTI
Court Recorder



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Attorneys for Defendant Toney White

**DISTRICT COURT
CLARK COUNTY, NEVADA**

STATE OF NEVADA

Plaintiff,

vs.

TONEY WHITE,

Defendant.

Case No. C313216

**MOTION TO WITHDRAW GUILTY
PLEA**

Dept: XII

Date:

Time:

Defendant TONEY WHITE (hereinafter "White"), by and through his attorney, MICHAEL W. SANFT, and, pursuant to NRS 176.165 and the United States and Nevada Constitutions, moves this Honorable Court to withdraw his guilty plea entered on May 4, 2006, as White's plea was not voluntary due to threats against himself and his family.

This Motion is made and based upon the papers and pleadings on file herein, the Points and Authorities which follow and arguments of counsel.

DATED this 5th day of September, 2018.

SANFT LAW



MICHAEL SANFT, ESQ.

Attorney for Toney White

NOTICE OF MOTION

PLEASE TAKE NOTICE, that the undersigned will bring the above and foregoing **MOTION TO WITHDRAW PLEA** on for hearing before the above-entitled Court on the **16th** day of **October**, 20**18**, at **8:30 AM** .m., of said day, or as soon thereafter as counsel can be heard.

DATED this 5th day of September, 2018.

SANFT LAW



MICHAEL SANFT, ESQ.
Attorney for Toney White

POINTS AND AUTHORITIES

I. FACTS

On October 19, 2017, White pled guilty to an amended indictment charging him with one count of Conspiracy to Commit Robbery and one count of Attempt Robbery with Use of a Deadly Weapon. On January 18, 2018, White requested to withdraw his plea due to co-defendant Dean Marland's (hereinafter "Dean") continued threats against himself and his family. Dean received an aggregate nine to twenty five year sentence. During the investigation of White's position and reasons for his desire to withdraw, individuals have come forward in support of his claims. This motion now follows.

II. LAW

The question of a defendant's guilt or innocence is not put in issue with a motion to withdraw a plea of guilty. *State v. District Court*, 85 Nev. 381, 385 (1969); *Hargrove v. State*, 100 Nev. 498, 502 (1984); *Kercheval v. United States*, 274 U.S. 220, 224 (1927). The validity of a defendant's guilty plea must be challenged in the first instance in the sentencing court by way of a motion to withdraw the plea or by way of a petition for post conviction relief. *Bryant v. State*, 102 Nev. 268, 272 (1986). "[T]he test is essentially

factual in nature, and is thus best suited to trial court review in the first instance." *Bryant v. State*, 102 Nev. at 272. "[T]he burden [is] on the defendant to establish that his plea was not entered knowingly and intelligently" or that it was the product of coercion. *Bryant v. State*, 102 Nev. at 272; *Gardner v. State*, 91 Nev. 443, 446-47 (1975). The decision of the trial court to allow a defendant to withdraw his guilty plea "is discretionary and will not be reversed unless there has been a clear abuse of that discretion." *State v. District Court*, 85 Nev. at 385; *State v. Adams*, 94 Nev. 503, 505 (1978); *Bryant v. State*, 102 Nev. at 272.

A. GUILTY PLEAS MUST BE VOLUNTARILY ENTERED

Specifically in this case, the "question as to whether a plea is voluntarily entered will turn on the facts and circumstances of each particular case." *Taylor v. Warden*, 96 Nev. at 274. "[T]he focus of the voluntariness inquiry is upon the frame of mind of the defendant at the time he decides to plead." *Taylor v. Warden*, 96 Nev. at 274-75. "The court must examine the data available to the defendant's mind and take into account the natural strains and anxieties of a person in the defendant's position." *United States v. Mancusi*, 275 F.Supp. at 516. "There is little merit in the ... contention that a subjective test of what the defendant believed ... is too difficult to apply. The state of a man's mind, like most other issues of fact, is decided on the basis of reasonable inferences drawn from the known surrounding facts and circumstances." *United States v. Mancusi*, 275 F.Supp. at 518. After all, "the [whole] test [of whether a plea was voluntarily entered] is essentially factual in nature" *Bryant v. State*, 102 Nev. at 272.

III. ARGUMENT

A. WHITE ALLEGES HE WAS THREATENED WITH BODILY HARM TO PLEAD GUILTY

White's allegation is that he was threatened to enter his guilty plea while he was in custody. Alejandro Lopez, an inmate at the Clark County Detention Center, was present during one of the threats. See Exhibit A, a true and correct copy of a handwritten statement from Alejandro Lopez, dated June 5, 2018. Anne Marie White, White's sister, was threatened in a phone call from Dean while Dean was in the Clark County Detention Center. See Exhibit B, a true and correct copy of a handwritten statement from Anne Marie White, dated April 25, 2018. Finally, inmate Inoye

1 Jordan, ID #5988179, was interviewed in Clark County Detention Center. He observed that White
2 was afraid of Dean, refused to go to court to avoid Dean, and saw that White's complaints to the
3 officials at the detention center went unheeded.

4 In this matter before the Court, the issue is whether there is sufficient evidence to
5 support White's allegations that he was threatened by Dean to enter his plea. Three
6 individuals have come forward to corroborate White's fear of Dean, as well as establish
7 that Dean threatened White and his family. As such, White's plea was not voluntary, but
8 made under coercion and he should be able to withdraw from it.

9 **IV. CONCLUSION**

10 Based upon the foregoing, Defendant TONEY WHITE respectfully requests that this Court
11 allow him to withdraw his guilty plea and set this matter for trial at a date convenient to this Court.

12 DATED this 5th day of September, 2018.

13 SANFT LAW

14 

15
16 MICHAEL SANFT, ESQ.
17 *Attorney for Toney White*
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EXHIBIT A

Dear Mr. Michael Saut,

6-5-18

I have enclosed in this envelope a signed affidavit in regards to Toney Anthony White. I have spoken to Toney's ~~Mama~~ in regards to my knowledge and she encouraged me to write you, she also gave me your information. Thank you for your concern in this matter.

Sincerely

Alejandro Lopez
(Alejandro Lopez)

Alejandro Lopez No. 1046453
High Desert State Prison
Post Office Box 650
Indian Springs, NV 89070

Clark County District Court
State of Nevada
Eight Judicial District

People of the State
of Nevada

Plaintiff

vs.

Toney Anthony White
Defendant.

Case number
C-16-3132-2

Affidavit of
Alejandro Lopez
No. 1046453

Alejandro Lopez, Being duly sworn
deposes and states:

1. I am a competent adult over the
age of (18) eighteen years of age and make
this affidavit voluntarily and under penalty of
Perjury.

2. ~~In~~ September/October 2017 I was a
Inmate confined at the Clark County Detention
Center in Module 5B along with inmate
Toney White #8270790.

3. In the interval of my Residence at
C.C.D.C. I frequently interacted with Toney
during Inmate recreation. He frequently expressed
concern for his and his family's safety, from
Inmate Earlend Dean #7024742 (AKA Earl
AKA SA Leon) who had been Recharged on
the unit during said time.

4. Namely, Toney Reported Being Pressured and Threatened to plea Guilty by Gil and his Gang Associates on the Unit or Face retaliation of Gang Assaults Againsts himself, his sister and his mother.

5. His Reports were confirmed by me when on at least 2 occasions during our interaction we were approached by Gil who reiterated the seriousness of His threats and demands to Toney in my Presence Insisting That Toney Better not go to trial and better plea.

6. Prior to my Departure To High Desert State Prison, I learned that Toney Gave In and did in fact Plea Guilty waiving his trial right and that the pressures, threats and Intimidations of Gil were Instrumental in and the primary cause of his decision to abandon his trial.

I declare under penalty of Perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated: June 5, 2018

By: Alejandro Lopez
(Alejandro Lopez # 1046453)

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EXHIBIT B

ANN MARIE WHITE
BOOKING NO. 7013750
130 S. CASINO PTH BLVD
LAS VEGAS NV, 89101

COUNTY OF CLARK DISTRICT COURT
STATE OF NEVADA
FIFTH JUDICIAL DISTRICT

PEOPLE OF THE STATE OF
NEVADA

PLAINTIFF,

VS.

Tony Antonelli WHITE
ET AL.,

DEFENDANTS.

CASE NUMBER

C-16-313216-2

SWORN AFFIDAVIT OF

ANN MARIE WHITE

BOOKING # 7013750

ANN MARIE WHITE, BEING duly sworn,
DEPOSES AND STATES:

1. I am a competent adult over the age
of (18) EIGHTEEN YEARS OF AGE AND MAKE THIS AFFIDAVIT
FREELY, VOLUNTARILY, WITHOUT DURESS AND UNDER PENALTY OF
PERJURY.

2. on JANUARY 22, 2016, MARLAND DEAN (AKA "G.I.",
(who was previously a CO-DEFENDENT TO MY BROTHER

today White) was arrested as a direct result of my cooperation in leading authorities to his location at my brother's apartment.

3. I was present during Gil's arrest and advised him that he was going down for making my brother participate in the crime unwillingly. Gil threatened that due to my cooperation he would have me harmed and assured me that he would make sure my brother today, white went down with him.

4. In September / October 2017, I received a phone call from Gil Fred who was inmate's phone account at CDC in which he advised me that if today white didn't take his deal that myself and Wheelchair Confined Note would be in danger and targeted for retaliation by his Gang associates. I personally advised my brother of these threats and advised my brother when advised inmate calling me with a message from him.

5. Subsequently my brother entered his plea to the charges to satisfy the demands of Gil who was also threatened the safety of my brother in custody. Despite taking the deal, Gil still had it.

Associates launch a attack against me by attempts to
assault me and forbidding my death killing of service
dog.

6. If called as a witness I would and
competently would testify freely to these facts.

I declare under penalty of perjury
under the laws of the state of Nevada that the
foregoing is true and correct.

Date: April 25th, 2018

Ann Marie White
(ANN MARIE WHITE
AFFIANT)

ORIGINAL

1 AIND
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 MICHAEL SCHWARTZER
6 Chief Deputy District Attorney
7 Nevada Bar #010747
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

FEB 20 2019

BY, 
HALY PANNULLO, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

C-16-313216-2
AIND
Amended Indictment
4817641



9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 TONEY ANTHONY WHITE,
13 #8270790

14 Defendant(s).

CASE NO: C-16-313216-2

DEPT NO: XII

AMENDED
INDICTMENT

15 STATE OF NEVADA }
16 COUNTY OF CLARK } ss.

17 The Defendant(s) above named, TONEY ANTHONY WHITE, accused by the Clark
18 County Grand Jury of the crime(s) of **CONSPIRACY TO COMMIT ROBBERY**
19 **(Category B Felony - NRS 200.380, 199.480 - NOC 50147); BURGLARY WHILE IN**
20 **POSSESSION OF A DEADLY WEAPON (Category B Felony - NRS 205.060 - NOC**
21 **50426); FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON**
22 **(Category A Felony - NRS 200.310, 200.320, 193.165 - NOC 50055); ATTEMPT**
23 **ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380,**
24 **193.330, 193.165 - NOC 50145); BATTERY WITH USE OF A DEADLY WEAPON**
25 **RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481**
26 **- NOC 50226) and IMPERSONATION OF AN OFFICER (Gross Misdemeanor - NRS**
27 **199.430 - NOC 53013), committed at and within the County of Clark, State of Nevada, on**
28 **or between January 20, 2016 and January 21, 2016, as follows:**

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1 COUNT 1 - CONSPIRACY TO COMMIT ROBBERY

2 did willfully, unlawfully, and feloniously conspire with KEVIN KEKOA WONG,
3 JR., AMANDA SEXTON, and MARLAND DEAN, aka Marland Neal Dean to commit a
4 robbery, by the Defendant, KEVIN KEKOA WONG, JR., AMANDA SEXTON, and
5 MARLAND DEAN, aka Marland Neal Dean committing the acts as set forth in Counts 2
6 through 7, said acts being incorporated by this reference as though fully set forth herein.

7 COUNT 2 - BURGLARY WHILE IN POSSESSION OF A DEADLY WEAPON

8 did then and there willfully, unlawfully, and feloniously enter, with intent to commit
9 robbery, that certain residence occupied by MARLENE BURKHALTER and/or JASON
10 CLIFF, located at 950 Seven Hills Drive, Henderson, Clark County, Nevada, said Defendant
11 did possess and/or gain possession of a firearm and/or a baton during the commission of the
12 crime and/or before leaving the structure; the Defendant(s) being criminally liable under one
13 or more of the following principles of criminal liability, to-wit: (1) by directly committing
14 this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent
15 that this crime be committed, by counseling, encouraging, hiring, commanding, inducing
16 and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a
17 conspiracy to commit this crime, with the intent that this crime be committed, Defendant
18 aiding or abetting and/or conspiring with KEVIN KEKOA WONG, JR., AMANDA
19 SEXTON, and MARLAND DEAN, aka Marland Neal Dean by Defendant, KEVIN KEKOA
20 WONG, JR., AMANDA SEXTON, and MARLAND DEAN, aka Marland Neal Dean acting
21 in concert throughout.

22 COUNT 3 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

23 did willfully, unlawfully, and feloniously, seize, confine, inveigle, entice, decoy,
24 abduct, conceal, kidnap, or carry away MARLENE BURKHALTER, a human being, with
25 the intent to hold or detain the said MARLENE BURKHALTER against her will, and
26 without her consent, for the purpose of committing robbery, with use of a deadly weapon, to-
27 wit: a baton and/or a firearm; the Defendant(s) being criminally liable under one or more of
28 the following principles of criminal liability, to-wit: (1) by directly committing this crime;

1 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this
2 crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or
3 otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to
4 commit this crime, with the intent that this crime be committed, Defendant aiding or abetting
5 and/or conspiring with KEVIN KEKOA WONG, JR., AMANDA SEXTON, and
6 MARLAND DEAN, aka Marland Neal Dean by Defendant, KEVIN KEKOA WONG, JR.,
7 AMANDA SEXTON, and MARLAND DEAN, aka Marland Neal Dean acting in concert
8 throughout.

9 COUNT 4 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

10 did willfully, unlawfully, and feloniously, seize, confine, inveigle, entice, decoy,
11 abduct, conceal, kidnap, or carry away JASON CLIFF, a human being, with the intent to
12 hold or detain the said JASON CLIFF against his will, and without his consent, for the
13 purpose of committing robbery, with use of a deadly weapon, to-wit: a baton and/or a
14 firearm; the Defendant(s) being criminally liable under one or more of the following
15 principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by
16 aiding or abetting in the commission of this crime, with the intent that this crime be
17 committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise
18 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this
19 crime, with the intent that this crime be committed, Defendant aiding or abetting and/or
20 conspiring with KEVIN KEKOA WONG, JR., AMANDA SEXTON, and MARLAND
21 DEAN, aka Marland Neal Dean by Defendant, KEVIN KEKOA WONG, JR., AMANDA
22 SEXTON, and MARLAND DEAN, aka Marland Neal Dean acting in concert throughout

23 COUNT 5 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

24 did willfully, unlawfully, and feloniously attempt to take personal property, from the
25 person of MARLENE BURKHALTER, or in her presence, by means of force or violence, or
26 fear of injury to, and without the consent and against the will of MARLENE
27 BURKHALTER, by striking and/or handcuffing the said MARLENE BURKHALTER, but
28 not gaining any property, with use of a deadly weapon, to-wit: a baton and/or a firearm; the

1 Defendant(s) being criminally liable under one or more of the following principles of
2 criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or
3 abetting in the commission of this crime, with the intent that this crime be committed, by
4 counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other
5 to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the
6 intent that this crime be committed, Defendant aiding or abetting and/or conspiring with
7 KEVIN KEKOA WONG, JR., AMANDA SEXTON, and MARLAND DEAN, aka Marland
8 Neal Dean by Defendant, KEVIN KEKOA WONG, JR., AMANDA SEXTON, and
9 MARLAND DEAN, aka Marland Neal Dean acting in concert throughout.

10 COUNT 6 - ATTEMPT ROBBERY WITH USE OF A DEADLY WEAPON

11 did willfully, unlawfully, and feloniously attempt to take personal property, from the
12 person of JASON CLIFF, or in his presence, by means of force or violence, or fear of injury
13 to, and without the consent and against the will of JASON CLIFF, by striking and/or
14 handcuffing the said JASON CLIFF, but not gaining any property, with use of a deadly
15 weapon, to-wit: a baton and/or a firearm; the Defendant(s) being criminally liable under one
16 or more of the following principles of criminal liability, to-wit: (1) by directly committing
17 this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent
18 that this crime be committed, by counseling, encouraging, hiring, commanding, inducing
19 and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a
20 conspiracy to commit this crime, with the intent that this crime be committed, Defendant
21 aiding or abetting and/or conspiring with KEVIN KEKOA WONG, JR., AMANDA
22 SEXTON, and MARLAND DEAN, aka Marland Neal Dean by Defendant, KEVIN KEKOA
23 WONG, JR., AMANDA SEXTON, and MARLAND DEAN, aka Marland Neal Dean acting
24 in concert throughout.

25 COUNT 7 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
26 SUBSTANTIAL BODILY HARM

27 did willfully, unlawfully, and feloniously use force or violence upon the person of
28 another, to-wit: JASON CLIFF, with use of a deadly weapon, to-wit: a baton, by striking the

1 said JASON CLIFF about the head and/or body with said baton, resulting in substantial
2 bodily harm to JASON CLIFF; the Defendant(s) being criminally liable under one or more
3 of the following principles of criminal liability, to-wit: (1) by directly committing this crime;
4 and/or (2) by aiding or abetting in the commission of this crime, with the intent that this
5 crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or
6 otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to
7 commit this crime, with the intent that this crime be committed, Defendant aiding or abetting
8 and/or conspiring with KEVIN KEKOA WONG, JR., AMANDA SEXTON, and
9 MARLAND DEAN, aka Marland Neal Dean by Defendant, KEVIN KEKOA WONG, JR.,
10 AMANDA SEXTON, and MARLAND DEAN, aka Marland Neal Dean acting in concert
11 throughout.

12 COUNT 8 - IMPERSONATION OF AN OFFICER

13 did willfully, unlawfully, and falsely personate themselves as a public officer or
14 policeman or a private individual with the special authority by law to perform an act
15 affecting the rights of another to JASON CLIFF and/or MARLENE BURKHALTER,
16 thereby performing an act affecting the rights or interests of another, to-wit: by presenting
17 themselves as "United States Marshalls" to JASON CLIFF and/or MARLENE
18 BURKHALTER and/or presenting said individuals with a false search warrant in order to
19 gain access to their residence in an attempt to commit a robbery upon said individuals; the
20 Defendant(s) being criminally liable under one or more of the following principles of
21 criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or
22 abetting in the commission of this crime, with the intent that this crime be committed, by
23 counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other
24 to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the
25 intent that this crime be committed, Defendant aiding or abetting and/or conspiring with

26 ///

27 ///


28 ///

1 KEVIN KEKOA WONG, JR., AMANDA SEXTON, and MARLAND DEAN, aka Marland
2 Neal Dean by Defendant, KEVIN KEKOA WONG, JR., AMANDA SEXTON, and
3 MARLAND DEAN, aka Marland Neal Dean acting in concert throughout.

4 DATED this 20 day of February, 2019.

5 STEVEN B. WOLFSON
6 Clark County District Attorney
7 Nevada Bar #001565

8 BY


9 MICHAEL SCHWARTZER
10 Chief Deputy District Attorney
11 Nevada Bar #010747

12 Names of Witnesses and testifying before the Grand Jury:

13 ADAMS, RYAN, HPD# 1198

14 BURKHALTER, MARLENE, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

15 CLIFF, JASON, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

16 COUSERT, GLEN, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

17 ENGEL, MATTHEW, HPD# 1254

18 LAPEER, KEVIN, HPD# 1446

19 Additional Witnesses known to the District Attorney at time of filing the Indictment:

20 CUSTODIAN OF RECORDS, HDC

21 CUSTODIAN OF RECORDS, HPD COMMUNICATIONS

22 CUSTODIAN OF RECORDS, HPD RECORDS

23 LEINAN, JEREMY, HPD# 1298

24 NISWONGER, ANTHONY, HPD# 1003

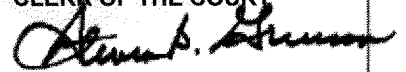
25 WATFORD, PHILLIP, HPD# 1155

26 WHITE, ANN, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

27 YANNIS, CHARLES, LVMPD# 6024

28 15AGJ129A-D/16FH0191B/llm/GANG
HPD EV# 1601201
(TK)

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MEMO
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
MICHAEL J. SCHWARTZER
Chief Deputy District Attorney
Nevada Bar #010747
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

TONY ANTHONY WHITE,
#8270790

Defendant.

CASE NO: C-16-313216-2

DEPT NO: XII

SENTENCING MEMORANDUM

DATE OF HEARING: MARCH 19, 2019
TIME OF HEARING: 8:30 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through MICHAEL J. SCHWARTZER, Chief Deputy District Attorney, and hereby submits this Memorandum for the Court's consideration.

STATEMENT OF THE CASE

On February 21, 2019, Defendant Toney White pled guilty without negotiations to all counts in the State's Amended Indictment. Sentencing is currently scheduled for March 19, 2019.

The March 11, 2019 Presentence Investigation Report ("PSI") recommends a sentence of 30 years to Life. During the sentencing argument, the State intends to refer to several letters penned by Defendant and sent to his wife (Crystal White) in Michigan. These letters are attached to this memorandum. (Exhibit A). Due to the public nature of this document the State

1 did redact the victims' phone number, address and other personal information from these
2 letters. Additionally, the State has also included the fake search warrant and "work up" for
3 Jason Cliff that Defendant used during the armed home invasion robbery. (Exhibit B). All
4 these documents were produced in discovery at least a year before the trial.

5 DATED this 15th day of March, 2019.

6 Respectfully submitted,

7 STEVEN B. WOLFSON
8 Clark County District Attorney
9 Nevada Bar #001565

10 BY /s/ MICHAEL J. SCHWARTZER
11 MICHAEL J. SCHWARTZER
12 Chief Deputy District Attorney
13 Nevada Bar #010747

14 CERTIFICATE OF ELECTRONIC FILING

15 I hereby certify that service of the foregoing, was made this 15th day of March, 2019,
16 by Electronic Filing to:

17 MICHAEL SANFT, ESQ.
18 E-mail Address: michael@sanftlaw.com

19 /s/ Laura Mullinax
20 Secretary for the District Attorney's Office

21
22
23
24
25
26
27
28 MJS/llm/GANG

Exhibit A

Michael Schwartz

From: Barry Malone
Sent: Thursday, September 07, 2017 1:09 PM
To: Michael Schwartz
Subject: Re: Nevada v. Toney White (Case No. C-16-313216-2)
Attachments: 2016-9-29 ltr fr T. White.pdf; 2016-9-30 ltr fr T. White.pdf; Undated ltr fr T. White.pdf

Dear Mr. Schwartz:

Thank you for taking the time to speak with me last week. I have attached scans of the three letters that we spoke about from Toney White. I can send you the originals if you want. I hope this is helpful. Please contact me for any further needs.

Good luck with the case,

Barry Malone

From: Barry Malone
Sent: Friday, September 1, 2017 9:43:37 AM
To: Michael Schwartz
Subject: Re: Nevada v. Toney White (Case No. C-16-313216-2)

I apologize. I was out of the office yesterday afternoon. I will be again today, but please feel free to call me on my cell phone at

Kindest regards,

Barry Malone

From: Michael Schwartz
Sent: Thursday, August 31, 2017 2:22:39 PM
To: Barry Malone
Subject: Re: Nevada v. Toney White (Case No. C-16-313216-2)

Mr. Malone,

Are you available to take a phone call at 2:00pm pacific time regarding this email? Thank you for reaching out.

Sent from my iPhone

On Aug 31, 2017, at 8:26 AM, Barry Malone

Dear Mr. Schwartz:

I am a staff attorney with a legal aid organization in Michigan. I represented Toney White's now ex-wife in a contract dispute and a divorce case against Mr. White in Michigan. My client was in possession of original handwritten letters signed by Mr. White in which he directs his former

wife to pose as a federal agent and attempt to bribe victims of Mr. White's alleged crimes. Fortunately, my client did no such thing. My client surrendered the letters to me and gave me permission to contact you regarding the letters. My client currently resides in Michigan and her address is confidential by court order due to her fear of Mr. White. I am not a prosecutor, nor am I licensed to practice law in Nevada. However, the letters do appear to have an incriminating quality. My client is coming forward in an effort to assist with your efforts to convict Mr. White.

Please contact me at the office number below or by cell phone at [REDACTED] so that we may discuss further.

Sincerely,

Barry Malone
Staff Attorney
Lakeshore Legal Aid

CRYSTAL

SEPTEMBER 29, 2016

OKAY I'M BACK TO WRITTING AND HOPE YOU DO ~~THIS~~
PROJECT QUICKLY BECAUSE I'M RUNNING OUT OF TIME. I
NEED YOU TO POSE LIKE A SECRETARY FROM THE FEDERAL
PUBLIC DEFENDERS OFFICE. I NEED YOU TO TYPE INTO
YOUR COMPUTER ASAP THE FOLLOWING AND REHEARSE IT
UNTIL YOU GET IT DOWN THEN CALL THE VICTIMS CELL
PHONE WITH THE SCRIPT AND CONVEY IT. IF POSSIBLE
I NEED YOU TO GET A SECOND PHONE AND ACTIVATE IT
WITH A 702 AREA CODE BEFORE MAKING THE CALL. IF
I GOTTA PAY FOR IT SO BE IT. CALL AND ASK FOR
JASON CLIFF OR MARLENE BURKHALTER. INTRODUCE YOURSELF
AS ELIZABETH TALLEY WITH THE FEDERAL PUBLIC DEFENDERS
OFFICE. ASK THEM IF THEIR MAILING ADDRESS STILL
OR DO
THEY HAVE A NEW MAILING ADDRESS. IF THEY DO GET IT.
THEN GIVE THEM THIS SPILL

"LIKE I SAID, I'M RECEPTIONIST ELIZABETH TALLEY WITH
THE FEDERAL PUBLIC DEFENDERS OFFICE. THE FEDERAL PROSE-
CUTION DIVISION OF THE U.S. ATTORNEY'S OFFICE SENT
A EMAIL TO OUR OFFICE TODAY ALERTING US OF A POSSIBLE
FEDERAL GRAND JURY INDICTMENT AS WELL AS YOUR AND
MS. BURKHALTER / MR. CLIFF'S POSSIBLE NEED FOR REPRESENT-
ATION. CURRENTLY THE FEDERAL GRAND JURY IS HEARING
TESTIMONY OF KEVIN LAPEER, THE FIRST OFFICER ON SCENE
DISCOVERING YOUR FORGERY / FRAUD LAB AND NUMEROUS
PROFILES AND ACCOUNT ROUTING NUMBERS, SOME OF WHICH
WERE (FDIC) FEDERALLY INSURED.
ADDITIONAL TESTIMONY IS EXPECTED FROM AMANDA
SEXTON AND 1 OTHER STATE SUSPECT YOU ENCOUNTERED
ON JANUARY 21, 2016. THE U.S. ATTORNEY IS FURTHER
ATTEMPTING TO MAKE A CONNECTION OF THE PROFILES
TO ~~THE~~ MS. BURKHALTERS WORK LOCATION.

UNDER THE SUPREMACY CLAUSE, THE FEDERAL COURT HAS NO OBLIGATION OF INFORMING THE STATE PROSECUTOR OR ANY OTHER STATE AGENT, OF THE EXISTENCE OF THE FEDERAL GRAND JURY PROCEEDINGS OR ANY OTHER FEDERAL AFFAIRS. CONVERSELY STATE AGENTS AND AGENCIES HAVE OBLIGATIONS OF PROVIDING THE FEDERAL GOVERNMENT INFORMATION THAT COULD LEAD TO YOUR APPREHENSION OR ASSIST THEM IN FEDERAL PROSECUTIONS. THE TESTIMONY OF 2 OF THE 3 SUSPECTS YOU ENCOUNTERED ON JANUARY 21, 2016, IS CRUCIAL TO HANDING DOWN THE FEDERAL INDICTMENT. IN EFFORTS TO REACH COMPROMISE AND PRESERVE DOLLARS ASSOCIATED WITH FEDERAL PROSECUTIONS, THE FAMILY OF 1 OF YOUR SUSPECTS HAS OFFERED YOU \$4000 TO BOTH COMPENSATE YOU AND ASSIST YOU RELOCATE AND IN EXCHANGE FOR YOUR PLEDGE TO ASSIST THE STATE PROSECUTION NO FURTHER IN ANY ASPECT INCLUDING APPEARING AT TRIAL. LIKEWISE, THEY ALSO ASSURE YOU OF THEIR PLEDGE NOT TO APPEAR BEFORE THE FEDERAL GRAND JURY AND NOT TO TESTIFY EITHER.

I NEED YOU TO TYPE THIS IN THE COMPUTER TO MAKE IT EASY TO SEE AND SCRIPT WHEN YOU'RE ON THE PHONE WITH THEM. IN CONCLUSION ASK THEM ~~IF~~ WILL THEY ACCEPT OR DECLINE THE OFFER. I NEED THIS DONE IMMEDIATELY. YOU ALREADY HAVE THE PHONE NUMBER. ALSO I NEED THE PHONE NUMBER AND WORK ADDRESS I SENT YOU. BY NO MEANS SHOULD YOU DELAY DOING THIS OR IT WON'T HAVE THE INTENDED EFFECT OR BITE TO IT. I LOVE YOU AND WILL STAY IN CONTACT. THIS HAS TO BE DONE TO PREVENT MY CONVICTION AND GET THE CASE DISMISSED AGAINST ME. I'M GUNNA GET THIS OUT. LOVE YA. LOVE YOUR HUSBAND

TONY
02
CRYSTAL
EVERY

CRYSTAL

SEPTEMBER 30, 2016

I FORGOT TO ADD THIS INFORMATION IN THE SCRIPT I SENT YOU YESTERDAY. AFTER "POSSIBLE NEED FOR REPRESENTATION," PUT "THE INDICTMENT ALLEGES VIOLATION OF 18 U.S.C. §§ 472 AND 473 ALONG WITH CONSPIRACY. IF CONVICTED THE SENTENCE COULD RANGE FROM 20 - 40 YEARS FEDERAL PRISON." I TRIED TO CALL BACK LAST NIGHT BUT AFTER GETTING NO ANSWER TWICE I FIGURED YOU FELL ASLEEP. I NEED YOU TO REALLY PUT THIS SCRIPT DOWN. HOPEFULLY MARLENE PICKS UP. IF NOT GO WITH JASON, BUT CERTAINLY I NEED THIS DONE EFFECTIVELY. I HELP WHERE I CAN AND NEED YOU TO DO THE SAME. I'M GONNA TRY TO CALL AGAIN AT 2:30. HOPEFULLY I GET A HOLD OF YOU. LOVE YA. GOTTA GET THIS OFF.

LOVE YOUR HUSBAND,

TONEY
♡♡

CRYSTAL
LOVEU!

AT THE END OF THAT SCRIPT AFTER "DECLINE ANY TESTIMONY" ADD THE FOLLOWING TO CLOSE IT UP:

"MY SUGGESTION WOULD BE TO TAKE THE OFFER, RELOCATE AND HAVE NO FURTHER CONTACT WITH EITHER STATE OR FEDERAL COURT. CONTINUED CONTACT WILL ONLY EXASPERATE THE PROBLEM ALLOWING THE FILE TO SPREAD. NONETHELESS, IF YOU DESIRE REPRESENTATION FROM THIS OFFICE ON THE FEDERAL CHARGES, SUCH IS A OPTION ALSO.

ALLOWING THE STATE PROSECUTOR TO SERVE A SUBPOENA ON YOU EFFECTIVELY PUTS YOUR LOCATION FOR APPREHENSION IN PUBLIC RECORDS. ANY STATE COURT APPEARANCE COULD RESULT IN EITHER OF YOUR APPREHENSIONS AS ~~FEDERAL AGENTS~~ COULD BE LYING IN WAIT FOR YOU TO ARRIVE BEFORE TAKING YOU INTO CUSTODY WHICH IS COMMON."

APPREHENSION TASK FORCE

CALL

HELLO, IS MARLENE BURKHALTER AVAILABLE?

GOOD MORNING/AFTERNOON. MY NAME IS JENNIFER CROZCO RECEPTIONIST FOR THE LAW OFFICES OF PRUIT AND LYONS. OUR LAW OFFICES SPECIALIZE IN CASES OF PERSONAL INJURY AND RECEIVED A REFERRAL FROM JUDICIAL EQUALITY INSISTING THAT WE EVALUATE AND POSSIBLY REPRESENT YOU ON YOUR CIVIL MATTER. FOR INTAKE PURPOSES, I WILL ASK YOU A SERIES OF ABOUT 20 QUESTIONS IN CREATING A FILE TO PRESENT TO OUR ATTORNEYS FOR REVIEW. PLEASE ANSWER THE QUESTIONS AS COMPLETE AND HONEST AS POSSIBLE.

1. IS YOUR COMPLETE NAME MARLENE BURKHALTER?
2. IS APRIL 22, 1977 YOUR CORRECT BIRTHDAY?
3. IS YOUR CORRECT SOCIAL SECURITY NUMBER?
4. WHAT IS YOUR CURRENT ADDRESS? IS THIS ALSO YOUR MAILING ADDRESS?
5. IS AREA CODE YOUR CORRECT PHONE NUMBER?
6. DO YOU HAVE A EMAIL ADDRESS? IF SO, WHAT IS IT?
7. ARE YOU CURRENTLY EMPLOYED? IF SO, WHERE AND AS WHAT?
8. WHAT IS THE DATE THE EVENT HAPPENED?
9. WHAT WAS THE LOCATION?
10. EXPLAIN EXACTLY WHAT HAPPENED INCLUDING TIME.
11. WAS A POLICE REPORT GENERATED? IF SO, BY WHO?
12. WERE THE SUSPECTS EVER LOCATED AND ARRESTED?
13. HOW MANY SUSPECTS WERE THERE, AND IF KNOWN, WHAT WERE THEIR NAMES?
14. DID YOU OR SAKIN RECEIVE ANY MEDICAL ATTENTION AS A RESULT OF THE INCIDENT? IF SO, WHO AND WHERE?
15. IS THE CASE STILL BEING INVESTIGATED OR HAS IT BEEN SUBMITTED FOR PROSECUTION? IF SUBMITTED FOR PROSECUTION, DO YOU KNOW THE COURT AND CASE NUMBER?

16. CURRENTLY DO YOU HAVE ANY PENDING CRIMINAL OR CIVIL MATTERS? IF SO WHERE?

17. ARE YOU CURRENTLY REPRESENTED BY COUNSEL? IF SO, WHO AND FOR WHAT CASE?

18. ARE YOU FREQUENTLY IN CONTACT WITH THE DISTRICT ATTORNEY, DETECTIVES, OFFICERS OR COURT INVOLVED WITH THE INCIDENT? IF SO, WHO AND WHAT IS THE REASON FOR SUCH CONTACT?

19. SINCE THE INCIDENT, HAVE YOU INTERVIEWED OR IN ANY OTHER MANNER, SHAPE OR FORM COOPERATED WITH THE DISTRICT ATTORNEY, DETECTIVES, OFFICERS OR COURT INVOLVED WITH THE CASE? IF SO, HOW, WHEN AND WHAT WAS SAID?

20. HAVE YOU BEEN CALLED UPON SINCE TO PROVIDE ANY IN-COURT CRIMINAL TESTIMONY REGARDING THIS CASE? IF SO, WHEN AND IN WHAT DATE IS THAT TESTIMONY EXPECTED?

YOUR COOPERATION AND PATIENCE IS APPRECIATED. NOW WITH RESPECT TO MR. CLIFF, DO YOU KNOW OR HAVE HIS INFORMATION AVAILABLE?

1. IS HIS COMPLETE NAME JASON ANTHONY CLIFF?

2. WHAT IS HIS CORRECT BIRTHDAY?

3. WHAT IS HIS SOCIAL SECURITY NUMBER?

4. WHAT IS HIS CURRENT ADDRESS? IS THIS ALSO HIS MAILING ADDRESS?

5. WHAT IS HIS PHONE NUMBER?

6. DOES HE HAVE A EMAIL ADDRESS? IF SO, WHAT IS IT?

7. IS HE CURRENTLY EMPLOYED? IF SO, WHERE AND AS WHAT?

8. IS HIS LOCATION AND DATE OF EVENT THE SAME AS YOURS?

9. IS HIS DESCRIPTION OF WHAT TRANSPIRED THE SAME AS YOURS?

10. CURRENTLY, DOES JASON HAVE ANY PENDING CRIMINAL OR CIVIL MATTERS? IF SO, IF WHAT AND WHERE?

11. IS JASON CURRENTLY REPRESENTED BY COUNSEL?
12. IS JASON FREQUENTLY IN CONTACT WITH THE DISTRICT ATTORNEY, DETECTIVES, OFFICERS OR THE COURT INVOLVED WITH THE INCIDENT? IF SO, WHO AND WHAT IS THE REASON FOR SUCH CONTACT?
13. SINCE THE INCIDENT HAS JASON INTERVIEWED, OR IN ANY MANNER, SHAPE OR FORM, COOPERATED WITH THE DISTRICT ATTORNEY, DETECTIVES, OFFICERS OR COURT INVOLVED WITH THE CASE? IF SO, WHO, WHEN AND WHAT WAS SAID?
14. HAS JASON BEEN CALLED UPON TO PROVIDE ANY IN COURT CRIMINAL TESTIMONY REGARDING THIS CASE? IF SO, WHEN AND ON WHAT DATE IS THAT TESTIMONY EXPECTED?
15. WHAT WERE JASON'S RESULTING INJURIES?
16. IS HE STILL TREATING FOR HIS INJURIES TILL THIS DAY?

OK THANKS. NOW THAT THE INTAKE FILE IS COMPLETE I WILL IMMEDIATELY PRESENT IT TO ONE OF OUR EXPERIENCED STAFF ATTORNEYS WHO WILL TAKE FURTHER ACTION ON YOUR CASE AND CONTACT YOU IN THE NEAR FUTURE. IS 702-504-2654 THE BEST NUMBER TO REACH YOU AT?

IN CLOSING, I WOULD REMIND YOU AND JASON TO IMMEDIATELY REFRAIN FROM ANY FURTHER INTERACTION, COMMUNICATION OR COOPERATION WITH ANY DISTRICT ATTORNEYS, INVESTIGATORS, DETECTIVES, OFFICERS AND CRIMINAL COURT AS THESE CONTACTS MAY SUBSTANTIALLY DAMAGE OPPORTUNITY FOR CIVIL RECOVERY AND COMPENSATION IN THIS CASE. SHOULD THEY INSIST ON EITHER OF YOUR COOPERATIONS, STERNLY ADVISE THEM THAT ON THE ADVICE OF YOUR CIVIL ATTORNEYS YOU HAVE BEEN SPECIFICALLY INSTRUCTED TO REFRAIN FROM FURTHER CONTACT WITH THEIR OFFICES PENDING RESOLUTION OF YOUR CIVIL SUIT.

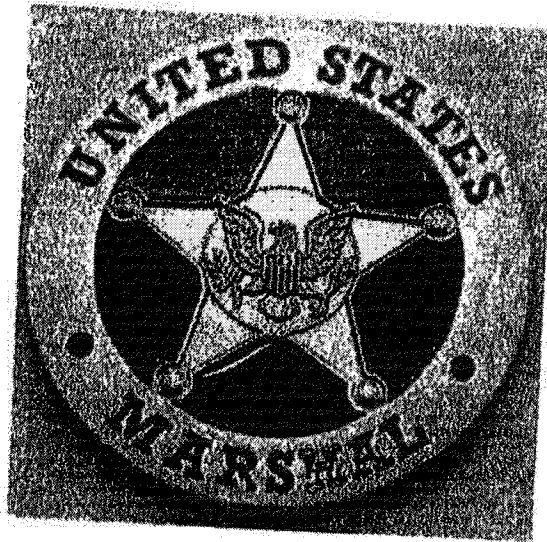
WE ESTIMATE THE CASE REVIEW OF THE FILE TO BE COMPLETE WITHIN 21 WORKING DAYS AT WHICH TIME OUR OFFICE WILL BE CONTACTING YOU AND JASON AND AGGRESSIVELY AND RELENTLESSLY PURSUING YOUR CIVIL DAMAGE CLAIMS.

THANKS FOR YOUR TIME AND HAVE A WONDERFUL DAY.

Exhibit B

16-01201-

**UNITED STATES DEPARTMENT OF JUSTICE
UNITED STATES MARSHALS SERVICE**



U.S MARSHAL FIELD INFORMATION

Subject Name: Jason Anthony Cliff
Date of Birth: See CLETS
Social Security Number: See CLETS
License No. NV See CLETS
Age: 38 Years Old

16 - 01201

Last Known Address:

Henderson, NV,

Last Arrest: See CLETS

Charges: See CLETS

Disposition: See CLETS

**Other Persons of Interest: Marleen Annette Burkhalter,
Age 43**

Jurisdiction: Federal

Weapons Permit: No. agents shall exercise extreme caution in the apprehension, investigation and detaining the above subject based upon intelligence that said subject may be armed with illicit firearms unregistered.

Investigative Basis: Investigation and surveillances have concluded that subject may be involved in the solicitation and defraud of government entities through fraudulent tax filings. At Least one agency reports the possibility of money laundering, abusive drug prescriptions and possible narcotics use by subject. Agents are to seize any and all financial assets, firearms, jewelry and other valuable assets upon contact with the subject and persons of interests pending resolution of investigation.

16 - 01201

Additional Information: See additional generated reports.

16 - 01201

FEDERAL SEARCH WARRANT

UNITED STATES OF AMERICA)

JASON ANTHONY CLIFF

) ss:

ID# SEE CLETS

STATE OF NEVADA,

COUNTY OF CLARK.

)

DOB: SEE CLETS

SS#: SEE CLETS

The United States of America, to any Federal Agent in the State of California, Proof by Affidavit attached hereto and incorporated herein by reference, that there is probable cause to believe that certain property, namely:

A) LAUNDERED U.S. CURRENCY.

B) The paraphernalia commonly associated with the counterfeiting, laundering and "washing" of illegally obtained U.S. Currency.

C) Counterfeit and genuine U.S. Currency, Travelers Checks, and Money Orders which would be proceeds from the illicit sales or possession of narcotics, firearms and/or money laundering.

D) Articles of personal property including safes, firearms, jewelry, computers, cameras, coins, etc., which would be proceeds from the fraudulent tax activities illicit sales of narcotics, firearms and/or

16 - 01201

UNITED STATES MARSHALS SERVICE
APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT
(Continuation)

Event #: 15777-5644

laundering of U.S. Currency.

E) Articles of personal property which would tend to establish the identity of persons in control of said premises, which items of

property would consist in part of and include, but not limited to papers, documents and effects which tend to show possession, dominion and control over said premises, including but not limited to keys, canceled mail envelopes, rental agreements and receipts, bank notes and statements, utility and telephone bills, prescription bottles, vehicle registration, vehicle repairs and gas receipts, items which tend to show evidence of motive and/or the identity of the perpetrator such items are written, typed or stored on computer disc, objects which bear a person's image, name, phone number or address.

F) The contents of all vehicles and persons of adults and minors located at the premises at the time of the execution of this Search Warrant.

Which are presently located at:

Henderson, NV and is further described as a single story Apartment/Townhouse/Condo..

The building is Beige in color with Brown trim and a brown roof.

16 - 01201

**UNITED STATES MARSHALS SERVICE
APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT
(Continuation)**

Event #: 15777-5644

The home has a standard Brown wooden door. The residence has dual sliding glass doors and an arched patio area. And as I am satisfied that there is probable cause to believe that said property is located set forth above and that based upon the affidavit attached hereto there are sufficient grounds for the issuance of the Search Warrant.

You are hereby commanded to search forthwith said premises for said property, serving this warrant anytime day or night, and if the property is there to seize it, prepare a written inventory of the property seized, and make a return for me within ten days.

Dated this 10th day of January, 2016.

**(S. Clarkson)
United States District Judge
U.S. District Court District of
Nevada.**

16 - 01201

**UNITED STATES MARSHALS SERVICE
APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT
(Continuation)**

Event #: 15777-5644

IN RE:

Henderson, NV

Steven D. Grierson

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**

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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 19th day of March, 2019, the Defendant was present in**

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

7
8 **THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in**
9 **addition to the \$25.00 Administrative Assessment, \$8,831.62 Restitution to be paid**

10 **Jointly and Severally with Co-Defendants, and \$150.00 DNA Analysis Fee including**
11 **testing to determine genetic markers plus \$3.00 DNA Collection Fee, the Defendant is**

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

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

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

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

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

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

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

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

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

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

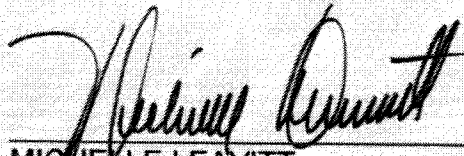

22 **Use of a Deadly Weapon, CONSECUTIVE with COUNT 3; COUNT 5 - a MAXIMUM**

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

24 **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 DATED this 25 day of March, 2019.
16

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MICHELLE LEAVITT
DISTRICT COURT JUDGE 

Steven D. Grierson

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

DEFENDANT

COUNTY OF CLARK DISTRICT COURT
STATE OF NEVADA
EIGHTH JUDICIAL DISTRICT

PEOPLE OF THE STATE OF
NEVADA,

CASE NO. C-16-313216-2

PLAINTIFF,

NOTICE OF APPEAL

VS.

TONEY ANTHONY WHITE,

DEFENDANT.

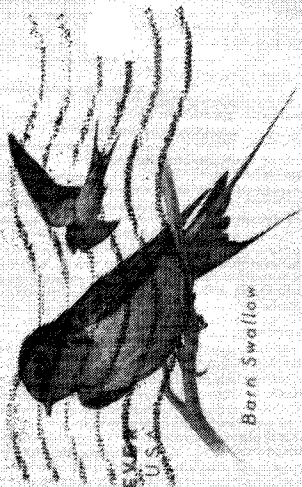
NOTICE IS HEREBY GIVEN THAT DEFENDANT
SEEKS TO APPEAL THE RENDERING OF JUDGMENT IN
THIS ACTION AND FURTHER SEEKS THAT A COMPLETE
COPY OF THE CLERK AND REPORTERS TRANSCRIPTS BE
PROVIDED FOR SUCH.

RESPECTFULLY

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

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MAR 28 2019
CLERK OF THE COURT

T. WHITE 9270790
CODE
330 S. CASINO CTR. BLDG.
LAS VEGAS, NV, 89101



Barn Swallow

1-800-854-8544

SENT FROM GOOGLE
ZEBRA MAIL
FOREVER
USA

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



000000-10168

IN THE SUPREME COURT OF THE STATE OF NEVADA

TONEY ANTHONY WHITE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 78483

FILED

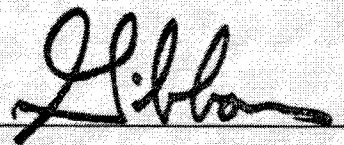
APR 17 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF LIMITED REMAND
FOR DESIGNATION OF COUNSEL

This is a pro se appeal from a judgment of conviction. This court remands this appeal to the district court for the limited purpose of securing counsel for appellant. *See Evitts v. Lucey*, 469 U.S. 387 (1985). If appellant is indigent, the district court shall have 30 days from the date of this order to appoint counsel for appellant. Otherwise, within 30 days from the date of this order, the district court shall order that appellant must retain counsel and that retained counsel must enter an appearance in the district court on appellant's behalf within 30 days from the date of the district court's order. Within 5 days from the appointment or appearance of counsel, the district court clerk shall transmit to the clerk of this court: (1) a copy of the district court's written or minute order appointing appellate counsel; or (2) a copy of the notice of appearance filed by retained counsel.

It is so ORDERED.

 C.J.

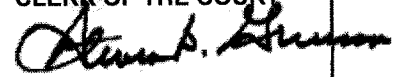
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19-16771

cc: Hon. Michelle Leavitt, District Judge
Toney Anthony White
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk



ORDR

TERRENCE M. JACKSON, ESQ.
Nevada Bar No. 00854
Law Office of Terrence M. Jackson
624 South Ninth Street
Las Vegas, NV 89101
T: 702-386-0001 / F: 702-386-0085
Terry.jackson.esq@gmail.com
Counsel for Toney A. White

IN THE EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

Toney A. White,
#1214172,

Defendant.

District Case No.: C-16-313216-2

Dept.: XII

ORDER APPOINTING COUNSEL

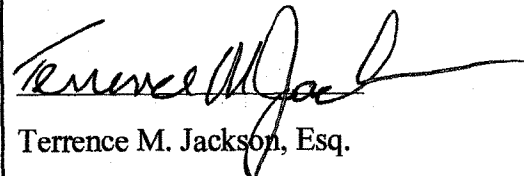
THIS MATTER having come before the Court, and the Court finding good cause therefore,
IT IS HEREBY ORDERED, ADJUDGED and DECREED that attorney TERRENCE M.

JACKSON, ESQUIRE, be appointed to represent Toney Anthony White, in Case number: C-16-313216-2.

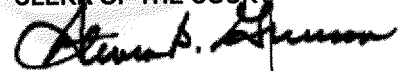
DATED this 15 day of May, 2019.


DISTRICT COURT JUDGE

Respectfully Submitted on
this 9th day of May, 2019.


Terrence M. Jackson, Esq.

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

TONEY ANTHONY WHITE,

Defendant.

CASE#: C-16-313216-2

DEPT. XII

BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT JUDGE
TUESDAY, MARCH 19, 2019

**RECORDER'S TRANSCRIPT OF HEARING:
SENTENCING**

APPEARANCES:

For the State:

MICHAEL J. SCHWARTZER, ESQ.
Chief Deputy District Attorney

For the Defendant:

MICHAEL W. SANFT, ESQ.

RECORDED BY: KRISTINE SANTI, COURT RECORDER

1 Las Vegas, Nevada, Tuesday, March 19, 2019

2
3 [Hearing began at 9:42 a.m.]

4 THE COURT: Page 15.

5 MR. SANFT: Yes, ma'am.

6 THE COURT: State of Nevada versus Toney White,
7 C313216. Mr. White is present. He's in custody and this is on for
8 sentencing. Mr. White is there -- are you ready to go? Are both sides
9 ready?

10 MR. SANFT: Yes, Your Honor. We are.

11 MR. SCHWARTZERR: Yes, Your Honor.

12 THE COURT: Okay. Mr. White, is there any legal cause or
13 reason why judgement should not be pronounced against you at this
14 time?

15 THE DEFENDANT: No.

16 THE COURT: By virtue of your plea entered in this matter, I
17 hereby adjudicate you guilty of Count 1, conspiracy to commit robbery;
18 Count 2, burglary while in possession of a deadly weapon; Counts 3 and
19 4, first degree kidnapping with use of a deadly weapon; Count 5 and 6,
20 attempt robbery with use of a deadly weapon; Count 7, battery with use
21 of a deadly weapon resulting in substantial bodily harm and Count 8,
22 impersonation of an officer; does the State wish to be heard?

23 MR. SCHWARTZER: Yes, Your Honor. Your Honor, by my
24 account Parole and Probation is recommending 30 to life where they're
25 asking for Counts 3 and 4 and 6 to run consecutive to each other. I'm

1 actually going -- although I very rarely do this, I'm going to actually ask
2 for a little less time than that, I'm going to ask for a 20 to life in this case,
3 Your Honor.

4 Certainly Mr. White's criminal history, this crime and the stuff
5 he did after the crime warrants that type of tough sentence. I mean, the
6 criminal history is pretty outrageous. You have six felonies, before, you
7 know, the eight felonies that you have here. You have six felonies. He's
8 basically in and out of prison from 1991 to 2014 and then commits this
9 crime in late of 2015.

10 You can see from his criminal history that even when he gets
11 on some type of supervised release -- release he gets -- he gets out and
12 commits new crimes. I would note he gets out after doing about 12
13 years of prison time [indiscernible] a little bit longer in California. He
14 gets out and within a few months of him being discharged from
15 California he picks up a new case in Washington that's actually still in
16 warrant status. In fact, I get a call from Oak Harbor about twice a year
17 asking what's going on with this case because they're looking to
18 prosecute him in Washington. So, this is an individual that's never done
19 anything but commit crimes in order to get around with his life.

20 This case, Your Honor, I mean, you watched the first three
21 days of opening this case before this happened. So, Your Honor, saw
22 the opening. You know the nature and the facts of this case. I mean, I
23 just want to point out how particularly outrageous this case is where you
24 have individuals like Mr. White dressing up like U.S. Marshals. Going so
25 far to put up -- type up fake workout sheets that -- that look like U.S.

1 Marshal workup sheets. And also printing out fake search warrants and
2 using that in order to get into someone's house, handcuff them and beat
3 them so badly that they have to go the hospital for multiple days. They
4 are still suffering over three years later from the injuries that they
5 suffered from the beating.

6 Some of the -- from what I gather from both Mr. White's own
7 writing and the motion to withdraw and Mr. Sanft's cross-examination
8 during trial, some of it's going to be blamed on the fact that the Co-
9 Defendant, Marland Dean, had this influence on Mr. White. And
10 unfortunately the trial ended right before he got to hear from Amanda
11 Sexton. He decided to plea right before Amanda Sexton was going to
12 testify. Amanda Sexton who you sentenced to prison actually did over
13 three years in prison for her role. Her testimony would have been very
14 enlightening considering Mr. White's role which is essentially Mr. White
15 was the master mind.

16 The -- it was Mr. White who got the U.S. Marshal gear that
17 they have, it was Mr. White that got it. Mr. White went to a swap meet or
18 something like that in California and got the U.S. Marshal stuff
19 embroidered onto the vest. That Mr. White's the one that typed up the
20 search warrants. That Mr. White's the one that typed up these workup
21 sheets. That Mr. White's the one that got the gun -- the real gun that we
22 found in the -- in the bushes from his brother. That these fake guns
23 came from a -- I mean, she gave a specific areas where these
24 equipment was picked up.

25 In fact, if you remember it the vehicle that Mr. White -- is in Mr.

1 White's name; that jeep that was made up to be a police vehicle was in
2 Mr. White's name. So, Mr. White was the one that put together this
3 whole situation of acting like police officers and going into this home and
4 again beating Mr. Cliff really intensely. I understand that there was
5 some disparity between who was actually beating Mr. Cliff. Mr. Cliff said
6 it was Mr. [indiscernible] -- and said Mr. White was the one that was
7 hitting him. I know Marlene, his wife said that it looked like Mr. White
8 was hitting him with his hands and Dean was hitting with the -- the asp.
9 Amanda Sexton says they were both hitting him with the -- the metal
10 asp. And if you remember, Your Honor, there was an asp found in Mr.
11 White's place and there was an asp found at the crime scene.

12 So, without a doubt Mr. White was violent with Mr. Cliff. His --
13 from his own Co-Defendant and from the victim himself he was the one
14 that beat Mr. Cliff so badly that if you recall the picture of that metal asp
15 it's actually bent. And you can recall some of the -- some of the photos
16 we were able to show of Mr. Cliff with injuries he suffered.

17 So, that's bad enough obviously. And then you get into the
18 stuff that I showed you in the -- in the sentencing memorandum which is
19 ever since Mr. White's been put into custody for this case, he's tried to
20 manipulate the system. He sent letters out to his wife Crystal White
21 asking her to pose as a member of the Federal Public Defender's office
22 and telling the victims not to come to testify, that it's in their best interest
23 not to be there and that they would help relocate them with money.

24 I mean, the letters speak for themselves. You read through
25 them. They're pretty bad. So not only does he want him to fake being a

1 Federal Public Defender secretary, but also have her fake being a
2 secretary for a personal injury saying that you can get X amount of
3 dollars if you -- if you don't -- but don't cooperate with the state
4 authorities. So, he does that stuff with the letters.

5 On top of that, Your Honor, during trial, both Marlene and
6 Jason Cliff showed us that Mr. White filed law -- civil lawsuits against
7 them. Now, they were both dismissed. But not only did he do this stuff
8 where he was trying to manipulate with his wife to get him not to testify,
9 but when that didn't work because wife luckily never called from what we
10 can tell. In fact turned them over to her lawyer who then produced it to
11 us. But then he went on and then tried suing our victims in court. And
12 then we were told that --

13 THE COURT: He sued the victims?

14 MR. SCHWARTZER: He sued the victims, yeah.

15 THE COURT: For what?

16 MR. SCHWARTZER: They were dismissed. It was a civil. It
17 looks like it was a personal injury lawsuit that had nothing to do with this
18 case and he just attached our victim's names on top of it.

19 THE COURT: Okay.

20 MR. SCHWARTZER: And it was dismissed in the Justice
21 Court level for not -- for the allegations not matching with who the victim
22 is. But he -- I mean, he basically I think he just a put a sheet with the
23 victim's name on top of another lawsuit he was filing regarding a
24 personal injury claim.

25 Both -- again, both of them were dismissed in Civil Court.

1 And then -- unfortunately our victim as you -- as you heard on
2 the stand he went to -- he went to prison based on some of the stuff that
3 was found through the search warrant. We found what's a forgery lab in
4 their house. And not only does this individual Jason Cliff get beat badly,
5 but then when the police get a search warrant for a crime he's a victim
6 on, they find that he was committing crimes he ends up in prison. While
7 he was in prison, he was approached by Mr. White's brother and also
8 offered -- I mean, I can't necessarily put that to Toney White, but was
9 offered money not to testify as well.

10 So, with all that -- with all that going on, Your Honor, on top of
11 how violent this crime is, on top of his criminal history, I think the 20
12 years to life is appropriate. I ask for the kidnappings to each be five or
13 life to run consecutive. I ask for the attempt robbery to be -- I would ask
14 for the attempt robberies to be run consecutive in order -- let me get the
15 time down, Your Honor. For the four to ten and the four to ten and then I
16 would ask for the battery with use of deadly weapon resulting in
17 substantial harm to be a two to -- two to fifteen to run consecutive which
18 in my total would be a 20 to life as -- as an aggregated sentence.

19 THE COURT: Okay.

20 MR. SCHWARTZER: I think that's appropriate --

21 THE COURT: Will you start over and go through the Counts?

22 MR. SCHWARTZER: Yes, Your Honor.

23 THE COURT: Sorry. You just went too fast.

24 MR. SCHWARTZER: I would ask for Counts 3 and 4 to be
25 five to life to run consecutive to each other. And then I would ask for --

1 THE COURT: And you know there's a deadly weapon
2 enhancement.

3 MR. SCHWARTZER: Okay. So, actually no. We can ok it
4 this way and make it easier for everyone. Five to -- five -- five to life with
5 a consecutive five to 20 for the deadly weapon. Five to life to five to 20
6 for the deadly weapon for a total of 20 to life total for the kidnappings.
7 And for everything else --

8 THE COURT: Okay.

9 MR. SCHWARTZER: -- to run concurrent for the 20 to life.
10 And with that, Your Honor, I'll submit it.

11 THE COURT: Do you want to say anything?

12 THE DEFENDANT: Just that I apologize to my victims. And
13 for the Court to decide for all the [indiscernible] --

14 THE COURT: Are you done?

15 THE DEFENDANT: Yeah.

16 THE COURT: Are you done? Okay.

17 MR. SANFT: Your Honor, I think one of the -- one of the
18 things that was surprising during the course of the trial, I think we were
19 in our third day when Mr. White decided to plead to the sheet.

20 THE COURT: Mm-hmm.

21 MR. SANFT: And plead to everything that was on that sheet.
22 And quite honestly we were -- we were in the middle of trial, we were
23 ready to go. I think when Mr. White heard that the testimony of the two
24 victims that he hadn't seen since the time that this happened, I think his
25 attitude changed and I believe at that particular point what he just

1 wanted to do was accept responsibility.

2 I'm not quite clear as to why he would decide to do it even
3 then. All I know is that at the end of the day, he's -- he's informed that
4 right after he entered in the plea he informed me that he just felt like it
5 was the right thing to do. The weird thing is he had a negotiation with
6 the State in which he entered his plea --

7 THE COURT: I know. I know the earlier one.

8 MR. SANFT: Right. For like I think it was nine to 20 or
9 something like that --

10 THE COURT: Mm-hmm.

11 MR. SANFT: -- was the -- was the agreed range. And he
12 fought really hard to get out of that to just go to trial and plead straight
13 up. And I don't understand that except for the fact that his position was
14 at the time that he entered into the plea that he was threatened by the
15 Co-Defendant in this case. What goes through a person's mind when
16 they make decisions like this, I'm not quite clear. Except I do know one
17 thing with regards to Mr. White, after this happened he did tell me he
18 had a change of heart and he just wanted to plead to it because he had
19 seen and heard the testimonies of the two victims that got up on the
20 stand and testified.

21 You know, his criminal history is not in dispute. The issue
22 here is really what's the issue in terms of the amount of time that he's
23 looking at. I think the more appropriate sentence and I would agree with
24 the State that I believe the 30 to life is excessive based upon the totality
25 of circumstances. I believe an appropriate sentence in this case would

1 be Counts 3 and 4 to run concurrent with one another and that would be
2 the five to life on the kidnapping with the five to 20 enhancement run --
3 to run concurrent with the other first degree kidnapping with use and that
4 would be a basically be a ten to life.

5 The reason for that is this, he's going to be spending a lot of
6 time in prison. There's no -- there's no way to couch that. He's going to
7 be doing a lot of time in. As a result of what he's doing now, what's
8 going to happen is he's going to have to prove to -- to the parole board
9 that he is eligible for parole. Which quite honestly I don't know if he's --
10 based upon his criminal history if he will ever get out even if he's put in a
11 position where he's doing a minimum of ten years in prison. We just
12 don't know.

13 The problem is I just don't think he's going to. I think he's
14 looking at a 15 year sentence basically or a 16 year sentence on the
15 front end. And then he'll have this life tale that's going to be hanging
16 over his head for the rest of his life. Which, you know, his mother is
17 here. She's an invalid. She's -- she's not, you know, she wants him to
18 come home, but he's not going to come home.

19 And quite honestly I just don't think even with a ten to life
20 sentence that he's necessarily going to come home. So I just think the
21 more appropriate punishment here for someone who saw the victim
22 since the time that the incident occurred three years ago and seeing,
23 you know, seeing what he had done to these individuals, for him to plead
24 straight up to it to me tells me that there is some semblance of remorse
25 and there is some possible hope that he can change his behavior.

1 Ten to life I think would be an appropriate sentence in this
2 case.

3 THE COURT: Thank you. In accordance with the laws of the
4 State of Nevada this Court does now sentence you as follows, in
5 addition to \$25 administrative assessment, the DNA fee, the collection
6 fee will be imposed. You'll be ordered to submit to genetic marker
7 testing.

8 As to Count 1, 28 to 72 months in the Nevada Department of
9 Corrections.

10 As to Count 2, 66 to 180 months in the Nevada Department of
11 Corrections to run concurrent to Count 1.

12 As to Count 3, life in the Nevada Department of Corrections
13 with parole eligibility beginning after a minimum of five years has been
14 served. Plus a consecutive five to 20 years for the deadly weapon
15 enhancement.

16 Count 4, life in the Nevada Department of Corrections with
17 parole eligibility beginning after a minimum of five years has been
18 served. Plus a five to 20 year for the deadly weapon enhancement to
19 run consecutive to Count 3.

20 As to Count 5, 48 to 120 months. Plus a consecutive 48 to
21 120 months for the deadly weapon enhancement to run concurrent.

22 Count 6, 48 to 120 months. Plus a 48 to 120 months for the deadly
23 weapon enhancement to run concurrent.

24 Count 7, 66 to 180 months in the Nevada Department of
25 Corrections to run concurrent.

1 And Count 8, 364 days in the Clark County Detention Center
2 to run concurrent for an aggregate of 20 to life in the Nevada
3 Department of Corrections.

4 The Court's going to impose \$8,831.62 in restitution to the
5 victims joint and several with the Co-Defendants.

6 MR. SANFT: And, Your Honor, just -- just to clarify the record.
7 Count 1 would run concurrent with Counts 2 and 4?

8 THE COURT: Correct.

9 MR. SANFT: Okay.

10 MR. SCHWARTZER: He has a 1,134 days credit time served.

11 MR. SANFT: That's correct, Your Honor.

12 THE COURT: One thousand one hundred and thirty four
13 credit for time served.

14 MR. SANFT: Thank you, Your Honor.

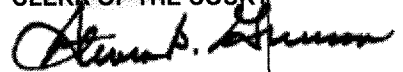
15 MR. SCHWARTZER: Thank you, Your Honor.

16 [Hearing concluded at 9:57 a.m.]
17
18
19
20

21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

24 

25 _____
Rubina Feda
Court Recorder/Transcriber



1 RTRAN

2
3
4
5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-16-313216-2
DEPT. XII

10 vs.

11 TONEY ANTHONY WHITE,
12 Defendant.

13
14 BEFORE THE HONORABLE MICHELLE LEAVITT, DISTRICT COURT
15 JUDGE

16 TUESDAY, FEBRUARY 19, 2019

17 **RECORDER'S TRANSCRIPT OF HEARING:**
18 **JURY TRIAL — DAY 1**

19 APPEARANCES:

20 For the State:

MICHAEL SCHWARTZER, ESQ.
VIVIAN LUONG, ESQ.

21
22 Deputy District Attorneys

23 For the Defendant:

MICHAEL W. SANFT, ESQ.

24
25 RECORDED BY: TRISHA GARCIA, COURT RECORDER

1 Las Vegas, Nevada, Tuesday, February 19, 2019

2 [Hearing began at 11:38 a.m.]

3
4 THE MARSHAL: Please come to order. Court is now in
5 session.

6 THE COURT: State of Nevada versus Toney White. He's
7 present. He's in custody. Do the parties -- will the parties please make
8 your appearances?

9 MR. SANFT: Good morning, Your Honor, Michael Sanft, Bar
10 Number 8245, on behalf of Mr. White, who's present in custody.

11 MR. SCHWARTZER: Michael Schwartzer, Bar Number
12 10747, for the State.

13 MS. LUONG: Vivian Luong for the State, Bar Number 13912.

14 THE COURT: Thank you. Is everyone ready to go?

15 MR. SANFT: Yes, ma'am.

16 MR. SCHWARTZER: The State's ready, Your Honor.

17 THE COURT: So, we can just bring the jury panel in?

18 MR. SCHWARTZER: Yes, Your Honor.

19 THE COURT: So, I'm going to qualify thirty-two. We'll pick
20 fourteen, so we'll have -- do you think we need two alternates?

21 MR. SCHWARTZER: We would just because we'll be going
22 to the second week and being dark on Friday, I think too --

23 THE COURT: Okay.

24 MR. SCHWARTZER: -- is probably necessary.

25 THE COURT: All right. We'll just be safe and do fourteen.

1 So, we'll qualify thirty-two.

2 MR. SANFT: And just for housekeeping purposes, the
3 schedule will be this week up until Thursday and then Friday we're dark
4 and then next week on Monday until we're done?

5 THE COURT: That's correct.

6 MR. SANFT: Okay.

7 MR. SCHWARTZER: Sounds great, Your Honor.

8 THE COURT: That's correct. Okay, they're all -- I think
9 they're all ready. Officer Hawkes, you can bring them in.

10 THE MARSHAL: Yes, ma'am.

11 [Pause in the proceedings]

12 MR. SCHWARTZER: Your Honor, may I approach the clerk?

13 THE COURT: Of course.

14 THE MARSHAL: Ready to go, ma'am?

15 THE COURT: Yes.

16 THE MARSHALL: All rise for the entering jury. Jurors,
17 please.

18 [In the presence of the prospective jury panel]

19 THE MARSHAL: All right. Thank you, folks, everyone please
20 have a seat.

21 THE COURT: Does the State stipulate to the presence of the
22 jury panel?

23 MR. SCHWARTZER: Yes, Your Honor.

24 THE COURT: Mr. Sanft?

25 MR. SANFT: Yes, Your Honor. Thank you.

1 THE COURT: Thank you. Good morning, ladies and
2 gentlemen and welcome to Department XII of the Eighth Judicial District
3 Court. My name is Michelle Leavitt and I'm the Presiding Judge in this
4 department.

5 You've been summonsed here today to serve as jurors in a
6 criminal case entitled, State of Nevada versus Toney White. Before I do
7 allow the parties to introduce themselves and give you a brief statement
8 of the facts, I'm going to introduce some of the members of the staff in
9 Department XII; and give you a brief description of what they do.

10 To my right is Haly and Haly is the Court Clerk. It's her job to
11 keep the official record; she keeps the official minutes; she's also the
12 person that will take charge of all of the evidence when it's introduced at
13 the time of trial.

14 To her right is TJ. TJ is a licensed attorney in the State of
15 Nevada. He's the law clerk in Department XII and he assists the Court
16 with legal issues.

17 And to his right is Trish. She's the Court Recorder in
18 Department XII. Well, she'll be assisting us. Our regular Court
19 Recorder is out today. So, we're grateful that she's here assisting us
20 today. But the Court Recorder is required to take down everything that
21 is being said in the courtroom. So, there's an audio recording of
22 everything that is being said; and, at some point, the recorder will be
23 called upon by myself to prepare what we call a written transcript; which
24 means that the recorder will listen to the recording and transcribe
25 verbatim everything that is said during these proceedings.

1 Therefore, it's very important when you're called upon and
2 before you respond, you state your name, badge number that's been
3 provided to you by the Jury Commissioner before responding so that we
4 have an accurate record of who is speaking at all times.

5 You have met Officer Hawkes. He is the Court Marshal in
6 Department XII. He is in charge of security in Department XII. He is
7 also the person that you will have the most contact with.

8 Throughout this process of selecting a jury and after we do
9 have a jury selected, myself, the parties, the staff in Department XII, with
10 the exception of Officer Hawkes, are not permitted to have any
11 communication with you, whatsoever, outside of the courtroom.

12 So, if during these proceedings, we see you in the hallway or
13 in the elevator, coming in and out of the courthouse, we will not
14 acknowledge you. We won't respond to you. Please do not be offended
15 by that. We are all just maintaining our obligation to maintain the
16 integrity of the jury system.

17 So, if there's anything that you need to communicate to the
18 Court, you do so in the courtroom, in the presence of both sides and on
19 the record. Otherwise, Officer Hawkes is the only one outside of the
20 courtroom that's permitted to have any communication with you
21 whatsoever.

22 At this time, am going to allow the State of Nevada to
23 introduce themselves. Both sides will introduce themselves, give you a
24 brief statement of the facts, they will also read you a witness list. I ask
25 that you pay close attention to the witness list when it's read off

1 because, at some point, I will ask you if you are familiar with any of the
2 witnesses who will be called to testify in this matter.

3 COURT: Ms. Luong, go ahead.

4 MS. LUONG: Thank you, Your Honor. My name is Vivian
5 Luong and this is Michael Schwartz. We are both Deputy District
6 Attorneys at the Clark County District Attorney's Office. This is a case
7 that occurred between January 20, 2016 and January 22, 2016.

8 On the night of January 20th, the victims Marlene Burkhalter
9 and Jason Cliff were at their home at 915 Seven Hills Drive. Marlene
10 hears a knock on the door and she goes to answer it and Amanda
11 Sexton, Marland Dean and the defendant rushes in. They handcuff
12 them and proceed to beat Jason Cliff with their weapons.

13 Now, the police eventually arrived and the lookout, Kevin
14 Wong, was stopped at the intersection of Seven Hills and St. Rose
15 Parkway. During the course of this investigation, the police also
16 conducted a search on Amanda and the defendant's home which is
17 located at the Ridge Falls Apartment at 2895 E. Charleston Boulevard.
18 They also conducted surveillance at the Paradise Spas which is located
19 at 9457 South Las Vegas Boulevard where the defendant and Amanda
20 were eventually found.

21 The defendant is charged with one count of Conspiracy to
22 Commit Robbery; one count of Burglary While in Possession of a Deadly
23 Weapon; two counts of First Degree Kidnapping with Use of a Deadly
24 Weapon, for both Marlene and for Jason; two counts of Attempt Robbery
25 with Use of a Deadly Weapon, one for Marlene and one for Jason; one

1 count of Battery with Use of a Deadly Weapon Resulting in Substantial
2 Bodily Harm, for Jason; and one count of Impersonation of an Officer.

3 Now, please listen to the following. The State will call the
4 following witnesses: Marlene Burkhalter, Jason Cliff, Kathleen Perry,
5 Kristin Burton, Paige Sifton, Glen Cousert, Krista Fulmer, Dr. Christine
6 Miyake.

7 And the following Officers from the Henderson Police
8 Department: Detective Kevin Lapeer; Officer Matthew Engel; Officer
9 Jeremy Leinan; Officer Joe Hansen; Officer Troy McDermed; Sergeant
10 Anthony Niswonger; Sergeant Ryan Adams; Detective Wayne Nichols;
11 Detective Joseph Eber; Officer Johnny Flewellen; Officer Daniel
12 Nerbonne; Officer Christine Zaporowski.

13 And the following Las Metropolitan Police Department
14 personnel: Officer Charles Yannis; Crime Scene Analyst Patrick Farrell;
15 Crime Scene Analyst, Michael Cromwell; Crime Scene Analyst, Jennifer
16 Hornback; Forensic Scientist, Kent Timothy; Forensic Scientist, Brianne
17 Huseby.

18 And the following witnesses additionally: Ann White and
19 Amanda Sexton. Thank you.

20 THE COURT: Thank you. Mr. Sanft.

21 MR. SANFT: Thank you. Good morning. My name is Michael
22 Sanft. I am an attorney. I represent Toney White. Toney, could you
23 stand up for a second? Toney's been charged in the crimes that you've
24 heard the State recite to you. He's pled not guilty to those crimes. We
25 don't anticipate on calling any further witnesses but it is attendant on

1 establishing our defense through cross-examination of the State's
2 witnesses. Thank you.

3 THE COURT: Thank you. At this time the Clerk will call the
4 roll of the panel of prospective jurors. When your name is called, if you
5 will please indicate present or here.

6 [The Clerk called the roll of the prospective jury panel]

7 THECOURT: Is there anyone whose name was not called by
8 the Clerk? Okay, the record will reflect no response from the panel. Will
9 you all please stand and raise your right hand so the Clerk can
10 administer the oath?

11 [Clerk administers the oath to the prospective jury panel]

12 THE COURT: Thank you. Thank you. Ladies and gentlemen,
13 we are about to commence what is called voir dire examination. The
14 term voir dire means to tell the truth. During this process you will be
15 asked questions bearing upon your ability to sit as fair and impartial
16 jurors. To accomplish this result there is questions we ask of you by
17 myself or counsel for the parties.

18 On occasion, some of these questions will seem somewhat
19 personal. While we do not wish to unnecessarily pry into your personal
20 lives, the questions are necessary so that counsel and the Court can
21 make an intelligent determination as to your capabilities to serve fairly
22 and impartially.

23 I want you to know that myself and the attorneys and all other
24 persons involved in this case are concerned with having this matter tried
25 by jurors who are completely openminded, neutral, objective and

1 unbiased in their thinking. Wide discretion is vested in the trial judge as
2 to the method of examination of jurors.

3 As I stated previously, I will personally conduct the voir dire,
4 but I will give the attorneys the opportunity to participate in this
5 questioning. It is important that you know the significance of full,
6 complete and honest answers to all the questions we are about to ask
7 you. I caution you not to try to hide or withhold anything which might
8 indicate bias or prejudice of any sort by any of you.

9 Should you fail to answer truthfully, if you hide or withhold
10 anything touching upon your qualifications, that fact may tend to
11 contaminate your verdict and subject you to further inquiry even after
12 you're discharged as jurors.

13 Your decision should be based on all of the evidence
14 presented during this trial; not based upon preconceived prejudice or
15 bias. I will conduct a general voir dire examination of all of you while
16 you're seated in the audience. After those general questions, the clerk
17 will call the first thirty-two names using the order provided to us by the
18 Jury Commissioner to fill our jury box.

19 At some point during the process of selecting a jury the
20 attorneys for both sides will have the right to ask that a particular person
21 not serve as a juror. These requests are called challenges. There are
22 two types of challenges, challenges for cause and peremptory
23 challenges.

24 A challenge for cause means that a juror has been excused
25 because his or her answers to some of the voir dire questions indicate

1 that he or she would have a difficult time in giving a fair and impartial
2 hearing to this case. I will ask the attorneys to pass or waive the
3 prospective jurors for a cause challenge when we are done questioning
4 the prospective jurors.

5 A peremptory challenge means that a juror can be excused
6 from duty without counsel having to give a reason for that excusal.
7 Please do not be offended should you be excused by either of the
8 challenge procedures. They are simply part of the procedure designed
9 to protect the rights of the parties under our system of government. And
10 if you wish to respond to a question individually in the affirmative, I just
11 ask that you raise your hand and state your name and badge number
12 before responding.

13 Is there anyone on the panel that is convicted of a felony?
14 We're going to bring the microphone over.

15 PROSPECTIVE JUROR NO. 0557: 557, Marcus Wright.

16 THE COURT: Okay. Do you currently have felony
17 conviction?

18 PROSPECTIVE JUROR NO. 0557: Yes, ma'am.

19 THE COURT: Okay. Is it in the State of Nevada?

20 PROSPECTIVE JUROR NO. 0557: Yes, ma'am.

21 THE COURT: Do you have to register?

22 PROSPECTIVE JUROR NO. 0557: No.

23 THE COURT: Okay. Because usually that means you are not
24 a felony conviction. So, what I'm going to ask you to do is, if you don't
25 mind writing your name, your social security and your date of birth so we

1 can just check; and when we're done with that piece of paper, I'll make
2 sure it gets shredded and so no one will have your personal information.

3 PROSPECTIVE JUROR NO. 0557: Okay.

4 THE COURT: So, if you don't mind, and then giving that to
5 the Court Marshal.

6 THE MARSHAL: Who else?

7 PROSPECTIVE JUROR NO. 0594: 594, Theodore
8 Dombrowski.

9 THE COURT: Okay. Do you currently have a felony
10 conviction?

11 PROSPECTIVE JUROR NO. 0594: No. It's from Wisconsin.

12 THE COURT: Okay. Do you currently have a felony
13 conviction?

14 PROSPECTIVE JUROR NO. 0594: No, ma'am.

15 THE COURT: Okay. All right. Thank you. And, I think there
16 was somebody over here?

17 PROSPECTIVE JUROR NO. 0518: 518, Ryan Kelly.

18 THE COURT: Okay. Do you currently have a felony
19 conviction?

20 PROSPECTIVE JUROR NO. 0518: Yes, I think so.

21 THE COURT: Okay. Where?

22 PROSPECTIVE JUROR NO. 0518: Hawaii.

23 THE COURT: Do you have to register?

24 PROSPECTIVE JUROR NO. 0518: No.

25 THE COURT: Okay. Do you mind doing the same thing for

1 me, writing your name, date of birth and social security number?

2 PROSPECTIVE JUROR NO. 0518: Okay.

3 THE COURT: Okay. Anyone else ever been convicted of a
4 felony? Okay, the record will reflect no response from the panel.

5 Is there anyone on the panel who is not a United States
6 citizen? The record will reflect no response from the panel.

7 Is there anyone on the panel who is not a resident of Clark
8 County, Nevada? The record will reflect no response from the panel.

9 Is there anyone on the panel who has such a sympathy,
10 prejudice or bias relating to age, religion, race, gender or national origin
11 that they feel would affect their ability to be an openminded, fair and
12 impartial juror? Okay. If you don't mind standing and stating your name
13 and badge number again?

14 PROSPECTIVE JUROR NO. 0518: 518, Ryan Kelly.

15 THE COURT: Okay. Go ahead.

16 PROSPECTIVE JUROR NO. 0518: Do I have to explain why?

17 THE COURT: Yeah.

18 THE MARSHAL: Can you speak directly into the microphone?

19 PROSPECTIVE JUROR NO. 0518: Okay. I think everybody
20 is guilty to some part and I don't believe hardly anything I hear and like
21 only half of what I see so --

22 THE COURT: I'm sorry, you don't believe --

23 PROSPECTIVE JUROR NO. 0518: I don't believe anything I
24 hear and only half of what I can see so I'm not really gonna believe
25 them.

1 THE COURT: Okay. Thank you. Anyone else? The record
2 will reflect no response from the panel. Are there any of you on the
3 panel who are acquainted with the defendant, Mr. Toney White? The
4 record will reflect no response from the panel.

5 Is there anyone who is familiar with his attorney, Mr. Sanft?
6 The record will reflect no response from the panel.

7 Are there any of you who are acquainted with the Deputy
8 District Attorneys that have been assigned to prosecute this matter? The
9 record will reflect no response from the panel.

10 The District Attorney's Office employs many deputies and
11 other personnel. Is there anyone who has such a close relationship with
12 either the District Attorney, Mr. Steve Wolfson, his deputies or other
13 members of his staff that you feel might affect your ability to serve as a
14 fair and impartial juror in this particular case?

15 PROSPECTIVE JUROR NO. 0566: Norma Serratos, 566. I
16 run his political campaigns for Mr. Wolfson.

17 THE COURT: I'm sorry. Say --

18 PROSPECTIVE JUROR NO. 0566: I run his political
19 campaigns for Mr. Wolfson.

20 THE COURT: What does that mean? What do you do?

21 PROSPECTIVE JUROR NO. 0566: We canvass for him when
22 he runs up for election.

23 THE COURT: What does that mean?

24 PROSPECTIVCE JUROR NO. 0566: We go door to door
25 asking for his votes. We work really close with him to get him re-elected

1 for the seat.

2 THE COURT: Okay; and you're a volunteer?

3 PROSPECTIVE JUROR NO. 0566: No. I run the campaign.

4 THE COURT: Okay. You're his campaign manager?

5 PROSPECTIVE JUROR NO. 0566: Yeah. Political counselor
6 -- manager, yes.

7 THE COURT: Okay. And you're retained -- so you've been
8 employed by him?

9 PROSPECTIVE JUROR NO. 0566: Yes, of last year.

10 THE COURT: Okay. And what is the name of your company?

11 PROSPECTIVE JUROR NO. 0566: Karma.

12 THE COURT: I'm sorry?

13 PROSPECTIVE JUROR NO. 0566: Organized Karma.

14 THE COURT: Organized Karma? Is there anything about
15 that that would affect your ability to be fair and impartial?

16 PROSPECTIVE JUROR NO. 0566: I don't think so, but you
17 just saying that I thought I had to say --

18 THE COURT: No. I think you're -- it's appropriate for you to
19 disclose that. I guess my only question is, is there anything about your
20 -- you're not currently employed by Mr. Steve Wolfson, right?

21 PROSPECTIVE JUROR NO. 0566: No. No.

22 THE COURT: That was --

23 PROSPECTIVE JUROR NO. 0566: Last year.

24 THE COURT: -- last year. Is there anything about your
25 former employment that would affect your ability to sit as a fair and

1 impartial juror in this case?

2 PROSPECTIVE JUROR NO. 0566: No, ma'am.

3 THE COURT: Okay. Thank you. Thank you for being here.

4 Anyone else? Okay. The record will reflect no further
5 response from the panel.

6 Are there any of you who are acquainted with any of the
7 witnesses whose names were previously mentioned by the Deputy
8 District Attorney? Anyone familiar with the witnesses? Okay. The
9 record will reflect no response from the panel.

10 We do expect this case to last into next week. It's already a
11 short week because yesterday was a holiday. So, we'd be here
12 Tuesday, Wednesday, Thursday; the Court would be dark on Friday;
13 and then we would go into next week until we finish, Monday or
14 Tuesday. So, my next question is, is there anyone that serving for that
15 period of time would present such an undue hardship or burden such
16 that it would be impossible for you to be here?

17 And, before you respond I just want to acknowledge I know
18 everybody has someplace else that you should be today. Everybody
19 has jobs, families and other responsibilities. So, that's not necessarily
20 what I'm looking for. Is there anyone that has something extraordinary;
21 such that it would just be impossible for you to serve at this particular
22 time? Okay, let's start up on the --

23 THE MARSHAL: We'll get back there to you, just hang on.
24 Please pass that down please.

25 PROSPECTIVE JUROR NO. 0482: 482, Linda Fornos. Next

1 week on Thursday I'm traveling to Texas.

2 THE COURT: Okay. We'll be done by then but thank you.

3 THE MARSHAL: Anybody else in the top row? Okay, could
4 you pass it just forward, please?

5 PROSPECTIVE JUROR NO. 0516: 516, Zachary Payne.
6 Next week I'm taking time off work for Family Medical Leave and so this
7 is more extra time and that's what I'm worried about.

8 THE COURT: Okay. Well, tell me what you're worried about.

9 PROSPECTIVE JUROR NO. 0516: Oh, I have to go to
10 California to go with my girlfriend who's getting surgery on -- bloodwork
11 next week and then surgery on the following Monday.

12 THE COURT: When?

13 PROSPECTIVE JUROR NO. 0516: The 28th and then the 4th.

14 THE COURT: So, February 28th of next week?

15 PROSPECTIVE JUROR NO. 0516: Yes.

16 THE COURT: What is that Thursday?

17 PROSPECTIVE JUROR NO. 0516: Yes.

18 THE COURT: Okay. All right, thank you. Thank you for
19 being here.

20 THE MARSHAL: Anybody else in the second row? Can you
21 pass it just forward, please?

22 PROSPECTIVE JUROR NO. 0562: Hi. My name Ge Wu, my
23 number is 562.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 0562: Because my English is

1 not very good, you know. I cannot understand.

2 THE COURT: Okay. And you're a U.S. citizen?

3 PROSPECTIVE JUROR NO. 0562: Yes, I am.

4 THE COURT: Okay, how long have you lived in the U.S.?

5 PROSPECTIVE JUROR NO. 0562: Fourteen year.

6 THE COURT: Fourteen years?

7 PROSPECTIVE JUROR NO. 0562: Yes.

8 THE COURT: Okay. And you haven't had any problems
9 communicating with me and being responsive --

10 PROSPECTIVE JUROR NO. 0562: No.

11 THE COURT: -- to my questions. So, the only thing that I ask
12 is that, if at some point, you don't understand something if you would just
13 raise your hand and let me know that.

14 PROSPECTIVE JUROR NO. 0562: Okay. Thank you.

15 THE COURT: And you're employed?

16 PROSPECTIVE JUROR NO. 0562: Yes.

17 THE COURT: Your employed? What do you do?

18 PROSPECTIVE JUROR NO. 0562: I work in the poker
19 dealer; I work in the Orleans Casino.

20 THE COURT: Okay. And how long have you done that?

21 PROSPECTIVE JUROR NO. 0562: Yeah. Fourteen --
22 thirteen years, I think.

23 THE COURT: What language do you speak at work?

24 PROSPECTIVE JURFOR NO. 0562: I speak at work? I
25 speak at -- sorry, I don't understand.

1 THE COURT: Do you speak English at work?
2 PROSPECTIVE JUROR NO. 0562: Yes. I speak English at
3 work.
4 THE COURT: Okay.
5 PROSPECTIVE JUROR NO. 0562: But, you know, just the
6 rule I understand it, you know.
7 THE COURT: Okay. Thank you.
8 PROSPECTIVE JUROR NO. 0562: Thank you.
9 THE COURT: I appreciate you being here.
10 THE MARSHAL: Anybody else in the front row here?
11 PROSPECTIVE JUROR NO. 0594: 594, Theodore
12 Dombrowski. I have a deposition coming up next week Monday and
13 Tuesday.
14 THE COURT: Are you under subpoena?
15 PROSPECTIVE JUROR NO. 0594: I'm on a -- I'm on a -- oh
16 what do you call it? I'm suing the -- a company.
17 THE COURT: Okay. And, so who's taking your deposition?
18 PROSPECTIVE JUROR NO. 0594: It's the attorney that were
19 for Concentra.
20 THE COURT: Okay, the defense attorney. Have you told
21 your attorney that you've been summonsed here --
22 PROSPECTIVE JUROR NO. 0594: Yes.
23 THE COURT: -- today for jury duty?
24 PROSPECTIVE JUROR NO. 0594: Yes.
25 THE COURT: Okay. Are you under subpoena for that

1 deposition?

2 PROSPECTIVE JUROR NO. 0594: I gotta be there.

3 THE COURT: Have you been subpoenaed for that
4 deposition?

5 PROSPECTIVE JUROR NO. 0594: I'm not sure.

6 THE COURT: Okay. Well, did someone serve you with a
7 subpoena and say be at the deposition?

8 PROSPECTIVE JUROR NO. 0594: No.

9 THE COURT: Okay. All right, thank you.

10 PROSPECTIVE JUROR NO. 0605: All right, I'm sorry. Yes,
11 605.

12 THE MARSHAL: Just make sure you speak directly into the
13 microphone.

14 THE COURT: Harold Beall?

15 THE MARSHAL: It's on.

16 PROSPECTIVE JUROR NO. 0605: Hello. Okay.

17 THE COURT: Mr. Beall?

18 PROSPECTIVE JUROR NO. 0605: 605, Harold Beall, yes.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 0605: I've got medical
21 problems, Your Honor. My mind's willing but my body's not willing.

22 THE COURT: Okay. Do you think that would interfere or
23 impact your ability to sit here and do jury duty?

24 PROSPECTIVE JUROR NO. 0605: I can't sit that long, yes,
25 at one time.

1 THE COURT: Okay. Is there – are you having any problems
2 right now, this morning?

3 PROSPECTIVE JUROR NO. 0605: I'm a little short of breath
4 but other than that I'm okay.

5 THE COURT: Okay. Is this just maybe not a good time for
6 you to do jury duty?

7 PROSPECTIVE JUROR NO. 0605: Yes, ma'am.

8 THE COURT: Okay. Do you want to be excused?

9 PROSPECTIVE JUROR NO. 0605: If I could, please.

10 THE COURT: Okay. Thank you for being here, Mr. Beall.
11 Sorry that you don't feel good.

12 PROSPECTIVE JUROR NO. 0606: This is number 606,
13 ma'am, and my name is Ali Dorrady.

14 THE COURT: Do you mind just letting Mr. Beall get out?
15 Thank you. Okay, Juror 606, Mr. Dorrady?

16 PROSPECTIVE JUROR NO. 0606: Yes.

17 THE COURT: Go ahead.

18 PROSPECTIVE JUROR NO. 0606: So, next week I'm going
19 to cover a -- I'm working with the NV Energy transmission line. So, I was
20 supposed to cover the live test, so 24/7 for somebody who – they know
21 nothing stay on that time.

22 THE COURT: Okay. When is this?

23 PROSPECTIVE JUROR NO. 0606: It's gonna be Monday
24 through Thursday.

25 THE COURT: Okay. And, what happens if you're selected to

1 be on jury duty?

2 PROSPECTIVE JUROR NO. 0606: I can ask them to find
3 somebody, because I'm the only relief guy on that position, --

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 0606: -- so.

6 THE COURT: But if you have to be here, NV Energy would
7 figure it out, right?

8 PROSPECTIVE JUROR NO. 0606: Yes.

9 THE COURT: Okay. Thank you, sir.

10 PROSPECTIVE JUROR NO. 0606: No problem.

11 THE COURT: Thank you for being here.

12 Anyone else?

13 THE MARHSAL: Anybody else in the front row? Back here?

14 PROSPECTIVE JUROR NO. 0623: I'm 623, Eric Gonzalez. I
15 attend college and this whole week we'll have classes and I have to go
16 to a tutoring centers.

17 THE COURT: Okay. Where are you enrolled?

18 PROSPECTIVE JUROR NO. 0623: UNLV.

19 THE COURT: What are you studying?

20 PROSPECTIVE JUROR NO. 0623: Mechanical Engineering.

21 THE COURT: I'm sorry?

22 PROSPECTIVE JUROR NO. 0623: Mechanical Engineering.

23 THE COURT: Okay. What year are you?

24 PROSPECTIVE JUROR NO. 0623: I'm a sophomore.

25 THE COURT: How many credits are you taking?

1 PROSPECTIVE JUROR NO. 0623: Fifteen right now.
2 THE COURT: So, you have a full load?
3 PROSPECTIVE JUROR NO. 0623: Yeah.
4 THE COURT: Would being here this week and maybe into
5 next week interfere with your ability to do your -- I guess be in class and
6 do your studying?
7 PROSPECTIVE JUROR NO. 0623: Yeah. Actually, today I
8 missed class because of this.
9 THE COURT: Okay. All right. Thank you, sir. Thank you for
10 being here.
11 THE MARSHAL: Anybody else in this row, back here?
12 PROSPECTIVE JUROR NO. 0626: 626, my name is Jorge
13 Alonso and I go to UNLV as well but I missed today; and I don't know if I
14 can come back on Thursday or Tuesday because I have an exam for
15 psyche classes.
16 THE COURT: What are you studying?
17 PROSPECTIVE JUROR NO. 0626: Radiography.
18 THE COURT: How many credits do you have?
19 PROSPECTIVE JUROR NO. 0626: Fifteen.
20 THE COURT: Okay. All right, thank you, sir.
21 Anyone else?
22 PROSPECTIVE JUROR NO. 0630: My number is 630. My
23 name is Corrie Parker. I work for myself and so if I don't work, by being
24 here I have no way to pay bills.
25 THE COURT: Okay. What do you do?

1 PROSPECTIVE JUROR NO. 0630: I do credit card
2 processing and sales for Slice payments.
3 THE COURT: I'm sorry, maybe -- what does that mean?
4 Sorry.
5 PROSPECTIVE JUROR NO. 0630: So, basically, small
6 businesses, we -- I just go and canvass and try to sell credit card
7 processing systems to companies.
8 THE COURT: Oh, okay. The little swipers?
9 PROSPECTIVE JUROR NO. 0630: Yes.
10 THE COURT: Okay. And you're -- you do -- you're self-
11 employed so you sell all your own, I guess, equipment?
12 PROSPECTIVE JUROR NO. 0630: Yes.
13 THE COURT: All right. If you were asked to be here for the
14 next few days, how would that affect you financially?
15 PROSPECTIVE JUROR NO. 0630: Very much so.
16 Thousands of dollars would be lost.
17 THE COURT: Would you be able to pay your bills?
18 PROSPECTIVE JUROR NO. 0630: No ma'am.
19 THE COURT: Okay. So, you make money every day?
20 PROSPECTIVE JUROR NO. 0630: Yes, ma'am.
21 THE COURT: Okay. So, you're good at what you do?
22 PROSPECTIVE JUROR NO. 0630: Yes.
23 THE COURT: Thank you. Thank you for being here.
24 Anyone else?
25 PROSPECTIVE JUROR NO. 0627: 627, my name is

1 Humberto Aguayo and I have a hearing problem.

2 THE COURT: Okay. Well, we have something that can
3 probably help resolve that. The Court Marshal will give you some
4 earphones.

5 PROSPECTIVE JUROR NO. 0627: I'm in treatment right
6 now and I get vertigo and I can vomit like at any time.

7 THE COURT: I'm sorry. You went from you can't hear to your
8 going to vomit?

9 PROSPECTIVE JUROR NO. 0627: Yeah.

10 THE COURT: What's wrong?

11 PROSPECTIVE JUROR NO. 0627: Because my ear
12 infection.

13 THE COURT: Oh, you have an ear infection?

14 PROSPECTIVE JUROR NO. 0627: Yes.

15 THE COURT: Okay, how long have you had this ear
16 infection?

17 PROSPECTIVE JUROR NO. 0627: It's been seven days
18 already.

19 THE COURT: Have you gone to the doctor?

20 PROSPECTIVE JUROR NO. 0627: Yes, and I'm on
21 treatment right now.

22 THE COURT: What kind of treatment?

23 PROSPECTIVE JUROR NO. 0627: He gave me some pills
24 and a spray.

25 THE COURT: Okay. Are you working?

1 PROSPECTIVE JUROR NO. 0627: Not right now.
2 THE COURT: Are you employed?
3 PROSPECTIVE JUROR NO. 0627: Yes, I am.
4 THE COURT: But you're -- so, you're off today? I mean --
5 PROSPECTIVE JUROR NO. 0627: Yes, I'm off today.
6 THE COURT: Did you go to work yesterday?
7 PROSPECTIVE JUROR NO. 0627: No, I was off.
8 THE COURT: Okay. Are you going to go to work tomorrow?
9 PROSPECTIVE JUROR NO. 0627: If I feel better, yes, I will.
10 THE COURT: How long have you been off of work?
11 PROSPECTIVE JUROR NO. 0627: Almost three days.
12 THE COURT: Okay. You don't feel good today?
13 PROSPECTIVE JUROR NO. 0627: Well, I have to be here.
14 That's the reason. But I feel dizzy.
15 THE COURT: You feel dizzy?
16 PROSPECTIVE JUROR NO. 0627: Yes.
17 THE COURT: Okay. All right, thank you, sir.
18 THE MARSHAL: Anybody else?
19 THE COURT: Anyone else that wishes to respond?
20 THE MARSHAL: We got one more at the top over here.
21 THE COURT: Okay.
22 PROSPECTIVE JUROR NO. 0495: Badge number 495,
23 Laura Miller.
24 THE COURT: Go ahead.
25 PROSPECTIVE JUROR NO. 0495: I have a young son and

1 his father is going to be out of town so I am sole caretaker. He goes to
2 school in Boulder City. He's in Martha P. King, so he's in fifth grade, and
3 I don't have any care for him. I could manage for a couple of days but
4 the extension into next week is very concerning for me. Additionally, I
5 am also self-employed and I pay my bills by working and if I'm not
6 working, I'm not making any money. I'm a Landscape Architect.

7 THE COURT: Well, then when you're working, who takes
8 care of your son?

9 PROSPECTIVE JUROR NO. 0495: He's at school.

10 THE COURT: Okay. So, you only work during school hours?

11 PROSPECTIVE JUROR NO. 0495: Right. So, I'm there to
12 pick him up after school and there to take him to school.

13 THE COURT: What do you do?

14 PROSPECTIVE JUROR NO. 0495: I'm a Landscape
15 Architect.

16 THE COURT: Okay. Thank you.

17 THE MARSHAL: Anyone else?

18 PROSPECTIVE JUROR NO. 0513: 513, Danise Payne. I'm
19 not sure if this counts but I'm employed, two part-time temporary jobs. I
20 don't get paid if I'm not there. And going into next week would seriously
21 put a damper on how I pay my bills also, so I thought I'd throw that in.

22 THE COURT: Would you be able to pay your bills if you had
23 to be here?

24 PROSPECTIVE JUROR NO. 0513: It would be a struggle.

25 THE COURT: Okay. Thank you.

1 Anyone else? Okay, the record will reflect no further response
2 from the panel.

3 Are there any of you who believe that for any other reason you
4 would be unable to serve as a juror in this particular case? The record
5 will reflect no response from the panel.

6 Is there anyone on this panel who's ever been engaged in law
7 enforcement work or have a spouse or close relative who's ever been
8 engaged in law enforcement work?

9 PROSPECTIVE JUROR NO. 0479: Badge Number 479, my
10 name is Chelsey Lee. My father is a retired Metro officer and I have a
11 pending application for corrections for Metro.

12 THE COURT: Okay. So, your father -- what did he do when
13 he worked for Metro?

14 PROSPECTIVE JUROR NO. 0479: He was a police officer.

15 THE COURT: Okay. And, is he retired?

16 PROSPECTIVE JUROR NO. 0479: Yeah, he retired last year.

17 THE COURT: Okay. Anything about his former employment
18 that would affect your ability to be fair and impartial?

19 PROSPECTIVE JUROR NO. 0479: No.

20 THE COURT: Okay. And now, tell me how far you are in the
21 process of applying for a C.O.

22 PROSPECTIVE JUROR NO. 0479: I've done the physical,
23 the written, they postponed the oral and they are doing the background
24 check.

25 THE COURT: Okay. Anything about that that would interfere

1 with your ability to be fair and impartial?

2 PROSPECTIVE JUROR NO. 0479: No.

3 THE COURT: Okay, thank you.

4 PROSPECTIVE JUROR NO. 0464: 464, Vanessa Grajeda. I
5 have a marshal cousin who works here at this courthouse.

6 THE COURT: Okay. Anything about that that would affect
7 your ability to be fair and impartial?

8 PROSPECTIVE JUROR NO. 0464: No, not really. I just don't
9 want her to be affected by it.

10 THE COURT: Well, I don't think that -- I don't think the
11 marshal will be affected by you being here.

12 PROSPECTIVE JUROR NO. 0464: Well, she's not here in
13 this courthouse but I just wanted to make sure.

14 THE COURT: Okay. Does she work in the courthouse?

15 THE MARSHAL: She works across the street --

16 PROSPECTIVE JUROR NO. 0464: She works here.

17 THE MARSHAL: -- in the Phoenix building.

18 PROSPECTIVE JUROR NO. 0464: Yeah.

19 THE COURT: Okay. But, anything about that that would
20 affect your ability to be fair and impartial?

21 PROSPECTIVE JUROR NO. 0464: No.

22 THE COURT: Okay, thank you.

23 THE MARSHAL: Can you just pass it forward, please? Thank
24 you.

25 PROSPECTIVE JUROR NO. 0510: Juror 510, Robert

1 Wilkins. My father-in-law, who's passed, but he was four years with
2 Metro. Yeah, and towards the end, investigations and stuff. But I just
3 wanted to let you know.

4 THE COURT: Thank you. Anything about that that would
5 affect your --

6 PROSPECTIVE JUROR NO. 0510: Oh, no, absolutely not.

7 THE COURT: -- ability to be fair and impartial?

8 PROSPECTIVE JUROR NO. 0510: Oh, yeah, absolutely.

9 THE COURT: All Right. Thank you, Mr. Wilkins.

10 THE MARSHAL: Right next to you, sir.

11 PROSPECTIVE JUROR NO. 0511: 511, Randi McCay. I
12 come from a family of officers, not here but in New York. I have several
13 cousins and a brother who's a police officer.

14 THE COURT: Anything about their employment that would
15 affect your ability to be fair and impartial?

16 PROSPECTIVE JUROR NO. 0511: No. No, ma'am.

17 THE COURT: Okay. Thank you.

18 Anyone else? Ms. Payne?

19 PROSPECTIVE JUROR NO. 0513: 513, Danise Payne. My
20 brother-in-law in Vallejo, California is a Metro officer.

21 THE COURT: Okay, anything about that that would affect
22 your ability to be fair and impartial?

23 PROSPECTIVE JUROR NO. 0513: No.

24 THE COURT: Thank you.

25 THE MARSHAL: Anybody else in the top row or the middle

1 row here? Anybody in the front row, in the back?

2 PROSPECTIVE JUROR NO. 0610: Your Honor, I was a Gary
3 police officer for twelve years --

4 THE COURT: Do you mind stating your name and badge
5 number?

6 PROSPECTIVE JUROR NO. 0610: Woodrow Feeler, 610.

7 THE COURT: Okay. Anything about that that would affect
8 your ability to be fair and impartial?

9 PROSPECTIVE JUROR NO. 0610: No ma'am.

10 THE COURT: Okay. Thank you, sir.

11 Anyone else that wishes to respond to that question? The
12 record will reflect no further response from the panel.

13 Is there anyone on this panel who believes they may not be
14 able to follow all of the instructions of the Court on the law even if the
15 instructions differ from your personal conceptions of what the law ought
16 to be? Okay. The record will reflect no response from the panel.

17 As a follow-up to the previous question, in any criminal trial the
18 members of the jury sitting collectively are the judges of the question of
19 fact in this case. As the Judge in the case, I am the Judge of the
20 questions of law and it's my responsibility to be sure that I give
21 instructions on the law that apply to this particular case.

22 It would be a violation of a juror's duty if he or she tried to
23 render a judgment based upon what he or she believed the law to be if
24 that differed from my instructions. With that in mind, is there anyone
25 who feels that they cannot be fact finders and follow my instructions on

1 the applicable law in this case? The record will reflect no response from
2 the panel.

3 Under our system there are certain principles of law that apply
4 in every criminal trial. They are that the Information filed in this case is a
5 mere accusation and is not evidence of guilt; that as the defendant sits
6 here today he is presumed innocent and the State, therefore, must prove
7 that the defendant is guilty by proof beyond a reasonable doubt.

8 Does anyone not understand or believe in these basic
9 precepts of American justice? The record will reflect no response from
10 the panel.

11 Does anybody know anything about this case, other than
12 what's been stated in the courtroom here today? The record will reflect
13 no response from the panel.

14 We're going to take a short recess out in the hallway with the
15 attorneys. It'll be easier. You all can stay in here. I just want to remind
16 you that you are still on the record, the Court Marshal will remain. We'll
17 take a couple of minutes and then we will come back.

18 [Pause in the proceedings]

19 THE COURT: Does the State stipulate to the presence of the
20 panel?

21 MR. SCWHARTZER: Yes, Your Honor.

22 THE COURT: The Defense?

23 MR. SANFT: Yes, Your Honor. Thank you.

24 THE COURT: Okay, at this time the Clerk's going to call the
25 first thirty-two names. When your name is called, most of you are just

1 going to sit in the same seats that you are sitting in.

2 THE CLERK: Seat 1 is going to be Jason Greene, badge 463;
3 seat 2, Vanessa Grajeda, badge 464; seat 3, Janice Paul, badge 471;
4 seat 4, Chelsey Lee, badge 479; seat 5, McKenzie Day, badge 480; seat
5 6, Linda Fornos, badge 482; seat 7, Jon Williams, badge 487 --

6 THE COURT: Ms. Miller, if you don't mind stepping down out
7 of the box. You can step down out of the box and take a seat in the
8 gallery.

9 THE CLERK: Seat 8 is now going to be Patricia Taylor, badge
10 503.

11 THE COURT: So, if you don't mind, if you will just scoot
12 down.

13 THE CLERK: Seat 9, Nichol Dobbs, badge 505; seat 10,
14 Angel Serrano, badge 506; seat 11, Barry Oliver, badge 507.

15 THE COURT: So, Mr. Oliver you will take a seat back there.
16 You will be in seat 11. Thank you very much.

17 THE CLERK: Seat 12, Robert Wilkins, 510.

18 THE COURT: If you will just scoot over -- yeah, if you will
19 scoot over one seat.

20 THE CLERK: Seat 13, Randi McCay, badge 511; seat 14,
21 Doris Lee, badge 512.

22 THE COURT: Ms. Payne, if you don't mind stepping down out
23 of the box. You can take a seat in the gallery.

24 THE CLERK: Seat 15, Zachary Payne, badge 516; seat 16,
25 Ryan Kelly, badge 518; seat 17 --

1 THE MARSHAL: Mr. Kelly.

2 THECOURT: Ryan Kelly? Okay, here's one thing you can't
3 do in court. You cannot fall asleep. Okay.

4 PROSPECTIVE JUROR NO. 0518: I'm tired.

5 THE COURT: Well, you can't fall asleep. You're a grownup.
6 You're an adult. You need to stay awake. Okay?

7 PROSPECTIVE JUROR NO. 0518: I also need help. I need
8 sleep.

9 THE COURT: You're in seat 16.

10 THE CLERK: Seat 17, Brenda O'Farrell, badge 520; seat 18,
11 Paul Phillips, badge 529; seat 19, Sadaf Kasravi-Khan, badge 545 --

12 THE MARSHAL: You're gonna go up top.

13 THE CLERK: -- seat 20 is going to be Leonor Canon, badge
14 550.

15 THE MARSHAL: You're in seat 19, ma'am. There you go.

16 THE CLERK: Seat 21, Mayro Matos, badge 553; seat 22,
17 Marcus Wright, badge 557; seat 23, Gregory Quick, badge 559; seat
18 24, Ge Wu, badge 562; seat 25, Norma Serratos, badge 566; seat 26,
19 Ruth Rodriguez, badge 567; seat 27, Stefka, Pristavova, badge 583;
20 seat 28, Frank Quintana, badge 590; seat 29, Theodore Dombrowski,
21 badge 594.

22 THE COURT: Ms. Halvorson, you're going to be seat 30.
23 You can follow.

24 THE CLERK: Seat 30, Kristi Halvorson, badge 604; 31, Ali
25 Dorrody, badge 606.

1 THE MARSHAL: It's right on the end, sir, right on the end.

2 THE COURT: Yeah, you will be right on the end.

3 THE CLERK: And seat 32, Jason Tipton, badge 609.

4 THE COURT: Okay, at this time we are going to recess for
5 lunch. During this recess you are admonished not to talk or converse
6 among yourselves or with anyone else on any subject connected to this
7 trial; or read, watch or listen to any report of or commentary on the trial;
8 or any person connected with this trial by any medium of information
9 including, without limitation, newspapers, television, the Internet or radio;
10 or form or express any opinion on any subject connected with this trial
11 until the case is finally submitted to you.

12 We'll be in recess --

13 [Colloquy between the Court and the Marshal]

14 So, we're going to be in recess until 1:45 p.m. Before you do
15 leave, if I call your name, if you just don't mind staying when I excuse
16 the panel, Laura Miller, Eric Gonzales, Jorge Alonso, Humberto Aguayo
17 and Corrie Parker. Otherwise, everyone is excused for lunch. Thank
18 you very much.

19 MR. SCHWARTZER: Your Honor --

20 THE COURT: Pardon? Yeah.

21 MR. SCHWARTZER: Danise Payne, you didn't say her name.

22 THE COURT: Did I not say her name?

23 MR. SCHWARTZER: Yeah.

24 THE COURT: I'm sorry, and Danise Payne. Yeah. Sorry
25 about that. Thank you.

1 [Outside the presence of the prospective jury panel.]

2 THE COURT: Okay. And, at this time, Ms. Laura Miller,
3 Danise Payne, Eric Gonzales, Mr. Alonso, Humberto Aguayo and Corrie
4 Parker, you are all excused. You do not need to report back after lunch.
5 Thank you very much for being here.

6 [Court recessed 12:38 p.m.]

7 [Court in session 1:51 p.m.]

8 [Outside the presence of the prospective jury]

9 THE MARSHAL: Please come to order. Court is now in
10 session.

11 THE COURT: The record will reflect that the hearing is taking
12 place outside the presence of the panel. Mr. Wright is a convicted felon
13 so I'm going to -- I've already told Hawkes he can excuse him so he
14 doesn't have to come back in.

15 MR. SANFT: Yes, your honor.

16 THE COURT: And then I'll put Woodrow Feeler in seat 22.

17 MR. SANFT: Yes, Your Honor.

18 THE COURT: Thank you.

19 MR. SANFT: Your, Honor, just one further matter of
20 housekeeping, actually two. First of all, my client has informed me that
21 he's having a hard hearing out of his right ear, if we could put the
22 headphones on him.

23 THE COURT: No problem.

24 MR. SANFT: Okay. Second of all, he's informed me that he
25 would like, potentially, to have one of the co-defendants who pled in this

1 case to testify. That person, I believe, is up at Lovelock. And so, I --
2 THE COURT: Who does he want to testify?
3 THE DEFENDANT: Dean.
4 THE COURT: Who?
5 THE DEFENDANT: Dean. Dean.
6 MR. SCHWARTZER: Marland Dean would be one of his co-
7 defendants, Your Honor.
8 THE COURT: The one that you contend threatened you?
9 THE DEFENDANT: Yeah.
10 THE COURT: You want me to bring him down here, even
11 though you wouldn't come to court with him ever? What is --
12 THE DEFENDANT: I mean my mom talked to him so I don't
13 know what they got going on; but she talked to him and that's what the
14 information I got from them.
15 THE COURT: Okay, I mean, who represents him?
16 Mr. SCHWARTZER: I'm sorry, Your Honor. It's been a little
17 bit.
18 THE COURT: Well and here's the thing. I just recently
19 received a post-conviction petition from him.
20 MR. SCHWARTZER: Oh, really.
21 THE COURT: Yeah.
22 MR. SCHWARTZER: Like he's fighting his conviction?
23 THE COURT: Yeah, so --
24 MR. SCHWARTZER: So, then --
25 MR. SANFT: Oh, I'm surprised his attorney is on top of it.

1 THE COURT: I mean, I have -- it's, like, within the last two
2 weeks I can recall reviewing it.

3 MR. SCHWARTZER: Wait, okay. I haven't seen that. I
4 haven't seen the post-conviction thing; so, I'll see if he's seeking to
5 withdraw his plea and stuff like that. There's some concern.

6 THE COURT: Well, he pled guilty.

7 MR. SCHWARTZER: He did.

8 THE COURT: So, the only issues he could raise would be --

9 MR. SANFT: Ineffective assistance of counsel.

10 THE COURT: Yeah. Or that he didn't, you know -- ineffective
11 assistance of counsel.

12 MR. SANFT: That's correct.

13 THE COURT: He did not file a direct appeal.

14 MR. SANFT: Right, because he pled to it, so my guess is.

15 THE COURT: Travis Shetler is his attorney.

16 MR. SCHWARTZER: Okay.

17 THE COURT: Now, I'm pretty sure -- well, I know the post-
18 conviction was in proper person.

19 MR. SCHWARTZER: Okay.

20 THE COURT: So, I don't know if that would've -- to me it
21 seems like that would affect his ability to -- I don't know.

22 MR. SCHWARTZER: I mean I think he needs to at least have
23 an attorney to advise him.

24 THE COURT: Absolutely. But so what do you want -- what
25 are you asking me to do?

1 MR. SANFT: Well, I just want to put on the record --

2 THE COURT: Mr. Sanft, are you asking me to have him
3 transported?

4 MR. SANFT: Yes, please. That's the main issue that I have
5 at this point. And, I know its last minute and this is the eleventh hour,
6 literally the eleventh hour, but my client informed me of this this morning,
7 indicating that's what he wants to do at this particular point, is call him as
8 a witness. I don't even know what he's going to say. All I know is what
9 he's pled to in which he's alleged under a conspiracy to commit robbery
10 that my client named in the Information is a co-conspirator in that
11 particular robbery.

12 THE COURT: Right, I mean --

13 MR. SCHWARTZER: And kidnapping too; because he pled to
14 a kidnapping. He *Barren* pled, including Toney White.

15 THE COURT: All right. So, how is that beneficial to Mr.
16 White?

17 MR. SANFT: I don't know and I've never met this man so I
18 have no idea what he would even say. I have no idea.

19 MR. SCHWARTZER: I mean I guess we can transport him
20 down. Mr. Sanft can talk to him and then he'd make the decision. I
21 mean, I don't want -- obviously, I don't want to mess with Defense
22 witnesses or anything like that.

23 THE COURT: Sure. So, when do you want him here?

24 MR. SANFT: Whatever the earliest is possible. I guess we
25 will just have to keep him down here, like what Tuesday would be what

1 are we are anticipating would be the end of the State's case. So, maybe
2 if he gets transported over the weekend down here and he's down here
3 on Monday, then I could talk to him on Monday and then figure out if we
4 should call him or not.

5 THE COURT: Okay. And then I -- oh, you know what?
6 Travis Shetler doesn't -- I mean if he's filed a post-conviction in proper
7 person that means that he's currently not represented by counsel.

8 MR. SANFT: Which would be more than likely one of the
9 track attorneys could handle that particular aspect of it, just to advise
10 him as to his rights whether he could even talk to me or not.

11 THE COURT: Okay, yeah, because I'd like to have him --
12 maybe Mr. Shetler would come and --

13 MR. SANFT: Sure.

14 THE COURT: -- do to that specific issue, and I'll remind him
15 that there is a post-conviction petition pending.

16 MR. SANFT: Yes, ma'am

17 THE COURT: At least will you do the order to transport?

18 MR. SCHWARTZER: Sure.

19 THE COURT: Okay. For next Monday?

20 MR. SCHWARTZER: Yes.

21 THE COURT: And then you can at least, you know, talk to
22 him, see what he has to say and --

23 MR. SANFT: And make an evaluation, at that point, whether I
24 can call him or not.

25 THE COURT: Right.

1 MR. SANFT: Thank you, Your Honor.

2 THE CLERK: Judge, do you want -- I'm sorry. Do we need
3 to set that on calendar, or is it okay for them to just --

4 THE COURT: No. No. They'll just do an order to transport.

5 THE CLERK: Okay.

6 THE COURT: Officer Hawkes --

7 THE MARSHAL: Yes ma'am.

8 THE COURT: -- Mr. White's indicated he needs headphones.
9 Do you mind?

10 THE MARSHAL: Okay.

11 THE COURT: Okay. So, you'll just do it -- all right. All right,
12 I'll let you do your thing. Okay. And then you let me know, Mr. White, if
13 that helps. Do you have a problem with your right ear?

14 THE DEFENDANT: Yeah. I'm deaf in my right ear.

15 THE COURT: Okay. Well, will an earphone -- are you
16 completely in the right ear?

17 THE DEFENDANT: Yeah.

18 MR. SANFT: Oh, well, then --

19 THE COURT: So, will an earphone even help you?

20 THE DEFENDANT: I don't know.

21 THE COURT: Well, hey, you know what? Why don't we just
22 try it and see? I don't ever remember you having problems hearing in
23 court. You always seemed to --

24 THE DEFENDANT: No, oh.

25 THE COURT: -- be able to hear.

1 THE MARSHAL: There's volume dials on the bottom.
2 THE DEFENDANT: Oh, right here.
3 THE COURT: Maybe if it was louder on the left ear.
4 MR. SANFT: Right.
5 THE COURT: Okay. Is that better, Mr. White?
6 THE DEFENDANT: Yeah.
7 THE COURT: Is that -- okay, perfect. Okay.
8 MR. SANFT: Thank you, Your Honor.
9 THE COURT: You bet. We're ready.
10 THE MARSHAL: All right, jurors, come on in. All rise for the
11 entering jury, please.
12 [In the presence of the prospective jury]
13 THE COURT: Does the State stipulate to the presence of the
14 panel?
15 MR. SCHWARTZER: Yes, Your Honor.
16 THE COURT: The Defense?
17 MR. SANFT: Yes, Your Honor. Thank you.
18 THE COURT: Okay. At this time, I'm going to ask Woodrow
19 Feeler, if you don't mind coming up, you're going to take seat number
20 22. Do they --
21 Mr. Greene, I'm going to start with you. Does he have the
22 microphone?
23 THE MARSHAL: I can give it to him right now.
24 THE COURT: Okay, thanks.
25 Mr. Greene, how long have you lived in Clark County?

1 PROSPECTIVE JUROR NO. 0463: Twelve years.
2 THE COURT: And what do you do for a living?
3 PROSPECTIVE JUROR NO. 0463: Nothing right now
4 because I'm unemployed.
5 THE COURT: Okay. What was your last job?
6 PROSPECTIVE JUROR NO. 0463: I used to be a chef.
7 THE COURT: I'm sorry?
8 PROSPECTIVE JUROR NO. 0463: A chef.
9 THE COURT: Okay. Your marital status?
10 PROSPECTIVE JUROR NO. 0463: Single.
11 THE COURT: Do you have any children?
12 PROSPECTIVE JUROR NO. 0463: One.
13 THE COURT: Is that child old enough to be employed?
14 PROSPECTIVE JUROR NO. 0463: No, not at all.
15 THE COURT: Okay. Do you know of any reason why you
16 could not be a completely fair and impartial juror if you were selected to
17 serve?
18 PROSPECTIVE JUROR NO. 0463: No reason.
19 THE COURT: Okay. Thank you, Mr. Greene. Thank you for
20 being here.
21 Ms. Vanessa Grajeda?
22 PROSPECTIVE JUROR NO. 0464: Yes.
23 THE COURT: How long have you lived in Clark County?
24 PROSPECTIVE JUROR NO. 0464: I've been here my whole
25 life, thirty-one years.

1 THE COURT: Okay. And, what do you do for a living?
2 PROSPECTIVE JUROR NO. 0464: I'm a financial secretary
3 at a dental office.
4 THE COURT: And your education background?
5 PROSPECTIVE JUROR NO. 0464: I have nine months of
6 college, a dental certificate.
7 THE COURT: And your marital status?
8 PROSPECTIVE JUROR NO. 0464: Single.
9 THE COURT: Do you have kids?
10 PROSPECTIVE JUROR NO. 0464: Yes, I have a son.
11 THE COURT: Is that child old enough to be employed?
12 PROSPECTIVE JUROR NO. 0464: No.
13 THE COURT: Do you know of any reason why you could not
14 be a completely fair and impartial juror if you were selected to serve?
15 PROSPECTIVE JUROR NO. 0464: No, ma'am.
16 THE COURT: Thank you. Thank you for being here.
17 Ms. Janice Paul?
18 PROSPECTIVE JUROR NO. 0471: Yes.
19 THE COURT: How long have you lived in Clark County?
20 PROSPECTIVE JUROR NO. 0471: Nineteen years.
21 THE COURT: Your education background?
22 PROSPECTIVE JUROR NO. 0471: Some college.
23 THE COURT: How many years?
24 PROSPECTIVE JUROR NO. 0471: Two and a half.
25 THE COURT: Okay. What did you study?

1 PROSPECTIVE JUROR NO. 0471: Business and
2 Accounting.
3 THE COURT: What do you do for a living?
4 PROSPECTIVE JUROR NO. 0471: I work for a seafood
5 distributor; customer service and sales.
6 THE COURT: Your marital status?
7 PROSPECTIVE JUROR NO. 0471: Single.
8 THE COURT: Do you have kids?
9 PROSPECTIVE JUROR NO. 0471: No.
10 THE COURT: Any reason why you could not be a fair and
11 impartial juror if we select you to serve on this panel?
12 PROSPECTIVE JUROR NO. 0471: No.
13 THE COURT: Thank you.
14 Ms. Lee, how long have you lived in Clark County?
15 PROSPECTIVE JUROR NO. 0479: On and off for the last
16 twenty-nine years.
17 THE COURT: Your education background?
18 PROSPECTIVE JUROR NO. 0479: Some college.
19 THE COURT: What did you study?
20 PROSPECTIVE JUROR NO. 0479: Pre-veterinarian studies.
21 THE COURT: And what do you do for a living currently?
22 PROSPECTIVE JUROR NO. 0479: I'm a bartender.
23 THE COURT: Your marital status?
24 PROSPECTIVE JUROR NO. 0479: Single.
25 THE COURT: Do you have any kids?

1 PROSPECTIVE JUROR NO. 0479: No.

2 THE COURT: Any reason why you could not be a fair and

3 impartial juror if you were selected to serve on our panel?

4 PROSPECTIVE JUROR NO. 0479: No.

5 THE COURT: Thank you. Thank you for being here.

6 Ms. McKenzie Day?

7 PROSPECTIVE JUROR NO. 0480: Um, hm.

8 THE COURT: How long have you lived in Clark County?

9 PROSPECTIVE JUROR NO. 0480: Two years.

10 THE COURT: And you got a summons. Welcome to Clark

11 County.

12 PROSPECTIVE JUROR NO. 0480: Thank you. Thank you.

13 THE COURT: Where did you move from?

14 PROSPECTIVE JUROR NO. 0480: Well, I was living in

15 Germany for about two years and before that I moved around the states;

16 mostly the western parts of Washington State, Nevada, California.

17 THE COURT: Okay. And your education background?

18 PROSPECTIVE JUROR NO. 0480: Just a high school

19 graduate.

20 THE COURT: What do you do for a living?

21 PROSPECTIVE JUROR NO. 0480: I'm a title and escrow

22 assistant. So, I assist an escrow officer at Stewart Title.

23 THE COURT: Your marital status?

24 PROSPECTIVE JUROR NO. 0480: Single.

25 THE COURT: Do you have kids?

1 PROSPECTIVE JUROR NO. 0480: No.
2 THE COURT: Any reason why you could not be a fair and
3 impartial juror if you were selected to serve?
4 PROSPECTIVE JUROR NO. 0480: No.
5 THE COURT: Thank you. Thank you very much for being
6 here.
7 Ms. Linda Fornos?
8 PROSPECTIVE JUROR NO. 0482: Yes.
9 THE COURT: Good afternoon. How long have you lived in
10 Clark County?
11 PROSPECTIVE JUROR NO. 0482: Eight years and a half.
12 THE COURT: Your education background?
13 PROSPECTIVE JUROR NO. 0482: GED.
14 THE COURT: What do you do for a living?
15 PROSPECTIVE JUROR NO. 0482: Cashier.
16 THE COURT: Okay. And, your marital status?
17 PROSPECTIVE JUROR NO. 0482: I'm divorced.
18 THE COURT: Do you have any kids?
19 PROSPECTIVE JUROR NO. 0482: Yes.
20 THE COURT: How many?
21 PROSPECTIVE JUROR NO. 0482: Three.
22 THE COURT: Are any of your three kids old enough to be
23 employed?
24 PROSPECTIVE JUROR NO. 0482: No.
25 THE COURT: Okay. Do you know of any reason why you

1 could not be a fair and impartial juror if you were selected to serve?
2 PROSPECTIVE JUROR NO. 0482: No.
3 THE COURT: Thank you. Thank you very much for being
4 here.
5 Mr. Williams?
6 PROSPECTIVE JUROR NO. 0487: Hello.
7 THE COURT: Hello. Have long have you lived in Clark
8 County?
9 PROSPECTIVE JUROR NO. 0487: Twenty-nine years.
10 THE COURT: And what do you do for a living?
11 PROSPECTIVE JUROR NO. 0487: Security officer.
12 THE COURT: Where are you a security officer?
13 PROSPECTIVE JUROR NO. 0487: Bank of America.
14 THE COURT: Okay. How long have you done that?
15 PROSPECTIVE JUROR NO. 0487: I've been at Bank of
16 America for about three months.
17 THE COURT: Okay. And your education background?
18 PROSPECTIVE JUROR NO. 0487: GED.
19 THE COURT: Your marital status?
20 PROSPECTIVE JUROR NO. 0487: I'm married.
21 THE COURT: Okay. Is your spouse employed?
22 PROSPECTIVE JUROR NO. 0487: Yes, ma'am.
23 THE COURT: Okay. What does your spouse do for a living?
24 PROSPECTIVE JUROR NO. 0487: Restaurant manager.
25 THE COURT: Okay. Do you have kids?

1 PROSPECTIVE JUROR NO. 0487: I do, five.
2 THE COURT: Okay. Are any of your five kids old enough to
3 be employed?
4 PROSPECTIVE JUROR NO. 0487: My oldest, yes.
5 THE COURT: Okay. What does that child do for a living?
6 PROSPECTIVE JUROR NO. 0487: He works at Wendy's.
7 He's eighteen.
8 THE COURT: Do you know of any reason why you could not
9 be a fair and impartial juror if you were selected to serve?
10 PROSPECTIVE JUROR NO. 0487: No, ma'am.
11 THE COURT: Thank you, sir. Thank you for being here.
12 Ms. Taylor?
13 PROSPECTIVE JUROR NO. 0503: Yes.
14 THE COURT: How long have you lived in Clark County?
15 PROSPECTIVE JUROR NO. 0503: Twenty-six years.
16 THE COURT: Your education background?
17 PROSPECTIVE JUROR NO. 0503: A year of college.
18 THE COURT: And, what do you do for a living?
19 PROSPECTIVE JUROR NO. 0503: I'm an office manager.
20 THE COURT: I'm sorry?
21 PROSPECTIVE JUROR NO. 0503: Office manager.
22 THE COURT: Office manager, sorry about that.
23 Your marital status?
24 PROSPECTIVE JUROR NO. 0503: Married.
25 THE COUDET: Is your spouse employed?

1 PROSPECTIVE JUROR NO. 0503: Yes. He's a truck driver.
2 THE COURT: Do you have children?
3 PROSPECTIVE JUROR NO. 0503: Yes, one. She's twenty-
4 three.
5 THE COURT: Is she employed?
6 PROSPECTIVE JUROR NO. 0503: Yeah, she lives in
7 California.
8 THE COURT: Do you know what she does for a living?
9 PROSPECTIVE JUROR NO. 0503: She works at Active
10 Culture Smoothie.
11 THE COURT: Do you know of any reason why you could not
12 be a fair and impartial juror if you are selected to serve?
13 PROSPECTIVE JUROR NO. 0503: No.
14 THE COURT: Thank you. Thank you for being here.
15 Ms. Dobbs, good afternoon. How long have you lived in
16 Clark County?
17 PROSPECTIVE JUROR NO. 0505: For twenty-two years.
18 THE COURT: What do you do for a living?
19 PROSPECTIVE JUROR NO. 0505: I work for the University
20 of Nevada Cooperative Extension. I work with women in substance
21 abuse recovery.
22 THE COURT: Okay. And your education background?
23 PROSPECTIVE JUROR NO. 0505: I have a Bachelor's
24 degree and I'm currently working on my Master's.
25 THE COURT: What is your Bachelor's degree in?

1 PROSPECTIVE JUROR NO. 0505: Community Health.
2 THE COURT: Okay. And, what are you working towards?
3 What kind of Master's?
4 PROSPECTIVE JUROR NO. 0505: Master's in Public Health.
5 THE COURT: Okay. Your marital status?
6 PROSPECTIVE JUROR NO. 0505: Single.
7 THE COURT: Do you have any kids?
8 PROSPECTIVE JUROR NO. 0505: I have two.
9 THE COURT: Are either of them old enough to be employed?
10 PROSPECTIVE JUROR NO. 0505: Yes.
11 THE COURT: Okay. Can you tell me what each does for a
12 living?
13 PROSPECTIVE JUROR NO. 0505: Right now, they're both
14 students and they're both in college. My daughter works at a biosphere
15 and my son works at Planet Fitness.
16 THE COURT: All right. Any reason why you could not be a
17 fair and impartial juror if selected to serve?
18 PROSPECTIVE JUROR NO. 0505: No.
19 THE COURT: Thank you. Thank you for being here.
20 Mr. Serrano, how long have you lived in Clark County?
21 PROSPECTIVE JUROR NO. 0506: Twelve years.
22 THE COURT: Your education background?
23 PROSPECTIVE JUROR NO. 0506: Music teacher.
24 THE COURT: And where do you teach?
25 PROSPECTIVE JUROR NO. 0506: Music.

1 THE COURT: I'm sorry.
2 PROSPECTIVE JUROR NO. 0506: Percussion.
3 THE COURT: Do you work at the Clark County School
4 District?
5 PROSPECTIVE JUROR NO. 0506: No.
6 THE COURT: Where do you work?
7 PROSPECTIVE JUROR NO. 0506: Oh, I play with different
8 band –
9 THE COURT: Oh, okay.
10 PROSPECTIVE JUROR NO. 0506: – in town.
11 THE COURT: Okay. And, your marital status?
12 PROSPECTIVE JUROR NO. 0506: Single.
13 THE COURT: Do you have any kids?
14 PROSPECTIVE JUROR NO. 0506: Yes. It's a daughter.
15 THE COURT: How many?
16 PROSPECTIVE JUROR NO. 0506: One.
17 THE COURT: One? Is that child old enough to be employed?
18 PROSPECTIVE JUROR NO. 0506: No.
19 THE COURT: Any reason why you could not be a fair and
20 impartial juror if selected to serve?
21 PROSPECTIVE JUROR NO. 0506: No.
22 THE COURT: Thank you, sir.
23 Mr. Oliver?
24 PROSPECTIVE JUROR NO. 0507: Yes, good morning.
25 THE COURT: How long have you lived in Clark County?

1 PROSPECTIVE JUROR NO. 0507: Twenty-two years.
2 THE COURT: I'm sorry. I didn't hear.
3 PROSPECTIVE JUROR NO. 0507: Twenty-two years.
4 THE COURT: What do you do for a living?
5 PROSPECTIVE JUROR NO. 0507: I'm retired.
6 THE COURT: What did you do before you retired?
7 PROSPECTIVE JUROR NO. 0507: I was a cab driver.
8 THE COURT: Your education background?
9 PROSPECTIVE JUROR NO. 0507: I have a B.S.
10 THE COURT: And what is your Bachelor's in?
11 PROSPECTIVE JUROR NO. 0507: Business.
12 THE COURT: Business.
13 Your marital status?
14 PROSPECTIVE JUROR NO. 0507: Divorce.
15 THE COURT: Do you have kids?
16 PROSPECTIVE JUROR NO. 0507: One.
17 THE COURT: Is that child old enough to be employed?
18 PROSPECTIVE JUROR NO. 0507: Yes.
19 THE COURT: What does that child do for a living?
20 PROSPECTIVE JUROR NO. 0507: He's an event planner.
21 THE COURT: Any reason why you could not be a fair and
22 impartial juror if we selected you to serve?
23 PROSPECTIVE JUROR NO. 0507: No.
24 THE COURT: Thank you, sir. Thank you very much for being
25 here.

1 Mr. Wilkins, how long have you lived in Clark County?
2 PROSPECTIVE JUROR NO. 0510: Yeah. I think in June it
3 will be about four years.
4 THE COURT: Okay, what do you do for a living?
5 PROSPECTIVE JUROR NO. 0510: I'm an inspector
6 apprentice for Local 12, Operating Engineers.
7 THE COURT: And, your education background?
8 PROSPECTIVE JUROR NO. 0510: GED and currently in
9 trade school.
10 THE COURT: And you're currently enrolled in insurance
11 school?
12 PROSPECTIVE JUROR NO. 0510: No, trade school through
13 the Local 12.
14 THE COURT: Okay. Your marital status?
15 PROSPECTIVE JUROR NO. 0510: Married.
16 THE COURT: Is your spouse employed?
17 PROSPECTIVE JUROR NO. 0510: Yes.
18 THE COURT: What does your spouse do?
19 PROSPECTIVE JUROR NO. 0510: She's the executive vice-
20 president of two trade associations and a lobbyist.
21 THE COURT: Do you have kids?
22 PROSPECTIVE JUROR NO. 0510: I have two from my
23 previous marriage.
24 THE COURT: Okay. Are they old enough to be employed?
25 PROSPECTIVE JUROR NO. 0510: Yes.

1 THE COURT: Can you tell me what each does?
2 PROSPECTIVE JUROR NO. 0510: The oldest works at
3 Safeway. He was kind of going to college a little bit; and the youngest is
4 still working -- he's nineteen but still working towards his high school
5 diploma.
6 THE COURT: Okay.
7 PROSPECTIVE JUROR NO. 0510: He's not employed.
8 THE COURT: Any reason why you could not be a fair and
9 impartial juror?
10 PROSPECTIVE JUROR NO. 0510: No.
11 THE COURT: Thank you, sir.
12 PROSPECTIVE JUROR NO. 0510: None whatsoever.
13 THE COURT: Thank you for being here.
14 Ms. McCay?
15 PROSPECTIVE JUROR NO. 0511: Yes.
16 THE COURT: How long have you lived in Clark County?
17 PROSPECTIVE JUROR NO. 0511: Twenty-two years.
18 THE COURT: What do you do for a living?
19 PROSPECTIVE JUROR NO. 0511: I'm what's called a media
20 specialist. I work for Las Vegas Day School. I run all the copies, I run
21 all the media rooms.
22 THE COURT: Your marital status?
23 PROSPECTIVE JUROR NO. 0511: Married.
24 THE COURT: Is your spouse employed?
25 PROSPECTIVE JUROR NO. 0511: Yes, he works -- he's a

1 Supervisor for UPS.

2 THE COURT: And, what's your education background?

3 PROSPECTIVE JUROR NO. 0511: I'm one semester shy of

4 my Bachelor's.

5 THE COURT: Okay.

6 PROSPECTIVE JUROR NO. 0511: I'm currently going to

7 school as well.

8 THE COURT: A Bachelor's in?

9 PROSPECTIVE JUROR NO. 0511: Special Education.

10 THE COURT: Okay. And you're currently enrolled in school?

11 PROSPECTIVE JUROR NO. 0511: Yes.

12 THE COURT: Okay. So, is it this semester or next semester

13 when you will graduate?

14 PROSPECTIVE JUROR NO. 0511: Well, hopefully,

15 December.

16 THE COURT: December?

17 PROSPECTIVE JUROR NO. 0511: Yeah.

18 THE COURT: Okay. And, do you have any children?

19 PROSPECTIVE JUROR NO. 0511: I have two children. One

20 is old enough to work. He's a full-time student and he goes to – he

21 works at Walmart.

22 THE COURT: Any reason why you could not be a fair and

23 impartial juror?

24 PROSPECTIVE JUROR NO. 0511: No, ma'am.

25 THE COURT: Thank you. Thank you for being here.

1 Ms. Doris Lee?
2 PROSPECTIVE JUROR NO. 0512: Hello.
3 THE COURT: Good afternoon. How long have you lived in
4 Clark County?
5 PROSPECTIVE JUROR NO. 0512: For a total of about
6 twelve years.
7 THE COURT: Your education background?
8 PROSPECTIVE JUROR NO. 0512: I have a Bachelor's in
9 Business Administration.
10 THE COURT: What do you do for a living?
11 PROSPECTIVE JUROR NO. 0512: I'm an accountant.
12 THE COURT: Your marital status?
13 PROSPECTIVE JUROR NO. 0512: Married.
14 THE COURT: Is your spouse employed?
15 PROSPECTIVE JUROR NO. 0512: Yes. He is self-employed
16 as a computer programmer.
17 THE COURT: Do you have children?
18 PROSPECTIVE JUROR NO. 0512: No.
19 THE COURT: Do you know of any reason why you could not
20 be a fair and impartial juror if you are selected to serve?
21 PROSPECTIVE JUROR NO. 0512: No.
22 THE COURT: Thank you. Thank you for being here.
23 Mr. Zachary Payne?
24 PROSPECTIVE JUROR NO. 0516: Yes.
25 THE COURT: How long have you lived in Clark County?

1 PROSPECTIVE JUROR NO. 0516: Nine months.
2 THE COURT: Really. You got the summons really quickly.
3 Congratulations.
4 PROSPECTIVE JUROR NO. 0516: Yeah, really fast.
5 THE COURT: Welcome. Yeah, you got it quick. And where
6 did you move from?
7 PROSPECTIVE JUROR NO. 0516: California.
8 THE COURT: What do you do for a living?
9 PROSPECTIVE JUROR NO. 0516: I am transitioning
10 between two different jobs right now.
11 THE COURT: Okay.
12 PROSPECTIVE JUROR NO. 0516: Right now, I work at
13 Chick-fil-A and I'm also an analytical chemist.
14 THE COURT: Okay. Which one are you transitioning into or
15 out of?
16 PROSPECTIVE JUROR NO. 0516: Out of Chick-fil-A and into
17 chemistry.
18 THE COURT: Okay. All right, and your marital status?
19 PROSPECTIVE JUROR NO. 0516: Single.
20 THE COURT: Didn't you tell me earlier you were going with
21 someone to --
22 PROSPECTIVE JUROR NO. 0516: Yeah, that's --
23 THE COURT: Is that just a friend?
24 PROSPECTIVE JUROR NO. 0516: No, no, no, my girlfriend
25 that lives with me. We don't have support. I'm supporting her. She got

1 injured so she's not working right now.

2 THE COURT: I'm sorry.

3 PROSPECTIVE JUROR NO. 0516: So, sorry. I don't want to
4 be emotional but --

5 THE COURT: That's okay.

6 PROSPECTIVE JUROR NO. 0516: Yes. So, I've been
7 saving up to try to save up for the trip and so that's why I'm worried
8 about taking a whole week off more time and between the two jobs.

9 THE COURT: Okay. So, tell me what you're worried about.

10 PROSPECTIVE JUROR NO. 0516: It's a new job so I still
11 have to prove myself. I've only been there for two months and they're
12 still testing me a lot. I'm going through a lot of blind tests.

13 THE COURT: All right. You understand your employer can't
14 take any adverse employment action against you because you're
15 serving on a jury panel?

16 PROSPECTIVE JUROR NO. 0516: Yes, but they don't have
17 that many people to do the work. There's about three people. I've been
18 trying to rearrange -- like I have to fly out Friday -- or fly out Wednesday,
19 go Thursday for blood and come back Friday, fly back Saturday and
20 come back the next day to try to come back. And it took me a long time
21 to try to rearrange all of the time off for that so I'm worried about this
22 one. I don't know how they're gonna do it and I'm worried about them
23 actually being able to do the work, having somebody to complete the
24 samples.

25 THE COURT: Are you worried that they might take --

1 PROSPECTIVE JUROR NO. 0516: Replace me because
2 they fired two people recently.

3 THE COURT: Okay. They can't fire you for doing jury duty.
4 That would be against the law.

5 PROSPECTIVE JUROR NO. 0516: Okay. Yeah.

6 THE COURT: Do you understand? Does that make you feel
7 better?

8 PROSPECTIVE JUROR NO. 0516: But I'm also worried
9 about the financial hardship because I'm losing money; I've anticipated
10 taking these days off; and I'm worried about losing money this whole
11 week; and being able to afford everything.

12 THE COURT: Okay. So, you won't get paid if you're here?

13 PROSPECTIVE JUROR NO. 0516: No.

14 THE COURT: All right. Have you checked with Human
15 Resources?

16 PROSPECTIVE JUROR NO. 0516: Yeah. I got one day off
17 today. I don't know how it works. They said they were accommodating,
18 but I was worried getting three days off for going for medical leave. I
19 don't know how that -- but I'm worried like taking almost like a week to
20 two weeks, a week and a half to -- like back to back. They are going to
21 get really backed up. I don't know. I don't know what they're gonna do.
22 They might replace me. That's what I'm worried about.

23 THE COURT: Okay. But they can't replace -- that's what I'm
24 trying to -- I'm trying to get you to a level of comfort. I just don't think I
25 can get you.

1 PROSPECTIVE JUROR NO. 0516: I'm worried about
2 financial hardships too because I just moved here from California and
3 I'm struggling. My girlfriend's been out of work because she got injured
4 and we're going for the surgery; so, I've been having to work two jobs
5 and trying to keep up.

6 THE COURT: Okay. Will you be able to pay your bills if
7 you're asked to be here?

8 PROSPECTIVE JUROR NO. 0516: If it's for three, four days,
9 I'd probably be struggling this month because I already – I'm already
10 tapped out because I already spent like \$400 on plane tickets. And I'm
11 taking –

12 THE COURT: Meaning?

13 PROSPECTIVE JUROR NO. 0516: And I'm planning on not
14 making money for those days in the coming next week.

15 THE COURT: Meaning you don't think you will be able to pay
16 your bills?

17 PROSPECTIVE JUROR NO. 0516: Yes.

18 THE COURT: Okay. I'm just going to ask you to step down
19 out of the box. You can take a seat out in the gallery. You can take a
20 seat wherever you'd like.

21 Christopher Long? Christopher Long, I'm going to ask you to
22 come up and be juror number 15.

23 Mr. Long, how long have you lived in Clark County?

24 PROSPECTIVE JUROR NO. 0611: Two years.

25 THE COURT: Your education background?

1 PROSPECTIVE JUROR NO. 0611: High school.
2 THE COURT: What do you do for a living?
3 PROSPECTIVE JUROR NO. 0611: I'm a HERS writer and
4 risk consultant.
5 THE COURT: I'm sorry?
6 PROSPECTIVE JUROR NO. 0611: A HERS writer and risk
7 consultant.
8 THE COURT: Okay. Your marital status?
9 PROSPECTIVE JUROR NO. 0611: Married.
10 THE COURT: Is your spouse employed?
11 PROSPECTIVE JUROR NO. 0611: Yes.
12 THE COURT: What does your spouse do?
13 PROSPECTIVE JUROR NO. 0611: Senior Central Scheduler.
14 THE COURT: Okay. Do you have any kids?
15 PROSPECTIVE JUROR NO. 0611: Two.
16 THE COURT: Are they minor children?
17 PROSPECTIVE JUROR NO. 0611: Yes.
18 THE COURT: Okay. Do you know of any reason why you
19 could not be a fair and impartial juror if you were selected to serve?
20 PROSPECTIVE JUROR NO. 0611: No.
21 THE COURT: Thank you, sir. Thank you for being here.
22 Mr. Kelly, how long have you lived in Clark County?
23 PROSPECTIVE JUROR NO. 0518: Eleven years.
24 THE COURT: Okay. Your education background?
25 PROSPECTIVE JUROR NO. 0518: Sixth grade.

1 THE COURT: I'm sorry?

2 PROSPECTIVE JUROR NO. 0518: Sixth.

3 THE COURT: Okay. What do you do for a living?

4 PROSPECTIVE JUROR NO. 0518: Right now I'm
5 unemployed.

6 THE COURT: Okay. What did you do before you were --
7 what was your last job?

8 PROSPECTIVE JUROR NO. 0518: In Hawaii, I owned my
9 own company where we raised money for DARE and the police -- Hawaii
10 Police Athletic Association and Chef's Association.

11 THE COURT: Okay. Your marital status?

12 PROSPECTIVE JUROR NO. 0518: Yes. I'm married to a
13 disabled wife. She's legally blind.

14 THE COURT: Okay. So, your spouse is not employed?

15 PROSPECTIVE JUROR NO. 0518: No. She's out there
16 waiting.

17 THE COURT: Do you have kids?

18 PROSPECTIVE JUROR NO. 0518: No, just me.

19 THE COURT: Okay. Do you know of any reason why you
20 could not be a fair and impartial juror?

21 PROSPECTIVE JUROR NO. 0518: Yeah. I've been a victim
22 of the system that's been -- lacks integrity when it comes to my case and
23 probably quite a bit of others.

24 THE COURT: What kind of case? What does that mean?

25 PROSPECTIVE JUROR NO. 0518: Mine was a fight. I got -- I

1 was defending myself in a bar and they hit me with an assault charge.

2 THE COURT: Okay, because I could find no criminal history
3 for you.

4 PROSPECTIVE JUROR NO. 0518: Amen.

5 THE COURT: Zero.

6 PROSPECTIVE JUROR NO. 0518: Well, that's good. I'm
7 happy.

8 THE COURT: Okay. So what --

9 PROSPECTIVE JUROR NO. 0518: Sounds better than what
10 I've heard.

11 THE COURT: Pardon?

12 PROSPECTIVE JUROR NO. 0518: That sounds better than
13 what I've heard.

14 THE COURT: Okay. Is there anything would interfere with
15 your ability to sit on this jury panel?

16 PROSPECTIVE JUROR NO. 0518: Yes.

17 THE COURT: Okay. What would that be?

18 PROSPECTIVE JUROR NO. 0518: Let he who is without sin
19 cast the first stone.

20 THE COURT: I'm sorry. What?

21 PROSPECTIVE JUROR NO. 0518: Let he who is without sin
22 cast the first stone.

23 THE COURT: Okay, what does that mean to you?

24 PROSPECTIVE JUROR NO. 0518: That means I don't judge
25 people. I can't afford to judge nobody.

1 THE COURT: Okay. You understand that the jury panel is
2 just the factfinder. The jury makes certain – finds certain facts.

3 PROSPECTIVE JUROR NO. 0518: Not my job.

4 THE COURT: Well, actually it is.

5 PROSPECTIVE JUROR NO. 0518: No.

6 THE COURT: That's why you're here. Okay.

7 PROSPECTIVE JUROR NO. 0518: You can say what you
8 want, but it's not my job.

9 THE COURT: Well, whose job is it?

10 PROSPECTIVE JUROR NO. 0518: I don't know. Ain't mine.
11 If it was mine, I'd know.

12 THE COURT: Pardon?

13 PROSPECTIVE JUROR NO. 0518: If it was mine, I would
14 know.

15 THE COURT: Okay. If you're selected to serve on this panel,
16 what would you do?

17 PROSPECTIVE JUROR NO. 0518: I guess just go with the
18 flow, whatever – I don't know.

19 THE COURT: You would sit and listen to the evidence.

20 PROSPECTIVE JUROR NO. 0518: If I could.

21 THE COURT: Okay. Can you hear?

22 PROSPECTIVE JUROR NO. 0518: I have a hard time
23 comprehending and retaining.

24 THE COURT: Okay. Do you want some earphones to help
25 you?

1 PROSPECTIVE JUROR NO. 0518: No.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 0518: I can hear, but
4 comprehending and retaining. [Indiscernible] comprehending and
5 retaining but not hearing.

6 THE COURT: Okay. Do you want to be here?

7 PROSPECTIVE JUROR NO. 0518: Not really. I was called
8 here, so I came to do my – you know whatever it is that they call it. My
9 doctor sent – tried to fax a note, but they said they didn't get it.

10 THE COURT: Okay. What type of note would your doctor
11 have faxed?

12 PROSPECTIVE JUROR NO. 0518: Saying that I am not fit to
13 serve jury.

14 THE COURT: I'm sorry. What?

15 PROSPECTIVE JUROR NO. 0518: Saying that I'm not fit to
16 serve jury and if you have any further questions to call the doctor.

17 THE COURT: Based on what?

18 PROSPECTIVE JUROR NO. 0518: Call the doctor.

19 THE COURT: Well, no. I'm asking you. You're under oath
20 and I'm asking you. What is it that you're unfit to serve on jury?

21 PROSPECTIVE JUROR NO. 0518: Well, my comprehending
22 and retaining. To judge or to make a decision you need to have – you
23 need to have the information. You gotta retain and you gotta know what
24 – you know you want to be fair. You want to be fair. You don't want to,
25 whatever.

1 THE COURT: Do you have a medical problem?
2 PROSPECTIVE JUROR NO. 0518: Maybe a mental issue,
3 emotional issue or --
4 THE COURT: Okay. Mr. Kelly, I'm just going to ask you to
5 step down out of the box. You can take a seat out in the gallery; and
6 Chelsey Santamaria, I'm going to ask you to take seat number 16.
7 Ms. Santamaria, how long have you lived in Clark County?
8 PROSPECTIVE JUROR NO. 0620: Thirty years.
9 THE COURT: I'm sorry?
10 PROSPECTIVE JUROR NO. 0620: Thirty years.
11 COURT: Okay. Your education background?
12 PROSPECTIVE JUROR NO. 0620: Some college and then I
13 graduated from trade school last year.
14 THE COURT: What kind of trade school?
15 PROSPECTIVE JUROR NO. 0620: I graduated from
16 massage therapy.
17 THE COURT: Okay. What do you do for a living?
18 PROSPECTIVE JUROR NO. 0620: I'm a licensed massage
19 therapist.
20 THE COURT: Your marital status?
21 PROSPECTIVE JUROR NO. 0620: Married.
22 THE COURT: Is your spouse employed?
23 PROSPECTIVE JUROR NO. 0620: Yes.
24 THE COURT: What does your spouse do?
25 PROSPECTIVE JUROR NO. 0620: He's an in-room dining

1 manager.

2 THE COURT: Do you have children?

3 PROSPECTIVE JUROR NO. 0620: Yes, one.

4 THE COURT: Is that child old enough to be employed?

5 PROSPECTIVE JUROR NO. 0620: No.

6 THE COURT: Do you know of any reason why you could not
7 be a fair and impartial juror if you were selected to serve on this panel?

8 PROSPECTIVE JUROR NO. 0620: No, ma'am.

9 THE COURT: Thank you. Thank you for being here.

10 Brenda O'Farrell?

11 PROSPECTIVE JUROR NO. 0520: Yes.

12 THE COURT: How long have you lived in Clark County?

13 PROSPECTIVE JUROR NO. 0520: Seventeen years.

14 THE COURT: And what do you do for a living?

15 PROSPECTIVE JUROR NO. 0520: Retail Stocker.

16 THE COURT: I'm sorry?

17 PROSPECTIVE JUROR NO. 0520: A retail employee.

18 THE COURT: Okay. Your education background?

19 PROSPECTIVE JUROR NO. 0520: Some college.

20 THE COURT: What did you study?

21 PROSPECTIVE JUROR NO. 0520: Business.

22 THE COURT: Your marital status?

23 PROSPECTIVE JUROR NO. 0520: Single. Single.

24 THE COURT: Do you have kids?

25 PROSPECTIVE JUROR NO. 0520: No.

1 THE COURT: Any reason why you could not be a fair and
2 impartial juror if selected to serve?

3 PROSPECTIVE JUROR NO. 0520: No.

4 THE COURT: Thank you. Thank you for being here.
5 Mr. Phillips?

6 PROSPECTIVE JUROR NO. 0529: Yes.

7 THE COURT: Good afternoon. How long have you lived in
8 Clark County?

9 PROSPECTIVE JUROR NO. 0529: Three months.

10 THE COURT: Geez. We're getting the new people.
11 Welcome. We're happy to meet you.

12 PROSPECTIVE JUROR NO. 0529: I'm happy to meet you
13 too.

14 THE COURT: Your education background?

15 PROSPECTIVE JUROR NO. 0529: I graduated from
16 Baltimore International College. I'm currently a chef.

17 THE COURT: And where are you chef?

18 PROSPECTIVE JUROR NO. 0529: Guy Fieri's Restaurant.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 0529: I've been working there
21 for five days.

22 THE COURT: Five days?

23 PROSPECTIVE JUROR NO. 0529: Yes.

24 THE COURT: Geez, I do appreciate --

25 PROSPECTIVE JUROR NO. 0529: But don't worry. I've

1 worked enough. I worked 30 years in the industry.

2 THE COURT: I do appreciate you being here. Your marital
3 status?

4 PROSPECTIVE JUROR NO. 0529: I'm married.

5 THE COURT: Is your spouse employed?

6 PROSPECTIVE JUROR NO. 0529: Yes, ma'am.

7 THE COURT: What does your spouse do?

8 PROSPECTIVE JUROR NO. 0529: She's a Senior Billing
9 Analyst at the Vector Security.

10 THE COURT: Do you have children?

11 PROSPECTIVE JUROR NO. 0529: Yes, I do, one.

12 THE COURT: Is that child old enough to be employed?

13 PROSPECTIVE JUROR NO. 0529: Yes.

14 THE COURT: Okay. What does that child do for a living?

15 PROSPECTIVE JUROR NO. 0529: He works for Oakley --
16 Oakley.

17 THE COURT: Do you know of any reason why you could not
18 be a fair and impartial juror if selected to serve?

19 PROSPECTIVE JUROR NO. 0529: No.

20 THE COURT: Okay, thank you. Thank you for being here.
21 Ms. Kasravi-Khan?

22 PROSPECTIVE JUROR NO. 0545: Kasravi-Khan, yes.

23 THE COURT: Okay. How long have you lived in Clark
24 County?

25 PROSPECTIVE JUROR NO. 0545: Eighteen years.

1 THE COURT: Your education background?
2 PROSPECTIVE JUROR NO. 0545: A Bachelor's degree.
3 THE COURT: And what is your Bachelor's degree in?
4 PROSPECTIVE JUROR NO. 0545: Business Administration.
5 THE COURT: What do you do for a living?
6 PROSPECTIVE JUROR NO. 0545: I'm a homemaker.
7 THE COURT: And your marital status?
8 PROSPECTIVE JUROR NO. 0545: Married.
9 THE COURT: And is your spouse employed?
10 PROSPECTIVE JUROR NO. 0545: Retired.
11 THE COURT: What did your spouse do before he retired?
12 PROSPECTIVE JUROR NO. 0545: He was a professional
13 engineer.
14 THE COURT: Okay. Do you have children?
15 PROSPECTIVE JUROR NO. 0545: Yes, one.
16 THE COURT: Is that child old enough to be employed?
17 PROSPECTIVE JUROR NO. 0545: Yes.
18 THE COURT: What does that child do?
19 PROSPECTIVE JUROR NO. 0545: He's currently in law
20 school.
21 THE COURT: What year is he in law school?
22 PROSPECTIVE JUROR NO. 0545: Almost done with second.
23 THE COURT: Okay, so finishing up the second year?
24 PROSPECTIVE JUROR NO. 0545: Yes.
25 THE COURT: You understand that if you're selected to serve

1 on this panel, you can't have any discussions with anyone including your
2 fellow jurors until you go back to deliberate upon your verdict?

3 PROSPECTIVE JUROR NO. 0545: Of course, yes.

4 THE COURT: So, you understand you --

5 PROSPECTIVE JUROR NO. 0545: Yes.

6 THE COURT: -- wouldn't be able to call up your son and have
7 a discussion about this case until you were discharged as a juror. Do
8 you understand that?

9 PROSPECTIVE JUROR NO. 0545: Yes. Yes, I understand.
10 Yes.

11 THE COURT: And, you would comply with that order,
12 correct?

13 PROSPECTIVE JUROR NO. 0545: Definitely, yes.

14 THE COURT: Okay. Do you know of any reason why you
15 cannot serve on this panel?

16 PROSPECTIVE JUROR NO. 0545: No.

17 THE COURT: All right, thank you.

18 PROSPECTIVE JUROR NO. 0545: Thank you.

19 THE COURT: Thank you for being here.

20 Leonor Canon?

21 PROSPECTIVE JUROR NO. 0550: Yes.

22 THE COURT: How long have you lived in Clark County?

23 PROSPECTIVE JUROR NO. 0550: Fifty-four years.

24 THE COURT: Your education background?

25 PROSPECTIVE JUROR NO. 0550: Two and a half years of

1 college.

2 THE COURT: Okay. What did study?

3 PROSPECTIVE JUROR NO. 0550: Business Administration.

4 THE COURT: And what do you do for a living?

5 PROSPECTIVE JUROR NO. 0550: I'm retired, ma'am.

6 THE COURT: Okay. What did you do before you retired?

7 PROSPECTIVE JUROR NO. 0550: I was a secretary for the
8 Clark County School District.

9 THE COURT: Okay. Your marital status?

10 PROSPECTIVE JUROR NO. 0550: Married.

11 THE COURT: Is your spouse employed?

12 PROSPECTIVE JUROR NO. 0550: Retired also.

13 THE COURT: Okay. What -- retired from?

14 PROSPECTIVE JUROR NO. 0550: The school district also.

15 THE COURT: Okay. Do you have children?

16 PROSPECTIVE JUROR NO. 0550: Yes, ma'am, five.

17 THE COURT: Five kids? Are any of them old enough to be
18 employed?

19 PROSPECTIVE JUROR NO. 0550: Yes, ma'am.

20 THE COURT: Okay. Can you just start at the top and tell me
21 what each does for a living.

22 PROSPECTIVE JUROR NO. 0550: Okay. The oldest one is
23 in California. She works as a secretary also; the second one is a school
24 office manager for an elementary school; the third is a cashier manager
25 at one of the casinos; the next one is a bartender; and the other one is

1 also a bartender, the last one.

2 THE COURT: Do you know of any reason why you could not
3 be a fair and impartial juror if you were selected to serve?

4 PROSPECTIVE JUROR NO. 0550: No.

5 THE COURT: Thank you. Thank you for being here.
6 Mayra Matos?

7 PROSPECTIVE JUROR NO. 0553: Yes. Yes.

8 THE COURT: Good afternoon.

9 PROSPECTIVE JUROR NO. 0553: Good afternoon.

10 THE COURT: How long have you lived in Clark County?

11 PROSPECTIVE JUROR NO. 0553: About twenty-five years.

12 THE COURT: Your education background?

13 PROSPECTIVE JUROR NO. 0553: Trade school.

14 THE COURT: What kind of trade school?

15 PROSPECTIVE JUROR NO. 0553: Cosmetology.

16 THE COURT: Okay. What do you do for a living?

17 PROSPECTIVE JUROR NO. 0553: I have two employments.

18 I work for a supervisor as – at ACC. And then I work as a steady extra at
19 the casino Park MGM.

20 THE COURT: Okay. Your marital status?

21 PROSPECTIVE JUROR NO. 0553: Married.

22 THE COURT: Is your spouse employed?

23 PROSPECTIVE JUROR NO. 0553: Yes.

24 THE COURT: What does your spouse do?

25 PROSPECTIVE JUROR NO. 0553: Truck driver.

1 COURT CLERK: Do you have children?
2 PROSPECTIVE JUROR NO. 0553: Yes.
3 THE COURT: Can you -- how many?
4 PROSPECTIVE JUROR NO. 0553: Two.
5 THE COURT: Are they minors?
6 PROSPECTIVE JUROR NO. 0553: Yes.
7 THE COURT: Okay. Do you know of any reason why you
8 could not be a fair and impartial juror if selected to serve?
9 PROSPECTIVE JUROR NO. 0553: No, ma'am.
10 THE COURT: Thank you. Thank you for being here.
11 Mr. Feeler?
12 PROSPECTIVE JUROR NO. 0610: Yes, ma'am.
13 THE COURT: How long have you lived in Clark County?
14 PROSPECTIVE JUROR NO. 0610: Three years.
15 THE COURT: And what do you do for a living?
16 PROSPECTIVE JUROR NO. 0610: Retired.
17 THE COURT: What did you do before you retired?
18 PROSPECTIVE JUROR NO. 0610: I was a school teacher
19 twenty-eight years.
20 THE COURT: What did you teach?
21 PROSPECTIVE JUROR NO. 0610: Health and Safety, PE,
22 World Civ, Teens and Law and the last four years I was in administration
23 as an athletic director.
24 THE COURT: Okay. And what's your education background?
25 PROSPECTIVE JUROR NO. 0610: Master's Degree in

1 Secondary Education.

2 THE COURT: Your marital status?

3 PROSPECTIVE JUROR NO. 0610: I'm married.

4 THE COURT: Is your spouse employed?

5 PROSPECTIVE JUROR NO. 0610: Retired housewife.

6 THE COURT: Okay. She's done being a housewife? You
7 said retired.

8 PROSPECTIVE JUROR NO. 0610: That's what I call it --

9 THE COURT: Okay.

10 PROSPECTIVE JUROR NO. 0610: -- when I cook for myself.

11 THE COURT: Do you have children?

12 PROSPECTIVE JUROR NO. 0610: I have five children.

13 THE COURT: Okay. Are any of your kids old enough to be
14 employed?

15 PROSPECTIVE JUROR NO. 0610: Yeah, four of them are in
16 their fifties and the youngest one is thirty-six.

17 THE COURT: Well, I'm assuming they're old enough to be
18 employed. Can you tell me what each does for a living?

19 PROSPECTIVE JUROR NO. 0610: Okay. My oldest one is
20 working right now part-time for, I believe, Home Depot --

21 THE COURT: Okay.

22 PROSPECTIVE JUROR NO. 0610: -- in Indiana. And my
23 second child is a computer troubleshooter for our school system and
24 that's Indiana; and my third child is a computer tech for a bank, a
25 Japanese bank in Chicago, but he lives in Indiana; and my fourth one,

1 my baby girl, she works in a company that deals with metals, buying and
2 selling metals; and my fifth one is -- lives here in Nevada. Oh, my fourth
3 one is in Pennsylvania.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 0610: My fifth one is here in
6 Nevada. He's unemployed at the present time. He's a disabled Vet.

7 THE COURT: Okay. Do you know of any reason why you
8 could not be a fair and impartial juror if selected to serve?

9 PROSPECTIVE JUROR NO. 0610: No, ma'am.

10 THE COURT: Thank you, sir. Thank you very much for being
11 here.

12 It's Gregory Quick?

13 PROSPECTIVE JUROR NO. 0559: Yes, ma'am.

14 THE COURT: How long have you lived in Clark County?

15 PROSPECTIVE JUROR NO. 0559: Thirty-two years.

16 THE COURT: Your education background?

17 PROSPECTIVE JUROR NO. 0559: High school diploma.

18 THE COURT: What do you do for a living?

19 PROSPECTIVE JUROR NO. 0559: Table games dealer.

20 THE COURT: How long have you done that?

21 PROSPECTIVE JUROR NO. 0559: Twenty-six years.

22 THE COURT: Okay. Your marital status?

23 PROSPECTIVE JUROR NO. 0559: Happily married.

24 THE COURT: Is your spouse employed?

25 PROSPECTIVE JUROR NO. 0559: Yes, ma'am.

1 THE COURT: What does your spouse do?
2 PROSPECTIVE JUROR NO. 0559: She works for the City.
3 THE COURT: Do you know what she does?
4 PROSPECTIVE JUROR NO. 0559: Yeah. She works with
5 problem kids.
6 THE COURT: Okay. Do you have any children?
7 PROSPECTIVE JUROR NO. 0559: Yes, ma'am. I have five.
8 THE COURT: Are any of them old enough to be employed?
9 PROSPECTIVE JUROR NO. 0559: Yes, ma'am, all of them.
10 THE COURT: Okay. Can you tell me what each does for a
11 living?
12 PROSPECTIVE JUROR NO. 0559: My oldest son works for
13 Allegiant Airlines; the second one works for MAACO paint; my daughter
14 works for the school district; and I have twin boys and they both work for
15 Volkswagen.
16 THE COURT: Any reason why you could not be a fair and
17 impartial juror?
18 PROSPECTIVE JUROR NO. 0559: No, ma'am.
19 THE COURT: Thank you, sir. Thank you for being here.
20 Mr. Wu?
21 PROSPECTIVE JUROR NO. 0562: Yes.
22 THE COURT: How long have you lived in Clark County?
23 PROSPECTIVE JUROR NO. 0562: Eighteen. Eighteen.
24 THE COURT: Eighteen years?
25 PROSPECTIVE JUROR NO. 0562: Yes.

1 THE COURT: Okay. And what is your education
2 background?

3 PROSPECTIVE JUROR NO. 0562: Before, I work in a
4 Chinese restaurant? Right now, I work in the Orleans Casino, poker
5 dealer.

6 THE COURT: Right. You're a poker dealer at the Orleans?

7 PROSPECTIVE JUROR NO. 0562: Yes.

8 THE COURT: What's your education background? Were you
9 educated in the United States or in another country?

10 PROSPECTIVE JUROR NO. 0562: Another country, China.

11 THE COURT: Okay. Did you -- I mean what's -- did you go to
12 high school, college?

13 PROSPECTIVE JUROR NO. 0562: I work in the acrobat.
14 You know, I -- before I work in the Cirque du Soleil. You know the
15 Cirque du Soleil?

16 THE COURT: Uh, huh.

17 PROSPECTIVE JUROR NO. 0562: I work in the Cirque du
18 Soleil Mystere show. I work into my country, 1998. When I come back -
19 - 1999 I come by myself. That's my English. It's hard. That's why --

20 THE COURT: That's okay.

21 PROSPECTIVE JUROR NO. 0562: Yeah.

22 THE COURT: That's okay.

23 PROSPECTIVE JUROR NO. 0562: That's why I change my
24 job.

25 THE COURT: All right. And, now how long have you worked

1 as a poker dealer at the Orleans?

2 PROSPECTIVE JUROR NO. 0562: Fourteen years.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 0562: That's why I'm very
5 happy to be here joining the jury. But, you know, my English cannot do
6 this --

7 THE COURT: Okay. I think you're doing fine.

8 PROSPECTIVE JUROR NO. 0562: No. My heart so
9 busy now.

10 THE COURT: No. You're okay.

11 PROSPECTIVE JUROR NO. 0562: Because I cannot
12 understand, you know. That's why I cannot do something.

13 THE COURT: I think you're doing fine.

14 PROSPECTIVE JUROR NO. 0562: No.

15 THE COURT: Are you married?

16 PROSPECTIVE JUROR NO. 0562: Yes, ma'am.

17 THE COURT: Okay. Is your wife employed?

18 PROSPECTIVE JUROR NO. 0562: Yes.

19 THE COURT: Okay. Where does she work?

20 PROSPECTIVE JUROR NO. 0562: She work in the
21 Cosmopolitan, table dealer.

22 THE COURT: Okay. Do you have any kids?

23 PROSPECTIVE JUROR NO. 0562: I have two.

24 THE COURT: Okay. Are they old enough to be employed?
25 Do they work?

1 PROSPECTIVE JUROR NO. 0562: No.

2 THE COURT: All right. Any reason why you could not be a
3 fair and impartial juror?

4 PROSPECTIVE JUROR NO. 0562: No.

5 THE COURT: Okay. Thank you very much and thank you for
6 being here, Mr. Wu.

7 PROSPECTIVE JUROR NO. 0562: Thank you.

8 THE COURT: Ms. Serratos?

9 PROSPECTIVE JUROR NO. 0566: Yes.

10 THE COURT: How long have you lived in Clark County?

11 PROSPECTIVE JUROR NO. 0566: Thirty-four years.

12 THE COURT: Your education background?

13 PROSPECTIVE JUROR NO. 0566: GED.

14 THE COURT: And, what do you do for a living?

15 PROSPECTIVE JUROR NO. 0566: I'm a political canvasser
16 manager.

17 THE COURT: Your marital status?

18 PROSPECTIVE JUROR NO. 0566: Divorced.

19 THE COURT: Do you have any kids?

20 PROSPECTIVE JUROR NO. 0566: Four.

21 THE COURT: Are they old enough to be employed?

22 PROSPECTIVE JUROR NO. 0566: All four.

23 THE COURT: Okay. Can you tell me what each does for a
24 living?

25 PROSPECTIVE JUROR NO. 0566: The oldest is a personal

1 assistant; the next one, she's a showgirl at one of the magic shows; the
2 next one is a pyro engineer; and the fourth one works here on Slotzilla.

3 THE COURT: Works where?

4 PROSPECTIVE JUROR NO. 0566: Slotzilla, the zip line.

5 THE COURT: Okay. Do you know of any reason why you
6 could not be a fair and impartial juror?

7 PROSPECTIVE JUROR NO. 0566: No, ma'am.

8 THE COURT: Thank you. Thank you for being here.

9 Ms. Rodriguez?

10 PROSPECTIVE JUROR NO. 0567: Yes.

11 THE COURT: Right? How long have you lived in Clark
12 County?

13 PROSPECTIVE JUROR NO. 0567: Twenty years.

14 THE COURT: And, what do you do for a living?

15 PROSPECTIVE JUROR NO. 0567: I'm a union carpenter
16 apprentice.

17 THE COURT: Okay. Your education background?

18 PROSPECTIVE JUROR NO. 0567: Trade school.

19 THE COURT: And are you married?

20 PROSPECTIVE JUROR NO. 0567: No.

21 THE COURT: Do you have kids?

22 PROSPECTIVE JUROR NO. 0567: No.

23 THE COURT: Do you know of any reason why you could not
24 be a fair and impartial juror?

25 PROSPECTIVE JUROR NO. 0567: No.

1 THE COURT: Thank you. Thank you for being here.
2 PROSPECTIVE JUROR NO. 0567: Thank you, ma'am.
3 THE COURT: Thank you for being here.
4 Ms. Pristavova?
5 PROSPECTIVE JUROR NO. 0583: Pristavova.
6 THE COURT: Okay. It was close.
7 PROSPECTIVE JUROR NO. 0583: That is fine.
8 THE COURT: How long have you lived in Clark County?
9 PROSPECTIVE JUROR NO. 0583: Nine years.
10 THE COURT: Nine years? What do you do for a living?
11 PROSPECTIVE JUROR NO. 0583: I work for Centerplate.
12 This is Las Vegas Convention Center.
13 THE COURT: I'm sorry. You work for who?
14 PROSPECTIVE JUROR NO. 0583: Centerplate, Las Vegas
15 Convention Center.
16 THE COURT: Okay. Your education background?
17 PROSPECTIVE JUROR NO. 0583: Some college.
18 THE COURT: Okay. Are you married?
19 PROSPECTIVE JUROR NO. 0583: Yes.
20 THE COURT: Okay. Is your spouse employed?
21 PROSPECTIVE JUROR NO. 0583: Yes, truck driver.
22 THE COURT: Okay. Do you have kids?
23 PROSPECTIVE JUROR NO. 0583: No.
24 THE COURT: Any reason why you could not be a fair and
25 impartial juror?

1 PROSPECTIVE JUROR NO. 0583: No.
2 THE COURT: Thank you.
3 PROSPECTIVE JUROR NO. 0583: No. You're welcome.
4 THE COURT: Thank you for being here.
5 Mr. Quintana, how long have you lived in Clark County?
6 PROSPECTIVE JUROR NO. 0590: Forty-three years.
7 THE COURT: What do you do for a living?
8 PROSPECTIVE JUROR NO. 0590: I'm the Electrical
9 Operations Supervisor at the airport.
10 THE COURT: How long have you done that?
11 PROSPECTIVE JUROR NO. 0590: Twenty-five years, going
12 on twenty-five this April.
13 THE COURT: Your education background?
14 PROSPECTIVE JUROR NO. 0590: Two years of college and
15 I completed an electrical apprenticeship program.
16 THE COURT: Your marital status?
17 PROSPECTIVE JUROR NO. 0590: Married.
18 THE COURT: Is your spouse employed?
19 PROSPECTIVE JUROR NO. 0590: Yes.
20 THE COURT: What does your spouse do?
21 PROSPECTIVE JUROR NO. 0590: She's a cocktail server.
22 THE COURT: Do you have kids?
23 PROSPECTIVE JUROR NO. 0590: I have five.
24 THE COURT: Are any of your five kids old enough to be
25 employed?

1 PROSPECTIVE JUROR NO. 0590: I have three; I have a --
2 my son is a third-year college student at UNR; my other son is a pre-
3 apprentice in the electrical trade; and my daughter is a -- she's working
4 at Top Golf right now. Then I have two that are in elementary.

5 THE COURT: Do you know of any reason why you cannot be
6 a fair and impartial juror?

7 PROSPECTIVE JUROR NO. 0590: Yes, Your Honor.

8 THE COURT: Okay.

9 PROSPECTIVE JUROR NO. 0590: I don't know if we can
10 bring this back up because when they started describing the
11 circumstances of this case and what it was --

12 THE COURT: Uh, huh.

13 PROSPECTIVE JUROR NO. 0590: -- and it brought me back
14 memories and about the same time of when this all -- I don't know. I
15 might be actually -- I'm not sure because you guys didn't lay out all the
16 details, but I know that the area they were saying that there was an
17 assault and a burglary, there was also a rape in that area, too. And I
18 don't know. It was three victims and I know -- I don't know if this is the
19 same case or not, but I know that --

20 THE COURT: Okay, well, no one is charged with sexual
21 assault in this case.

22 PROSPECTIVE JUROR NO. 0590: Okay, I didn't know if
23 there was other people, maybe they were being charge and he wasn't. I
24 don't know. I don't know what the circumstances are. I'm just telling you
25 that -- what I -- what it kind of -- it really brought back memories to what

1 happened.

2 My wife gets off at 2:00 in the morning. The circumstance was
3 she came home at 2:00 o'clock in the morning. There was three
4 gentlemen in the yard. She had just opened up the garage. She caught
5 -- so she had pulled up to the house and she opened up the garage and
6 there was three gentlemen in the garage. They were getting ready to go
7 into the -- break into the house.

8 She just got off of work. She picked up her phone and she
9 called Metro police at that time. They ran off. It was like no big deal.
10 Okay, so they took off.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 0590: A week later we saw the
13 gentlemen on the news and they had in the same area at the same time
14 -- about the same time in 2016. And they had assaulted a woman.
15 They burglarized and they did a bunch of things like that. And we called
16 the police department when we found out. We saw them on the news a
17 week later. My wife said those were the guys that were at the house on
18 the same night that lady was raped.

19 I don't know if it has anything to do with this or not. I just
20 don't know. I'm just going off of what -- it's just really similar
21 circumstances in the same area of --

22 THE COURT: Okay. It doesn't appear to be anything to do
23 with what you're talking about.

24 PROSPECTIVE JUROR NO. 0590: Okay, and that's fine. I
25 just wanted to be completely transparent with what you're --

1 THE COURT: Sure.

2 PROSPECTIVE JUROR NO. 0590: -- what you're saying, but
3 just don't know because you're only giving us bits and pieces of what
4 exactly --

5 THE COURT: Sure.

6 PROSPECTIVE JUROR NO. 0590: -- going on there, so I --

7 THE COURT: Is there anything about what happened in your
8 wife's case that would interfere with your ability to be fair and impartial in
9 this case?

10 PROSPECTIVE JUROR NO. 0590: No, as long as it wasn't
11 the same circumstance, I would. No. I could be --

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 0590: I could be completely --

14 THE COURT: Thank you, sir.

15 PROSPECTIVE JUROR NO. 0590: No problem.

16 THE COURT: Thank you for your willingness to be here.
17 Mr. Dombrowski?

18 PROSPECTIVE JUROR NO. 0594: Yes.

19 THE COURT: How long have you lived in Clark County?

20 PROSPECTIVE JUROR NO. 0594: About three years.

21 THE COURT: Your education background?

22 PROSPECTIVE JUROR NO. 0594: GED.

23 THE COURT: And what do you do for a living?

24 PROSPECTIVE JUROR NO. 0594: I'm disabled.

25 THE COURT: Okay. Your marital status?

1 PROSPECTIVE JUROR NO. 0594: Married.
2 THE COURT: Is your spouse employed?
3 PROSPECTIVE JUROR NO. 0594: No, she's retired.
4 THE COURT: Okay. What did she retire from?
5 PROSPECTIVE JUROR NO. 0594: Driving truck.
6 THE COURT: Do you have any children?
7 PROSPECTIVE JUROR NO. 0594: Two.
8 THE COURT: Okay. Are they old enough to be employed?
9 PROSPECTIVE JUROR NO. 0594: Yes.
10 THE COURT: What do they do for a living?
11 PROSPECTIVE JUROR NO. 0594: One works in tree service
12 and the other one works for a cable company.
13 THE COURT: Do you know of any reason why you could not
14 be a fair and impartial juror?
15 PROSPECTIVE JUROR NO. 0594: No.
16 THE COURT: Okay. Thank you, sir. Thank you for being
17 here.
18 Ms. Halvorson?
19 PROSPECTIVE JUROR NO. 0604: Yes.
20 THE COURT: How long have you lived in Clark County?
21 PROSPECTIVE JUROR NO. 0604: Nineteen months.
22 THE COURT: Oh, we've got a lot of people quickly in the
23 County. Thank you for appearing.
24 PROSPECTIVE JUROR NO. 0604: Um, hm.
25 THE COURT: Your education background?

1 PROSPECTIVE JUROR NO. 0604: Bachelor's degree.
2 THE COURT: In?
3 PROSPECTIVE JUROR NO. 0604: Communications and
4 Public Relations.
5 THE COURT: What do you do for a living?
6 PROSPECTIVE JUROR NO. 0604: I'm a school counselor.
7 THE COURT: For the school district?
8 PROSPECTIVE JUROR NO. 0604: For a private Christian
9 school in Henderson.
10 THE COURT: Your marital status?
11 PROSPECTIVE JUROR NO. 0604: Married.
12 THE COURT: Is your spouse employed?
13 PROSPECTIVE JUROR NO. 0604: Yes.
14 THE COURT: What does your spouse do?
15 PROSPECTIVE JUROR NO. 0604: He's a corporate pilot for
16 a company here in Vegas.
17 THE COURT: Okay. Do you have children?
18 PROSPECTIVE JUROR NO. 0604: Two.
19 THE COURT: Okay. Are they old enough to be employed?
20 PROSPECTIVE JUROR NO. 0604: No.
21 THE COURT: Any reason why you could not be a fair and
22 impartial juror?
23 PROSPECTIVE JUROR NO. 0604: No.
24 THE COURT: Thank you. Thank you very much for being
25 here.

1 PROSPECTIVE JUROR NO. 0604: Um, hm.
2 THE COURT: Ali Dorrody, Mr. –
3 You ran out of batteries?
4 [Pause in proceedings]
5 THE COURT: Mr. Dorrody, how long have you lived in Clark
6 County.
7 PROSPECTIVE JUROR NO. 0606: Eight years.
8 THE COURT: Okay. Your education background?
9 PROSPECTIVE JUROR NO. 0606: Master's Degree in
10 Electrical Engineering.
11 THE COURT: Okay. And what do you do for a living?
12 PROSPECTIVE JUROR NO. 0606: I work the NV Energy
13 transmission site.
14 THE COURT: Your marital status?
15 PROSPECTIVE JUROR NO. 0606: Single.
16 THE COURT: Do you have kids?
17 PROSPECTIVE JUROR NO. 0606: No.
18 THE COURT: Any reason why you could not be a fair and
19 impartial juror?
20 PROSPECTIVE JUROR NO. 0606: No.
21 THE COURT: Thank you. Thank you for being here.
22 Mr. Tipton?
23 PROSPECTIVE JUROR NO. 0609: Yes.
24 THE COURT: If you don't mind standing up, sometimes it's
25 hard for me to hear back there.

1 PROSPECTIVE JUROR NO. 0609: Sure.
2 THE COURT: I do appreciate it.
3 PROSPECTIVE JUROR NO. 0609: No problem.
4 THE COURT: How long have you lived in Clark County?
5 PROSPECTIVE JUROR NO. 0609: Two years.
6 THE COURT: And your education background?
7 PROSPECTIVE JUROR NO. 0609: Some college.
8 THE COURT: What did you study?
9 PROSPECTIVE JUROR NO. 0609: Psychology/Business.
10 THE COURT: What do you do for a living?
11 PROSPECTIVE JUROR NO. 0609: I'm a Network Engineer
12 Manager. I work for Nokia.
13 THE COURT: And your marital status?
14 PROSPECTIVE JUROR NO. 0609: Married.
15 THE COURT: Is your spouse employed?
16 PROSPECTIVE JUROR NO. 0609: Yes.
17 THE COURT: What does your spouse do?
18 PROSPECTIVE JUROR NO. 0609: Director of
19 Communications for a nightclub here.
20 THE COURT: Do you have kids?
21 PROSPECTIVE JUROR NO. 0609: No.
22 THE COURT: Any reason why you cannot be a fair and
23 impartial juror?
24 PROSPECTIVE JUROR NO. 0609: No, ma'am.
25 THE COURT: Okay. Thank you very much. Thank you for

1 being here.

2 I just have a few questions for the panel as a whole. So, if you
3 are in the first thirty-two and you wish to respond, if you'll just raise your
4 hand. We'll get the microphone to you.

5 Are there any of you in the panel of thirty-two that have ever
6 served as a juror before?

7 Mr. Greene, okay. If you don't mind stating your name and
8 badge number.

9 PROSPECTIVE JUROR NO. 0463: Jason Greene, badge
10 number 463.

11 THE COURT: Okay. You served as a juror before?

12 PROSPECTIVE JUROR NO. 0463: Yeah, but it was like a
13 quick -- it was real quick though.

14 THE COURT: Okay. How many times, once?

15 PROSPECTIVE JUROR NO. 0463: Yeah, just one time.

16 THE COURT: Okay. Was it civil or criminal?

17 PROSPECTIVE JUROR NO. 0463: Civil.

18 THE COURT: Were you selected to be the foreperson?

19 PROSPECTIVE JUROR NO. 0463: Uh --

20 THE COURT: Did you deliberate?

21 PROSPECTIVE JUROR NO. 0463: Yeah. Yeah, but it was
22 like -- it was -- it was --

23 THE COURT: Did you vote someone to, like, direct your
24 deliberations, like someone in charge, a spokesperson?

25 PROSPECTIVE JUROR NO. 0463: Yeah. Yeah, because as

1 soon as we got to that point, they had already made -- I guess they
2 already made -- they come up with like a -- like as soon as we got to that
3 point, they already made a decision.

4 THE COURT: Okay. So, they resolved it --

5 PROSPECTIVE JUROR NO. 0463: Yeah.

6 THE COURT: -- before you could make a decision. Okay.

7 PROSPECTIVE JUROR NO. 0463: Yeah, so.

8 THE COURT: Anything about that experience that would
9 interfere with your ability to be fair and impartial in this case?

10 PROSPECTIVE JUROR NO. 0463: No.

11 THE COURT: Thank you, sir. If you don't mind passing it
12 down. Thank you.

13 PROSPECTIVE JUROR NO. 0507: 507, Barry Oliver. I
14 served as a juror in L.A. back in the 80's. I served on two cases. Both
15 of them were criminal.

16 THE COURT: Two cases, both criminal?

17 PROSPECTIVE JUROR NO. 0507: Right.

18 THE COURT: Okay. Were you selected to be a foreperson in
19 either case?

20 PROSPECTIVE JUROR NO. 0507: No.

21 THE COURT: Without telling me what your verdict was, were
22 you able to reach a verdict in both cases?

23 PROSPECTIVE JUROR NO. 0507: Yes.

24 THE COURT: Anything about those experiences that would
25 interfere with your ability to be fair and impartial in this case?

1 PROSPECTIVE JUROR NO. 0507: No.
2 THE COURT: Thank you, sir.
3 Your name and badge number?
4 PROSPECTIVE JUROR NO. 0520: Brenda O'Farrell, 520.
5 THE COURT: And you've served as a juror before?
6 PROSPECTIVE JUROR NO. 0520: Yes.
7 THE COURT: How many times?
8 PROSPECTIVE JUROR NO. 0520: Once.
9 THE COURT: Civil or criminal?
10 PROSPECTIVE JUROR NO. 0520: I don't know.
11 THE COURT: Was it here in Clark County?
12 PROSPECTIVE JUROR NO. 0520: Texas.
13 THE COURT: All right. You don't know whether it was civil or
14 criminal, okay. Were you selected to be the foreperson?
15 PROSPECTIVE JUROR NO. 0520: No.
16 THE COURT: Okay. Anything about that experience that
17 would affect your ability to be fair and impartial in this case?
18 PROSPECTIVE JUROR NO. 0520: No.
19 THE COURT: Okay, thank you.
20 THE MARSHAL: Anybody else on this side?
21 THE COURT: Anyone else?
22 THE MARSHAL: Up front?
23 THE COURT: Okay. The record will reflect no further
24 response from the panel.
25 Have you or anyone close to you, such as a family member or

1 friend ever been the victim of a crime? Go ahead.

2 PROSPECTIVE JUROR NO. 0480: Hi. McKenzie Day,
3 number 480. My younger brother was actually jumped and beaten up
4 very badly.

5 THE COURT: Okay. Where was that at?

6 PROSPECTIVE JUROR NO. 0480: Here in Nevada.

7 THE COURT: Okay. In Clark County?

8 PROSPECTIVE JUROR NO. 0480: Yes.

9 THE COURT: When was it?

10 PROSPECTIVE JUROR NO. 0480: About nine months ago.

11 THE COURT: Okay. Did you call the police?

12 PROSPECTIVE JUROR NO. 0480: Yes.

13 THE COURT: And did they take a report?

14 PROSPECTIVE JUROR NO. 0480: Yes.

15 THE COURT: Did they find the person or persons who did it?

16 PROSPECTIVE JUROR NO. 0480: Yes.

17 THE COURT: Okay. Were they arrested?

18 PROSPECTIVE JUROR NO. 0480: Yes.

19 THE COURT: Is that case over?

20 PROSPECTIVE JUROR NO. 0480: Yes. I believe it's closed.

21 THE COURT: All right. Were you satisfied with the way it was
22 handled?

23 PROSPECTIVE JUROR NO. 0480: Yes.

24 THE COURT: And you think your brother was treated fairly?

25 PROSPECTIVE JUROR NO. 0480: Yes.

1 THE COURT: Anything about that experience that would
2 affect your ability to be fair and impartial in this case?

3 PROSPECTIVE JUROR NO. 0480: No.

4 THE COURT: Thank you.

5 THE MARSHAL: Please pass it down.

6 PROSPECTIVE JUROR NO. 0479: Chelsey Lee, badge
7 number 479. In 2003 my house was broken into and the convicted
8 people ended up catching the house on fire.

9 THE COURT: The what people?

10 PROSPECTIVE JUROR NO. 0479: The people they
11 convicted for the crime, the two teenagers.

12 THE COURT: They broke into your house and set it on fire?

13 PROSPECTIVE JUROR NO. 0479: Yeah, they set a battery,
14 like a remote-control battery, hooked it up to the stove and lit the kitchen
15 on fire.

16 THE COURT: Okay. And then, obviously, the police were
17 involved?

18 PROSPECTIVE JUROR NO. 0479: Yes.

19 THE COURT: And they caught them?

20 PROSPECTIVE JUROR NO. 0479: Yes.

21 THE COURT: Okay. Were you satisfied with the way it was
22 handled?

23 PROSPECTIVE JUROR NO. 0479: Yes.

24 THE COURT: Anything about that experience that would
25 affect your ability to be fair and impartial in this case?

1 PROSPECTIVE JUROR NO. 0479: No.

2 THE COURT: Thank you.

3 Mr. Greene, I think you wanted to respond?

4 PROSPECTIVE JUROR NO. 0463: Do you want me to give
5 my number again?

6 THE COURT: Uh, huh.

7 PROSPECTIVE JUROR NO. 0463: Badge number 463,
8 Jason Greene. I think like 2003 I was involved in a -- well, not me being
9 involved but my car had got stolen, so. That was back home in
10 Washington State.

11 THE COURT: Sure. Did you call the police?

12 PROSPECTIVE JUROR NO. 0463: Yeah, but I ended up
13 finding the car eventually, so.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 0463: You know, but they came
16 to take a report or whatever; but by then it was already in pieces -- it was
17 in pieces, so.

18 THE COURT: Sure. Were you satisfied with the way it was
19 handled?

20 PROSPECTIVE JUROR NO. 0463: I mean, you know. You
21 know --

22 THE COURT: Well, why don't you tell me?

23 PROSPECTIVE JUROR NO. 0463: I mean, ahh -- I mean, of
24 course at the time I was --

25 THE COURT: Clearly, you're not satisfied that your car got

1 stolen.

2 PROSPECTIVE JUROR NO. 0463: I was young, I was young
3 -- yeah, but I mean. I mean, of course, you know, because they came
4 out and they, you know, they took their report. Although, by then it was
5 already in pieces so I just --

6 THE COURT: Anything about that that would affect your
7 ability to be fair and impartial in this case?

8 PROSPECTIVE JUROR NO. 0463: No, not at all because the
9 person who did it was actually a family member, so.

10 THE COURT: Oh, you're kidding me. Oh --

11 PROSPECTIVE JUROR NO. 0463: So, you know it was -- it
12 was -- no, none of that would, you know.

13 THE COURT: Sorry about that. Okay. Thank you.

14 PROSPECTIVE JUROR NO. 0463: Some people were
15 jealous.

16 THE COURT: You have a good attitude.

17 Anyone else?

18 THE MARSHAL: Can you pass it forward, please?

19 PROSPECTIVE JUROR NO. 0511: I'm not sure if this
20 pertains to it --

21 THE COURT: If you don't mind stating your name and badge
22 number?

23 PROSPECTIVE JUROR NO. 0511: Oh, I'm sorry. 511, Randi
24 McCay. Before I left New York, our house was broken into and
25 vandalized and our dog was killed.

1 THE COURT: I'm sorry. Did you call the police?
2 PROSPECTIVE JUROR NO. 0511: They did call the police.
3 My father called the police but they would never come.
4 THE COURT: Okay. Anything about that experience that
5 would affect your ability to be fair and impartial in this case?
6 PROSPECTIVE JUROR NO. 0511: I don't believe so, no.
7 THE COURT: Okay. Thank you.
8 PROSPECTIVE JUROR NO. 0611: Badge number 611. Your
9 Honor, can you please repeat the question for me?
10 THE COURT: Have you or anyone close to you such as a
11 family member or friend ever been the victim of a crime?
12 PROSPECTIVE JUROR NO. 0611: Thank you, Your Honor.
13 In 2003 my aunt was murdered.
14 THE COURT: I'm sorry?
15 PROSPECTIVE JUROR NO. 0611: In 2003 my aunt was
16 murdered.
17 THE COURT: Oh, I'm sorry. Was that in this jurisdiction?
18 PROSPECTIVE JUROR NO. 0611: No, L.A.
19 THE COURT: In L.A. and, obviously, the police got involved.
20 PROSPECTIVE JUROR NO. 0611: Yes, ma'am.
21 THE COURT: And did you follow that case?
22 PROSPECTIVE JUROR NO. 0611: No, I didn't. I was a bit
23 young at the time.
24 THE COURT: Sure.
25 PROSPECTIVE JUROR NO. 0611: Thirteen.

1 THE COURT: All right. Did they catch the person?
2 PROSPECTIVE JUROR NO. 0611: He committed suicide.
3 THE COURT: Okay. So, there was never a trial or conviction
4 or anything?
5 PROSPECTIVE JUROR NO. 0611: No, Your Honor.
6 THE COURT: Okay. Anything about that experience that
7 would affect your ability to be fair and impartial in this case?
8 PROSPECTIVE JUROR NO. 0611: No, Your Honor.
9 THE COURT: Thank you, sir.
10 PROSPECTIVE JUROR NO. 0611: Thank you.
11 THE COURT: You don't mind passing the phone down, not
12 the phone, the microphone.
13 PROSPECTIVE JUROR NO. 0529: Paul Philips, 529. Yes.
14 My son was shot in the chest in July of last year.
15 THE COURT: Was that here in Clark County?
16 PROSPECTIVE JUROR NO. 0529: No. That was in Virginia.
17 THE COURT: Okay. Is he okay?
18 PROSPECTIVE JUROR NO. 0529: Yeah. He was in ICU for
19 a few days. He's a pretty a strong guy. He survived.
20 THE COURT: Okay. Did the police get involved?
21 PROSPECTIVE JUROR NO. 0529: Oh, yeah. It was on the
22 news and – yes, it was – yeah.
23 THE COURT: Is that case resolved? Have they apprehended
24 anyone?
25 PROSPECTIVE JUROR NO. 0529: Yeah. It was a sixteen-

1 year-old kid that shot him. I think they handled it very poorly in my
2 estimation.

3 THE COURT: How did they handle it? Tell me.

4 PROSPECTIVE JUROR NO. 0529: They came to the house
5 and it was -- I'm sorry, it's --

6 THE COURT: That's okay. Do your best.

7 PROSPECTIVE JUROR NO. 0529: Really -- it's not really -- I
8 really. Really, it's kind of still raw, so.

9 THE COURT: Sure.

10 PROSPECTIVE JUROR NO. 0529: The way they handled it,
11 the kid was still running around. He went to his father's house and they,
12 I guess, forgot to go over there or something. So, I mean he was
13 hanging out there for the whole time they were looking for him; and they
14 put out that he was wanted, obviously.

15 But they handled it very poorly and then finally they, I guess,
16 they went back by there, you know, and the father and him was just
17 sitting back smoking marijuana. And, they handled it poorly, so I think --

18 THE COURT: Did the police charge the kid?

19 PROSPECTIVE JUROR NO. 0529: Yes, but since he was a
20 minor, he's -- I think he got a slap on the wrist in my -- he's only going to
21 do some juvenile and he'll be out soon.

22 THE COURT: Okay. Is there anything about that experience
23 that would affect your ability to be fair and impartial in this case?

24 PROSPECTIVE JUROR NO. 0529: I wish I could say no, but
25 I mean this really -- I'm -- with that, you know, fresh in my mind, I don't

1 know where I'm at with, you know, say the legal system.

2 THE COURT: Okay, because you understand like the parties
3 that are here today, they have the right to have a panel of jurors that will
4 judge this case solely upon what they see and hear in the courtroom;
5 and not based on somebody else's personal experience.

6 PROSPECTIVE JUROR NO. 0529: Yes, ma'am.

7 THE COURT: You agree with that, right?

8 PROSPECTIVE JUROR NO. 0529: Yes, ma'am.

9 THE COURT: Okay. Are you a person that you can leave
10 your personal experiences at the door and judge this case solely on
11 what you see and hear in the courtroom and nothing else?

12 PROSPECTIVE JUROR NO. 0529: I wish I could say yes, but
13 it's one of the reasons why I came out here.

14 THE COURT: Okay. Well, if you can't say yes, I need to
15 know because the parties here, they have that right. And if you're going
16 to judge this case based on something besides what you see and hear
17 in the courtroom, I need to know that.

18 PROSPECTIVE JUROR NO. 0529: I will leave it out but -- I'll
19 leave it out, ma'am.

20 THE COURT: I mean it's not like you have to forget about it,
21 obviously, but can you set it aside and judge this case based on the
22 facts and circumstances in this case?

23 PROSPECTIVE JUROR NO. 0529: Yes, ma'am.

24 THE COURT: Thank you, sir. Sorry that you had to tell me
25 that. I'm sorry.

1 THE MARSHAL: Anybody else in the middle row, up front?
2 Don't worry. I didn't forget about you.

3 THE COURT: Your name and badge number?

4 PROSPECTIVE JUROR NO. 0567: Ruth Rodriguez, 567.
5 About thirty years ago my mother's first fiancé was poisoned and
6 murdered by a local shop owner. And I've also had my sister, who our
7 mother's car was broken into and my sister's purse was stolen; but
8 nothing really was done about it because the purse was only filled with
9 diapers and milk, so they didn't really think it was that important.

10 THE COURT: Okay. Anything about those experiences that
11 would affect your ability to be fair in this case?

12 PROSPECTIVE JUROR NO. 0567: No.

13 THE COURT: Okay, thank you.

14 THE MARSHAL: Please pass the microphone down, please.

15 PROSPECTIVE JUROR NO. 0464: Vanessa Grajeda, 464. I
16 don't know if I should mention this to you, but I think it's important that I
17 should.

18 THE COURT: Then go ahead.

19 PROSPECTIVE JUROR NO. 0464: I was a witness to a
20 murder case back in 2006 at my high school. I don't know if the case is
21 closed or not, so I don't want to talk about it, but --

22 THE COURT: In 2006?

23 PROSPECTIVE JUROR NO. 0464: Um, hm.

24 THE COURT: Well, can you tell me the facts and
25 circumstances?

1 PROSPECTIVE JUROR NO. 0464: Well, I was going to
2 Morris Academy on Pecos, behind Desert Pines.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 0464: And one of the kids that I
5 went to high school with shot another kid and killed him.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR NO. 0464: And so, I was a witness
8 to that murder and --

9 THE COURT: You saw it?

10 PROSPECTIVE JUROR NO. 0464: Yes, I seen it.

11 THE COURT: Okay. So, when the police responded you
12 were a witness?

13 PROSPECTIVE JUROR NO. 0464: Yes, I was actually there
14 when he pulled out the gun.

15 THE COURT: Okay. Did you ever have to come and testify in
16 court?

17 PROSPECTIVE JUROR NO. 0464: Yes.

18 THE COURT: Okay. How many times?

19 PROSPECTIVE JUROR NO. 0464: Just once.

20 THE COURT: All right. Do you know if that was a preliminary
21 hearing, grand jury or a trial?

22 PROSPECTIVE JUROR NO. 0464: I actually don't know, but
23 it was in this same room.

24 THE COURT: In here in --

25 PROSPECTIVE JUROR NO. 0464: In this courtroom.

1 THE COURT: In this courtroom?

2 PROSPECTIVE JUROR NO. 0464: Yes.

3 THE COURT: You remember me being here?

4 PROSPECTIVE JUROR NO. 0464: No.

5 THE COURT: Well, nobody else -- well, I guess there could

6 be somebody else sitting here. And when was this?

7 PROSPECTIVE JUROR NO. 0464: This happened back in

8 2006, but I came here like two years ago to be a witness to that. So,

9 maybe it was you.

10 THE COURT: Do you know the name of the person that was

11 charged?

12 PROSPECTIVE JUROR NO. 0464: Giovanni was one of

13 them.

14 THE COURT: Do you know the last name?

15 PROSPECTIVE JUROR NO. 0464: I don't remember his last

16 name.

17 THE COURT: And you think you were on the 14th floor?

18 PROSPECTIVE JUROR NO. 0464: It was actually in this room. I

19 know for sure.

20 THE COURT: Okay. They all look the same. I'm just saying.

21 All these courtrooms are the same.

22 PROSPECTIVE JUROR NO. 0464: No. It was this room.

23 THE COURT: Okay. Well, I trust you. You sound like you

24 recall. So, then it was probably a trial.

25 PROSPECTIVE JUROR NO. 0464: Yes.

1 THE COURT: Okay. And you got questioned by both sides?

2 PROSPECTIVE JUROR NO. 0464: Yes.

3 THE COURT: All right. Do you remember who the DA was?
4 That called you to testify?

5 PROSPECTIVE JUROR NO. 0464: No, I don't remember
6 who the DA was. No.

7 THE COURT: All right. And how many defendants were
8 there?

9 PROSPECTIVE JUROR NO. 0464: It was just the -- it wasn't
10 Giovanni that was there; it was the other guy that was actually part of it
11 as well.

12 THE COURT: Okay. What's the other guy?

13 PROSPECTIVE JUROR NO. 0464: I don't know his name. I
14 forgot.

15 THE COURT: Okay. So, like there were like two?

16 PROSPECTIVE JUROR NO. 0464: Yes.

17 THE COURT: Two co-defendants?

18 PROSPECTIVE JUROR NO. 0464: Uh, huh.

19 THE COURT: Yes. All right. And how long has it been since
20 you had any communication with the police or the DA regarding this
21 offense?

22 PROSPECTIVE JUROR NO. 0464: It's been about like three
23 years since I haven't been here.

24 THE COURT: Okay. So, you think it's over?

25 PROSPECTIVE JUROR NO. 0464: I'm not sure 'cause I

1 never got subpoenaed to come back --

2 THE COURT: Okay.

3 PROSPECTIVE JUROR NO. 0464: -- for trial.

4 THE COURT: But you only subpoenaed one time?

5 PROSPECTIVE JUROR NO. 0464: Yes.

6 THE COURT: All right. Is there anything about that that
7 would affect your ability to be fair and impartial in this case?

8 PROSPECTIVE JUROR NO. 0464: No.

9 THE COURT: Thank you.

10 PROSPECTIVE JUROR NO. 0464: Um, hm.

11 THE COURT: Anyone else? Okay, the record will reflect no
12 further response from the panel.

13 Have you or anyone close to you, such as a family member or
14 friend ever been accused of a crime?

15 THE COURT: Go ahead.

16 PROSPECTIVE JUROR NO. 0503: Patricia Taylor, 503. My
17 ex-husband had a whole bunch of DUIs here, felonies. My brother did
18 ten years federal time for drug smuggling. I think that's about it.

19 THE COURT: Anything about those incidents that would
20 affect your ability to be fair and impartial?

21 PROSPECTIVE JUROR NO. 0503: No.

22 THE COURT: Okay. And were you married to your husband
23 when he had those DUIs?

24 PROSPECTIVE JUROR NO. 0503: When he went to jail, I
25 was. When he came out, I was not.

1 THE COURT: Okay. Do you think he was treated fairly?

2 PROSPECTIVE JUROR NO. 0503: I don't think he was
3 treated harshly enough.

4 THE COURT: Okay. All right. Okay, thank you. Anyone
5 else?

6 THE MARSHAL: Anybody else in the top row?

7 PROSPECTIVE JUROR NO. 0507: 507, Barry Oliver. Yeah,
8 I was accused of a couple of crimes; arrested for them so I guess that's
9 accused.

10 THE COURT: Okay. And when was this?

11 PROSPECTIVE JUROR NO. 0507: I've been out here
12 twenty-two years. I think I've been locked up out here about four times
13 and maybe four or five times in L.A.

14 THE COURT: Okay. So, you've been accused -- four or five
15 times in each jurisdiction you've been accused of something?

16 PROSPECTIVE JUROR NO. 0507: Yeah, but just convicted
17 once of a misdemeanor.

18 THE COURT: Okay. So, you've had some misdemeanors
19 here in Clark County? Okay, because --

20 PROSPECTIVE JUROR NO. 0507: They were all dismissed.
21 Yeah, I've been arrested four or five times. Yeah.

22 THE COURT: Okay. All right. So, you've been arrested four
23 or five time in Clark County but everything has been dismissed?

24 PROSPECTIVE JUROR NO. 0507: Except one, I think, out
25 here I --

1 THE COURT: I'm having a hard time hearing you.

2 PROSPECTIVE JUROR NO. 0507: I pleaded guilty to one

3 misdemeanor here in Clark County.

4 THE COURT: Got it.

5 PROSPECTIVE JUROR NO. 0507: I've been arrested

6 maybe four times --

7 THE COURT: All right.

8 PROSPECTIVE JUROR NO. 0507: -- maybe five times here.

9 THE COURT: Do you remember what the misdemeanor was?

10 PROSPECTIVE JUROR NO. 0507: I think we settled for time

11 served and assault. They dropped it, I guess, an assault.

12 THE COURT: I can't hear you. You're going to have to --

13 PROSPECTIVE JUROR NO. 0507: They dropped it to an

14 assault.

15 THE COURT: Okay. Were you prosecuted by the District

16 Attorney's Office?

17 PROSPECTIVE JUROR NO. 0507: Yeah, and we made a

18 deal.

19 THE COURT: Okay.

20 PROSPECTIVE JUROR NO. 0507: And I pleaded guilty to a

21 misdemeanor.

22 THE COURT: All right. I just want to make sure because I

23 have District Attorneys that are here in the courtroom. Is there anything

24 about the fact that you were prosecuted by the District Attorney's Office

25 that would interfere with your ability to be fair and impartial in this case?

1 PROSPECTIVE JUROR NO. 0507: No, uh-uh.
2 THE COURT: Do you think you were treated fairly?
3 PROSPECTIVE JUROR NO. 0507: Not particularly, no.
4 THE COURT: Okay. Why not?
5 PROSPECTIVE JUROR NO. 0507: Because the Public
6 Defender I had didn't follow-up on the evidence, and so I was forced to
7 plead guilty and sit there in jail until they came to me and offered me a
8 deal. So, I said okay.
9 THE COURT: All right. But, is your -- are you upset with your
10 own attorney?
11 PROSPECTIVE JUROR NO. 0507: I didn't particularly care
12 for the way the system treated me, no.
13 THE COURT: Okay. Anything about that that would interfere
14 with your ability to be fair and impartial in this case?
15 PROSPECTIVE JUROR NO. 0507: No, uh-uh.
16 THE COURT: Okay. Thank you, sir.
17 THE MARSHAL: Anybody in the middle row? Pass the
18 microphone, please.
19 PROSPECTIVE JUROR NO. 00529: Yes, I've been
20 convicted of --
21 THE COURT: Your name and badge number?
22 PROSPECTIVE JUROR NO. 0529: I'm sorry. Paul Phillips,
23 juror 529. I was convicted of assault and battery, I think -- when was
24 that? 1996. I was a young kid.
25 THE COURT: Okay. Anything about that that would affect

1 our ability to be fair and impartial in this case?

2 PROSPECTIVE JUROR NO. 0529: No, ma'am.

3 THE COURT: Okay. Thank you, sir.

4 THE MARSHAL: Anybody else in the middle row? Up front?

5 PROSPECTIVE JUROR NO. 0566: I was --

6 THE COURT: Your name and badge number?

7 PROSPECTIVE JUROR NO. 0566: Norma Serratos, 566

8 badge number. I was arrested for domestic violence and brought down
9 to noise disturbance.

10 THE COURT: Okay. When was this?

11 PROSPECTIVE JUROR NO. 0566: Fourteen years ago.

12 THE COURT: All right. Do you remember if you were
13 prosecuted by the District Attorney's Office?

14 PROSPECTIVE JUROR NO. 0566: It was a plea bargain.
15 So, I don't know what that means.

16 THE COURT: But there's always a prosecutor.

17 PROSPECTIVE JUROR NO. 0566: Yeah.

18 THE COURT: Is there anything about the fact you may have
19 been prosecuted by the D.A.'s Office that would interfere with your ability
20 to be fair and impartial --

21 PROSPECTIVE JUROR NO. 0566: No.

22 THE COURT: -- in this case?

23 PROSPECTIVE JUROR NO. 0566: No.

24 THE COURT: Okay. And that's all resolved?

25 PROSPECTIVE JUROR NO. 0566: The only thing that I just

1 found out two years ago, when I went to apply for license to carry, was
2 that it wasn't brought down to noise disturbance like he had told me.
3 The District Attorney. It was still domestic violence, it showed.

4 THE COURT: Right. You can't possess a firearm.

5 PROSPECTIVE JUROR NO. 0566: Right. So, It wasn't plea
6 bargained down to what he had told me that it would have been.
7 Because I've never been arrested, tickets, nothing; and he just said it's
8 just like a noise disturbance that they were gonna plea bargain. And I
9 just found out two years ago that it wasn't.

10 THE COURT: Did you have an attorney?

11 PROSPECTIVE JUROR NO. 0566: No.

12 THE COURT: Okay. You represented yourself?

13 PROSPECTIVE JUROR NO. 0566: Um, hm.

14 THE COURT: Is that a yes?

15 PROSPECTIVE JUROR NO. 0566: Yes.

16 THE COURT: Okay. Anything about that experience that
17 would affect your ability to be fair and impartial in this case?

18 PROSPECTIVE JUROR NO. 0566: No.

19 THE COURT: Okay. Thank you. If you want to pass it to the
20 juror next to you?

21 PROSPECTIVE JUROR NO. 0567: Hi, I --

22 THE COURT: Your name and badge number?

23 PROSPECTIVE JUROR NO. 0567: Ruth Rodriguez, 567. I
24 had a cousin who, I'm not 100 percent sure but, she must -- she
25 probably got charged with drug charges; because she had been in and

1 out of drugs for probably over a decade; and she had to go to drug
2 rehabilitation; and she also had a child that was damaged by the drug
3 use. So, I'm not sure if she had to go to court or anything for it but I
4 know that she most likely had some drug charges because she was
5 caught.

6 THE COURT: Okay. Thank you. Thank you. Anyone else?

7 THE MARSHAL: Can you pass it down this way, please?

8 PROSPECTIVE JUROR NO. 0553: Mayra Matos, 553. My
9 husband is an ex-felon. I just figured I would say --

10 THE COURT: Sure.

11 PROSPECTIVE JUROR NO. 0553: -- because I know he has
12 to report his address.

13 THE COURT: For what?

14 PROSPECTIVE JUROR NO. 0553: It was before our
15 marriage, so I believe he's -- for battery, maybe.

16 THE COURT: All right. A felony battery?

17 PROSPECTIVE JUROR NO. 0553: Yeah.

18 THE COURT: Okay. Anything about that that would affect
19 your ability to be fair and impartial in this case?

20 PROSPECTIVE JUROR NO. 0553: No, ma'am.

21 THE COURT: Okay. Thank you. Anyone else? Okay. The
22 record will reflect no further response from the panel. Is there anyone
23 on the panel who would have a tendency to give more weight or
24 credence or less weight or credence to the testimony of a police officer
25 simply because that witness is a police officer? The record will reflect no

1 response from the panel. At this time, I'm going to turn the panel over to
2 the District Attorney.

3 MR. SCHWARTZER: Thank you, Your Honor.

4 We're high tech here, as you can see, so.

5 Can you hear me, Madam Recorder?

6 THE RECORDER: [Indiscernible].

7 MR. SCHWARTZER: So, paperclips, okay.

8 So, Judge -- the Judge went over a lot of questions. I have
9 some more questions. I'm going to first do some global questions and
10 then I have some specific questions for individuals based on your
11 answers.

12 It's only to the panel. I know there's only -- it looks like
13 there's only three people that's not on the panel. So, this is only for the
14 panel. If you're lucky enough to get in the panel, then please pay
15 attention because if you have an answer to or further response to what
16 I'm asking I would ask you to inform us. Thank you.

17 So, first off, I want to talk about -- I want to kind of expand
18 upon what the Judge talked about; whether you've had family members
19 or close friends who've had interactions with police officers. Because
20 she specifically asked if they'd been accused of a crime or convicted of a
21 crime.

22 I want to talk to you specifically if you have any family
23 members or friends that had negative interactions -- or yourself -- has
24 had negative interactions with a police department.

25 Okay, I see Mr. Phillips, I see a few people, Mr. Oliver and

1 Ms., I'm sorry --

2 PROSPECTIVE JUROR NO. 0503: Taylor.

3 MR. SCHWARTZER: Ms. Taylor. So, let's start with Ms.
4 Taylor and then we'll go to Mr. Oliver and Mr. Phillips.

5 UNIDENTIFIED PROSPECTIVCE JUROR: [Inaudible]

6 MR. SCWARTZER: Are you raising your hand too? So okay.

7 PROSPECTIVE JUROR NO. 0553: Patricia Taylor, 503. In
8 1994 when I was married to my first husband, he got drunk and beat me
9 up and stabbed himself; and Metro didn't believe me and threatened to
10 take me to jail when I was five months pregnant.

11 MR. SCHWARTZER: So, he stabbed himself?

12 PROSPECTIVE JUROR NO. 0503: He stabbed himself in the
13 chest and held me down with blood on me for two hours.

14 MR. SCHWARTZER: So, I see why you were happy to get rid
15 of him when he went into custody.

16 PROSPECTIVE JUROR NO. 0503: Uh, huh.

17 MR. SCHWARTZER: Okay. So, that's extreme.

18 PROSPECTIVE JUROR NO. 0503: Yeah, it was pretty
19 horrible.

20 MR. SCHWARTZER: Yeah, it sounds like it and I apologize
21 but I need to go into it a little bit. So, this is 1994, so this is over twenty
22 years ago. This was Las Vegas Metropolitan Police Department?

23 PROSPECTIVE JUROR NO. 0503: Yes.

24 MR. SCHWARTZER: As you heard from Ms. Luong when she
25 gave the introduction, 99% of the law enforcement here is Henderson

1 Police Department. And, obviously, from 1994 there's probably not that
2 many LVMPD officers that are still working --

3 PROSPECTIVE JUROR NO. 0503: Right.

4 MR. SCHWARTZER: -- patrol that, you know, would have
5 been around for that.

6 Based on what happened with your negative experience, do
7 you think you will have any issues when you listen to police officers?
8 And there will quite a few testifying here in court. Will the fact that, you
9 know, had issues with them back in 1994 -- do you think that might
10 influence you at all?

11 PROSPECTIVE JUROR NO. 0503: No.

12 MR. SCHWARTZER: Okay. And then, actually since you
13 have the phone -- excuse me the microphone, you mentioned, you know,
14 about you believe your ex-husband was treated fairly, correct?

15 PROSPECTIVE JUROR NO. 0503: Yes.

16 MR. SCHWARTZER: Okay.

17 PROSPECTIVE JUROR NO. 0503: Very.

18 MR. SCHWARTZER: And I guess I should say, for the record,
19 this is badge number 503, Ms. Taylor. Now, your brother also did a
20 significant amount of prison time in the Feds, correct?

21 PROSPECTIVE JUROR NO. 0503: Yes.

22 MR. SCHWARTZER: So, it wasn't prosecuted by state or city
23 officials, it was prosecuted --

24 PROSPECTIVE JUROR NO. 0503: It was all Federal.

25 MR. SCHWARTZER: Okay. Was that here in Nevada?

1 PROSPECTIVE JUROR NO. 0503: No, he was in Wisconsin.
2 MR. SCHWARTZER: Okay. And, in Wisconsin he did ten
3 years for a drug crime?
4 PROSPECTIVE JUROR NO. 0503: Yeah, he had a hundred
5 sheets of acid he was taking back to Oregon.
6 MR. SCHWARTZER: Okay. And that's, you said, drug
7 smuggling?
8 PROSPECTIVE JUROR NO. 0503: Yes.
9 MR. SCHWARTZER: Now, obviously, he was prosecuted and
10 it sounds like -- did he take a deal or did he go trial?
11 PROSPECTIVE JUROR NO. 0503: I think he went to trial.
12 MR. SCHWARTZER: Okay. Then, obviously, he didn't go well
13 for him and --
14 PROSPECTIVE JUROR NO. 0503: It didn't.
15 MR. SCHWARTZER: Okay. Do you believe -- and how much
16 were you involved? Did you follow -- or did you go to the trial?
17 PROSPECTIVE JUROR NO. 0503: No, I didn't.
18 MR. SCHWARTZER: Did you hear from family members
19 about the trial?
20 PROSPECTIVE JUROR NO. 0503: No, none of us went. We
21 were all west coast.
22 MR. SCHWARTZER: Okay. Did he call over the phone while
23 the trial was going on, or even before the trial?
24 PROSPECTIVE JUROR NO. 0503: Yes.
25 MR. SCHWARTZER: Okay. Did you, besides him informing

1 you about what's going on over the phone, did you talk to anyone else
2 that would have had any information about the case?

3 PROSPECTIVE JUROR NO. 0503: No.

4 MR. SCHWARTZER: Okay. Do you -- and I understand
5 you're getting it from your brother, who I assume you love -- some
6 people don't really love their brothers so it's probably a bad assumption.

7 PROSPECTIVE JUROR NO. 0503: I'll just let that go.

8 MR. SCHWARTZER: Okay. Okay, fair. Do you believe he
9 was treated fairly by the system? Do you believe the Federal
10 government treated him fairly?

11 PROSPECTIVE JUROR NO. 0503: Yeah.

12 MR. SCHWARTZER: Okay. You hesitated. Why is that?

13 PROSPECTIVE JUROR NO. 0503: Well, just thought ten
14 years is an awful long time.

15 MR. SCHWARTZER: It's a long time. There's no question
16 about that.

17 PROSPECTIVE JUROR NO. 0503: He was a young man at
18 that time.

19 MR. SCHWARTZER: Has he been released from prison?

20 PROSPECTIVE JUROR NO. 0503: Yes.

21 MR. SCHWARTZER: Have you talked to him about his
22 experience in prison?

23 PROSPECTIVE JUROR NO. 0503: Yeah.

24 MR. SCHWARTZER: Okay. Do you think that would affect
25 you at all in this case?

1 PROSPECTIVE JUROR NO. 0503: No.

2 MR. SCHWARTZER: Okay. And just so the whole jury panel
3 knows, you are here to determine guilty or not guilty. You're not here to
4 determine if there is a guilty verdict. If there is a guilty verdict, if you
5 prove beyond a reasonable doubt, which is our burden, the State's
6 burden, you do not determine the prison sentence if there is a prison
7 sentence. That would be determined by the judge, just so everyone's
8 clear. That's just a matter whether this individual, Mr. White, did the
9 crimes or not.

10 PROSPECTIVE JUROR NO. 0503: Okay.

11 MR. SCHWARTZER: Okay? Does anyone have any
12 questions regarding that? Okay, I'm not seeing any hands. Okay, I
13 appreciate it, Ms. Taylor. Could you pass it to Mr. Oliver?

14 And, Mr. Oliver, your badge number is 507?

15 PROSPECTIVE JUROR NO. 0507: Yes, 507, sir.

16 MR. SCHWARTZER: Okay.

17 PROSPECTIVE JUROR NO. 0507: Yeah, Barry Oliver.
18 What's the question [indiscernible]?

19 MR. SCHWARTZER: Well, it sounds -- if you had any
20 negative interactions with law enforcement outside of, you know, arrests
21 or --

22 PROSPECTIVE JUROR NO. 0507: Yeah, Yeah. Usually
23 when they charged me with assault, it's because I protected myself.
24 And they always say that -- then they charge me with assault and battery
25 because they put their hands on me first. And normally, they hang me